CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Rosalynn Hughey
John Ristow

SUBJECT: SEE BELOW

DATE: May 25, 2020

Approved D-DSyL

Date 5/29/20

COUNCIL DISTRICT: 4

SUBJECT: FILE NO: PP18-044. CHARCOT AVENUE EXTENSION TO I-880 PROJECT APPROVAL INCLUDES DESIGN AND CONSTRUCTION OF AN APPROXIMATELY 0.6 MILE EXTENSION TO AN EXISTING ROADWAY AND CONSIDERATION OF THE ASSOCIATED CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW (SCH # 2018042084 CHARCOT AVENUE EXTENSION PROJECT ENVIRONMENTAL IMPACT REPORT)

RECOMMENDATION:

(a) Adopt a resolution certifying the Charcot Avenue Extension Project Environmental Impact Report (EIR) (SCH # 2018042084) and making certain findings concerning significant impacts, mitigation measures, alternatives, adopting a Statement of Overriding Considerations, and adopting the related Mitigation Monitoring and Reporting Program all in accordance with the California Environmental Quality Act (CEQA), and

(b) Approve the full Charcot Ave Extension as depicted in the Site Plan and described in the project's EIR to construct a two-lane extension of Charcot Avenue from Paragon Drive on the west to Oakland Road on the east, a distance of approximately 0.6 mile. The Project includes construction of an overcrossing across O'Toole Avenue and I-880 and improvements to Silk Wood Lane. The Project would also construct bicycle/pedestrian facilities on Charcot Avenue, including sidewalks and separated (Class IV) bikeways, between Paragon Drive and Oakland Road.

OUTCOME:

City Council adoption of the proposed resolution and approval of the Charcot Avenue Extension will allow staff to proceed with the final design and bidding for construction of the project as described in the EIR.

Should the City Council decide not to approve the proposed project, it may; 1) adopt the proposed environmental resolution in accordance with CEQA and approve an alternative to the proposed project; or 2) not adopt the proposed environmental resolution and deny the project in its entirety.

EXECUTIVE SUMMARY

The Charcot Avenue Extension Project (Project) is an important infrastructure improvement that is needed to support the planned growth of North San José. The Project was first identified in 1994 in the *San José Focus on the Future 2020 General Plan*. The need for the Extension has been subsequently validated in the *Envision San Jose 2040 General Plan*, the *North San Jose Area Development Policy*, and the *North San Jose Deficiency Plan.*

City staff has prepared a preliminary design for the Project and has analyzed the environmental impacts of the proposed project in an EIR. City Council's certification of the EIR and approval of the project will allow staff to proceed with the final design, right of way acquisition, and construction phases of the project.

BACKGROUND

The City has planned the Charcot Ave Extension Project (Project) for over 25 years. The Project was first identified as an infrastructure improvement project needed to serve the planned growth in the North San José area in the *San José Focus on the Future 2020 General Plan,* which was approved in 1994. The environmental impacts of the Project and other planned transportation improvements were evaluated at a program level in the San José Focus on the Future 2020 General Plan EIR (1994).

In 2005, the City adopted a new *North San José Area Development Policy (NSJADP),* which establishes a policy framework to guide the ongoing development of the North San José area as an important employment center for San José. The new NSJADP, which replaced a 1988 version of the policy, provides for the development of 26,700,000 square feet of industrial uses, 300,000 square feet of commercial uses, and 32,000 residential dwelling units in North San José.

The North San Jose area plays a vital role in the achievement of San Jose's fiscal and economic goals. The area is the city's largest concentration of employers, jobs, and fiscally positive land uses. The area provides the opportunity to promote economic activity, livability and long-term vitality. To facilitate job growth, the City's General Plan, *Envision San José 2040,* has designated specific areas for expansion of employment. The largest growth area is North San José, at approximately 4,850 acres, because of its proximity to regional transportation infrastructure, including Norman Y. Mineta San José International Airport, an existing light rail line, and accessibility to several major freeways and the Guadalupe River and Coyote Creek trail systems. The General Plan provides for growth capacity within the North San José boundary for

up to 100,000 new jobs and 32,000 new housing units through 2040. Further, the implementation of the North San Jose vision is a key element of the City's Housing Crisis Plan; the area provides the opportunity for significant residential development—a variety of housing types for all levels of income.

Chapter 5 of the NSJADP identifies the infrastructure improvements needed to serve the planned development. The Charcot Avenue Extension is listed as one of nine Major Roadway Projects, which the NSJADP defines as projects that "generally serve as gateways and/or major arterials to and within North San José and serve the North San José area as a whole" (NSJADP, page 29). The environmental impacts of the nine Major Roadway Projects were evaluated at a program level in the North San José Development Policies Update EIR (2005).

The NSJADP has been amended several times since its initial adoption in 2005, the latest on December 12, 2017. The Extension has been included in each version of the NSPADP since 2005.

The City adopted the *North San José Deficiency Plan* in July 2005 to identify and implement a set of measures that will improve transportation conditions and air quality in North San José. The Project was identified as one of the projects on the Action List in the *North San José Deficiency Plan*.

In 2011, the City adopted a comprehensive update to its general plan known as the *Envision San José 2040 General Plan.* The Project is included in the General Plan's Transportation Network Diagram. The environmental impacts of the Project and other planned transportation network improvements were evaluated at a program level in the Envision San José 2040 General Plan EIR (2011).

Based on this background, staff identified the following objectives for the Project:

- Improve connectivity between the east side of I-880 and the west side of I-880;
- Increase the capacity for east-west travel across the I-880 corridor;
- Provide a safe bicycle/pedestrian facility over I-880, in compliance with San José's Complete Streets Policy;
- Implement a programmed roadway network improvement project identified in the *Envision San José 2040 General Plan*; and
- Implement a planned major roadway improvement project, as set forth in the *North San José Area Development Policy* and the *North San José Deficiency Plan*.

ANALYSIS

The analysis section of this memorandum includes the following subsections:

A. Project Description
B. Environmental Review Under CEQA
C. Alternatives to the Project

A. Project Description

To implement the Project identified in the above-described plans, DOT staff and design consultants have prepared a preliminary design for the project. The Project would construct a two-lane extension of Charcot Avenue from Paragon Drive on the west to Oakland Road on the east, a distance of approximately 0.6 mile. The Project includes construction of an overcrossing across O'Toole Avenue and I-880 and improvements to Silk Wood Lane. The Project would also construct bicycle/pedestrian facilities on Charcot Avenue, including sidewalks and separated (Class IV) bikeways, between Paragon Drive and Oakland Road. The Project is depicted in Attachment A and would include the following traffic, pedestrian, and bicycle investments.

Traffic Improvements

- Charcot Avenue would be extended as a 2-lane roadway from Paragon Drive on the west to Oakland Road on the east. Although Charcot Avenue presently exists between Paragon Drive and O'Toole Avenue, that segment will be reconstructed and widened, as described below. Hence, the Paragon Drive/Charcot Avenue intersection is designated as the westerly project limit.
- The Charcot Avenue/Paragon Drive intersection would be reconstructed with single eastbound and westbound through lanes and an eastbound left turn-lane. A traffic signal would also be installed at the intersection.
- The existing Charcot Avenue/O'Toole Avenue intersection would be eliminated. Access to O'Toole Avenue from eastbound Charcot Avenue would be maintained via a new slip ramp along the south side of Charcot Avenue. Direct access to Charcot Avenue from O'Toole Avenue would not, however, be provided. Instead, access from O'Toole Avenue to Charcot Avenue would be provided via Paragon Drive and its new signalized intersection with Charcot Avenue.
- A segment of O'Toole Avenue under the proposed Charcot Avenue overcrossing would be reconstructed and reconfigured to accommodate bridge columns for the overcrossing to have single northbound and southbound lanes and a sidewalk on the southbound direction.
- A new overcrossing structure, approximately 70 feet in width and 720 feet in length, would be constructed over O'Toole Avenue and I-880. The bridge columns would be supported on large diameter cast-in-drilled-hole (CIDH) pilings. Pile driving will not be

required for bridge construction. The bridge would accommodate one lane of traffic, one shoulder, one Class IV Bikeway, and one sidewalk in each direction.

- On the east side of I-880, Charcot Avenue would utilize the swath of land between the Super Micro Computer Inc. office buildings that has been set aside for the Project. At the easterly end of the proposed extension, the roadway would utilize the current alignment of Silk Wood Lane between Oakland Road and Silk Wood Lane.
- A new pedestrian-only signal such as a High-Intensity Activated Crosswalk (HAWK) beacon would be installed along Charcot Avenue at Silk Wood Lane. A median would be constructed along Charcot Avenue at Silk Wood Lane to restrict left-turn movements.
- The existing unsignalized Charcot Avenue/Oakland Road intersection would be replaced by a new signalized intersection. The proposed lane configurations at that intersection would consist of one left-turn and one shared left-right-turn lane on eastbound Charcot Avenue, and two northbound left-turn lanes and six through lanes on Oakland Road. To receive the traffic turning left from northbound Oakland Road, the segment of Charcot Avenue between Silk Wood Lane and Oakland Road would have two westbound through lanes, which would merge into one lane after the Silk Wood Lane intersection.
- Between Paragon Drive and O'Toole Avenue, access to adjacent commercial properties from Charcot Avenue would not be provided. Access would be via other existing streets. There is no existing access to properties along Silk Wood Lane from the segment of Silk Wood Lane that will become Charcot Avenue.

Bicycle Improvements

The project proposes to construct Class IV bikeways along the Project between Paragon Drive and Oakland Road. The bikeways would be physically separated from the vehicular roadways by buffers containing posts, K-rail or cigar island type separation and would include the following features:

- Separated bikeways on both sides of the single eastbound and westbound through lanes between Paragon Dr. and Oakland Rd.
- The bikeways on the Charcot Ave overcrossing structure would be 7-foot wide.
- An additional Class II bike lane would extend on the south side of the existing Charcot Ave along the new slip ramp right-turn lane to O'Toole Ave.
- Bicycle detectors in the pavement at signalized intersections along the Project.

The separated bikeways would connect to the existing bike lanes on Charcot Ave to the west of the project limits, as well as to the existing bike lanes on Oakland Road. The existing and new bicycle facilities associated with this Project would also provide a connection opportunity to the planned pedestrian/bicycle trail along Coyote Creek, which crosses under Charcot Avenue just west of Paragon Drive.

Pedestrian Improvements

The Project would include sidewalks along both sides of the Project between Paragon Drive and Oakland Road. The sidewalks would connect to existing sidewalks at the intersections on Silk Wood Lane and Oakland Road. There are currently no sidewalks along Paragon Drive, Charcot Avenue, and O'Toole Avenue. The sidewalks proposed as part of the project include the following features:

- An additional sidewalk would extend along the south side of the eastbound slip-ramp right-turn lane from Charcot Avenue to O'Toole Avenue. There would also be a segment of sidewalk on the west side of O'Toole Avenue under the Charcot Avenue overcrossing.
- To facilitate people crossing Charcot Avenue, a new pedestrian-only signal such as a HAWK beacon, would be installed along Charcot Avenue at Silk Wood Lane.
- To enhance pedestrian access to/from Orchard Elementary School, the width of the sidewalk on the south side of Charcot Avenue at Silk Wood Lane would widen to 11 feet and street trees would be added where possible. In addition, a nine-foot-wide paved pedestrian path would be constructed next to the 11-foot-wide sidewalk to connect to a gate at the school playground.
- The 11-foot-wide sidewalk would narrow back to an eight-foot width along the segment of Charcot Avenue between Silk Wood Lane and Oakland Road and extend around the northeastern corner of the existing Orchard School ball field.

B. Environmental Review Under CEQA

The City of San José, as the lead agency, prepared a Draft Environmental Impact Report (Draft EIR) for the proposed Project. The City circulated the Draft EIR for public review for a 69-day review period from August 27, 2019 through November 4, 2019.

The Draft EIR analyzes project-level environmental impacts and discusses alternatives to the proposed project. A First Amendment to the Draft EIR has been prepared that provides responses to public comments submitted during the public circulation period and revisions to the text of the Draft EIR. The Final Environmental Impact Report (FEIR) for the proposed project is comprised of the First Amendment to the Draft EIR together with the Draft EIR. All of these documents can be viewed on the City's website at: http://www.sanjoseca.gov/ActiveEIRs.

Environmental Impacts

The Draft EIR found that the project would result in significant and unavoidable impacts related to aesthetics and recreation. While the Draft EIR identifies feasible mitigation measures, these impacts would remain significant with implementation of the feasible mitigations. Furthermore, the Draft EIR identified the following less than significant impacts with mitigations for biological resources; cultural resources; hazards and hazardous materials; noise; and tribal cultural resources. Attachment B summarizes the identified impacts and mitigation measures.

Comments on the Draft EIR

The City received 34 written comment letters during the public comment period, and two written comment letters after the end of the public comment period. The City is not required under CEQA to respond to comments received outside the public comment period, but as a courtesy and for informational purposes, responses were prepared. Issues raised in these comment letters include, but are not limited to, the following:

- Impacts to students and staff at Orchard Elementary School
  - Increased noise
  - Increased emissions of air pollutants and greenhouse gas
  - Loss of drop-off/pick-up activities along Silk Wood Lane with resultant impacts along Fox Lane
  - Aesthetic impacts due to tree loss and the sound wall
  - Impacts to school's recreational facilities due to right-of-way needed for project
  - Impacts during construction
  - Safety impacts, especially to students walking or bicycling to school
- Impacts to residents and the neighborhood located north of Silk Wood Lane
  - Potential for cut-through traffic
  - Increased noise
  - Increased emissions of air pollutants
- Impacts to PS Business Park located along Charcot Avenue west of I-880
  - Loss of direct access from Charcot Avenue
  - Impacts during the construction phase
  - Aesthetic impacts due to tree loss
  - Increase in homeless encampments due to project
- Need for the project
- Consistency with current plans and policies

The City responded to all comments received on the Draft EIR and incorporated them into the First Amendment to the Draft EIR. The First Amendment, taken together with the Draft EIR, constitutes the Final EIR. The DEIR and First Amendment to the DEIR are available for review on the City's Active EIRs website at: http://www.sanjoseca.gov/ActiveEIRs

EIR Recirculation Unnecessary

The comments received do not identify substantive inadequacies in the Draft EIR or new previously unidentified significant impacts that require recirculation. Recirculation of an EIR is required when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review, but before certification.

Information can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not significant unless the EIR is

changed in a way that deprives the public of meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (CEQA Guidelines Section 15088.5).

In accordance with CEQA Guidelines Section 15088, the First Amendment to the Draft EIR for the project includes written responses to all comments received during the public review period for the Draft EIR.

As required by Section 15132 of the CEQA Guidelines, the responses in the First Amendment to the Draft EIR address significant environmental points and comments on the content and adequacy of the EIR. The responses and comments provide clarification and refinement of information presented in the Draft EIR and, in some cases, correct or update information in the Draft EIR. No significant new information has been added to the EIR since publication of the Draft EIR; therefore, the EIR does not need to be recirculated.

Statement of Overriding Considerations

A Statement of Overriding Considerations will need to be adopted by City Council for this Project for the identified significant and unavoidable impacts. The draft CEQA resolution includes a Statement of Overriding Considerations and sets forth how the benefits of the project outweigh its significant adverse environmental impact. The proposed Project will not only provide a much-needed additional connection into North San Jose but will also accommodate the planned development and housing goals anticipated for the area, as well as help resolve existing congestion.

C. Alternatives to the Project

The Draft EIR evaluated the following eight alternatives (Alternatives A-H) to the Project in terms of their feasibility and ability to meet the project objectives and their ability to minimize or avoid the environmental impacts of the Project.

Alternative A – Fox Lane Alignment

Under the Fox Lane Alignment Alternative, the alignment for the Charcot Avenue Extension on the east side of I-880 would utilize Fox Lane instead of Silk Wood Lane. On the west side of I-880, this alternative would be identical to the proposed project.

The Fox Lane Alternative would meet the five objectives of the project to the same degree as the proposed design.

The Fox Lane alignment would require acquisition of right-of-way and elimination of property access along the north side of Fox Lane. In addition, the Fox Lane alignment would require the removal of one or two buildings on the Super Micro campus on the east side of I-880 to accommodate the alignment alternative. Further, the use of Fox Lane for the Charcot Avenue

Extension would result in increased traffic volumes along the Orchard School frontage, which provides access to the school's designated student drop-off/pick-up area.

The Fox Lane alignment also would result in a connection to Oakland Road that would be in proximity to the Union Pacific Railroad (UPRR) tracks that cross Oakland Road approximately 240 feet south of Fox Lane. Increased demand at the northbound left-turn movement from northbound Oakland Road to westbound Fox Lane (to the planned Charcot Extension) could result in vehicle queues that extend back from the Oakland Road/Fox Lane intersection and through the UPRR tracks.

On the west side of I-880, the Fox Lane Alternative would have the same environmental impacts as the proposed project design. However, this alternative would avoid the noise and tree removal impacts of the proposed alignment along Silk Wood Lane. No right-of-way from the Orchard School playground/ball field would be needed. Further, there would also be no increased traffic on Silk Wood Lane and no potential traffic diversion through the Silk Wood Lane/Rock Avenue neighborhood.

Alternative A was determined infeasible for the following reasons:

- From an economic/funding perspective, there would be significant right-of-way costs associated with direct impacts to the Super Micro campus, and
- From an environmental perspective, there would be significant impacts to Orchard School's designated student drop-off/pick-up area on Fox Lane.

<u>Alternative B - Widen Montague Expressway and/or Brokaw Road</u>

Instead of constructing the Charcot Avenue Extension, Alternative B would widen Montague Expressway and/or Brokaw Road to improve east-west connectivity across I-880, which is one of the project objectives.

Montague Expressway has already been widened to eight lanes west of I-880, as identified in the North San José Area Development Policy. Additional widening to ten lanes west of I-880 to increase east-west capacity into the North San José area would require significant right-of-way and the acquisition of numerous businesses that are adjacent to the Expressway.

Brokaw Road is already widened to its maximum within the physical limitations of its right-of-way. Additional widening to increase east-west capacity would require significant right-of-way and the acquisition of numerous businesses that are adjacent to this roadway.

Further, even if Alternative B could be implemented without the need to purchase significant right-of-way, the widening of Montague Expressway and Brokaw Road may not improve east-west travel and meet the project objectives to: 1) improve connectivity between the east side of I-880 and the west side of I-880 and 2) increase the capacity for east-west travel across the I-880 corridor as an east-west route due to capacity constraints at major regional freeways connection

points including their interchanges with I-880. It is likely that the capacity constraints (ramp meters) at freeway ramps and congestion on the freeway mainline could result in blockage of travel lanes on both roadways even with widening. The improvement of access to and from I-880 also would provide minimal benefit to operations along Brokaw Road and Montague Expressway due to congestion on the freeway mainline that restricts flow onto the freeway. This alternative would also not fully meet two other objectives of the project: implement a programmed roadway network improvement project identified in the Envision San José 2040 General Plan; and implement a planned major roadway improvement project, as set forth in the North San José Area Development Policy and the North San José Deficiency Plan.

Ultimately, Alternative B was determined infeasible because from an economic/funding perspective, there would be significant right-of-way costs associated with the widening of Montague Expressway or Brokaw Road with minimal benefit to operations along Brokaw Road and Montague Expressway.

Alternative C - New I-880 Overcrossing South of Brokaw Road

Instead of constructing the Charcot Avenue Extension, Alternative C would construct a new I-880 overcrossing near Brokaw Road to improve east-west connectivity across I-880, which is one of the project objectives. On the east side of I-880, the overcrossing would utilize Ridder Park Drive along the south side of the Lowe's site. On the west side of I-880, the overcrossing would connect to Junction Avenue utilizing an existing access point and parking area for a business park.

Alternative C would require significant right-of-way and the acquisition of multiple businesses located along the east side of Junction Avenue. It would also sever access to the Lowe's site and an adjacent building that contains multiple businesses.

Further, even if Alternative C could be implemented without the need to purchase significant right-of-way, its utility to meet the project objectives to improve connectivity between the east side of I-880 and the west side of I-880 and to increase the capacity for east-west travel across the I-880 corridor as an east-west route would be substantially less than with the Charcot Avenue Extension. Specifically, unlike the Charcot Avenue alignment, there would be no direct connection to major North San José roadways such as Zanker Road, North First Street, and SR 87. This alternative would also not fully meet two other objectives of the project: to implement a programmed roadway network improvement project identified in the Envision San José 2040 General Plan and to implement a planned major roadway improvement project, as set forth in the North San José Area Development Policy and the North San José Deficiency Plan.

Ultimately, Alternative C was determined infeasible because from an economic/funding perspective, there would be significant right-of-way costs associated with a new I-880 overcrossing south of Brokaw Rd.

Alternative D - No Project

Under the No Project Alternative, the proposed Charcot Avenue Extension would not be constructed. No new vehicular, bicycle, and pedestrian crossing of I-880 in the Charcot Corridor would be built. None of the project components described in Section 2.3 of the EIR would be constructed.

The No Project Alternative would avoid all the identified significant impacts of the project, namely aesthetics/visual, biological, cultural (archaeological), hazardous materials, noise, and recreational.

While the No Project Alternative is feasible, it would not meet any of the project objectives. It would also be inconsistent with: 1) Policy TR-5.6 of the Envision San José 2040 General Plan, which states that the City should complete the buildout of the City's street system pursuant to its Land Use/Transportation Diagram, on which the Charcot Avenue Extension has been listed since 1994; 2) the San José Bike Plan 2020, which designates Charcot Avenue from Orchard Parkway on the west to Oakland Road on the east as a bikeway with Class II bike lanes; and 3) the North San José Area Development Policy, which identifies the Charcot Avenue Extension as a key roadway improvement project needed to serve the planned development of North San José. Therefore, staff recommends that this alternative be rejected.

Alternative E - New Overcrossing for Bicycles and Pedestrians Only

Alternative E would consist of constructing a new bicycle/pedestrian overcrossing of I-880/O'Toole Avenue on the same alignment as that proposed for the Charcot Avenue Extension. The overcrossing would connect to the existing bike lanes and sidewalks along Charcot Avenue west of O'Toole Avenue. On the east side of I-880, the overcrossing would connect to Silk Wood Lane.

Since this alternative would not include any travel lanes for motor vehicles, its cross-section/footprint would be much smaller than that of the proposed project. On the west side of I-880, this alternative would not require the elevation of Charcot Avenue between Paragon Drive and O'Toole Avenue and access to properties along this segment of Charcot Avenue would be maintained. Unlike the proposed project, this alternative would also not require the removal of most of the trees that line both sides of Charcot Avenue between Paragon Drive and O'Toole Avenue.

On the east side of I-880, the footprint of Alternative E would fit within the right-of-way reserved by Super Micro for the Charcot Avenue Extension and within the existing Silk Wood Lane right-of-way. No right-of-way from Orchard School would be required and there would be no direct impacts to the school's playground and playing field. The noise and air quality impacts of the project to the residences located on the north side of Silk Wood Lane and the school located on the south side of Silk Wood Lane would not occur under this alternative since there

would be no increase in traffic. Finally, tree removal along Silk Wood Lane would be minimal, if any.

Alternative E is feasible and would meet the following objective of the project to the same degree as the proposed design: to provide a safe bicycle/pedestrian facility over I-880, in compliance with San José's Complete Streets Policy. Alternative E would not, however, fully meet the remaining four objectives of the project: 1) improve connectivity between the east side of I-880 and the west side of I-880; 2) increase the capacity for east-west travel across the I-880 corridor; 3) implement a programmed roadway network improvement project identified in the Envision San José 2040 General Plan; and 4) implement a planned major roadway improvement project, as set forth in the North San José Area Development Policy and the North San José Deficiency Plan. Therefore, staff recommends that this alternative be rejected.

Alternative F - Single Left-Turn Lane from Oakland Road to Charcot Avenue

Alternative F would be the same as the proposed project except that it would eliminate one of two proposed left-turn lanes from northbound Oakland Road to westbound Charcot Avenue, which in turn would allow a reduction in westbound lanes on Charcot Avenue from two to one. Therefore, the cross-section of Charcot Avenue at Oakland Road under Alternative F would be three lanes, as compared to the four lanes contemplated under the proposed project.

Alternative F would still require right-of-way from Orchard School but to a lesser extent than for the proposed project (19,410 ft^2 vs. 11,480ft^2). The smaller amount right-of-way needed would, in turn, reduce impacts to the existing recreational facilities.

When Alternative F is compared to the proposed project design, the northbound left-turn queue at the Charcot Avenue/Oakland Road intersection is projected to increase from 325 feet to 575 feet because only a single left-turn lane would be provided. The projected queue would not extend back to the Fox Lane intersection with Oakland Road that is located approximately 900 feet south of Charcot Avenue. However, peak-hour delays will increase slightly on all approaches due to the additional green time that must be allocated to the northbound left-turn movement.

For noise, the Day-Night Level (DNL) under Alternative F would be two decibels lower at one receiver, one decibel lower at four receivers, one decibel higher at one receiver, and the same at nine receivers, as compared to the proposed design. For air quality, the health risks from TAC and PM2.5 emissions would be slightly less under Alternative F, as compared to the proposed design.

Alternative F is feasible and would meet all five project objectives. Alternative F would be consistent with the Envision San José 2040 General Plan, the San José Bike Plan 2020, and the North San José Area Development Policy.

While the overall environmental impacts of Alternative F would be similar to those of the proposed Project, when compared to the proposed design, traffic operations at the Charcot Avenue/Oakland Road intersection under Alternative F would be less efficient due to the elimination of a turning lane. The staff finds that, given the fact that Alternative F has environmental impacts that are similar to the proposed project, there is no basis to select Alternative F given the diminution in the efficiency of traffic operations.

Alternative G - Single Turn Lane on Charcot Avenue at Oakland Road

Alternative G would be the same as the proposed Project except that it would eliminate the exclusive left-turn lane from eastbound Charcot Avenue to northbound Oakland Road; instead there would be only one eastbound lane from which both left-turns and right-turns would be made. Therefore, the cross-section of Charcot Avenue at Oakland Road under Alternative G would be three lanes, as compared to the four lanes contemplated under the proposed Project. Alternative G would still require right-of-way from Orchard School but to a lesser extent than for the proposed Project (19,410 ft^2 vs. 12,770 ft^2). The smaller amount of right-of-way needed would, in turn, reduce impacts to the existing recreational facilities.

When Alternative G is compared to the proposed Project design, the eastbound queue on Charcot Avenue at Oakland Road would increase from 675 feet to 850 feet and the PM peak-hour LOS would degrade to LOS D should the planned exclusive left-turn lane not be provided. The extended queue along eastbound Charcot Avenue may not be clearly visible to drivers travelling eastbound along Charcot Avenue due to the vertical alignment of the Charcot Avenue overcrossing of I-880 creating a potential safety issue.

For noise, when compared to the proposed design, the DNL under Alternative G would be two decibels lower at one receiver, one decibel lower at four receivers, one decibel higher at one receiver, and the same at nine receivers. For air quality, the health risks from TAC and PM2.5 emissions would be slightly less under Alternative G, as compared to the proposed design.

Alternative G is feasible and would meet all five project objectives. Alternative G would be consistent with the Envision San José 2040 General Plan, the San José Bike Plan 2020, and the North San José Area Development Policy.

While the overall environmental impacts of Alternative G would be similar to those of the proposed Project, when compared to the proposed design, traffic operations at the Charcot Avenue/Oakland Road intersection under Alternative G would be less efficient due to the elimination of a turning lane. Staff finds that, given the fact that Alternative G has environmental impacts that are similar to the proposed Project, there is no basis to select Alternative G given the diminution in the efficiency of traffic operations combined with the potential safety issue caused by the extended queue along Charcot Avenue.

Alternative H - Single Turn Lanes on Both Charcot Avenue and Oakland Road

Alternative H would be the same as the proposed Project except that it would: 1) eliminate one of two proposed left-turn lanes from northbound Oakland Road to westbound Charcot Avenue, and 2) would eliminate the exclusive left-turn lane from eastbound Charcot Avenue to northbound Oakland Road. Instead, there would be only one eastbound lane from which both left-turns and right-turns would be made and only one northbound left-turn lane. Therefore, the cross-section of Charcot Avenue at Oakland Road under Alternative H would be two lanes, as compared to the four lanes contemplated under the proposed Project.

Alternative H would still require right-of-way from Orchard School but to a lesser extent than for the proposed Project or Alternatives F and G (19,410 ft^2 vs. 5,590 ft^2). The smaller amount right-of-way needed would, in turn, reduce impacts to the existing recreational facilities.

For traffic operations, Alternative H would differ from the proposed Project design in the following ways:

- The eastbound queue on Charcot Avenue on Oakland Road would increase from 675 feet to 850 feet and the PM peak-hour LOS would degrade to LOS D should the planned exclusive left-turn lane not be provided. The extended queue along eastbound Charcot Avenue may not be clearly visible to drivers travelling eastbound along Charcot Avenue due to the vertical alignment of the Charcot Avenue overcrossing of I-880 creating a potential safety issue.
- The northbound left-turn queue at the Charcot Avenue/Oakland Road intersection is projected to increase from 325 feet to 575 feet because only a single left-turn lane would be provided. The projected queue would not extend back to the Fox Lane intersection with Oakland Road that is located approximately 900 feet south of Charcot Avenue. However, peak-hour delays will increase slightly on all approaches due to the additional green time that must be allocated to the northbound left-turn movement.

For noise, when compared to the proposed design, the DNL under Alternative H would be one decibel lower at two receivers, one decibel higher at two receivers, and the same at 11 receivers. For air quality, the health risks from TAC and PM2.5 emissions would be slightly less under Alternative H, as compared to the proposed design.

Alternative H is feasible and would meet all five project objectives. Alternative H would be consistent with the Envision San José 2040 General Plan, the San José Bike Plan 2020, and the North San José Area Development Policy.

While the overall environmental impacts of Alternative H would be similar to those of the proposed Project, when compared to the proposed design, under Alternative H, the eastbound queue on Charcot Avenue on Oakland Road would increase from 675 feet to 850 feet and the PM peak-hour LOS would degrade to LOS D should the planned exclusive left-turn lane not be provided. The extended queue along eastbound Charcot Avenue may not be clearly visible to

drivers travelling eastbound along Charcot Avenue due to the vertical alignment of the Charcot Avenue overcrossing of I-880 creating a potential safety issue. Further, when compared to the proposed design, under Alternative H, the northbound left-turn queue at the Charcot Avenue/Oakland Road intersection is projected to increase from 325 feet to 575 feet because only a single left-turn lane would be provided. The projected queue would not extend back to the Fox Lane intersection with Oakland Road that is located approximately 900 feet south of Charcot Avenue. However, peak-hour delays will increase slightly on all approaches due to the additional green time that must be allocated to the northbound left-turn movement. Staff finds that, given the fact that Alternative H has environmental impacts that are similar to the proposed project, there is no basis to select Alternative H given the diminution in the efficiency of traffic operations combined with the potential safety issue caused by the extended queue along Charcot Avenue.

CONCLUSION

City Council's certification of the Charcot Avenue Extension EIR and approval of the Project will allow staff to proceed with the final design and bidding for construction of the project in accordance with the *Envision San Jose 2040 General Plan*, the *North San Jose Area Development Policy,* and the *North San Jose Deficiency Plan*.

Given the findings in the EIR, staff recommends that the full Project be approved along with the Site Plan in Attachment A.

EVALUATION AND FOLLOW-UP

Staff will return to Council for approval of Right-of-Way acquisition necessary for the proposed Project and award of the construction contract.

CLIMATE SMART SAN JOSE

The recommendation in this memorandum aligns with one or more Climate Smart San José energy, water, or mobility goals. The project includes facilities that will support and enhance mobility for bicyclists and pedestrians. Greenhouse gas emissions will be lower with the project in place, as compared to not constructing the project.

POLICY ALTERNATIVES

As described in the Analysis section of this memorandum, the Draft EIR evaluated eight alternatives to the Project in terms of their feasibility and ability to meet the project objectives and their ability to minimize or avoid the environmental impacts of the Project. Staff considered

these alternatives and based on the reasons described in each of the alternatives (Alternative A-H), staff is recommending that Council approve the proposed Project. Specifically:

- Alternative A meets all of the project objectives; however, it was deemed infeasible due to significant right-of-way costs and negative impacts to the Orchard School drop-off/pick-up area on Fox Lane.
- Alternatives B, C, and E were deemed infeasible as they did not meet all of the project objectives, and Alternatives B & C would have involved significant right-of-way costs.
- Alternative D does not implement the project and is inconsistent with the *Envision San Jose 2040 General Plan*, the *North San Jose Area Development Policy*, and the *North San Jose Deficiency Plan*. If the Project is not implemented, a vital link the North San Jose transportation network will be missing.
- Alternatives F, G, and H are feasible options and they meet all of the project objectives and have less right-of-way impacts. However, staff does not recommend advancing any of these alternatives as the overall environmental impacts of these alternatives would be similar to those of the proposed Projects, and because of the diminution in the efficiency of traffic operations created by removing one or more turn lanes at the intersection of Charcot Avenue and Oakland Road.

PUBLIC OUTREACH

Public outreach/coordination activities regarding the proposed Charcot Avenue Extension project included the following:

- Meetings with community groups, property owners, and stakeholders who live or work along the alignment of the Charcot Avenue Extension, including the following: Orchard Elementary School, Super Micro, PS Business Park, and California Walks (Cal Walks).
- Staff held meetings with Orchard School District staff on June 4, 2009, May 23, 2017, and February 15, 2018 to discuss the project.
- A community meeting was held on March 22, 2017 at Orchard School to inform the public about the history of the project, the purpose of the project, the preliminary design features of the project, and the status of the project approval process.
- The EIR Notice of Preparation (NOP) was circulated for public and agency input for 30 days beginning on April 30, 2018, in accordance with Section 15082 of the CEQA Guidelines.
- During the NOP circulation period, two public Scoping Meetings were held, the first on May 17, 2018 at the Berryessa Branch Library and the second on May 21, 2018 at Orchard School.
- The Draft EIR was circulated to the public for a 69-day period from August 27, 2019 through November 4, 2019.

- A community meeting on the Draft EIR was held on September 24, 2019 at the Berryessa Library.

COORDINATION

Preparation of this memorandum has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

FISCAL/POLICY ALIGNMENT

The project is consistent with multiple City policy documents including the *Envision 2040 General Plan*, the *North San Jose Area Development Policy*, and the *North San Jose Deficiency Plan*.

COST SUMMARY/IMPLICATIONS

The proposed Project is estimated to cost approximately $50 million. In December 2019, the Valley Transportation Authority (VTA) approved the allocation of $37 million in VTA 2016 Measure B funds for the Project. The remaining estimated $13 million would be provided by a City of San Jose local match. Of this amount, $7.1 million has been programmed in the Adopted 2020-2024 Traffic Capital Improvement Program for the North San Jose Improvement – 880/Charcot project. The $7.1M has provided for preliminary engineering, and environmental clearance, with the remaining approximate $1M in available funds sufficient to enable staff to complete the final design work. The balance of the City's approximate $4.9 million local match that would be needed during the right-of-way engineering and construction phase is anticipated to be funded through available funds in the North San Jose New Development Reserve (currently at approximately $4.98 million). Staff will return to Council at a later date to appropriate these funds to the Charcot Avenue Extension Project.

CEQA

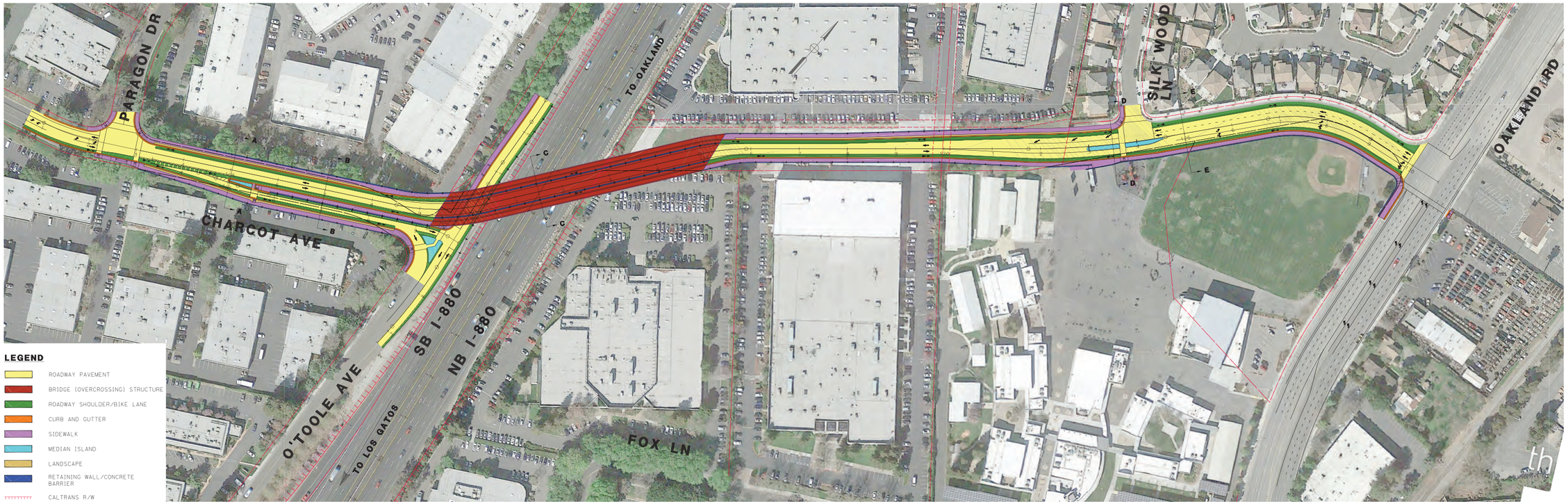
Charcot Avenue Extension Project Environmental Impact Report. File No. PP18-044.

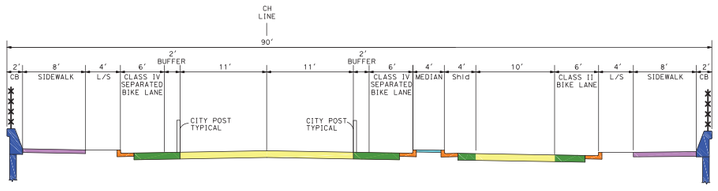
/s/
ROSALYN HUGHEY, Director
Planning, Building and Code Enforcement

/s/
JOHN RISTOW, Director
Department of Transportation

For questions, please contact Zahir Gulzadah, DOT Division Manager, at (408) 975-3257 or Meenaxi Raval, PBCE, Supervising Environmental Planner at (408) 535-7895.

Attachment A: Proposed Site Plan
Attachment B: Summary of Significant Environmental Impacts and Mitigation Measures





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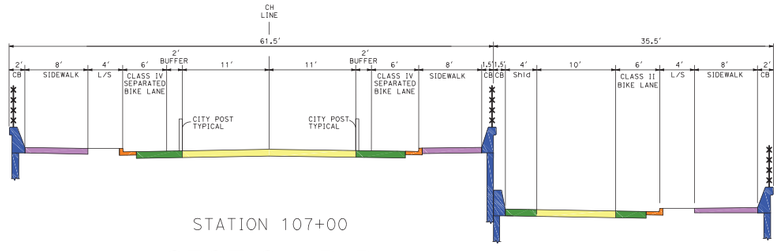

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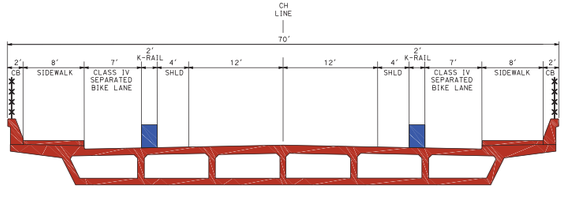

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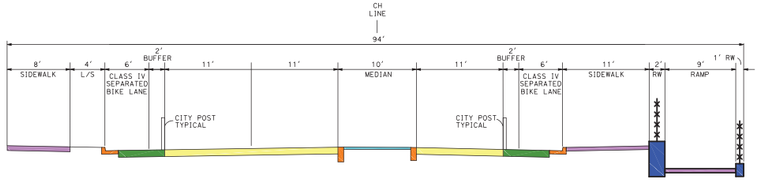

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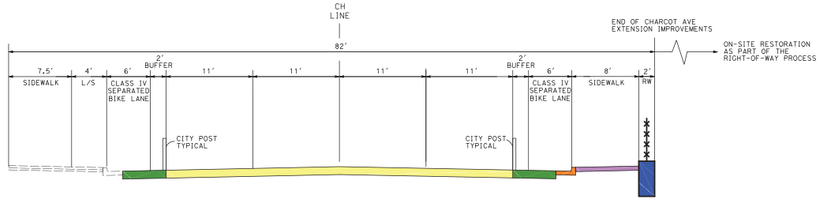
SECTION D-D



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SECTION E-E

PROPOSED SITE PLAN | August 2019

Charcot Avenue Extension Project
City of San José

Summary of Significant Environmental Impacts and Mitigation Measures	
Significant Impact	**Mitigation and Avoidance Measures**
AESTHETIC IMPACTS	
Impact AES-3: The project would substantially alter the visual character along Charcot Ave between Paragon Dr and O'Toole Ave by removing approximately 37 mature trees. The trees and adjacent raised berms dominate the existing setting and screen views of the office buildings and associated parking from the rd, and vice-versa. This segment of Charcot Ave is designated as a "Gateway" in the *Envision San José 2040 General Plan*.	Due to the constraints posed by the presence of existing utility lines and the adjacent business parks, the planting of replacement trees as mitigation for this visual/aesthetic impact is not feasible. **CONCLUSION: SIGNIFICANT UNAVOIDABLE IMPACT**
Impact AES-3: Based on the resource change and viewer response at the outdoor recreational areas, the proposed roadway extension would result in a significant visual change and impact along the Silk Wood Ln segment.	**MM AES-3.1:** As described under mitigation measure MM NOI-1.2 in Section 3.13, *Noise*, the proposed project shall construct a six-foot noise barrier in this segment along the Orchard School project frontage. The noise barrier will also provide a visual barrier between the proposed roadway extension and Orchard School outdoor recreation areas. **MM AES-3.2:** Any noise barrier constructed as part of the project will include aesthetic treatment (e.g., color, texture, etc.) that are compatible with the surroundings. **CONCLUSION: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED**
BIOLOGICAL IMPACTS	
Impact BIO-1: The project could impact protected nesting birds during the construction phase.	**MM BIO-1.1:** Avoidance and Inhibit Nesting. Construction and tree removal/pruning activities shall be scheduled to avoid the nesting season. Tree removal and/or pruning shall be completed before the start of the nesting season to help preclude nesting. The nesting season for most birds and raptors in the San Francisco Bay Area extends from February 1st through August 31st (inclusive). **MM BIO-1.2:** Preconstruction Survey(s). If it is not possible to schedule construction activities from September 1st through January 31st (inclusive), then a qualified ornithologist shall conduct a preconstruction survey for nesting raptors and other migratory birds within on-site trees as well as all trees within 250 feet of the site to identify active bird nests that may be disturbed during project construction. This survey shall be completed no more than fourteen (14) days prior to the initiation of demolition/construction activities (including tree removal and pruning). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If the survey does not identify any nesting birds that would be affected by construction activities, no further mitigation is required.

	If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist (in consultation with the CDFW) shall designate a construction-free buffer zone to be established around the nest to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during construction activities. The buffer shall remain in place until a qualified ornithologist has determined that the nest is no longer active. **MM BIO-1.3:** Reporting. A final report on nesting birds and raptors, including survey methodology, survey date(s), map of identified active nests (if any), and protection measures (if required), shall be completed to the satisfaction of the Director of PBCE or his/her designee prior to the start of grading. **CONCLUSION: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED**
CULTURAL RESOURCES	
Impact CUL-2: The project corridor is considered archaeologically sensitive and therefore the construction of the project could impact buried archaeological resources. **Impact CUL-3:** Directly related to impact CUL-2, above, if any buried archaeological resources are impacted by the project, such resources could contain human remains.	**MM CUL-2.1:** Avoid trenching, digging, and grading below eight (8) feet. **MM CUL-2.2:** If trenching, digging, or grading below eight (8) feet is needed, archaeological monitoring shall be performed by a qualified archaeologist during such excavation and ground-disturbing activities. **MM CUL-2.3:** In the event prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of the City's Department of PBCE or his/her designee will be notified, and a qualified archaeologist will examine the find. The archaeologist will 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds. If the finds do not meet the definition of historical or archaeological resources, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then it shall be avoided by project activities. Project personnel shall not collect or move any cultural material. Fill soils used for construction purposes shall not contain archaeological materials. **MM CUL-2.4:** If the resource cannot be avoided, adverse effects to such resources shall be mitigated in accordance with the recommendations of the archaeologist. Recommendations may include, but are not limited to, collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the Director of the City's Department of PBCE or his/her designee and Historic Preservation Officer of the City's Department of PBCE and the Northwest Information Center, Sonoma. **MM CUL-2.5:** If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended

	per Assembly Bill 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The contractor shall immediately notify the Director of the City's Department of PBCE or his/her designee and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will determine if the remains are Native American. **MM CUL-2.6:** If the remains are believed to be Native American, the Coroner will contact the NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. **MM CUL-2.7:** If one of the following conditions occurs, the Director of the City's Department of PBCE or his/her designee shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance: 1) The NAHC is unable to identify a MLD; or 2) The MLD failed to make a recommendation within 24 hours after being notified by the NAHC; or 3) The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner. **CONCLUSION: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED**
HAZARDS AND HAZARDOUS MATERIALS	
Impact HAZ-2: The project could create a significant risk if hazardous materials in sufficient concentrations are present in soils and those materials are, in turn, released into the environment during construction.	**MM HAZ-2.1:** Prior to demolition, grading, and excavation for the proposed rd extension, soil within the project alignment shall be sampled and tested for organochlorine pesticides and lead to determine if soil contamination from previous agricultural use are above established RWQCB Environmental Screening Levels (ESLs) for construction worker safety and commercial/industrial standards. The result of soil sampling and testing will be provided to the Director of the City of San José PBCE, or his/her designee, and the City's Environmental Compliance Officer for review. If contaminated soils are found in concentrations above regulatory thresholds the project sponsor shall obtain regulatory oversight from the SCCDEH or DTSC. The SCCDEH or DTSC will determine next steps including which documents are required such as a Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document which must prepared by a qualified hazardous materials consultant. The plan must establish remedial measures and/or soil management practices to ensure construction worker safety and the health and safety of future workers and site users. The Plan and evidence of regulatory oversight shall be provided to the Director of the City of San José PBCE or his/her designee, and the Environmental Compliance Officer in the City of San José's Environmental Services Department. **CONCLUSION: LESS THAN SIGNIFICANT IMPACT WITH**

	MITIGATION INCORPORATED
NOISE	
Impact NOI-1: Over the long-term, the operational phase of the project would result in noise levels in the vicinity of the project in excess of standards established by San José.	**MM NOI-1.1:** At the start of project construction on the east side of I-880, the City shall replace the existing 5-foot high barrier along the north side of Silk Wood Ln with a 10-foot high noise barrier. The replacement barrier will be constructed at the side yard property line of 1820 Silk Wood Ln; at the rear yard property lines of 1052, 1058, 1064, 1070, and 1076 Bright Willow Ln; and at the rear property lines of 1931, 1937, and 1943 Bright Willow Circle. Per FHWA's Traffic Noise Model (TNM), this 10-foot high barrier, will reduce noise levels at these residences to acceptable levels of 60 dBA DNL or less. **MM NOI-1.2:** At the start of project construction on the east side of I-880, the City shall construct a 10-foot high barrier at the side yard property line of 1813 Silk Wood Ln. In addition, the City shall construct an 8-foot high barrier at the rear property lines of 1813 and 1819 Silk Wood Ln. Per FHWA's TNM, these barriers will reduce noise levels at these two residences to acceptable levels of 60 dBA DNL or less. **MM NOI-1.3:** At the start of project construction on the east side of I-880, the City shall construct a 6-foot high barrier at the proposed right-of-way line on the southern side of Charcot Ave along the Orchard School frontage. Per FHWA's TNM, this barrier, would reduce noise levels on the Orchard School outdoor field area and playground to 65 dBA DNL and exterior levels at the primary classrooms to 60 dBA DNL **CONCLUSION: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED**
Impact NOI-C: The project would result in a cumulatively considerable contribution to a significant noise impact.	**MM NOI-C.1:** The project shall implement MM NOI-1.1, MM NOI-1.2, and MM NOI-1.3, which consists of the construction of noise barriers adjacent to residences and Orchard School. These noise barriers would not only mitigate the significant noise impacts of the project but would also mitigate the significant cumulative noise impacts of the project. **CONCLUSION: LESS THAN SIGNIFICANT CUMULATIVE IMPACT WITH MITIGATION INCORPORATED**
RECREATIONAL IMPACTS	
Impact REC-2: The right-of-way required for the project would directly impact recreational facilities at Orchard Elementary School and reduce the area available for recreation by 0.44 acre.	**MM REC-2.1:** The City will reconfigure the existing recreational facilities at Orchard School that would be impacted by the project. The reconfiguration will meet the following performance standards: 1) one standard Little League baseball field with backstop to complement existing conditions; 2) 6-foot wide perimeter running path around sports field; 3) approximately 5,000 ft^2 5-12 years-old playground structure; 4) two 315 ft^2 tetherball games; 5) two 640 ft^2 ball walls; 6) four 6-foot benches adjacent to the play area; and 7) new irrigation system, sod lawn, perimeter tree planting and ornamental shrub planting around the school perimeter adjacent to the field fence and play yard. While the implementation of MM REC-2.1 would mitigate the project's impact on the school's recreational facilities, it would not

	replace the lost parkland/recreational acreage. Further, there is no vacant land available contiguous to Orchard School that could be purchased and added to the school. Therefore, the loss of 0.44 acre of recreational land would constitute an unavoidable effect of the project **CONCLUSION: SIGNIFICANT UNAVOIDABLE IMPACT**
TRIBAL CULTURAL RESOURCES	
Impact TCR-1: The project may impact buried archaeological resources, such resources that may be determined to be tribal cultural resources eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k). **Impact TCR-2:** The project may impact buried archaeological resources, such resources that may be tribal cultural resources that are determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1.	**MM CUL-2.1** through **MM CUL-2.7**, that are listed above for Cultural Resources, will also serve as mitigation for impacts to tribal cultural resources. **CONCLUSION: LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED**