

FINAL

COMMUNITY IMPACT ASSESSMENT

US 101 EXPRESS LANES PROJECT,
SANTA CLARA COUNTY,
CALIFORNIA

PROJECT NO. 0400001163/EA 04-2G7100
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Prepared for

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The Santa Clara Valley Transportation Authority (VTA), in cooperation with the California Department of Transportation (Caltrans), proposes to convert 36.55 miles of existing high-occupancy vehicle (HOV) lanes along United States Highway 101 (US 101) to high-occupancy toll (HOT) lanes (hereafter known as express lanes) and add a second express lane in each direction on northbound and southbound US 101 within the overall project limits of East Dunne Avenue interchange in Morgan Hill to just north of the Oregon Expressway/Embarcadero Road interchange in Palo Alto. The project would also convert the US 101/State Route (SR) 85 HOV direct connectors in Mountain View to express lane connectors and restripe the northern 1.1 mile of SR 85 to introduce a buffer separating the mixed flow lanes from the express lane and connecting the SR 85 express lanes to the US 101 express lanes.

The purpose of this *Community Impact Assessment* is to identify land use, growth, and community impacts that may result from the implementation of the US 101 Express Lanes Project (project). Areas evaluated for the purposes of this report include the State right-of-way for US 101 within the project limits (project corridor), land uses directly adjacent to the project corridor, and Census block groups with borders that lie within a 0.5-mile radius of the project corridor (environmental justice study area).

The project would require limited right-of-way acquisition. It would not result in direct or indirect changes to land uses, including designated farmland, or grazing land. The project would not affect any Section 4(f) public parks, recreational areas, or wildlife or waterfowl refuges. The status of the listed and eligible cultural resources in the project corridor with regard to Section 4(f) will be determined, and appropriate documentation will be prepared, as part of Section 106 consultation. The project is included in regional transportation planning and would not conflict with regional, local, or habitat conservation plans.

The project would not provide new access to previously inaccessible areas, improve access in ways that would foster local development beyond that which is already planned, or trigger further development beyond the project itself. Therefore, the project would accommodate but not induce growth. The project would not displace or relocate any residents, change any existing community boundaries, physically divide an established community, or create a new barrier to movement within the project corridor. Access to and from the project corridor and nearby streets would not change as a result of this project.

Demographic data from the 2010 U.S. Census indicate that the environmental justice study area surrounding the project corridor has higher average percentages of minority and low-income individuals than Santa Clara County, the San Francisco Bay Area, and the State of California. Minor impacts from project construction are not expected to adversely affect surrounding communities or disproportionately affect minority or low-income individuals.

VTA has studied the issue of fairness or equity in charging tolls. Data collected from other express lane corridors in California indicate that both high- and low-income drivers use the lanes during periods of traffic congestion. Public outreach conducted by VTA found that respondents identified the use of toll revenues to fund other improvements in the corridor, including public transit, as the primary project benefit. These improvements would benefit all users of the local transportation and public transit system, regardless of race and income, even those who do not use the express lanes. In addition, the project would not deny drivers of a mobility choice that they previously had, because using the express lane is voluntary. Operation of the express lanes would not disproportionately affect minority and low-income populations.

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Acronyms and Abbreviations

ABAG	Association of Bay Area Governments
ACS	American Community Survey (U.S. Census Bureau)
APN	Assessor's Parcel Number
ATV	All Terrain Vehicle
ATC	All Terrain Cycle
BATA	Bay Area Transit Authority
Caltrans	California Department of Transportation
CAP	Climate Action Plan (City of Sunnyvale)
CIA	Community Impact Assessment
CTC	California Transportation Commission
DED	Draft Environmental Document
DMS	Dynamic Messaging Sign
EJ	Environmental Justice
HCP/NCCP	Habitat Conservation Plan/ Natural Communities Conservation Plan
HOT	high-occupancy toll
HOV	high-occupancy vehicle
ITT	International Telephone and Telegraph Company
LUTE	Land Use Transportation Element (City of Sunnyvale)
MTC	Metropolitan Transportation Commission
project	US 101 Express Lanes Project
PSR	Project Study Report
PDS	Project Development Support
RHNA	Regional Housing Needs Allocation
RTP	Regional Transportation Plan
RCSC	Regional Customer Service Center
SOV	single-occupant vehicle
SR 85	State Route 85
US 101	U.S. Highway 101
VTA	Santa Clara Valley Transportation Authority

This section describes the purpose of this document, the proposed project, and the public involvement activities conducted for the project.

1.1 INTRODUCTION

The purpose of the *Community Impact Assessment* (CIA) is to identify land use, growth, and community impacts that may result from the implementation of the United States Highway 101 (US 101) Express Lanes Project (project). This CIA is intended to support the study requirements for the project to comply with the National Environmental Policy Act and the California Environmental Quality Act. The CIA has been prepared pursuant to the California Department of Transportation (Caltrans) Standard Environmental Reference, including Environmental Handbook Volume 4, Community Impact Assessment (Caltrans 2011).

1.2 PROPOSED PROJECT

The Santa Clara Valley Transportation Authority (VTA), in cooperation with the California Department of Transportation (Caltrans), proposes to convert 36.55 miles of existing high-occupancy vehicle (HOV) lanes along United States Highway 101 (US 101) to high-occupancy toll (HOT) lanes (hereafter known as express lanes) and add a second express lane in each direction on northbound and southbound US 101 within the overall project limits of East Dunne Avenue interchange in Morgan Hill to just north of the Oregon Expressway/Embarcadero Road interchange in Palo Alto (Figures 1 and 2). The project would also convert the US 101/State Route (SR) 85 HOV direct connectors in Mountain View to express lane connectors and restripe the northern 1.1 mile of SR 85 to introduce a buffer separating the mixed flow lanes from the express lane and connecting the SR 85 express lanes to the US 101 express lanes. The project length is 36.55 miles on US 101 and 1.1 miles on SR 85, for a total of 37.65 miles.

1.2.1 Background

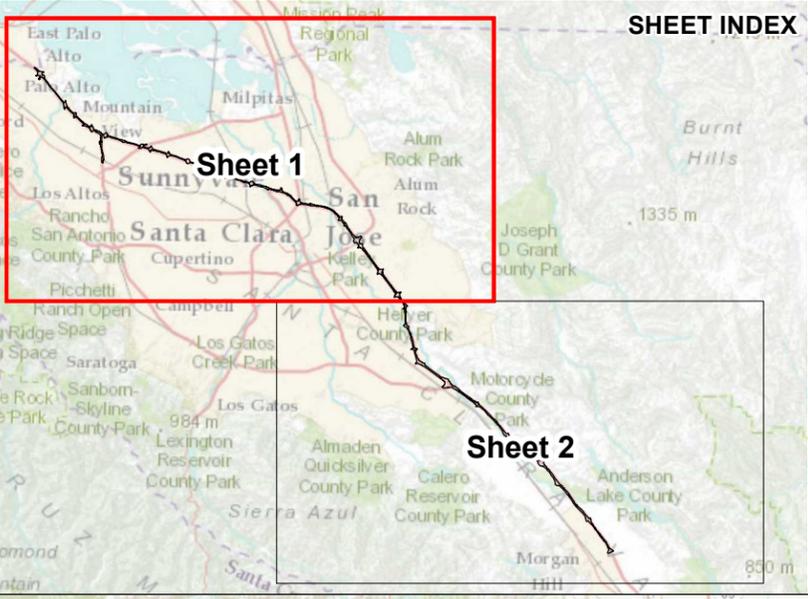
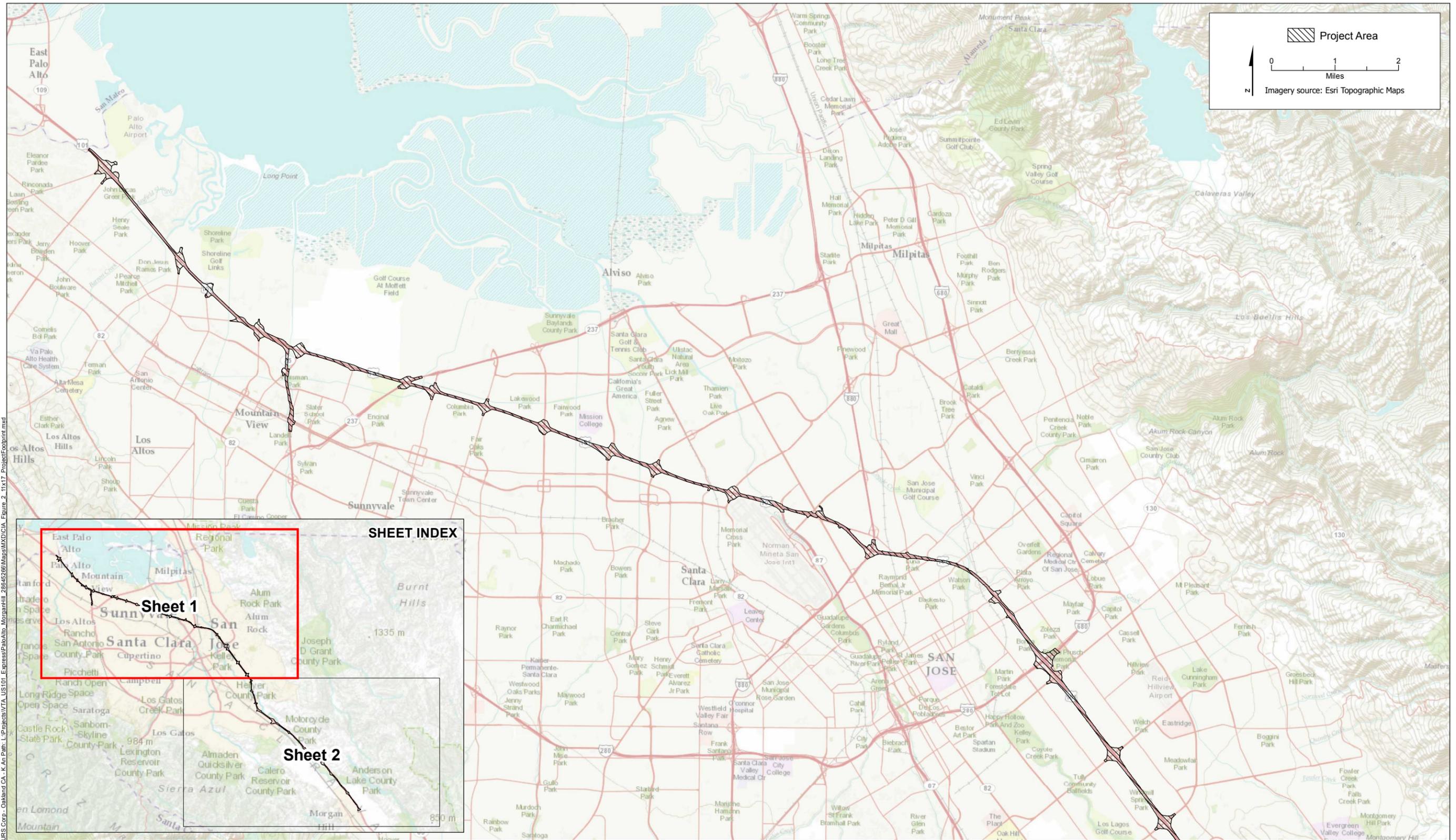
The proposed project was originally conceived in 2003 as part of a VTA Adhoc Financial Stability Committee recommendation. In 2004 the California Legislature passed Assembly Bill 2032 authorizing VTA, as part of a demonstration project to conduct, administer, and operate a value pricing and transit development program under which single-occupant vehicles (SOVs) may use designated HOV lanes at certain times of the day for a fee. A Feasibility Study was completed in 2005. In 2007, Assembly Bill 574 was passed, removing the “demonstration” category from the law and allowing VTA to implement a value pricing program within any two corridors in the Santa Clara County HOV lane system.

VTA began preliminary engineering and public outreach in 2007, and the VTA Board approved a Silicon Valley Express Lane Program in December 2008. Work on the development of US 101 express lanes has been on-going since 2007. As part of the preliminary engineering work, express lane access configurations were reviewed, public outreach was conducted, and a technical memorandum was prepared that was used as input for the approval of the Silicon Valley Express Lanes Program by VTA Board of Directors. A Project Study Report/Project Development Support (PSR/PDS) was completed to advance the US 101 Express Lanes Project into the current preliminary engineering and environmental approval phase.



URS Corp., Oakland, CA; E. Bashir, Path, L. © projects/VTA, US 101 Express/Palo Alto, Morgan Hill, 28.645266/Maps/MXD/Figure_1_8x11_Project_Location.mxd

Figure 1
Project Location and Regional Setting



URS Corp. - Oakland CA - K-An Path - L-Projects-VTA - US101 ExpressLanesVTA - MountainHill - 286452681MapaMXD/CIA - Figure 2 - 11x17 ProjectFootprint.mxd

Net revenue generated from the use of the US 101 express lanes would be used in the US 101 corridor for highway improvements including transit service and operations.

1.2.2 Project Description

The project consists of converting the existing HOV lane along both northbound and southbound US 101 into an express lane and widening the freeway to add a second express lane for the majority of the corridor. The project also proposes to build new express lanes in the northbound direction between East Dunne Avenue and the existing HOV lane at Cochrane Road, and in the southbound direction between Burnett Avenue and Cochrane Road.

With these changes, there would be two express lanes on US 101 extending from approximately the Cochrane Road interchange in Morgan Hill to just south of the Oregon Expressway/Embarcadero Road interchange in Palo Alto in the northbound direction, and from just south of the Oregon Expressway/Embarcadero Road interchange to just south of the Burnett Avenue overcrossing in the southbound direction.

The addition of the second express lane will involve a combination of inside and outside widening. The majority of the inside widening will occur within the US 101 segments south of the SR 85/US 101 interchange in southern Santa Clara County where a wide unpaved median exists. The project proposes to widen and pave the median to accommodate the additional lanes. The outside widening will occur in the remainder of the corridor to accommodate the additional lanes where needed.

The express lanes facility would be separated from the adjacent mixed-flow lanes by a striped buffer. The buffer zone, delineated with solid stripes, will have designated openings to provide access into and out of the express lanes facility.

The express lanes would allow use by HOVs, and SOVs with active FasTrak accounts and transponders. Single-occupant drivers who are willing to pay the posted toll can shift from the congested mixed-flow lanes into the toll lanes to take advantage of higher travel speeds.

The project proposes to construct and operate the express lane system with some non-standard cross sectional elements which will minimize the need for new right-of-way, outside widening, and structure reconstruction. The proposed project maximizes the use of the existing pavement cross section with a combination of inside and outside widening to create the additional pavement needed to accommodate the second express lane.

1.2.2.1 Right-of-Way Requirements

It is anticipated that the project will require limited right-of-way and Temporary Construction Easements (TCE). Right of way activities are currently being coordinated based on the approval of design exceptions. Utility relocations are anticipated to accommodate the outside widening.

1.2.2.2 Construction Activities

In the section between the southern project limit and the SR 85 interchange in southern San Jose, where the median width varies between 46 and 86 feet, pavement widening would be constructed in the median to accommodate the dual express lane facility. A retaining wall in the median is

required to accommodate the inside widening where a split profile exists between northbound and southbound US 101. No outside widening is proposed in this section.

A dual express lane facility is proposed for the majority of the corridor, with the exception of short segments near the SR 85 express lane connectors where a single express lane is proposed. A single express lane is proposed between the SR 85 Interchange and the Blossom Hill Road Interchange in San Jose, and between the Mathilda Road interchange and the SR 85 interchange in Mountain View. Outside widening is proposed to accommodate dual express lanes between the Blossom Hill Road interchange and the North Mathilda Drive interchange.

Bridge widening will be required at a number of grade separations and undercrossings, as well as modifications to existing overcrossing abutments. Widening of creek bridges is not anticipated at this time pending the approval of non-standard cross sectional features.

The piles for the overhead signs would be up to 6 feet in diameter and extend to approximately 30 feet below ground surface. The piles for the tolling devices would be up to 2.5 feet in diameter and would extend to approximately 10 feet below ground surface. Some Traffic Operations Systems (TOS) equipment such as traffic monitoring stations, Closed Circuit Televisions, cabinets, and controllers would be installed along the outside edge of pavement within the existing right-of-way.

Trenching would be conducted along the outside edge of pavement for installation of conduits. The depth of trenching would be 3 to 5 feet below the roadway surface. Conduits would be jacked across the freeway to the median where needed to provide power and communication feeds to the new overhead signage and tolling equipment.

During construction, some lane and ramp closures would be required, but full freeway closures are not expected.

1.2.2.3 US 101/SR 85 Direct Connectors

At the south end of the project in southern San Jose, both the northbound and southbound HOV direct connectors from SR 85 to US 101 will be converted to express lane connectors by the SR 85 Express Lanes Project, allowing SOVs with valid FasTrak devices to use the direct connectors.

At the north end of the project in Mountain View, the US 101 Express Lanes Project will convert the existing HOV connectors to express lane connectors and will extend the buffer striping onto SR 85 to connect to the buffer constructed by the SR 85 Express Lanes Project (EA #04-4A7900). The combination of SR 85 and US 101 Express Lanes projects will provide a complete express lane system on both freeways that includes the direct connectors.

1.2.2.4 Express Lane Operations

Express lane operations would be tightly integrated with monitoring of traffic speed and density, enforcement, incident management, and other subsystems to maintain free-flow conditions. Static overhead signs would be installed to advise qualified HOV and SOV users as they

approach an express lane entrance point. An overhead dynamic message sign (DMS) located just before each entrance point would display the current toll rates. The DMS would display the price to the destination served by the next exit from the express lanes facility as well as the other downstream segments.

The toll rates on the DMS would be updated every 3 to 6 minutes to reflect changing speed and traffic density measured at intervals along the express lanes. The toll rate displayed when a user enters the facility would be “locked” for that user for travel to any destination that is either explicit or implicit within the displayed destinations.

After entering the facility, all users would pass through a tolling zone. In each zone, an antenna mounted on an overhead structure would enable communication with FasTrak transponders and a transaction indicator beacon to convey user type (HOV, SOV or violator).

Static overhead and barrier-mounted signs would provide advance notice of an express lane exit, including a list of specific interchanges immediately downstream of the signed exit. The exit would be situated to allow adequate distance for the user to change lanes before exiting the freeway to a particular interchange.

1.2.2.5 Express Lane Costs

No tolls would be charged for HOVs. Toll rates for SOVs will be determined based on congestion in the express and general purpose lanes and will vary by time and date. These toll rates would be automatically adjusted to maintain a minimum speed of 45 miles per hour in the express lanes. The toll rate shown on the DMS at the time a driver enters the express lanes would be the cost charged for the trip until the driver exits the lanes, even if the toll rate changes after the driver enters the express lanes.

As stated above, SOVs would need to have FasTrak transponders to use the express lanes. The transponder is a small battery-powered radio toll collection device that can be mounted to the inside of a vehicle windshield. FasTrak transponders are already used to automatically pay tolls on Bay Area bridges. Transponders can be applied for and purchased online; by phone, mail, or fax; in person from the FasTrak Customer Service Center; or from retail outlets such as Walgreens, Safeway, and Costco.

There is no charge to open a FasTrak account. However, each user must complete an application and provide a minimum balance in the prepaid account, which is determined by the method of payment:

- When a credit card is used to open the account, an initial prepaid balance of \$25 is charged, and the transponder deposit is waived unless more than three transponders are requested.
- When an account is opened with cash or check, an initial prepaid balance of \$50 is charged, plus a \$20 deposit for each transponder. The deposit is refunded when the account is closed and the transponder is returned in good condition (Bay Area FasTrak 2009).

Prospective SOV users would be able to apply for a transponder through the Bay Area Transit Authority (BATA) Regional Customer Service Center (RCSC), a partnering retail outlet, or a toll

agency to receive a transponder. FasTrak accounts are maintained and managed at the RCSC by BATA's service provider.

1.2.2.6 Violation Processing

The tolling equipment is activated when each vehicle with an active FasTrak transponder passes through the express lanes. When the monitored "tag status" for a vehicle in the express lanes is invalid (e.g., the vehicle does not have an active or valid FasTrak transponder), the electronic monitoring information is processed to determine if a violation has occurred.

1.3 PUBLIC INVOLVEMENT

VTA began seeking public input on express lanes for US 101 and SR 85 in Santa Clara County in 2004. A primary focus of the public outreach has been fairness and equity issues of charging tolls for express lane use. A study prepared for VTA during early express lane planning, *Assessing the Equity Implications of HOT Lanes* (Weinstein and Sciara 2004) examines these issues and provides strategies to address equity concerns, including public outreach and education, documentation of equity analysis in project planning, and project design elements and approaches that increase equity in express lane benefits and costs.¹

In 2008, VTA conducted a research, public outreach, and education program to gauge public sentiment about the adoption of express lanes. The program consisted of polling and interviewing approximately 750 Santa Clara County citizens, including 681 US 101 and SR 85 users, 4 focus groups of HOV users and solo drivers who use SR 85, 13 one-on-one interviews with community stakeholders, and 10 one-on-one interviews with VTA managers and staff. Section 6 of the *Silicon Valley Express Lanes Program Implementation Assessment and Plan* (VTA 2008)² provides additional information about the program and public perceptions and concerns about the express lanes.

Focus group participants were screened to reflect diversity in ethnicity, income and education level, age, sex, and commute patterns of the general population in Santa Clara County (SA Opinion Research 2008).

The program found the following:

- In focus groups, concerns about a "Lexus Lane" initially divided survey respondents evenly. However, once more information was given and project benefits were explained, respondents were more likely to view the project favorably.
- The dedication of toll revenues to other improvements in the corridor, including public transit improvements, was identified by focus group participants as the number one benefit.
- Fifty-eight percent of those surveyed thought that dual use (combining HOVs and toll-paying SOVs in the same facility) is an efficient approach to relieving traffic congestion.

¹ Available on VTA's Web site at http://www.vta.org/projects/hot_lanes/hot_equity.pdf.

² Available on VTA's Web site at http://www.vta.org/expresslanes/documents/reports/svel_program_112108.pdf.

- Focus group participants reported they could see how everyone could benefit from express lanes, whether through public transit improvements, better air quality, or improved quality of life from less congestion.
- Respondents from all income levels surveyed said they would use the lanes (VTA 2008).³

In 2008 through 2010, VTA outreach staff participated in five public events and made presentations about the express lanes projects to business, environmental, and community groups as described below (VTA 2008, 2010):

- Public events (2008)
 - Silicon Valley Leadership Group’s “Clean and Green” Conference
 - Santa Teresa Citizen Action Group Community Festival in south San Jose
 - “Let the Children Play” Concert in downtown San Jose
 - San Jose Mariachi Festival in downtown San Jose
 - Japantown Festival in San Jose
- Presentations and meetings
 - Mineta Transportation Institute (San Jose State University; 4/16/08)
 - California Highway Patrol (7/14/08)
 - Sierra Club, Loma Prieta Chapter meeting (9/22/08)
 - Employee Transportation Coordinator meeting (Moffett Park Business and Transportation Association; 9/25/08)
 - Contra Costa County Transportation Authority Board of Directors meeting (10/15/08)
 - Silicon Valley Leadership Group (12/02/08)
 - Silicon Valley Chamber of Commerce (12/02/08)
 - Board of Directors meeting for the Moffett Park Business and Transportation Association (12/08/08)
 - TransForm (Transportation and Land Use Coalition) regional meeting (3/18/09)
 - Transportation Authority of Marin County meeting (4/28/09)
 - Solano County Transportation Authority meeting (6/04/09)
 - Transportation Research Board poster presentation (Washington D.C.; 1/10/10)
 - Northern California Conference of Minority Transportation Officials (4/23/10)

³ A detailed description of the focus group findings is available on VTA’s Web site at http://www.vta.org/expresslanes/documents/reports/el_focus_group.pdf.

- South Bay Transportation Officials Association (6/10/10)
- Presentations to VTA Standing and Advisory committees that include elected officials from municipalities in the proposed project corridor (multiple dates)

Public input on the project will be solicited during the review period for the Draft Environmental Document (DED), which will last a minimum of 30 days. The public will be notified of the availability of the DED by a number of methods, including postings on the Caltrans and VTA Web sites and a mailed announcement to interested agencies and individuals. During the review period, Caltrans and VTA will hold a public meeting to share information about the project and collect comments on the DED from interested parties. All formal comments will be addressed and responses published in the Final Environmental Document.

1.4 REPORT STRUCTURE

The remainder of this report is structured as follows:

- Section 2, Land Use: Existing and Future Land Use, Consistency with State, Regional, and Local Plans and Programs, Coastal Zone / Wild and Scenic Rivers, and Park and Recreational Facilities
- Section 3, Growth
- Section 4, Farmlands/Timberlands
- Section 5, Community Impacts: Community Character and Cohesion, Relocations and Real Property Acquisition, and Environmental Justice

This assessment of community impacts is presented in the order listed in the Caltrans Annotated Outline for an Initial Study/Environmental Assessment (Caltrans 2011), which is the outline being used for the DED.

This section addresses the project setting and potential impacts with regard to existing and future land use; consistency with state, regional, and local plans and programs; the coastal zone and wild and scenic rivers; and parks and recreational facilities.

2.1 EXISTING AND FUTURE LAND USE

2.1.1 Affected Environment

The project corridor (the State right-of-way) is occupied by US 101; therefore, the existing land use within the corridor is transportation.

Existing land use adjacent to the project corridor is described within the following segments.

- **US 101 in the Cities of Palo Alto and Mountain View:** Land uses consist of commercial/industrial interspersed with a few areas of residential and institutional/public services. Major institutional uses include the NASA Ames Research Center and Moffett Federal Airfield. In the northern portion of this segment, the Palo Alto Baylands Nature Preserve lies east of US 101.
- **US 101 in the Cities of Sunnyvale and Santa Clara:** Land uses consist of residential and commercial/industrial. Institutional uses in this segment include Mission College, California’s Great America Theme Park, Sunnyvale Golf Course and schools and community parks.
- **US 101 in the City of San Jose:** Land uses include residential, commercial/industrial, and institutional/public services. Undeveloped land and open space areas, such as the Coyote Creek Parkway, Motorcycle County Park, Hellyer County Park and Field Sports County Park, are adjacent to or in the vicinity of the alignment.
- **US 101 in unincorporated Santa Clara County and the City of Morgan Hill:** Land uses primarily consist of agricultural land and open space. A few areas of commercial and residential uses are present at the southernmost extent of project corridor in the City of Morgan Hill.

Future development adjacent to the project corridor is described in Table 2-1, below. This information was obtained in April 2012 from CEQAnet and from the planning departments of the cities of Palo Alto, Mountain View, Sunnyvale, Santa Clara, San Jose, Morgan Hill, and the County of Santa Clara. The table is organized by jurisdiction, and provides the name of each development, the status (built, under construction, or proposed), and the size of each development (if available).

**Table 2-1
Future Development in the Project Vicinity**

Name	Jurisdiction	Proposed Uses	Status
US 101 Auxiliary Lanes Project	Palo Alto	Construct roadway improvements including auxiliary lanes and lengthening the existing HOV lanes on US 101.	Construction began in April 2012. Estimated completion in summer 2013.

**Table 2-1
Future Development in the Project Vicinity**

Name	Jurisdiction	Proposed Uses	Status
1968 Leghorn Street	Mountain View	Telecom facility.	Proposed. Under informal review by Planning Division (as of February 2012).
870 Leong Drive	Mountain View	63 room hotel.	Proposed. Under informal review by Planning Division (as of February 2012).
625-685 Clyde Avenue	Mountain View	192,800 sq. ft. office building.	Proposed. Approved by Planning Division (as of February 2012).
331 Fairchild Drive	Mountain View	87,500 sq. ft. office building.	Proposed. Under informal review by Planning Division (as of February 2012).
CaliSolar, Inc.	Sunnyvale	Improvements and increase capacity of existing solar energy components, system and technologies manufacturing facility at 985 Almanor Drive.	Proposed. Notice of Exemption filed August 2010.
St. Jude Research and Development Facility	Sunnyvale	Renovation of existing building at 645 Almanor Drive to use as a research and development facility for St. Jude.	Proposed. Pending review as of December 2011.
Clear Channel Outdoor L.E.D Billboard	Santa Clara	Construction of a new two-faces Light Emitting Diode (LED) billboard, with a total advertising surface areas of 1,344 sq. ft.	Construction completed as of May 2012.
3300 Olcott Street Office Building Project	Santa Clara	Demolition of an existing 102,227 sq. ft. industrial office/warehouse building and construction of a 5-story office building totaling 179,100 sq. ft. and associated site improvements.	Proposed.
3161 Mission College Boulevard	Santa Clara	Restaurant with 112 seats on 20.46 acres.	Proposed. Approved by Architectural Committee December 2011. Building permit application currently under review.
2875 Lakeside Drive	Santa Clara	Re-zone of the property to facilitate the development of a 107 room, 75,000 sq. ft. extended-stay hotel with 96 parking spaces.	Proposed. Approved by City Council May 2011. Building permit application currently under review.

**Table 2-1
Future Development in the Project Vicinity**

Name	Jurisdiction	Proposed Uses	Status
2909 Lakeside Drive	Santa Clara	Restaurant and nightclub with live entertainment on 1.8 acres.	Approved by Planning Commission September 2011. Under construction as of May 2012.
Herald Avenue Residences	San Jose	Development re-zoning to allow for up to 8 single-family residences on an 8.1 acres site on Herald Avenue.	Proposed. Currently under review.
Tully Road and US 101	San Jose	Re-allocation of commercial area and modification of parking on 12.9 acres.	Construction began February 2011. Expected completion in summer 2012.
Solar Highways Pilot Project	San Jose, Morgan Hill	Installation of photovoltaic solar arrays within the US 101 freeway right-of-way to generate up to 15 MW of power.	Proposed. Full build-out expected by 2020.
Cochrane Commons	Morgan Hill	Retail commercial development totaling 657,250 sq. ft.	Phase 1 construction completed in late 2011. Phase 2 is currently on hold; permits have not been issued.
Honda at 17100 Laurel Road	Morgan Hill	Construction of 30,079 sq. ft. of space for auto sales.	Construction completed in early 2012.

Sources: City of Mountain View 2012b; City of Morgan Hill 2012; City of Santa Clara 2012a; City of Santa Clara 2102b; City of San Jose 2012; City of Sunnyvale 2012a; City of Sunnyvale 2012b; Office of Planning and Research 2012; Republic Solar Highways 2012

2.1.2 Environmental Consequences

The project would not permanently expand the existing State right-of-way. The project would not result in direct or indirect changes to land uses. The proposed project would serve an existing developed urban area and would not involve unused rural land.

2.1.3 Avoidance, Minimization, and Mitigation Measures

None required.

2.2 CONSISTENCY WITH STATE, REGIONAL, AND LOCAL PLANS AND PROGRAMS

2.2.1 Affected Environment

The project’s consistency with the following types of plans was considered and is discussed in the following subsections:

- Transportation Plans/Programs
- Regional Growth Plans
- Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan
- General and Community Plans

2.2.1.1 Transportation Plans/Programs

The project is listed in the *Santa Clara Valley Transportation Plan 2035* (VTA 2009) and in the Metropolitan Transportation Commission's (MTC's) *Regional Transportation Plan (RTP) 2035* (ID 230662; MTC 2009). In addition to including the proposed project, the RTP proposes development of a Bay Area Express Lane Network. The purpose of the network would be to increase the efficiency of the region's existing freeways by adding capacity without requiring the purchase of large amounts of right-of-way and the associated costs and environmental impacts. The network is intended to provide a funding mechanism to help close the gaps in Bay Area HOV lane connectivity, which inhibit seamless travel for carpools and buses and create bottlenecks where existing HOV lanes end (MTC 2009).

The proposed project is part of an initial group of Bay Area express lanes authorized under Assembly Bills 2032 and 574. The first express lane opened on southbound I-680 over the Sunol Grade in 2010. Express lanes are also being planned for westbound I-580 and northbound I-680 in Alameda County, and SR 85 in Santa Clara County. In October 2011, the California Transportation Commission (CTC) authorized an MTC plan to develop an additional 290 miles of express lanes in Alameda, Contra Costa, and Solano counties.

2.2.1.2 Regional Growth Plans

Regional growth is addressed in the Association of Bay Area Governments (ABAG) report *A Place to Call Home: Housing in the San Francisco Bay Area 2007* (ABAG 2007). The report emphasizes the importance of building housing developments in existing communities, or "infill" locations, near public transit. The report presents best practices and tools that local communities are using to support this development trend. Appendix A includes additional information on regional growth.

2.2.1.3 Habitat Conservation Plans

The Draft Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP) identifies and preserves land that provides habitat for endangered and threatened species, and provides authorization for incidental take of species as part of specific activities that will occur in accordance with approved land-use and capital-improvement plans. The Santa Clara Valley HCP/NCCP is a regional partnership between six local partners (the County of Santa Clara, VTA, Santa Clara Valley Water District, and the Cities of San Jose, Gilroy and Morgan Hill), the California Department of Fish and Game, and the U.S. Fish and Wildlife Service. The HCP/NCCP covers approximately 520,000 acres and has a study area that extends from the Santa Clara/Alameda County border south to Santa Clara County's boundary with San Benito County, and from the western edge of San Jose east to the Santa Clara County border.

A draft of the HCP/NCCP was issued in December 2010; the final plan is in preparation and is expected to be approved in late 2012 or early 2013.

2.2.1.4 General and Community Plans

General and community plans were reviewed for the jurisdictions in the project vicinity, which are Santa Clara County and the Cities of Palo Alto, Mountain View, Sunnyvale, Santa Clara, San Jose and Morgan Hill. Summaries of the relevant plans that apply to the proposed project are provided in Appendix A. The plans, which generally focus on ways to maximize the efficiency of existing transportation facilities, do not specifically evaluate or reference the proposed project. However, the development of toll lanes is included as Action TR-11.3 of the City of San Jose Envision 2040 General Plan [Draft]: “Support and collaborate on the development of toll lanes on all major freeways and expressways in Santa Clara County.”

The following plan policies address transportation improvements relevant to the project corridor.

Santa Clara County General Plan, 1995 – 2010

C-TR(i) 10: Continue to implement incentives to encourage carpooling and vanpooling such as:

- a. Preferential carpool parking;
- b. High occupancy vehicle (HOV) lanes in congested areas;
- c. Special access lanes on metered freeway on-ramps; and
- d. Encourage employers to replace free employee parking with a “Transportation Allowance.”

C-TR(i) 12: Continue to implement techniques which increase highway and expressway efficiency, including:

- a. Designation of high occupancy vehicle lanes;
- b. Construction of special freeway on-ramps for buses, carpools, and vanpools;
- c. Traffic signal preemption systems for transit vehicles on freeway on-ramps;
- d. A coordinated program of signalization, channelization, ramp metering; and
- e. Traffic signal preemption systems for rail transit vehicles on city streets.

City of Mountain View General Plan, Circulation Chapter

Policy 9: Support, where appropriate, improvements that will allow freeways and expressways to operate more efficiently.

City of Palo Alto Comprehensive Plan, Transportation

Policy T-54: Support efforts by Caltrans and the Santa Clara Valley Transportation Authority Congestion Management Program to reduce congestion and improve traffic flow on area freeways.

Policy T-55: Support the application of emerging freeway information, monitoring, and control systems that provide driver assistance and reduce congestion.

City of Sunnyvale General Plan

Policy LT-1.7b: Advocate improvements to state and county roadways serving Sunnyvale.

Policy LT-5.1d: Study and implement physical and operational improvements to optimize roadway and intersection capacities.

City of Morgan Hill General Plan

Policy 2a: Work with the County, VTA and Caltrans to maintain a long-range coordinated regional transportation system using highways, commuter rail systems, high occupancy vehicle (HOV) lanes on freeways, ramp metering, and other strategies.

2.2.2 Environmental Consequences

The project is included in the most recent RTP and is consistent with the RTP goal of providing a regional network of express lanes. The project would not conflict with regional growth plans or the Santa Clara Valley HCP/NCCP.

By converting underutilized HOV lanes to express lanes and adding a second express lane along most of the corridor, the project would support transportation policies of local plans, as shown below in Table 2-2.

**Table 2-2
Consistency with Local Plans**

Policy	Build Alternative	No Build Alternative
Santa Clara County General Plan, 1995 – 2010		
<p><i>C-TR(i) 10: Continue to implement incentives to encourage carpooling and vanpooling such as:</i></p> <ul style="list-style-type: none"> <i>e. Preferential carpool parking;</i> <i>f. High occupancy vehicle (HOV) lanes in congested areas;</i> <i>g. Special access lanes on metered freeway on-ramps; and</i> <i>h. Encourage employers to replace free employee parking with a “Transportation Allowance.”</i> 	<p>Consistent. The project would continue to allow HOVs to use the express lanes without cost.</p>	<p>Consistent. The No Build Alternative assumes no modifications would be made, including the continuous access HOV lane. Therefore, this alternative would continue to serve HOVs.</p>
<p><i>C-TR(i) 12: Continue to implement techniques which increase highway and expressway efficiency, including:</i></p> <ul style="list-style-type: none"> <i>f. Designation of high occupancy vehicle lanes;</i> <i>g. Construction of special freeway on-ramps for buses, carpools, and vanpools;</i> <i>h. Traffic signal preemption systems for transit vehicles on freeway on-ramps;</i> <i>i. A coordinated program of signalization, channelization, ramp metering; and</i> <i>j. Traffic signal preemption systems for rail transit vehicles on city streets.</i> 	<p>Consistent. The project would convert underutilized HOV lanes to express lanes and allow SOVs to use the lanes by paying a toll. The project would increase highway and expressway efficiency by utilizing the excess capacity in the US 101 HOV lanes. In addition, the project would further increase efficiency by adding a second express lane along the majority of the corridor.</p>	<p>Inconsistent. The No Build Alternative would not increase highway and expressway efficiency. Under this scenario, traffic is predicted to increase over time and conditions and congestion would continue to degrade without further highway improvements.</p>

**Table 2-2
Consistency with Local Plans**

Policy	Build Alternative	No Build Alternative
City of Mountain View General Plan, Circulation Chapter		
<i>Policy 9: Support, where appropriate, improvements that will allow freeways and expressways to operate more efficiently.</i>	Consistent. The project would convert underutilized HOV lanes to express lanes and allow SOVs to use the lanes by paying a toll. The project would increase highway and expressway efficiency by utilizing the excess capacity in the US 101 HOV lanes. In addition, the project would further increase efficiency by adding a second express lane along the majority of the corridor.	Inconsistent. The No Build Alternative would not provide any additional traffic congestion management, and would not increase future highway and expressway efficiency. Under this scenario, traffic conditions and congestion would continue to degrade.
City of Palo Alto Comprehensive Plan		
<i>Policy T-54: Support efforts by Caltrans and the Santa Clara Valley Transportation Authority Congestion Management Program to reduce congestion and improve traffic flow on area freeways.</i>	Consistent. The project would convert underutilized HOV lanes to express lanes and allow SOVs to use the lanes by paying a toll. The project would reduce congestion and improve traffic flow by utilizing the excess capacity in the US 101 HOV lanes. In addition, the project would further increase efficiency by adding a second express lane along the majority of the corridor.	Inconsistent. The No Build Alternative would not provide future traffic congestion management, and would not increase future highway and expressway efficiency. Under this scenario, traffic conditions and congestion would continue to degrade.
<i>Policy T-55: Support the application of emerging freeway information, monitoring, and control systems that provide driver assistance and reduce congestion.</i>	Consistent. The project would convert existing HOV lanes on US 101 to express lanes, requiring SOVs to pay a toll to use the express lanes. Express lane operations would be tightly integrated with monitoring of traffic speed and density, enforcement, incident management, and other subsystems to maintain free-flow conditions.	Inconsistent. The No Build Alternative would not provide future traffic congestion management, and would not improve highway and expressway efficiency or optimize roadway capacities.
City of Sunnyvale General Plan		
<i>Policy LT-1.7b: Advocate improvements to state and county roadways serving Sunnyvale.</i> <i>Policy LT-5.1d: Study and implement physical and operational improvements to optimize roadway and intersection capacities.</i>	Consistent. The project would convert underutilized HOV lanes to express lanes and allow SOVs to use the lanes by paying a toll. The project would improve highway and expressway efficiency by utilizing the excess capacity in the US 101 HOV lanes.	Inconsistent. The No Build Alternative would not provide future traffic congestion, and would not improve highway and expressway efficiency or optimize roadway capacities.
City of San Jose Envision 2040 General Plan [Draft]		
<i>Action TR-11.3: Support and</i>	Consistent. The project would	Inconsistent. The No Build

**Table 2-2
Consistency with Local Plans**

Policy	Build Alternative	No Build Alternative
<i>collaborate on the development of toll lanes on all major freeways and expressways in Santa Clara County.</i>	convert existing HOV lanes on US 101 to express lanes, requiring SOVs to pay a toll to use the express lanes.	Alternative would not convert existing HOV lanes to express lanes for use by SOVs after paying a toll.
City of Morgan Hill General Plan		
<i>Policy 2a: Work with the County, VTA and Caltrans to maintain a long-range coordinated regional transportation system using highways, commuter rail systems, high occupancy vehicle (HOV) lanes on freeways, ramp metering, and other strategies.</i>	Consistent. The project would continue to allow HOVs to use the express lanes without cost.	Consistent. The No Build Alternative assumes no modifications would be made, including the continuous access HOV lane. Therefore, this alternative would continue to serve HOVs.

Sources: Santa Clara County 1994; City of Palo Alto 1998; City of Mountain View 1992; City of Sunnyvale 2011c; City of San Jose 2011b; City of Morgan Hill 2008

2.2.3 Avoidance, Minimization, and/or Mitigation Measures

None required.

2.3 COASTAL ZONE / WILD AND SCENIC RIVERS

The project corridor is not within the coastal zone. Therefore, the project does not have the potential to impact the coastal zone.

None of the waterways crossed by the project are National or California Designated Wild and Scenic Rivers or rivers under study for this designation. Therefore, the project does not have the potential to affect a Wild and Scenic River or a river under study for this designation.

2.4 PARK AND RECREATIONAL FACILITIES

Per the Department of Transportation Act (49 United States Code 303), the Federal Highway Administration (FHWA) and other Department of Transportation Agencies cannot approve the use of certain types of land, known as 4(f) resources, unless there is no feasible and prudent alternative to the use of land, and the action includes all possible planning to minimize harm to the property resulting from use.

Section 4(f) resources include:

- Publicly-owned public parks, recreational areas, or wildlife or waterfowl refuges
- Historic sites on or eligible for the National Register of Historic Places

The “use” of a Section 4(f) resource is defined as:

- Land from a Section 4(f) resource is permanently incorporated into a transportation facility or project;

- There is temporary occupancy of a Section 4(f) resource that does not meet the criteria of temporary use; and
- There is constructive use⁴ of the Section 4(f) resource.

According to Chapter 20 of the Caltrans Standard Environmental Reference, “historic sites” mean properties listed on or eligible for inclusion on the National Register of Historic Places. Archaeological sites may be protected under Section 4(f) only if all consulting parties have agreed that the site’s primary value warrants preservation in place. An archaeological site whose value is in the data it contains, whether or not the data are recovered, and has minimal value for preservation in place, is not protected by Section 4(f).

2.4.1.1 Affected Environment

A cultural resources study for the project determined that cultural resources sites were previously identified in and adjacent to the project corridor. Of the cultural resources sites, one is listed on the National Register of Historic Places and nine have been determined eligible for the National Register of Historic Places.

The following sections describe adjacent parks, trails, and bikeways for each jurisdiction in the project corridor.

Palo Alto

In Palo Alto, two City-owned parks are adjacent to the project corridor: the John Lucas Greer Park and the Baylands Nature Preserve (City of Palo Alto n.d.). Shoreline Golf Course and Garfield Park are also in proximity to the project corridor.

Jon Lucas Greer Park is a multi-use, 22-acre district park that includes a playground and a skateboard park. The park underwent renovation that was completed in Fall 2010.

The Baylands Preserve is a 1,940-acre preserve and is also officially called the John Fletcher Byxbee Recreation Area. The preserve includes fifteen miles of multi-use trails, an interpretive center, a golf course, an athletic center, and an airport. Paved, multi-use trails adjacent to the project corridor are the Adobe Creek Loop, the Bay Trail, and the Bay to Ridge Trail (City of Palo Alto 2011a). The Bay to Ridge Trail crosses over the project corridor by bridge. A parking area for the nature preserve is also adjacent to the project corridor. Additional bicycle paths are proposed adjacent to the project, including two trails that would cross over the project corridor by bridge at Matadero Creek and Adobe Creek, respectively, to connect with the Bay Trail (City of Palo Alto 2011b).

A pedestrian bridge crosses over the project corridor at Oregon Avenue.

Mountain View

In Mountain View, City-owned parks adjacent to the project corridor are the Whisman Park and School, and Creekside Park. These parks provide access to the Stevens Creek Trail.

⁴ A constructive use occurs when the project’s proximity impacts are so severe that the protected activities, features or attributes that qualify the resource for protection under Section 4(f) are “substantially impaired.”

The Stevens Creek Trail is a 4.8-mile multi-use trail that extends south from its connection to the Bay Trail in Shoreline Park. The Stevens Creek Trail crosses under US 101 at the SR 85/US 101 interchange and a portion of the Stevens Creek Trail runs parallel to the project corridor along SR 85 between Terra Bella Avenue and Sleeper Avenue (City of Mountain View 2004).

In addition to the Stevens Creek Trail, several bicycle paths or routes intersect the project corridor by bridge or undercrossing, such as at Middlefield Road, Evelyn Avenue, and East Dana Street (City of Mountain View 2010). Proposed bike routes that would intersect the project corridor are at Moffett Boulevard and Dale Avenue.

Sunnyvale

The Sunnyvale Golf Course is adjacent to the project corridor in Sunnyvale between Clyde Avenue and Mary Avenue at the SR-237 Interchange. Columbia Park and School, Orchard Garden Park, and the John W. Christian Greenbelt are also in proximity to the US 101 project corridor.

The John W. Christian Greenbelt is a 2.7 mile long park including a pedestrian and bike path. The greenbelt passes through Orchard Garden Park, Lakewood Park and School and Fairwood Park and School, which collectively have tennis courts, play structures, benches, tables and lawns.

In Sunnyvale, a designated bike lane at Borregas Avenue intersects the project corridor (City of Sunnyvale 2005).

Santa Clara

There are no parks adjacent to the project corridor in Santa Clara.

The San Tomas Aquino Creek Trail intersects the project corridor between Great American Parkway/Bowers Avenue and Montague Expressway. The San Tomas Aquino Creek Trail provides a 4 mile walking, running and bicycling trail extending from the San Francisco Bay Trail in the north to Cabrillo Avenue in the south.

San Jose

In San Jose, three County-owned parks are adjacent to the project corridor: Coyote Creek Parkway, Hellyer County Park, and Field Sports Park. Motorcycle Park is also in proximity to the project corridor (Santa Clara County Parks 2011).

Coyote Creek Parkway is a 15-mile scenic parkway that runs along Coyote Creek. The northern portion of the parkway is a paved, multi-use trail. An equestrian trail runs parallel to the paved trail south of Metcalf Road. Field Sports Park features a firing range, providing opportunities for trap and skeet, as well as rifle and pistol shooting. Hellyer Park is a 354-acre urban park that intersects with Coyote Creek Parkway at Hellyer Avenue and includes picnic areas, an Olympic size outdoor Velodrome and Cottonwood Lake. Motorcycle Park offers areas and tracks for All Terrain Vehicles (ATVs), All Terrain Cycles (ATCs), and motocross. The park also includes 18 miles of trails.

Two City-owned parks are adjacent the project corridor: Watson Park and Emma Prusch Farm Park. In addition, several schools and associated parks are in close proximity to the project corridor.

Several roads with bicycle lanes intersect or are adjacent to the project corridor (City of San Jose 2005). These roads include Airport Road, Old Bayshore Highway, Old Oakland Road, Berryessa, Mabury Road, and Tully Road.

Paved, multi-use trails that intersect the project corridor by bridge or undercrossing are the Upper Guadalupe River Trail, and the Coyote Creek Trail.

Morgan Hill

There are no parks adjacent to the project corridor in Morgan Hill.

Several bicycle paths or routes intersect the project corridor by bridge or undercrossing, such as at Cochrane Road, East Main Street, and East Dunne Avenue (Morgan Hill 2008). In addition, a proposed bike route at Burnett Avenue would intersect the project corridor.

2.4.2 Environmental Consequences

The project would not require the temporary or permanent use of any parkland or recreational facility. No temporary or permanent closures of bike or pedestrian trails are anticipated. The project would not directly or indirectly affect a Section 4(f) public park, recreational area, or wildlife or waterfowl refuge.

The status of the listed and eligible cultural sites in the project corridor with regard to Section 4(f) will be determined, and appropriate documentation will be prepared, as part of Section 106 consultation.

2.4.3 Avoidance, Minimization, and/or Mitigation Measures

None required.

Transportation projects can foster economic or population growth, or the construction of additional housing, either directly or indirectly. These effects can occur if a project removes obstacles to growth, particularly by creating new or additional access to areas not previously served by a transportation mode or facility; facilitates or accelerates growth beyond planned or projected developments; or induces growth elsewhere in the region.

While highway improvements in general have the ability to enhance accessibility within local communities, all permanent features of the proposed project would be within the existing US 101 and would not include the construction of new interchanges. As a result, the project would not provide new access to previously inaccessible areas or improve access in ways that would foster local development beyond that which is already planned.

The Santa Clara County General Plan projects that most of the growth in the County will occur in San Jose, and to a somewhat lesser extent, in the South County. The General Plan states that most of the county's growth will be accommodated through infill development within existing urban areas to achieve more compact development patterns. As a result, the amount of land dedicated to urban uses with and without the project will be essentially the same as current conditions. The project would optimize throughput on US 101 and SR 85 to better meet current and future traffic demands by using excess capacity in the existing HOV system. The conversion of the HOV lanes to an express lane facility would not influence the land use development patterns or growth anticipated in the County General Plan.

The project is not expected to induce growth outside of the project area (in this case, the project corridor and the adjacent vicinity). The project would add a second express lane to the majority of the project corridor. The primary travel benefit from the second lane would be to motorists on US 101 in the project corridor. Motorists who pay a toll to use the proposed express lanes as part of a longer-distance commute would experience travel benefits as well, but not to the extent that large numbers of motorists would be likely to move to outlying areas where growth is not planned.

The proposed project would respond to existing and foreseeable demands of the community served, rather than trigger further development beyond the project itself. Therefore, the project would accommodate but not induce growth.

Farmland is adjacent to the project corridor in San Jose and unincorporated Santa Clara County (California Department of Conservation 2011). Farmland designations adjacent to the project corridor include Prime Farmland and Grazing Land. Prime Farmland is defined as having the best combination of physical and chemical features able to sustain long-term agricultural production; and Grazing Land has existing vegetation suited to the grazing of livestock.

Prime Farmland is adjacent to the project corridor along US 101 at Bailey Avenue in unincorporated Santa Clara County, and along the southern portion of the project corridor in Morgan Hill between Kirby Avenue and East Dunne Avenue. Grazing Land is adjacent to the project corridor in San Jose and unincorporated Santa Clara County along northbound US 101 between Yerba Buena Road and Coyote Road, and between Silicon Valley Boulevard and Coyote Creek Golf Drive.

The California Land Conservation Act of 1965 (Williamson Act) enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive a lower property tax assessment based on farming and open space uses, as opposed to full market value. Seven Williamson Act parcels are located within 0.25 mile of the project corridor (California Department of Conservation 2009). Of those seven parcels, two are located directly adjacent to the project corridor just north of the Cochrane Road interchange in southern San Jose. The two parcels have Assessor's Parcel Numbers (APNs) of 728-38-002 and 726-39-003.

All permanent improvements associated with the proposed project would occur within the existing right-of-way. Therefore, the project does not have the potential to result in the conversion of Prime Farmland, Unique Farmland, or Grazing Land. In addition, the project would not conflict with a Williamson Act contract.

There is no timberland in or adjacent to the project corridor. Therefore, the project does not have the potential to result in timberland conversion.

This section addresses the existing setting and project-related changes with regard to community character and cohesion, relocations, and environmental justice (EJ).

5.1 COMMUNITY CHARACTER AND COHESION

The project would not displace or relocate any residents, change any existing community boundaries, physically divide an established community, or create a new barrier to movement within the project corridor. Access to and from the project corridor and nearby streets would not change as a result of this project.

The project would change HOV access within the project corridor. Motorists can currently enter and exit the HOV lanes freely except at the HOV-only direct connector ramps between SR 85 and US 101 in Mountain View and San Jose.

The proposed project would replace the existing HOV lane striping with multiple intermediate access points between the express lanes and the adjacent mixed-flow lanes, as described in Section 1.2.2. The access points would consist of openings in a striped buffer zone where traffic can enter and exit the express lane facility. Not every interchange would be served by express lane access points. In general, the proposed project would provide one access point for every two or three interchanges along the corridor. As a result, some HOVs may have to make adjustments to their travel patterns by entering and exiting the express lanes in different locations than they currently do with the HOV lanes.

The proposed access points were designed to provide connections to all major arterials and expressways that cross the project corridor. All interchanges would continue to be served by the mixed-flow lanes. The project would also include signage that clearly identifies which local interchanges can be accessed from each express lane segment, so motorists have adequate time and distance to plan for lane changes. Although the change in HOV lane access may inconvenience some HOVs, the project has been designed to minimize this effect.

Studies of express lanes in other cities indicate that changes in HOV lane access do not adversely affect HOV use of express lanes. In San Diego, Minneapolis, and Denver, HOV use increased after the implementation of express lanes (VTA 2012). At the I-15 corridor in San Diego, the rate of HOVs using the express lanes has increased by 13 percent annually since 1997 (VTA 2012).

5.2 RELOCATIONS AND REAL PROPERTY ACQUISITION

The project would not require acquisition or relocation of any residences, businesses, or other land uses.

5.3 ENVIRONMENTAL JUSTICE

5.3.1 Affected Environment

The study area for this analysis included all Census block groups whose borders lie within a 0.5-mile radius of the project corridor. The baseline analysis for this study area was conducted for the communities along the entire project corridor.

For each Census block group within the study area, the following data were gathered:

- Total population (U.S. Census Bureau 2010)
- Ethnicity and race (U.S. Census Bureau 2010)
- The ratio of income to poverty level of individuals in the past 12 months (U.S. Census Bureau, American Community Survey [ACS] 2006-2010 5-Year Estimates)

For this analysis, the newest data available at the Census block group level was collected—2010 Census data for minority populations and 2006-2010 ACS estimates of block group data for low-income populations.

Minority persons are defined by the 2010 U.S. Census as all individuals not identified as “White only,” including those identified as Hispanic or Latino. Low-income persons were defined as those individuals with household incomes below the Census poverty threshold, which is a ratio of income to poverty level in the past 12 months that is below 1.0.⁵

The state-, region-, county-, and city-wide percentages of minority and low-income populations were also reviewed, so that the definition of “disproportionate” adverse effects could be established (U.S. Census Bureau, American Community Survey 2010 1- year estimates for state-, region-, and county-level data; 2008-2010 3-year estimates for city-level data). It should be noted that San Mateo County data was included in the analysis because a portion of the study area extends into southern San Mateo County.

Based on the data collected, minority or low-income communities, also referred to as EJ communities, were identified within the study area. EJ communities are traditionally defined as a Census block group population that meets either or both of the following criteria:

- The Census block group contains 50 percent or more minority persons, and/or the block group contains 25 percent or more low-income persons.
- The percentage of minority and/or low-income persons in any Census block group is substantially (e.g., more than 10 percentage points) greater than the average of the surrounding region (e.g., the counties overlapping the study area).

The percentage of the population that is a minority in San Mateo County and Santa Clara County exceeds 50 percent, to 57.7 percent and 64.8 percent, respectively. Therefore, the first criterion was appropriate to determine the presence of an EJ community for minority populations.

The percentage of low-income persons in San Mateo County and Santa Clara County is 6.8 percent and 10.5 percent, respectively. These percentages are both below 25 percent, and thus the first criterion was not appropriate to determine the presence of an EJ community for low-income populations as most of the Census block groups in the study area would be below 25 percent. Therefore, the second criterion was used for low-income populations. For the second criterion, the “surrounding region” for the study area was defined as San Mateo and Santa Clara Counties. The average low-income population for these counties was calculated to be 9.4 percent. Thus, a Census block group that would be identified as an EJ community would have a low-income

⁵ The Census assigns each person or family one of 48 possible poverty thresholds, which vary according to the size of the family and the age of the members. The 2010 weighted average threshold for a family of four is \$22,314. The 2010 Department of Health and Human Services poverty guidelines for a family of four is similar, at \$22,050.

population of more than 19.4 percent (more than 10 percentage points greater than the average low-income population of 9 percent).

Table 5-1 below presents population estimates with minority and low-income percentages for the region as a whole and also for the population living within the 0.5-mile EJ study area.

Approximately 98 percent of the population living within the EJ study area is in Santa Clara County, with the remaining 2 percent in southern San Mateo County.

**Table 5-1
Minority and Low-Income Percentages in the Region and EJ Study Area**

Location	Total Population 2010^a	% Minority^a	% Low-Income^b
State			
California	3,7253,956	59.9%	15.8%
Region			
San Francisco Bay Area	7,150,739	57.6%	11.1%
Santa Clara County	1,784,642	64.8%	10.5%
San Mateo County	718,451	57.7%	6.8%
Communities			
Palo Alto	64,403	39.4%	5.2%
Mountain View	74,066	54.0%	6.7%
Sunnyvale	140,081	65.5%	6.6%
Santa Clara	116,468	63.9%	8.3%
San Jose	945,942	71.3%	11.5%
Morgan Hill	37,822	49.6%	12.8%
EJ Study Area	327,834	77.3%	11.6%

Sources:

^a U.S. Census Bureau 2010 Census

^b U.S. Census Bureau, American Community Survey 2010 1-year estimates for State and Regional data, 2008-2010 3-year estimates for Community data, and 2006-2010 5-year estimates for the EJ Study Area.

The San Francisco Bay Area as a whole has a high percentage of minority individuals. According to the 2010 Census, 57.6 percent of the total population is minority and according to the 2010 ACS estimate, 11.1 percent are living below the U.S. Census poverty threshold.

As stated earlier, the surrounding region of the project was defined as San Mateo and Santa Clara counties. According to an average of 2010 Census data, 62.8 percent of the surrounding region is minority and according to the 2010 ACS estimate, 9.4 percent are living below the U.S. Census poverty threshold. Within the study area, these percentages are higher, with minority and low-income individuals representing 77.3 percent and 11.6 percent of the study area population, respectively. Hispanics are the predominant minority in all portions of the EJ study area.

5.3.2 Environmental Consequences

The data above indicates that there are EJ communities in the study area with a substantial population of minority and/or low-income residents. The potential for EJ implications from the project is discussed below.

5.3.2.1 Project Construction

Construction is planned within the existing State right-of-way. Temporary construction impacts from the proposed project would include the potential for noise and dust outside of the right-of-way, and visual impacts from the installation of overhead signs and tolling devices, and associated cantilever structures and pile supports, in the median throughout the project corridor. The installation of conduits for electrical and communications lines would require trenching to a maximum depth of 3 feet below the roadway surface. In addition, conduits would be jacked across the freeway to the median where needed to provide power and communication feeds to the new overhead signage and tolling equipment. During construction, some lane closures could be required, but full closures are not expected to be necessary. The project would be constructed entirely within the existing right-of-way. A combination of inside and outside widening within the existing right-of-way would accommodate the second express lane. Any one segment of the corridor would experience temporary construction activities within the overall duration of the construction of the project. Existing soundwalls in the northern portion of the corridor would reduce visibility of most construction activities, as well as construction noise. However, there are no soundwalls present for the southern 10 miles of the project corridor. As construction would occur primarily in the median of the corridor and potential impacts would be minimal and temporary, construction impacts are not expected to adversely affect adjacent and surrounding communities, including those communities identified as EJ areas.

5.3.2.2 Project Operation

Once in operation, the express lanes would result in minor changes to the visual setting, noise levels, and air quality. Those impacts are not substantial would affect all communities along the project corridor at similar levels.

Use of the express lanes requires the ability to obtain a FasTrak transponder. As described in Section 1.2.2.5, FasTrak transponders are available through several outlets, and prepaid accounts can be established with credit card, cash, or check. With the number of options available, persons of all income levels and races would have generally similar access to a FasTrak account. The initial cost to establish an account is less when paid with a credit card than with cash or check (\$25 versus \$70, although \$20 of the \$70 is refunded when the account is closed). The higher initial cost for cash or check accounts could be considered an additional economic burden to those who do not pay by credit card, a portion of whom could be low-income or minority persons. However, as the choice to use the express lanes (and establish the necessary FasTrak account) is voluntary, the higher initial costs for cash or check accounts do not constitute a disproportionately high and adverse effect.

Use of the express lanes also requires the ability to pay tolls, which will vary based on traffic conditions. VTA has studied the issue of equity or fairness in charging tolls and whether this practice has a disproportionately high and adverse effect on any minority or low-income

populations.⁶ Express lanes have been in use for several years around the country. More than 10 years of data are available in California for express lanes in Orange and San Diego counties, where FasTrak is also used. The data indicate that both high- and low-income drivers use express lanes during periods of traffic congestion. A study by Cal Poly San Luis Obispo of the SR 91 Express Lanes in Orange County found that roughly one-quarter of the motorists who elect to use the toll lanes at any given time are in the high-income bracket, but the majority are low- and middle-income motorists (MTC 2011b). In focus groups conducted by VTA, respondents from all income levels said they would use express lanes (VTA 2008).

Factors other than income alone appear to influence drivers' decisions to use express lanes. On SR 91 in Orange County, for example, most drivers choose the express lanes infrequently but strategically, when they stand to benefit most (Weinstein and Sciara 2004). Express lane projects across the country have shown that 80 percent of solo drivers who use the express lane only use it occasionally, on an as-needed basis (VTA 2012). In situations where being late due to traffic congestion has high economic or convenience costs, such as missing an airline flight or rushing to a child care facility that charges by the minute for late pickups, even low-income drivers are sometimes willing to pay to use express lanes. The reliable travel time associated with express lanes may have particular value to low-income persons who lack the schedule flexibility that higher income or retired persons may have.

Although express lane tolls would represent a slightly greater economic burden to low-income drivers than to middle- and high-income drivers, the burden is not disproportionate because express lane use is voluntary. Drivers may either choose to pay a toll when being late is costly or inconvenient or continue to use the general purpose lanes. Drivers are not denied a mobility option they previously had; rather, the option of paying a toll to obtain travel time savings would be available to drivers of all income groups. Unlike sales taxes for transportation measures, express lane tolls do not affect non-users and non-drivers.

The proposed project would have other potential benefits to drivers of all income levels and races. By converting the HOV lanes to express lanes and adding a second express lane to part of the corridor, traffic in the general purpose lanes would improve, directly benefiting drivers in the non-express lanes. As required by the authorizing legislation (Assembly Bills 2032 [2004] and 574 [2007]), tolls collected from the express lanes would be used for other transportation and transit improvements in the project corridor, providing direct benefits to both drivers and transit customers whose trips include US 101. (In fact, as described in Section 1.3, public outreach conducted by VTA found that respondents identified the reinvestment of toll revenues as the primary project benefit.) Indirect benefits could include additional economic opportunities for low-income drivers, who could use the express lanes to ensure a reliable commute. VTA focus group participants also identified improved quality of life from less congestion as a project benefit (Section 1.3). These improvements would benefit all users of the local transportation and public transit system, regardless of race and income, even those who do not use the express lanes.

⁶ The literature surveyed for this report did not address the racial distribution of express lane users or potential for equity impacts to minorities. As described in Section 5.3.1, Hispanics are the predominant minority population in all portions of the EJ study area. Bay Area FasTrak has a Spanish-language portion of its website and offers the account application form in Spanish. Outreach to minority groups for the proposed project is discussed in Section 1.3.

Express lanes allow drivers of all income groups an additional travel option that they did not have previously. Therefore, the project would not have disproportionately high and adverse impacts on minority and low-income populations.

VTA has sought public input on equity issues since early project planning began in 2004. Public outreach, described in detail in Section 1.3, has included minorities and persons from varying income levels. Outreach will continue during the public review period for the DED, which will last a minimum of 30 days. Comments regarding potential effects to minority and low-income populations will be addressed and approaches to avoid or minimize effects will be considered in the Final Environmental Document.

5.3.3 Avoidance, Minimization, and/or Mitigation Measures

None required.

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Appendix A
Land Use Planning

Regional Growth Plans

The Association of Bay Area Governments (ABAG) recently released two reports addressing regional growth and housing development in the Bay Area. *A Place to Call Home: Housing in the San Francisco Bay Area 2007* emphasizes the importance of building housing developments in existing communities, or “infill” locations, near public transit (ABAG 2007). The report presents best practices and tools that local communities are using to support this development trend. The report also documents the current status of local government efforts to meet the housing targets established for 1999-2006 as part of the Regional Housing Needs Allocation (RHNA) process. During the 1999-2006 RNHA period, Santa Clara County issued building permits for 90 percent of the total estimated housing need for the County.

The June 2008 *San Francisco Bay Area Housing Needs Plan 2007-2014* plan documents the RHNA requirements for the Bay Area (ABAG 2008). RHNA is a state-mandated process to determine how many housing units that each community must have available to meet housing needs. The determination of housing need is based on existing need and estimated population growth. According to the report, Santa Clara County is the most populated county in the region and will experience the greatest amount of growth, increasing by nearly 23 percent over the next 25 years. The County’s Housing Needs Allocation for 2007 to 2014 totals 60,338 housing units.

Local Plans

Santa Clara County

Santa Clara County General Plan, 1995 – 2010

The Santa Clara County General Plan was adopted on December 20, 1994 (County of Santa Clara 1994). The plan provides strategies, policies, and actions for accommodating the county’s growing population, which is expected to reach 1.8 million people in 2010. The vision of the General Plan is focused on the goals of managed, balanced growth; livable communities; responsible resource conservation; and social and economic well-being. Specific approaches promoted by the plan include compact development and protection of rural areas. The plan encourages increased housing densities along transit corridors, or “transportation-efficient land use” combined with mixed use “urban activity centers” at transit stations. Other policies related to the project are listed in Table 2-2 in Section 2.2.2 of this report.

Santa Clara County General Plan Housing Element Update 2009-2014

The Housing Element Update 2009-2014 (2009 Update) was adopted on August 24, 2010 (County of Santa Clara 2010). The update serves to document local housing needs, provide approaches to meeting those needs, and present urban growth management policies. The 2009 Update includes detailed analysis to determine whether housing capacity existing within the existing General Plan and Zoning Ordinance can accommodate the housing needs set forth in the RHNA. The 2009 Update concludes that the County has sufficient capacity to meet the RHNA requirements.

The 2009 Update promotes housing at urban densities within cities, not in unincorporated areas. According to Census data, there has been a steady decrease in population in unincorporated areas

of the County from 1970 to 2009, while the Countywide population has increased. This difference is due to annexations of County pockets by the cities, and partly due to growth management policies that focus growth within the cities instead of rural, unincorporated areas. The 2009 Update does not include any policies specifically related to the project.

City of Palo Alto

City of Palo Alto Comprehensive Plan and Amendment

The City of Palo Alto Comprehensive Plan was adopted in 1998 and has a horizon year of 2010 (City of Palo Alto 1998). Major themes of the Comprehensive Plan include building community and neighborhoods, maintaining and enhancing community character, reducing reliance on automobiles, meeting housing supply challenges, protecting and restoring natural features, meeting residential and commercial needs, and providing responsive governance and regional leadership. Specific policies relating to the proposed project are described in Table 2-2 in Section 2.2.2 of this report.

The City is in the process of completing a Comprehensive Plan Amendment, which would extend the horizon year of the plan through 2020 (City of Palo Alto 2008b). The amendment would focus on the availability of public services for new housing development and the preservation of land for neighborhood-serving retail uses. Public meetings to discuss the amendment have been on-going since early 2009.

As part of the Comprehensive Plan Amendment, the City will prepare Concept Plans for two areas: the California Avenue neighborhood and the East Meadow Circle/Fabian Way neighborhood. The East Meadow Circle/Fabian Way neighborhood is adjacent to the project area. This neighborhood is an approximately 175-acre site bordered by US 101 and the Mountain View border (City of Palo Alto 2008c). The area includes light industrial, commercial, and office uses, with two recently built multifamily housing developments. A large, mixed use development with housing, a Jewish community center, and a theater are currently under construction. The Concept Plan will contain policies and implementation measures specific to the area and will incorporate input from a series of neighborhood workshops. A specific issue that has already been identified for this neighborhood is the lack of daily shopping options for employees and residents.

Baylands Master Plan 2008

The fourth edition of the Baylands Master Plan was adopted on October 6, 2008 (City of Palo Alto 2008a). This edition includes an up-to-date record of approved policies and actions in the Baylands. A portion of the Palo Alto Baylands is adjacent to the project corridor. This portion of the Baylands is comprised of private lands occupied by research and office buildings; public land occupied by the City's Municipal Services Center (public works, utilities, purchasing, and maintenance) and Animal Services; an undeveloped marsh preserve; and undeveloped, parkland known as the former International Telephone and Telegraph Company (ITT) property.

The undeveloped marsh preserve, referred to as the Flood Basin, is adjacent to the project corridor, and includes a 4.5-mile section of the Baylands trail system. The 154-acre former ITT Property, excluding a 36.5-acre easement for an antenna field, was dedicated as parkland in 1982 and is referred to by the ordinance as the "John Fletcher Byxbee Recreation Area Addition." Since then, restoration activities, including the creation of a saltwater marsh and freshwater

pond, have occurred at the site. The antenna field remains as a transmitter station for a Marine Mobile Service facility providing communication to ships at sea.

The majority of policies regarding the adjacent Bayland properties are to maintain the current function or operation of these properties and keep them as is, except for minor flood or landscaping improvements. The plan proposes to remove the antenna field on the former ITT Property, replace it with marshland, and incorporate it into Byxbee Park. In regards to access and circulation policies, the plan calls for maintaining access to the regional trail system, including the pedestrian bridge over US 101 at Embarcadero Road and under Highway 101 at Adobe Creek. The proposed project does not have the potential to affect land use at these adjacent properties or access to the regional trail system, and is therefore consistent with the Bayland Master Plan policies.

City of Mountain View

City of Mountain View General Plan

The City of Mountain View General Plan was adopted on October 29, 1992 (City of Mountain View 1992). The plan provides a framework for future decisions in the City, especially for community development and preservation and environmental conservation, until 2005. Specific policies relevant to the proposed project are listed in Table 2-2 in Section 2.2.2 of this report.

The City is in the process of updating its 1992 General Plan to anticipate job and population change to the year 2030 (City of Mountain View 2007). The Draft 2030 General Plan was released for public review in November 2011. Public comments were received on the draft through January 2012, and the plan is tentatively scheduled to be finalized in May 2012.

City of Mountain View Precise Plans

The City has several precise plans for specific properties, some of which are adjacent to the project corridor (City of Mountain View 2012). The precise plans for properties adjacent to the project corridor are: Shoreline West, Charleston South Industrial, L’Avenida South, Evelyn Avenue Corridor, Americana Center, and Sylvan – Dale. For each these properties, the precise plans delineate type and intensity of use, relationship of new development to other areas, circulation requirements, design criteria, procedures for development review, and special conditions. The precise plans do not contain policies that are relevant to the proposed project.

City of Santa Clara

City of Santa Clara General Plan

The City of Santa Clara General Plan presents the vision for the evolution and enhancement of the Santa Clara community through the year 2035. The General Plan’s vision is long range, supported by a spectrum of strategies and policies to deal with changing priorities and development pressures that the City will face through the coming years. The primary themes of the Plan include preserving the City’s small town feel, improving the visual and physical character of the City’s commercial corridors, enhancing walkability and bicycle circulation, reducing traffic congestion, and promoting the expansion of the public transportation system.

The Mobility and Transportation Element includes goals and policies applicable to the entire mobility and transportation system in the City.

City of Sunnyvale

Sunnyvale Community Vision: A Guiding Framework for General Planning

The Sunnyvale Community Vision was adopted on May 8, 2007 and provides a broad description of the past, present, and future that is desired for the City (City of Sunnyvale 2007). The functional elements of the General Plan are based on the Community Vision, which describes the City’s aspirations for a strong, diverse community; a vibrant and innovative local economy; a position as a regional leader in environmental sustainability; a safe, secure, and healthy place for all people; a city managed by a responsible and responsive government; and a distinctive identity.

The vision advocates for a balanced transportation system, consisting of streets, freeways, mass transit, bikeways, and walkways. The Community Vision states that automobile travel will continue to be the dominant mode, although a reasonable balance of the other modes will be required to provide access to those without an automobile and to reduce energy consumption, air pollution, and congestion.

In addition, the Community Vision includes the goal of a transportation system with the physical and financial capacity to expand with the growth of the city. The vision states that many of the transportation capacity improvements will be made over the next 20 years and will be funded by State, regional, and county agencies. The Community Vision does not include goals or policies specific to the proposed project.

City of Sunnyvale Consolidated General Plan

The City of Sunnyvale Consolidated General Plan was adopted on July 26, 2011 (City of Sunnyvale 2011c). The City Council consolidated the plan into a single document that was tiered off the Community Vision and is the first step in creating a Comprehensive General Plan. The Consolidated General Plan was assembled from 22 separate General Plan elements and sub-elements that had been previously adopted at different times.

The Land Use and Transportation Element includes some specific policies relevant to the proposed project. These policies are listed in Table 2-2 in Section 2.2.2 of this report.

Horizon 2035: Land Use and Transportation Element Update and Climate Action Plan

The City of Sunnyvale’s Horizon 2035 initiative consists of two current projects that share the goals of sustainable use of resources, efficient growth, and greenhouse gas emissions reduction. These two projects are the Land Use and Transportation Element (LUTE) Update and Climate Action Plan (CAP) (City of Sunnyvale 2011b). The Draft LUTE and CAP were presented at a public meeting on November 29, 2011. The documents address land use, transportation, and greenhouse gas reduction activities through the year 2035.

The LUTE Update is expected to be finalized in 2012 and will focus on upgrading and using the transportation system to support a variety of travel modes, other than single-occupant automobiles (City of Sunnyvale n.d.). The Draft LUTE Update includes policies that support the implementation of a CAP and advocates for the City’s participation in regional climate change efforts. The Draft LUTE update also includes a policy to “support regional and cross-regional transportation improvements and corridors while minimizing impacts to the City’s form and to intracity travel” (Policy 45). The Draft LUTE Update does not include any other policies relevant to the proposed project.

The CAP will examine how the LUTE policies will reduce greenhouse gas emissions, and also will present policies related to energy, waste, and water conservation (City of Sunnyvale 2011a). The Draft CAP includes a policy to “improve the flow and efficiency of vehicular traffic throughout the city to avoid idling and reduce fuel consumption” (OVT-3 Circulation Efficiency). The Draft CAP does not include any other specific policies relevant to the proposed project.

City of San Jose

City of San Jose 2020 General Plan

The City of San Jose 2020 General Plan includes policies on the future character and quality of development to achieve the City’s social, economic, and environmental goals (City of San Jose 2011a). The central themes of the General Plan are maximizing the economic potential of the City’s land resources and employment opportunities; addressing the need to balance the urban services demand of new development with the need to balance the City’s budget; emphasizing the importance of a prominent and attractive downtown; seeking to preserve land that protects water, habitat, agricultural, or recreational resources; striving to provide a variety of housing opportunities; and promoting the management and conservation of resources for present and future generations.

The Land Use/Transportation Diagram was updated on December 7, 2010. According to the diagram, Bay Area Rapid Transit (BART) stations have been proposed along US 101 at Berryessa Road, Santa Clara and 28th Streets and at various locations within the Downtown area. The proposed alignment is planned to utilize the existing Union Pacific Railroad right-of-way through northeast San José, until approximately Julian Street and US 101, at which point the BART line moves underground through Downtown San José. Pedestrian cores include areas around heavy rail stations defined by a circle with a radius of 3,000 feet.

In addition, a Pedestrian Corridor is shown along this portion of the proposed project. Pedestrian Corridors include Transit-Oriented Development corridors and neighborhood shopping streets, and are intended to increase neighborhood connectivity, and linkages to transit stations or Pedestrian Cores.

The Land Use/Transportation Diagram does not include specific policies pertaining to the proposed project.

Envision San Jose 2040 General Plan

The City of San Jose is currently in the process of updating its General Plan. The full draft of the San Jose 2040 General Plan is available for public review. An annual General Plan Hearing process will occur in 2013.

The Envision San Jose 2040 General Plan presents a vision to guide the City’s growth through the year 2040 (City of San Jose 2011b). The Land Use and Transportation chapter contains policies that aim to maximize the efficiency of San Jose’s existing street system for personal and commercial vehicular use while still promoting complete streets that provide for pedestrian, bicycle, and public transit modes.

In addition, the General Plan discusses Gateways, or the locations which announce to a visitor or resident that they are entering the city, or a unique neighborhood. A Gateway location is at US 101 in the vicinity of the SR 85 Interchange, which is within the project corridor. Policy CD-10.2

requires that new public and private development adjacent to Gateways consist of high-quality architecture and contribute to the positive image of San Jose.

City of Morgan Hill

City of Morgan Hill General Plan

The City of Morgan Hill General Plan was adopted in July 2001 (revised February 2010) with goals, policies and actions to frame a mechanism for achieving the community's vision for its future (Morgan Hill 2001). The primary theme is to maintain Morgan Hill's small town character while offering new opportunities for businesses and amenities for residents. Other themes include developing a network of trails and parks; encouraging the vitality of commercial centers; developing new urban land uses around the core area; improving coordinated traffic management; and improving the city's gateway areas and freeway interchanges.

The Circulation Element aims to make the existing road network more efficient and user-friendly, implement strategies to ensure safe and appropriate operation of the transportation system, solve existing traffic and parking problems, and expand transit and non-motorized travel opportunities.

Travel forecasts show that substantial roadway improvements would be required in Morgan Hill to provide both connectivity and capacity. The Circulation Element encourages the widening of US 101 to the extent needed to meet forecasted future demand. The right-of-way for the city roadway system is based on the assumption that US 101 will be 8 lanes wide through Morgan Hill by the 2030 planning timeline. If the capacity of US 101 is not increased to meet the demand generated by increased regional traffic, more vehicles will divert off of the freeway, resulting in congestion of local roads.