

MINUTE ITEM  
This Calendar Item No. 13  
was approved as Minute Item  
No. 13 by the State Lands  
Commission by a vote of 3  
to 2 of its 5 2-22-91  
meeting.

CALENDAR ITEM

-  
18

05/23/91  
SLL 53  
Maricle

PRC 7541  
PRC 7542

A 23

S 13

RIGHT OF ENTRY, STATE HIGHWAY USE

APPLICANT:

Santa Clara County Traffic Authority  
Attn: Mr. Jim Finnegan  
1754 Technology Drive, Suite 224  
San Jose, California 95110

AREA, TYPE LAND AND LOCATION:

32,211 square feet of State-owned sovereign land, Alviso  
District, San Jose, Santa Clara County.

LAND USE:

Highway widening, Route 237, to eight lanes for improved  
traffic flows.

CONSIDERATION:

The public use and benefit.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

N/A.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

N/A

OTHER PERTINENT INFORMATION:

1. An Environmental Impact Report/Statement, SCH89012404,  
was prepared and adopted for this project by the

Federal Highway Administration and the California Department of Transportation. The State Lands Commission's staff has reviewed such document.

2. The California Department of Transportation (CALTRANS) proposes to upgrade Route 237 in Santa Clara County, a distance of 6.3 miles. Roadway widening to eight lanes with auxiliary lanes and HOV lanes, construction of three new interchanges at existing intersections, reconstruction of three interchanges and a railroad grade separation would occur on approximately the existing alignment. The Santa Clara County Traffic Authority (Applicant) is acting agent for CALTRANS; the Commission land affected by the project is a 32,211-square-foot parcel.
3. The Applicant advises that construction activity involving Commission-owned land will consist of freeway widening only. There will be no use of wetlands at the subject site according to the Environmental Document, Volume 1, Plate No. 3.
4. The Applicant has requested a right of entry for immediate use of the subject parcel, whereas the usual procedure for a CALTRANS project entails the filing of map with the Commission, under Section 101.5 of the Streets and Highways Code, so as to furnish an accurate description of the land needed for right of way purposes. In accepting the right of entry, the traffic authority will bind itself and the State Department of Transportation to comply with the provisions of the cited code, and the referenced map will be prepared and submitted for Commission approval at a subsequent meeting, but such requirement will not hold up construction.
5. The staff has accepted a single filing fee and minimum expense deposit relative to consideration of the present right of entry and future filing of the map previously described. The reimbursement agreement executed by the Applicant covers all staff costs to be incurred in both elements of this transaction.

**APPROVALS OBTAINED:**

United States Army Corps of Engineers.

CALENDAR ITEM NO. 12 (CONT'D)

**FURTHER APPROVALS REQUIRED:**  
State Lands Commission.

**EXHIBITS:**

- A. Land Description
- B. Location Map
- C. Notice of Determination (Santa Clara County Traffic Authority)
- D. Record of Decision (Federal Highway Administration)
- E. CEQA Findings
- F. Statement of Overriding Considerations.

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT A JOINT EIR/EIS WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE FEDERAL HIGHWAY ADMINISTRATION AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, SCH89012409, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. ADOPT THE FINDINGS MADE PURSUANT TO SECTION 15091 OF THE STATE CEQA GUIDELINES AND THE SANTA CLARA COUNTY TRAFFIC AUTHORITY ENVIRONMENTAL GUIDELINES, AS WELL AS THE STATEMENT OF OVERRIDING CONSIDERATIONS.
3. AUTHORIZE THE EXECUTION OF A RIGHT OF ENTRY, EFFECTIVE MAY 23, 1991, IN FAVOR OF THE SANTA CLARA COUNTY TRAFFIC AUTHORITY, AGENT FOR THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, AND WITHOUT HOLDING UP CONSTRUCTION, REQUIRE SAID AUTHORITY TO FILE FOR RECORD WITH THE COMMISSION SUCH MAPS AS ARE NECESSARY TO FURNISH AN ACCURATE DESCRIPTION OF THE LANDS REQUIRED PURSUANT TO SECTION 101.5 OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, RELATIVE TO THE WIDENING OF STATE HIGHWAY 237 ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.



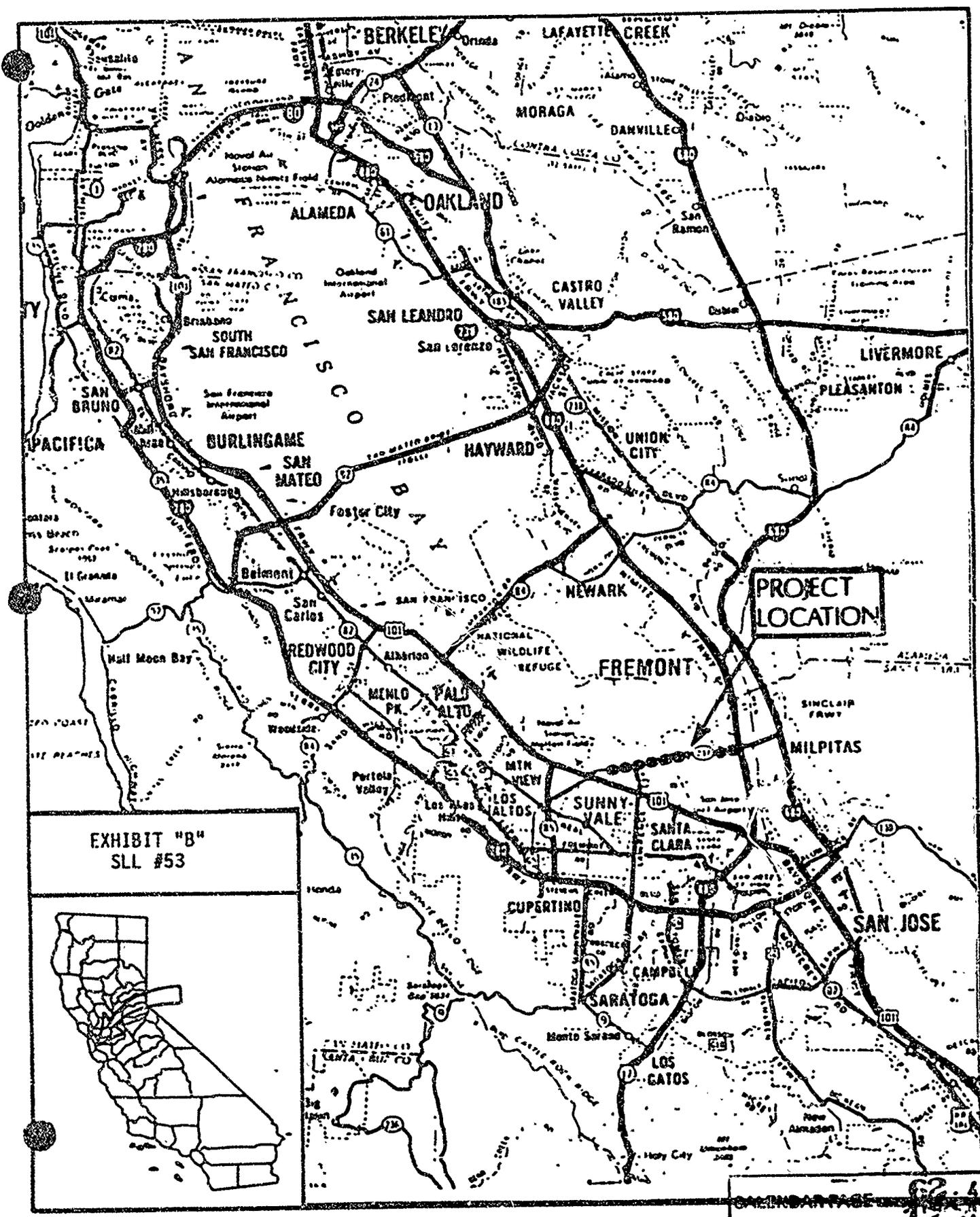


EXHIBIT "B"  
SLL #53



MINUTE PAGE 62-4  
1/24/42

EXHIBIT C

Santa Clara County Traffic Authority

ROUTE 237 FREEWAY  
NOTICE OF DETERMINATION

(ENDORSED)  
**FILED**

AUG 27 1990

GRACE K. YAMAKAWA  
County Clerk  
Santa Clara County

DEPUTY

TO: County Clerk  
Superior Court  
Santa Clara County  
191 North First Street  
San Jose, CA 95113

State of California  
Office of Planning  
and Research  
1400 Tenth Street  
Sacramento, CA 95814

SUBJECT: Filing of Notice of Compliance with Section 21108 of the Public Resources Code

PROJECT DESCRIPTION: Route 237 In Santa Clara County - upgrade Route 237 to eight lanes between Mathilda Avenue in Sunnyvale and Route 880 in Milpitas.

This is to advise you that the Santa Clara County Traffic Authority has made the following determinations regarding the above-described project:

1. The project has been approved by the California Department of Transportation, the California Transportation Commission, and the Santa Clara County Traffic Authority.
2. The project will have a significant effect on the environment.
3. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA and was certified by the Department of Transportation and considered by the Santa Clara County Traffic Authority as required by the State CEQA Guidelines. A copy of the Environmental Impact Report may be examined at the Department of Transportation Office located at 150 Oak Street, San Francisco, CA. 94102.
4. Mitigation measures were made a condition of the approval of the project.
5. Findings were made pursuant to Section 15091 of the State CEQA Guidelines and the Santa Clara County Traffic Authority Environmental Guidelines.
6. A statement of overriding consideration was adopted for the project.

Submitted by the Santa Clara County Traffic Authority this 20th day of August, 1990.

SANTA CLARA COUNTY TRAFFIC AUTHORITY

By

Will Kempton  
Will Kempton, Executive Director

Position Aug 27 through Sept 22, 90  
in the office of the County Clerk

Grace K. Yamakawa  
County Clerk

By [Signature] Deputy

CALENDAR PAGE 62-5  
MINUTE PAGE 1725

## EXHIBIT D.

U.S. DEPARTMENT OF TRANSPORTATION  
Federal Highway Administration

## RECORD OF DECISION

STATE ROUTE 237  
Mathilda Avenue to Interstate 880  
Santa Clara County, California

**DECISION:** The selected alternative for the construction of the State Route 237 (SR 237) Freeway Upgrade Project is the eight-lane freeway alternative. The final environmental impact statement (final EIS) identified this alternative as the proposed project. The selected alternative consists of upgrading 6.3 miles of existing SR 237 between east of Mathilda Avenue (postmile 3.2) and Interstate 880 (I-880) (postmile 9.5) to freeway standards and providing eight through lanes including two high occupancy vehicle (HOV) lanes on approximately the same alignment as the existing highway. The selected alternative also includes: construction of interchanges at the existing at-grade Great America Parkway, North First Street, and Zanker Road intersections; construction of grade separations at the existing at-grade Lafayette Street and Southern Pacific Railroad intersections; reconstruction of the existing Fair Oaks Avenue and Lawrence Expressway interchanges; and major modifications to the existing SR 237/I-880 interchange extending between I-880 postmiles 7.2 and 10.1. The project will be constructed in two main stages with an initial six-lane project (including two HOV lanes) followed by an ultimate eight-lane project (including two HOV lanes) as warranted by future traffic conditions. See final EIS pages 10 to 30 for additional information.

**ALTERNATIVES CONSIDERED:** The following alternatives were studied during project development and environmental analysis. See the referenced EIS pages for more information.

Proposed Project Alternative

The selected alternative described above.

Transportation System Management Alternative

The following transportation system management (TSM) measures were considered in conjunction with all project alternatives: HOV lanes, bicycle routes, Fremont-South Bay Corridor Study public transportation alternatives, bus stops/pull-outs and sidewalk access, and ramp metering. Final EIS pages 31 to 35.

No-Build Alternative

The no-build alternative would leave the existing SR 237 highway in its current condition with no additions or improvements to the roadway system. The no-build alternative would not preclude future routine maintenance or minor operational improvements to the existing highway. Final EIS page 35.

Other alternatives were also studied during the early development of the project, but were dropped from further study after evaluation identified major problems or deficiencies. These additional alternatives are described and evaluated on final EIS pages 36 to 45.

**BASIS FOR DECISION:** SR 237 currently exists as a four to six-lane highway (including two HOV lanes) between Mathilda Avenue in Sunnyvale and I-880 in Milpitas. Traffic signals exist at major intersections east of Lawrence Expressway. A four-lane freeway exists west of Lawrence Expressway.

The existing transportation network currently experiences severe traffic congestion. The existing SR 237 facility is inadequate to handle current traffic volumes during peak commute periods. Travel forecasts indicate a future increased traffic demand of up to 30 percent by 1995.

Existing levels of service range from D to F at the SR 237 at-grade intersections during peak periods. As the traffic demand increases, additional queuing at signalized intersections will further degrade the through traffic on SR 237 as well as backing up traffic onto the arterial cross streets.

The No-Build Alternative would not solve the congestion, operational, and safety problems that currently exist and that without improvement would continue to worsen in the future. For these reasons, the No-Build Alternative is not being selected. See final EIS pages 8 to 9 for additional information regarding the project purpose and need.

The TSM techniques would not by themselves provide the needed capacity increase on the existing highway facility to eliminate congestion in the SR 237 corridor; therefore, this alternative also would not satisfy the project need and is not being selected. As indicated in the TSM Alternative description above, TSM techniques were considered in conjunction with each of the project alternatives studied. The selected alternative incorporates all of the TSM techniques listed above.

The eight-lane alternative is being selected because it represents the most practical solution to reduce traffic congestion and the accident rate, and encourage the use of HOV's in the SR 237 corridor. The existing SR 237 alignment will be utilized to the extent possible to keep unavoidable project impacts to a minimum.

Alignment shifts have been incorporated and new highway features situated so as to avoid and minimize impacts to sensitive areas such as wetlands, parks, residences, businesses, and hazardous waste sites. As outlined below, the selected alternative includes new and restored wetland areas, traffic noise barriers, landscaping, visual screening, and an upgraded bicycle route along the SR 237 corridor to reduce project impacts. The eight-lane alternative is consistent with the Santa Clara County General Plan and the plans of the cities traversed by the project. For these reasons, the selected eight-lane alternative is considered the alternative preferable from a strictly environmental point-of-view.

**MEASURES TO MINIMIZE HARM:** The following measures have been incorporated into the project to reduce the impact of constructing the selected eight-lane alternative for the SR 237 Upgrade to Freeway Project. Other measures to mitigate project impacts, including standard specifications and practices, are included in the final EIS "Environmental Consequences - Impacts and Mitigation" Chapter (pages 120 to 198), the final EIS "Final Section 4(f) Evaluation" Chapter (pages 207 to 218), and in the responses to the draft EIS comments that are contained in final EIS Volume II, "Comments and Responses." These additional mitigating measures are incorporated into this record of decision and the project by reference.

1. Residential and Business Displacement. The selected alternative will result in the displacement of four residential units and three commercial establishments. The residential units consist of three single-family residences, and one residential unit in a commercial building. The commercial uses to be displaced are a card lounge/coffee shop, a fruit stand, and a gasoline station/convenience store.

The impacts of residential and business displacement and property acquisition will be mitigated by providing benefits, payments, and services in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act and its implementing regulations. See final EIS pages 123 to 125 for additional information.

2. Bicycle Routes. The selected freeway alternative will eliminate existing bicycle access along the SR 237 shoulder east of Great America Parkway. Replacement bicycle access will be provided as part of the project. As currently proposed, this access will be provided via a striped bicycle lane on proposed Yerba Buena Road from Great America Parkway to Lafayette Street, a separate bicycle path south of and parallel to SR 237 from Lafayette Street to North First Street, a shared-use facility along North First Street and Holger Way, a separate bicycle path south of and parallel to SR 237 from Zanker Road to McCarthy Boulevard, and a shared-use facility on the proposed Calaveras Boulevard/McCarthy

Boulevard connection. See final EIS pages 141 to 147 for more information regarding bicycle routes.

An interim bicycle route, as depicted in Figure 16c (final EIS page 147), will be provided between Zanker Road and I-880 to maintain route continuity during the reconstruction of the SR 237/I-880 interchange.

3. Wetlands and Riparian Habitat. The selected alternative will result in the loss of 17.4 acres of seasonal wetland habitat and 1.2 acres of brackish riparian habitat. A "conceptual" wetland mitigation plan has been developed in consultation with the California Department of Fish and Game, Fish and Wildlife Service, Army Corps of Engineers, Environmental Protection Agency, and the Santa Clara Valley Water District.

The wetland and riparian mitigation will occur on the 61-acre "Sammis Property" located directly north of SR 237 between Calabazas and San Tomas Aquino Creeks. Currently, this site is comprised of approximately 16 acres of creeks and the levees on the perimeter, 22.5 acres of seasonal wetlands, and 22.5 acres of uplands. The site will be regraded into three wetland areas that will be separated by levees, inundated with brackish water, and interconnected by water control structures that will control the volume of water and the frequency and duration of inundation. The three separate areas will create different, but complementary wetland habitats. The final habitat design and planting plan for this mitigation site will be determined through continuing consultation with the above federal and state resource agencies. It is the project intent to donate this wetland mitigation site to the Fish and Wildlife Service for inclusion into the San Francisco Bay National Wildlife Refuge after the habitat has become established.

All wetlands in the project area which will not be filled will be fenced off prior to the beginning of any construction activity. The fencing will protect the wetlands from harm during construction. The fencing will remain in place until all construction activity in a given project area has been completed.

See final EIS pages 158 to 179 for additional information regarding project wetland and riparian habitat mitigation.

4. Highway Traffic Noise. The selected alternative provides for the installation of approximately 3.3 miles of noise barriers to reduce the projected highway traffic noise in adjacent neighborhoods. The approximate lengths, heights, and locations of the noise barriers are indicated in Table 8 on final EIS page 183 and Plate 4 on final EIS pages 282 to 285. The noise barrier along Sunnyvale Baylands Park is also

addressed in the final section 4(f) evaluation on final EIS pages 216 to 217.

The project noise impacts and proposed noise barriers will be restudied during final project design. The final noise barrier lengths, heights, locations, and materials will be determined through additional noise assessment, mitigation cost-effectiveness, and aesthetic evaluations and the involvement of the affected public. See final EIS pages 180 to 184 for additional information regarding project noise impacts and mitigation.

5. Visual. The proposed noise wall adjacent to Persian Drive will be designed so that planting can be installed on both sides of the wall to reduce potential graffiti problems and to enhance the appearance of the wall.

The relocation of Moffett Park Drive between Mathilda Avenue and Lawrence Expressway will require the removal of high-quality landscaping on adjacent private property and a substantial reduction in setback distance. A permanent loss of visual quality and disruption of landscape design will result. The project landscaping along the relocated Moffett Park Drive will be modified wherever possible in the vicinity of these impacted areas to complement the changed conditions.

Tall screening trees will be planted wherever needed and practical to help screen the northbound I-880 connector ramp from adjacent residences in the northeast quadrant of the SR 237/I-880 interchange. In addition, visual screening on the ramp structure to limit the motorists' views of the residences will be studied during project design.

Mitigation measures for visual impacts will be implemented within one year of construction completion. See final EIS pages 194 to 195 for additional information concerning project mitigation of visual impacts.

6. Section 4(f). The amount of right-of-way required from Sunnyvale Baylands Park was reduced by the elimination of Moffett Park Drive as a frontage road. Existing access to the Santa Clara Valley Water District levee system will be maintained by a proposed park internal circulation road west of the park wetlands area and a proposed service road south of the park wetlands.

Construction of a 16-foot high, 2100-foot long noise barrier along the southern boundary of Sunnyvale Baylands Park.

Construction of bicycle and pedestrian trail connections beneath the SR 237 bridge structures to provide continuity for proposed levee trails.

**SECTION 4(f):** The final section 4(f) evaluation for the use of land from Sunnyvale Baylands Park and the five proposed linear parks along Sunnyvale East Channel, Calabazas Creek, San Tomas Aquino Creek, Guadalupe River, and Coyote Creek is included in the final EIS on pages 207-218. Based upon the considerations outlined in the section 4(f) evaluation, it is determined that there is no feasible and prudent alternative to the use of land from these section 4(f) properties and that the proposed action includes all possible planning to minimize harm resulting from such use.

**MONITORING OR ENFORCEMENT PROGRAM:** A five-year monitoring period will be included in the wetland mitigation plan outlined above to assure the establishment/enhancement of the project wetland mitigation areas. Other special monitoring or enforcement programs have not been adopted for other specific project mitigation measures. Current Federal Highway Administration and California Department of Transportation policies and procedures are adequate to ensure that all of the mitigation measures referenced and/or prescribed above are carried out.

**COMMENTS ON FINAL EIS:** The final EIS was circulated to other governmental agencies, organizations, and the public on June 13, 1990, and its availability was published in the June 22, 1990 Environmental Protection Agency Federal Register Notice of Availability. The final EIS 30-day availability period ended on July 23, 1990. The following comment letter was received as a result of the final EIS circulation.

By letter dated July 6, 1990 to the California Department of Transportation District 4 Office, Mr. Martin Dait, Conservation Committee Chair of the Sierra Club Loma Prieta Chapter, indicates that the Sierra Club "would like to take great exception" to the SR 237 final EIS and requests that the environmental study of SR 237 be "reopened" so that transit alternatives and regional effects of the SR 237 project "can be adequately studied." Traffic studies for the transit alternatives were based on the assumption that the transit improvements most directly affecting the Route 237 corridor were in place (FEIS pages 137 & 138), and even with these in place, Route 237 improvements would still result in substantial improvement in traffic flow through the corridor. The regional effects implied by this letter assumes that Route 237 would serve as a "constrictor" and that its improvement would have impacts that offset benefits experienced locally. However, Route 237 serves primarily as a destination route (close to the end of a trip) more than a through route, and such adverse impacts are not expected. All anticipated impacts have been reported.

As of the approval of this record of decision, FHWA has not received any other final EIS comments from other agencies, organizations, or the public.

7

**CONCLUSION:** The preceding factors and considerations require the selection of the eight-lane freeway alternative, identified as the proposed project in the Federal Highway Administration and California Department of Transportation final environmental impact statement (FHWA-CA-EIS-88-03-F), for the upgrading of State Route 237 between Mathilda Avenue in Sunnyvale and Interstate 880 in Milpitas, Santa Clara County, California.

**RECOMMENDED:**

7/25/90  
Date

**APPROVED:**

7-25-90  
Date

*Steven M. Kochlin*  
Assistant Regional Counsel  
Federal Highway Administration  
Region Nine

*John A. Bates*  
Acting Director  
Office of Program Development  
Federal Highway Administration  
Region Nine

CALENDAR PAGE 62.12  
MINUTE PAGE 1732

EXHIBIT "E"

CALIFORNIA TRANSPORTATION COMMISSION

PROPOSED FINDINGS FOR UPGRADING ROUTE 237 BETWEEN  
MATEILDA AVENUE IN SOMERVILLE AND ROUTE 880 IN MILPITAS

The following information is presented to comply with section 15091 of the State CEQA Guidelines and Section 1509.6 of the Department of Transportation and California Transportation Commission Environmental Regulations. Reference is made to the Final Environmental Impact Statement (Final EIS) for the project, which is the basic source for the information.

The following effects have been identified in the Final EIS as resulting from the project. Effects found not to be significant have not been included.

NOISE

Adverse Environmental Effect

The project will result in a significant noise increase for some areas which will be inconsistent with State and local noise standards.

Findings:

- a) Changes or alterations have been required in, or incorporated into the project which mitigate or avoid the significant environmental effects thereof as identified in the Final EIS.
- b) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIS.

Statement of Facts

The proposed project is adjacent to existing residential areas, primarily mobile home parks, where ambient noise levels of 69 to 73 dBA were recorded. Noise generated by traffic for the ultimate eight-lane freeway are estimated to be as high as 77 dBA.

Noise levels currently approach or exceed the FHWA noise abatement criteria at seven locations and would continue to do so with the proposed project. These significant or noticeable increases in noise are a necessary consequence of the project and cannot be avoided.

Those locations with significant increases will have the noise impact mitigated with sound barriers, where cost-effective. The Santa Clara County Traffic Authority Strategic Plan states that sound barriers will be considered in residential areas if forecasted noise levels exceed 62 dBA.

CALENDAR PAGE 62 13

MINUTE PAGE 1733

Sound barriers were considered at eight locations. Wall heights would range from ten to 16 feet, with the longest wall 3200 linear feet along eastbound Route 237 directly west of Lawrence Expressway.

All walls except one proposed along Sunnyvale Baylands Park will be composed of masonry block or concrete construction. The sound wall along the park is tentatively proposed to be constructed of wood.

The net effect of the proposed walls on future noise levels will be a reduction of four to nine decibels from the current levels. Specifically, for Sunnyvale Baylands Park, the reduction will be from 74 dBA to 63 dBA with a sound barrier.

The project noise impact and mitigation measures will be examined in greater detail and refined during the detailed design phase of the project to determine exact barrier locations, heights, lengths, materials and designs.

The Statement of Overriding Considerations, *infra*, includes further statements of specific economic, social and other considerations which support adoption of the subject project, instead of the identified alternatives to the project.

#### WETLANDS

##### Adverse Environmental Effect

The project will result in the loss of 18.6 acres of wetland/riparian vegetation.

##### Findings:

Changes or alterations have been required in, or incorporated into the project which mitigate or avoid the significant environmental effects thereof as identified in the Final EIS.

##### Statement of Facts

The proposed project will remove approximately 17.4 acres of wetlands and 1.2 acres of riparian habitat. The seasonal wetlands are located primarily in the vicinity of existing Great America Parkway and Route 237.

The filling of seasonal wetlands will take place due to construction of additional lanes on Route 237, the realignment of Route 237 in the area of Great America Parkway, the construction of frontage/connector roads, and the construction of interchanges and overcrossings.

Riparian impacts will occur along the following waterways: Sunnyvale East Channel, Jalabaras Creek, San Tomas Aquino Creek and the Guadalupe River. Significant adverse impacts to these waterways will occur due to construction of new and/or replacement bridges at these locations.

The California Department of Fish and Game has concurred that impacts to riparian and seasonal wetland habitat will be significant. Consequently, mitigation measures are required.

A site commonly known as the "Sammis property", north of existing Route 237 between Calabazas and San Tomas Aquino Creeks, has been selected as the preferred site for biological mitigation.

This site was selected because of its location and habitat value. The overall wildlife and wetlands habitat value of the site will be improved by creation of new wetlands and upgrading of existing wetlands on the Sammis property.

A conceptual Wetlands Mitigation Plan has been presented to the Department of Fish and Game and U.S. Fish and Wildlife Service. They are in the process of reviewing this plan.

Mitigation will begin at the time of construction. The Sammis property is in the process of being acquired by the Santa Clara County Traffic Authority. Mitigation measures will be monitored for a period of five years to assess the newly created wetland areas. At the end of five years or earlier, title to the entire Sammis property will be transferred to a resource agency for management.

#### BICYCLE FACILITIES

##### Adverse Environmental Effect

The project will affect a suggested bicycle facility along Route 237 between Lafayette Street and Route 880 and permitted use of the roadway shoulder between Great America Parkway and Lafayette Street.

##### Findings:

Changes or alterations have been required in, or incorporated into the project which mitigate or avoid the significant environmental effects thereof as identified in the Final EIS.

##### Statement of Facts

The proposed freeway will adversely affect the suggested bicycle facility between Lafayette Street and Route 880 and the permitted use of the roadway shoulder by bicycles between Great America Parkway and Lafayette Street.

The project proposes to provide an alternate bike route as mitigation for the loss of existing shoulder use by bicycles. The preferred mitigation alternative is to maintain bicycle access along Route 237 separated from the roadway.

This alternative is a combination of Class I and Class III bikeways. Class I bikeways are planned between Lafayette Street and North First Street, and between Zanker Road and McCarthy Boulevard. The remaining sections are planned as Class III bikeways. Class I bikeways will

have an eight-foot wide traveled way to accommodate two-way bicycle traffic.

Class I refers to a bike path on a right-of-way completely separated from a street or highway. Class III is a bike route, where there is shared use with pedestrian or vehicular traffic. No special lanes are provided for bicycles with a Class III facility.

Since the majority of the proposed bicycle route is along the Route 237 alignment, it can be incorporated within the right-of-way limits of the roadway project and thus, minimize right-of-way requirements and impacts. Class I facilities within Caltrans right-of-way will be maintained by Caltrans.

#### PARKLAND

##### Adverse Environmental Effect

The project will remove approximately 0.9 acres of parkland from Sunnyvale Baylands Park.

##### Findings:

Changes or alternations have been required in, or incorporated into the project which mitigate or avoid the significant environmental effects thereof as identified in the Final EIS.

##### Statement of Facts

The proposed widening of Route 237 south of Sunnyvale Baylands Park will remove approximately 0.9 acres from the park. The existing frontage road, Moffett Park Drive, will be eliminated by the project. Access through the park will be provided by an internal circulation road. The City of Sunnyvale and park authorities have agreed to this modification to the frontage road.

Much of the park is currently undeveloped and acquisition of parkland directly north of Moffett Park Drive is consistent with the current Master Plan for Sunnyvale Baylands Park.

Since the freeway will be located closer to the park, the level of traffic noise is predicted to increase. Traffic noise levels currently exceed the noise abatement criteria during peak noise periods and are expected to increase once the proposed project is built.

Construction of a noise barrier along the southern boundary of the park is proposed to minimize adverse impacts on the park. A combination wooden noise barrier and earthen berm is proposed at this time.

#### GROWTH

##### Adverse Environmental Effect

The project will contribute to growth inducement.

EXHIBIT "F"

CALIFORNIA TRANSPORTATION COMMISSION  
STATEMENT OF OVERRIDING CONSIDERATIONS  
FOR THE UPGRADING ROUTE 237 BETWEEN  
MATHILDA AVENUE IN SUNNYVALE AND ROUTE 880 IN MILPITAS

The following is presented to comply with Section 15093 of the State CEQA Guidelines, and Section 1509.6 of the Department of Transportation and California Transportation Commission Environmental Regulations. Reference is made to the Final Environmental Impact Statement (Final EIS) for the project, which is the basic source for the information.

Overriding considerations that support approvals of this recommended project are as follows:

The proposed project will alleviate existing and future traffic delay and congestion on Route 237 as well as other major corridors and connected arterials. The need for the project is immediate and any delay in implementing the project will worsen traffic congestion and increase delay.

Existing Route 237 is not adequate to handle current peak hour traffic volumes. Long traffic queues and stop-and-go conditions are encountered in the westbound direction during the morning peak traffic period and the eastbound direction during the afternoon peak traffic period.

Route 237 is part of a primary commuter corridor for Santa Clara County and Alameda County residents. Upgrading Route 237 to a freeway will provide a major east-west travel corridor capable of providing a safe, free-flowing commute.

The need for improvements is further documented in several studies including:

1. The Santa Clara Valley Corridor Evaluation (SCVCE), 1979
2. The Santa Clara County Five-Year Plan and Commute Transportation Program
3. General Plans of the County of Santa Clara and cities of San Jose, Milpitas, Santa Clara and Sunnyvale
4. Route 237 Report, July 1980 submitted by MTC to the CTC
5. South Bay Master Plan prepared by the Santa Clara County Manufacturing Group

Other factors which support the need to upgrade the facility are existing at-grade intersections and a railroad crossing that currently cause travel delays to through traffic.

The project is in response to local development patterns as opposed to attempting to force, control or lead such patterns. Local governments are the closest to the needs of their communities and local General Plans are the process through which development is planned and carried out. The general plan review includes a very stringent environmental review process, and through that process constituents are given the opportunity to advise the decision makers what is in the best interests of the community with regard to growth.

The one alternative considered to the proposed project was the no-build alternative. Other alternatives were considered but discarded early in the project development process for various reasons.

The primary reason why only one alignment was studied is because Route 237 is an existing roadway and alternative alignments varying too far from it would cause substantial impacts to developed areas and wetlands. An extensive discussion and history is included in the Final EIS.

The no-build alternative would maintain the existing highway. It would not correct the current traffic problems on Route 237, nor would it provide adequate capacity for expected future traffic growth in the corridor.

Findings:

- a) Changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- b) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIS.

Statement of Facts

The project will increase access to adjoining parcels and areas of concentrated employment to the west and the more affordable residential areas of Milpitas and Fremont to the east. Additionally, the project will reduce congestion which has become a constraint to local industrial development. With the continuing high demand for industrial space in Santa Clara County, improved access will make the study area more attractive to potential developers.

This improved access will result in changes in land use and zoning where land is currently open space or designated for non-urban uses such as agricultural use. There is no reasonable mitigation for this growth inducing effect.

Additionally, the improved access will result in added pressure to fill and build on seasonal or tidal wetlands within the jurisdiction of the cities. However, proposed development of any of these sites will undergo the scrutiny of the Corps of Engineers and other resource agencies.

Creation of new employment centers with development of the project area would result in secondary impacts. A need for additional housing would be created. The burden of housing new workers would fall primarily on southern Alameda County cities where housing prices are more affordable than in Santa Clara County. The Golden Triangle Task Force has established policies which manage growth in the area bounded by Routes 880, 237, and 101. Residential development in this area has been proposed to help mitigate traffic impacts and would indirectly limit the growth inducing effects of the Route 237 Freeway Upgrade Project.

The Statement of Overriding Considerations, *infra*, includes further statements of specific economic, social, and other considerations which support adoption of the subject project instead of the identified alternatives to the project.