

5.
ES
PGS:RWM:rs
12/18/73

Approved 1-15-74
Item 11
Roads C & A
Cost sharing -
Capital Improvements
San Jose City of
Sh. Allen - Road
To Mile Hill

AMENDMENT TO
AGREEMENT BETWEEN THE CITY OF SAN JOSE AND
THE COUNTY OF SANTA CLARA FOR THE CONSTRUCTION
OF INTERIM IMPROVEMENTS ON CAPITOL AVENUE
BETWEEN ALUM ROCK AVENUE AND MCKEE ROAD.

THIS AMENDMENT AGREEMENT, made and entered into this JAN 8 1974
day of _____, 19____, by and between the CITY OF SAN
JOSE, a municipal corporation of the State of California, hereinafter
referred to as "City," and the COUNTY OF SANTA CLARA, a political sub-
division of the State of California, hereinafter referred to as "County";

W I T N E S S E T H:

WHEREAS, the public interest requires that interim improvements
on Capitol Avenue be constructed in order to provide an adequate roadway
section between Alum Rock Avenue and McKee Road, all of which said
interim improvements shall be hereinafter referred to as "project"; and

WHEREAS, approximately thirty-three percent (33%) of the project
lies within the unincorporated area of the County, and the remaining
sixty-seven percent (67%) of the project lies within the City; and

WHEREAS, it is in the best interest of orderly and economic con-
struction practices to complete the project through joint action of City
and County and under a single construction contract, awarded and admin-
istered by City; and

WHEREAS, the City and County have heretofore entered into an
agreement under date of June 5, 1973, hereinafter referred to as "said
agreement," wherein County and City agreed to complete the project, but
wherein the cost and the respective shares of such costs have been mis-
calculated;

NOW, THEREFORE, in consideration of the provisions and conditions
set forth in said agreement, the parties hereto do mutually agree to
amend said agreement to provide as hereinafter set forth, to wit:

1. Preparation of Plans and Specifications. City shall prepare
and submit to County for approval plans and specifications for the con-
struction of the project. Upon approval by County, City shall advertise
the project for bid and may award a contract to be supervised to comple-
tion by City.

JAN 8 1974

Copied
To: Finance, Co Counsel,
D. W. Hall, (Eng.)

2. Acquisition of Real Property. County shall acquire all the real property and the necessary temporary easements required for constructing said project which lie within the unincorporated area of County. City shall acquire all the real property and the necessary temporary easements required for constructing said project which lie within the territorial limits of City. Each party hereto shall be responsible for and shall pay its own land acquisition costs, including costs of eminent domain or inverse condemnation, as necessary for the commencement and completion of construction of said project.

3. County's Estimated Share of Cost. The "total construction cost" is the sum of the "construction cost," as hereinafter defined, and the "construction inspection cost."

The "construction cost" is estimated to be the sum of Two Hundred Twenty Thousand Dollars (\$220,000.00). The "construction cost" of the portion of the project lying within the unincorporated area of the County is thirty-three percent (33%) and is estimated to be the sum of Seventy-two Thousand Six Hundred Dollars (\$72,600.00). County's "construction inspection cost" shall not exceed fifteen percent (15%) of the "construction cost" chargeable to County. In no event, without the prior written consent of County, shall County's portion of the "total construction cost" exceed the sum of Ninety-five Thousand Dollars (\$95,000.00).

County agrees to pay to City the sum of Eighty-three Thousand Five Hundred Dollars (\$83,500.00) upon demand of City, which said demand shall be made by City no earlier than the date of approval of the plans by County.

As used in this agreement, the term "construction cost" shall mean the total of all costs incurred and expenditures made by City in connection with constructing said project, including engineering costs and expenses, costs and expenses of preparing plans and specifications, publication, advertising and printing, cost of the construction contract, and cost of extra work and materials in connection with such work authorized by County and City; but excluding the costs and expenses for construction inspection.

4. Insurance. City shall require any contractor awarded a contract for any portion of said project to secure and maintain in full force and effect at all times during construction of said project and until said project is accepted by City, public liability and property damage insurance in forms and limits of liability satisfactory and acceptable to both City and County, insuring City and County, and their respective officers and employees, from and against any claims, loss, liability, cost or expense arising out of or in any way connected with the construction of said project.

The aforementioned policy shall contain a provision that the insurance afforded thereby to City and County and their respective officers and employees shall be primary insurance to the full limits of liability of the policy, and that if the City or County, or their respective officers and employees, have other insurance against a loss covered by such policy, that other insurance shall be excess insurance only.

5. Final Cost to County. Upon completion of said project, City shall submit to County a final accounting of the "total construction cost." The final sum that shall be paid by County as its share of the "total construction cost" of the project shall be Ninety-five Thousand Dollars (\$95,000.00) or thirty-three percent (33%) of the "total construction cost" of the project, whichever is less. If \$83,500.00 amounts to more than 33% of the "total construction cost" of the project, then and in that event, City shall, within sixty (60) days from receipt by County of the final accounting, refund to County a sum of money equal to the difference between \$83,500.00 and 33% of the "total construction cost" of said project. However, if 33% of the "total construction cost" of said project is more than \$83,500.00, then and in that event County shall, within sixty (60) days from receipt by County of the final accounting, pay to City an additional sum of money equal to the difference between 33% of the "total construction cost" of said project and \$83,500.00; said additional sum of money, however, shall not exceed the sum of Eleven Thousand Five Hundred Dollars (\$11,500.00).

6. Records and Accounts. City shall keep, maintain and render available for inspection by County or its authorized representatives, records and books which will provide a complete and accurate account of all costs, fees and expenditures made by City on construction costs of said project.

7. Annexation. In the event any portion of the area within the limits of said project is annexed to City before the date of approval of said plans and specifications by County, County's share of the "total construction cost" shall be reduced in proportion to the amount of territory annexed.

8. Termination. If City has not awarded a contract for construction of said project prior to June 1, 1974, City shall refund to County all sums advanced under Paragraph 3 of this agreement.

9. Public Hearings and Environmental Statements. County shall conduct all public hearings and shall prepare all environmental statements that may be required for said project by existing legislation.

10. Administering Agency. In the exercise of this joint power agreement, City shall be the administering agency, and as such shall possess all powers common to both City and County which may be necessary to effectuate the purpose of this agreement, subject only to the manner of exercise of such powers provided herein and the restrictions imposed by law upon City in the exercise of such powers.

WITNESS THE EXECUTION HEREOF the day and year first hereinabove set forth.

APPROVED AS TO FORM:

Richard W. Marston
Deputy City Attorney

ATTEST:
FRANCIS J. GREINER

Linda Crosby Deputy
City Clerk

CITY OF SAN JOSE, a municipal corporation of the State of California

By Donna Dicks
Mayor
"City"

APPROVED AS TO FORM:

Donald Thompson
Deputy/Asst. County Counsel

ATTEST:

Shirley R. Rain
Clerk, Board of Supervisors

COUNTY OF SANTA CLARA, a political subdivision of the State of

By Jim Sanchez
Chairman, Board of Supervisors
"County"

file



CITY CLERK

CITY OF SAN JOSE
CALIFORNIA

CITY HALL

TELEPHONE 277-4000

January 22, 1974

Board of Supervisors
Santa Clara County
Room 524
70 W. Hedding Street
San Jose, CA 95110

Enclosed for your files is an executed copy of
the Amendment to Agreement for the Construction
of Interim Improvements on Capitol Avenue Between
Alum Rock Avenue and McKee Road.

Linda Crosby

Linda Crosby
Deputy City Clerk

Enclosure

5-17-74

Pending Sign
SD

January 11, 1974

City Clerk
City of San Jose
801 N. First Street
San Jose, California 95110

Subject: Amendment to Agreement between the City of
San Jose and the County of Santa Clara for
the Construction of the Interim Improvement
on Capitol Avenue between Alum Rock Avenue
and McKee Road.

Dear Sir:

Enclosed you will find an original and one copy of the
subject Agreement. The Board of Supervisors at its
regularly scheduled meeting on January 8, 1974 author-
ized its Chairman to execute this Agreement on behalf
of the County.

After execution of all copies, we would appreciate your
returning the copy so marked to this office.

Very truly yours,

BOARD OF SUPERVISORS
Donald M. Rains, Clerk

By: Deputy Clerk

DMR/dgh
Enclosure

cc: Montini-Public Works
Engineering

No. _____

Job No. _____

Change Order No. _____

**BOARD OF SUPERVISORS
SANTA CLARA COUNTY**

DATE January 11, 1974

Amendment to Agreement
The following contract, was awarded or, change order was approved by the
Board of Supervisors at a meeting held:

_____ January 8, 1974

Project to be charged The construction of the interim improvement
on Capitol Avenue between Alum Rock Avenue & McKee Road

For the amount of \$ Increased from \$34,000 to \$95,000

Contractor City of San Jose

Completion Date See Agreement

Budget Item _____ (for Controller's use)

Donald M. Rains /dph.
DONALD M. RAINS
Clerk of the Board

200

WHITE ----- CONTROLLER
CANARY -- FILE
PINK ----- PUBLIC WORKS
GOLD. ROD PUBLIC WORKS

California

TRANSMITTAL MEMORANDUM

S.D. 3

Page 1 of 2

DATE: December 26, 1973

FOR: BOARD OF SUPERVISORS AGENDA OF January 8, 1974

FROM: MONTINI, PUBLIC WORKS, ENGINEERING

TITLE: AMENDMENT TO AGREEMENT BETWEEN THE CITY OF SAN JOSE AND THE COUNTY OF SANTA CLARA FOR THE CONSTRUCTION OF THE INTERIM IMPROVEMENT ON CAPITOL AVENUE BETWEEN ALUM ROCK AVENUE AND MC KEE ROAD.

DESCRIPTION:

On June 5, 1973 the City of San Jose and the County of Santa Clara executed a cost sharing agreement relating to the interim improvements on Capitol Avenue to provide an adequate roadway section between Alum Rock Avenue and McKee Road. This interim project also includes the replacement and modification of the signals at McKee Road and Capitol Avenue and at Alum Rock Road and Capitol Avenue.

On July 3, 1973 the Board approved the recommendation from this Department to accelerate the ultimate improvement of Capitol Avenue and to modify the scope of the interim improvement. (A copy of this approved report is attached.)

This amended cost sharing agreement reflects the increase of the County's share of the project from 20% to 33% and from a maximum contribution of \$34,000 to \$95,000. This cost increase is a result of:

- (1) The authorized modification to the Interim Project which enlarges the scope of the project to include a portion of the ultimate project now, in order to minimize the traffic disruption in the ultimate phase. This takes into account the short time lapse between the interim and the ultimate phases.
- (2) The considerable increase of unit prices for the construction items due to the recent energy crisis and the uncertainty of the availability of the materials. Such increase is reflected in the bids for the interim project opened on December 4, 1973.

There are sufficient funds in the present budget to accommodate this increase.

The ultimate improvement on Capitol Avenue will be done in fiscal year 1974-75 as previously approved by the Board.

Execution of this amended cost sharing agreement is recommended.

APPROVED: JAMES POTT *[Signature]*

HOWARD CAMPEN

AGENDA DATA: DATE:

BOARD ACTION:

ITEM NO:

JAN 8 1974 15

TRANSMITTAL MEMORANDUM

Page 2 of 2

DATE: December 26, 1973

DATE OF AGENDA: January 8, 1974

TITLE: AMENDMENT TO AGREEMENT BETWEEN THE CITY OF SAN JOSE AND THE COUNTY OF SANTA CLARA FOR THE CONSTRUCTION OF THE INTERIM IMPROVEMENT ON CAPITOL AVENUE BETWEEN ALUM ROCK AVENUE AND MC KEE ROAD

After execution please forward two (2) signed copies to Al Chan, Engineering Division, Department of Public Works, who will arrange for hand delivery to the City of San Jose.

LM:AKC:vlh

attachments

CAPITOL AVENUE REPORT (ALUM ROCK AVENUE TO MC KEE ROAD)

A. Background:

At the Board of Supervisors' meeting of May 2, 1972 a communication was received from the Ole-Squire Glen Homeowners Association requesting that priority be given to the widening of Capitol Avenue between Gay Avenue and Alum Rock Avenue. That request was referred to the Department of Public Works for a report.

A report on Capitol Avenue between Alum Rock Avenue and McKee Road prepared by this Department was accepted by the Board of Supervisors on August 8, 1972. That report included costs and right of way implications for five spot-safety type interim improvements as well as for the overall ultimate project. A summary of that report is listed below:

	City of S.J.		<i>County</i> City of S.C.		Total	
	Cost	No. of Relocations	Cost	No. of Relocations	Cost	No. of Relocations
Interim Projects	\$150,000	0	\$115,000	2	\$265,000	2
Overall Project	\$150,000	0	\$1,000,000	18	\$1,150,000	18
(Incl. interim projects)						

That report also included a recommended policy for ^{ultimate} improvements to this section of Capitol Avenue. That policy was adopted by the Board of Supervisors and included the following features:

1. The County should not propose to construct the ultimate improvements at this time.
2. The funding for Capitol Avenue included in the 1972-73 budget should be used for the interim improvement project on Capitol Avenue.
3. The Public Works Departments of the County of Santa Clara and the City of San Jose should initiate a joint agency project for the interim improvements.

4. For the construction of ultimate improvements the County should acquire the necessary parcels as those parcels become available on the real estate market provided that such acquisition can be accomplished through limited multi-year budgeting.

B. Interim Improvements to Capitol Avenue

After the Board of Supervisors' approval of the above stated Capitol Avenue policy, staff members held a series of meetings with the property owners on Capitol Avenue and the City of San Jose Department of Public Works' staff.

As a result of these meetings and due to the high accident rate on this section of Capitol Avenue, Public Works Department staffs of the City of San Jose and the County agreed to recommend an interim safety and congestion relief project for construction in calendar year 1974, with the remainder of the right of way acquisitions and construction to be scheduled on a multi-year basis.

The Joint Agency interim improvements project (the Board of Supervisors approved the cost sharing agreement on June 5, 1973) is the first stage of an overall improvement program for this section of Capitol Avenue. The ultimate improvements will be a second stage program that was contemplated to be completed over a multi-year period.

It is anticipated that the interim project will be under construction this summer and completed this calendar year. This project includes some right of way acquisition, including 3 single-family relocations. The scope of this project is to provide immediate safety improvements and congestion relief to this section of Capitol Avenue and includes the following features:

1. Replacement of the signal control equipment at the intersection of Capitol Avenue and McKee Road.
2. Intersection improvements at Capitol Avenue and McKee Road to include a transition section to the south of McKee Road.

3. Pavement widening between McKee Road and Alum Rock Avenue to allow for a minimum of one lane in each direction of travel plus left-turn stacking lanes at the intersecting streets.
4. Transition section to the north of the intersection of Capitol Avenue and Alum Rock Avenue.
5. Modifications to the signal control equipment at the intersection of Capitol Avenue and Alum Rock Avenue.
6. An interim pedestrian walkway on the easterly side of the project.

C. Ultimate Project

The ultimate improvement project, for purposes of this report, is defined as the overall improvement project less the interim improvement project.

The scope of the ultimate improvement project is to acquire the necessary additional right of way and complete the additional road improvements so that the road is a 6-lane divided blvd. The ultimate project also includes undergrounding of overhead utilities and provisions for future landscaping.

The cost and right of way implications for the ultimate project are as follows:

	<u>City of S.J.</u>	<u>County of S.C.</u>	<u>Total</u>
No. of Parcels affected	none	30	30
No. of Potential Relocations	none	15	15
Costs, Inc. R/W, Engr. Insp. and Const.	\$200,000	\$1,100,000	\$1,300,000

D. Discussion with City of San Jose

The staffs of the City of San Jose and County Public Works Departments recently discussed the ultimate improvement project and the City's willingness and ability to cooperate in the ultimate improvement project.

A summary of the City staff's comments is as follows:

1. The City would prefer to combine the interim and ultimate project into a single project for fiscal year 1973-74.
2. Realizing that extensive family relocations and utility relocations are involved, the City endorses the concept of constructing the ultimate improvement as soon as possible.
3. The City will propose sufficient funding to coincide with the County's time schedule for this project, whether the schedule is accelerated or not.
4. The City would like to include the undergrounding of overhead utilities as a part of this project.
5. The City is willing to annex the unincorporated sections of the roadway upon completion of the ultimate project -- this will provide for more efficiency in the maintenance of the roadway.

E. Project Timing

Under the scope of the policy for Capitol Avenue, adopted by the Board of Supervisors on August 8, 1972, the Interim Project is to be constructed with funds appropriated in fiscal year 1972-73 and the ultimate project was tentatively scheduled to be financed over a 4-year period, with construction in fiscal year 1976-77.

Under the new direction of the Board of Supervisors this Department has re-evaluated the timing of the ultimate improvement project. The time constraint for this project is the time involved in completing a housing availability study and in the relocation of approximately 14 families and one pre-school nursery. Based on past experience, it is the estimate of our Real Estate Division that it will take approximately 18 months to appraise, acquire and relocate these people in an orderly manner. This will allow us an opportunity to accelerate the ultimate construction from fiscal year 1976-77 to fiscal year 1974-75.

The following is a summary of the ultimate project time schedule under the original multi-year right of way acquisition concept and the proposed accelerated time schedule.

SCOPE OF WORK

Fiscal Year	Original Tentative Schedule	Proposed Accelerated Schedule
1.) 1973-74	5 relocations	5 relocations
2.) 1974-75	5 relocations	A. 10 relocations B. remainder of unimproved property C. ultimate construction project.
3.) 1975-76	5 relocations	Project completed
4.) 1976-77	A. Remainder of unimproved property B. Ultimate construction project	Project completed

F. Discussion with the Utility Companies

The staffs of the City of San Jose and the County Public Works Departments recently discussed the proposed accelerated project schedule with the staffs of the Pacific Telephone Company and the Pacific Gas and Electric Company.

A summary of the utility companies' comments is as follows:

1. Compressing the time differential between the Interim Project and the ultimate project from 3½ years to 1½ years creates problems to the utility companies. These problems include timing and additional relocation costs.
2. The utility companies can meet our schedule for the Interim Project (construction in September, 1973) if we modify the project so that fewer utility relocations are required between Alum Rock Avenue and Madden Avenue.
3. The utility companies are receptive to using P.U.C. Rule 20A undergrounding allocations to underground the overhead utilities prior to construction of the ultimate improvement project.

4. The utility companies need preliminary plans for the ultimate improvement project not later than January, 1974. In order to underground utilities prior to construction of the ultimate project as presently proposed on the accelerated schedule.

G. Conclusions

1. The Interim Improvement Project is necessary to provide immediate safety improvements and congestion relief.
2. The ultimate improvement project will require a joint agency cost sharing agreement with City of San Jose
3. The ultimate project involves a potential of 15 relocations (all of these are the responsibility of the County) and a total cost of approximately \$1,300,000 (\$200,000 City and \$1,100,000 County).
4. The City of San Jose Department of Public Works is prepared to recommend sufficient funding to coincide with the County's time schedule for the ultimate improvement - whether that schedule continues on a multi-year basis or is accelerated.
5. The old tentative time schedule for the ultimate project included right of acquisition in fiscal years 1973-74 through 1976-77 with construction commencing in fiscal year 1976-77.
6. The minimum estimated time requirement to appraise, acquire, and relocate the additional 17 families and 1 pre-school nursery required for the ultimate improvement project in an orderly manner is 18 months.
7. The proposed accelerated schedule will allow us to accelerate right of way acquisition from 1 to 2 years and accelerate the ultimate construction from fiscal year 1976-77 to fiscal year 1974-75.
8. The proposed accelerated construction schedule will cause timing problems and additional relocation costs to the utility companies. These timing and economic problems of the utility

companies can be minimized if the utility relocations in the Interim Project are reduced between Alum Rock Avenue and Madden Avenue.

9. The utility companies are receptive to using P.U.C. Rule 20A undergrounding allocations to underground the overhead utilities prior to construction of the ultimate improvement project.
10. The utility companies can underground their facilities prior to the proposed accelerated construction schedule provided that the preliminary plans are delivered to them not later than January, 1974.

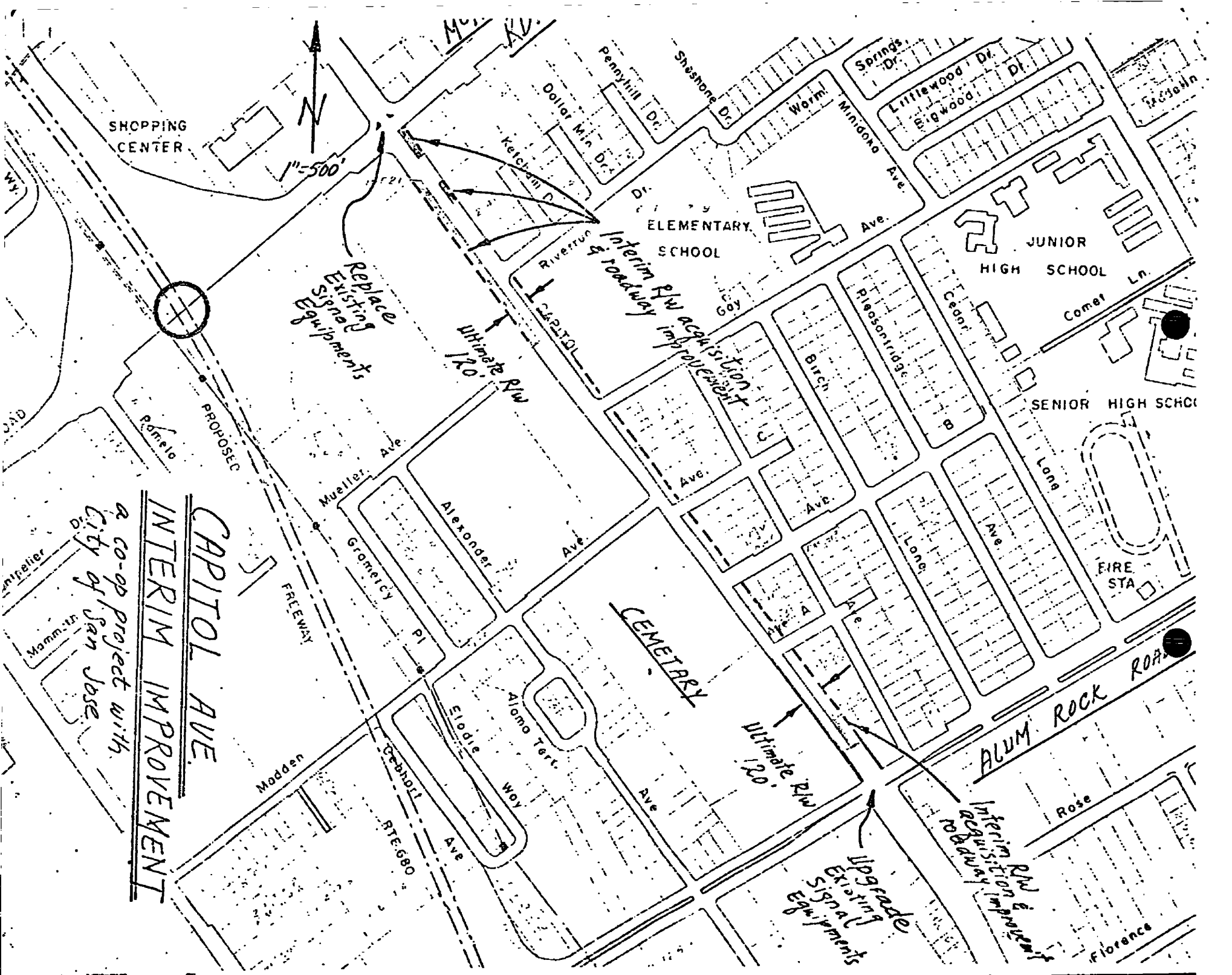
H. Recommendations

It is recommended that:

1. The Interim Improvement Project to provide immediate safety improvements and congestion relief proceed as presently scheduled (award of a construction contract by City of San Jose in September, 1973).
2. The Board of Supervisors adopt the proposed accelerated schedule for the ultimate improvement project, to include construction in fiscal year 1974-75.
3. The Public Works Departments of the City of San Jose and the County continue to cooperate on the Interim Improvement Project and the Ultimate Improvement Project.
4. An appropriate underground utility district be established for the undergrounding of utilities prior to construction of the ultimate project.
5. The scope of the Interim Project be modified in order to accommodate utility company timing constraints. This modification will result in a deletion of the interim pavement widening between Avenue "A" and Madden Avenue.
6. The Road Fund Budget for fiscal year 1973-74 contains sufficient funding in the Capitol Avenue line item to accomplish the following:

- a. Right of way acquisition of 5 units requiring relocation.
- b. Preparation of ultimate improvement plans for utility company use in preparing for utility undergrounding.
- c. Modifications to the Interim Project to accommodate (1) utility company relocation problems; and (2) congestion minimization and cost savings for both the Interim Project and the Ultimate Project.

LM:SAB:vlh



SHOPPING CENTER

1"=500'

Replace Existing Signal Equipments

ELEMENTARY SCHOOL

JUNIOR HIGH SCHOOL

SENIOR HIGH SCHOOL

CEMETARY

FIRE STA

CAPITOL AVE
INTERIM IMPROVEMENT

a co-op project with City of San Jose

Upgrade Existing Signal Equipments

Interim Hwy & roadway improvement

CROSS REFERENCE SHEET

Name or Subject

File No.

ROADS Contracts & Agreements
Cost Sharing - Capitol Ave
San Jose City of

Regarding

Date

1. Correspondence & Petitions re
improvement project.

Item #7 July 10, 1973

2. Staff Report on Improvement Project.

SEE

Name or Subject

File No.

1. Correspondence "C" 1973
2. Road 154 Capitol Avenue
General

File cross reference form under name or subject at top of the sheet and by the latest date of papers. Describe matter for identification purposes. The papers, themselves, should be filed under name or subject after "SEE."



file
FPP:FWM:rs
3/13/73

44077

AGREEMENT BETWEEN THE CITY OF SAN JOSE
AND THE COUNTY OF SANTA CLARA FOR THE
CONSTRUCTION OF INTERIM IMPROVEMENTS ON
CAPITOL AVENUE BETWEEN ALUM ROCK AVENUE
AND MCKEE ROAD.

THIS AGREEMENT, made and entered into this JUN 5 1973 day of _____, 1973, by and between the CITY OF SAN JOSE, a municipal corporation of the State of California, hereinafter referred to as "City," and the COUNTY OF SANTA CLARA, a political subdivision of the State of California, hereinafter referred to as "County";

W I T N E S S E T H:

WHEREAS, the public interest requires that interim improvements on Capitol Avenue be constructed in order to provide an adequate roadway section between Alum Rock Avenue and McKee Road, all of which said interim improvements shall be hereinafter referred to as "project"; and

WHEREAS, approximately twenty percent (20%) of the project lies within the unincorporated area of the County, and the remaining eighty percent (80%) of the project lies within the City; and

WHEREAS, it is in the best interest of orderly and economic construction practices to complete the project through joint action of City and County and under a single construction contract, awarded and administered by City.

NOW, THEREFORE, for and in consideration of their mutual promises, covenants and agreements hereinafter set forth, and subject to the terms, provisions and conditions hereinafter set forth, the parties hereto do agree as follows:

1. Preparation of Plans and Specifications. City shall prepare and submit to County for approval plans and specifications for the construction of the project. Upon approval by County, City shall advertise the project for bid and may award a contract to be supervised to completion by City.

2. Acquisition of Real Property. County shall acquire all the real property, and the necessary temporary easements required for constructing said project, which lie within the unincorporated area of County. City shall acquire all the real property, and the necessary temporary easements required for constructing said project, which lie within the territorial limits of City. Each party hereto shall be responsible for and shall pay its own land acquisition costs, including costs of eminent domain or inverse condemnation, as necessary for the commencement and completion of construction of said project.

3. County's Estimated Share of Cost. The "total construction cost" is the sum of the "construction cost," as hereinafter defined, and the "construction inspection cost."

The "construction cost" is estimated to be the sum of One Hundred Thirty Thousand Dollars (\$130,000.00). The "construction cost" of the portion of the project lying within the unincorporated area of the County is twenty percent (20%) and is estimated to be the sum of Twenty-six Thousand Dollars (\$26,000.00). County's "construction inspection cost" shall not exceed fifteen percent (15%) of the "construction cost" chargeable to County. In no event, without the prior written consent of County, shall County's portion of the "total construction cost" exceed the sum of Thirty-four Thousand Dollars (\$34,000.00).

County agrees to pay to City the sum of Thirty Thousand Dollars (\$30,000.00) upon demand of City, which said demand shall be made by City no earlier than the date of approval of the plans by County.

As used in this agreement, the term "construction cost" shall mean the total of all costs incurred and expenditures made by City in connection with constructing said project, including engineering costs and expenses, costs and expenses of preparing plans and specifications, publication, advertising and printing, cost of the construction contract, and cost of extra work and materials in connection with such work authorized by County and City; but excluding the costs and expenses for construction inspection.

4. Insurance. City shall require any contractor awarded a contract for any portion of said project to secure and maintain in full force and effect at all times during construction of said project and until said project is accepted by City, public liability and property damage insurance in forms and limits of liability satisfactory and acceptable to both City and County, insuring City and County, and their respective officers and employees, from and against any claims, loss, liability, cost or expense arising out of or in any way connected with the construction of said project.

The aforementioned policy shall contain a provision that the insurance afforded thereby to City and County and their respective officers and employees shall be primary insurance to the full limits of liability of the policy, and that if the City or County, or their respective officers and employees, have other insurance against a loss covered by such policy, that other insurance shall be excess insurance only.

5. Final Cost to County. Upon completion of said project, City shall submit to County a final accounting of the "total construction cost." The final sum that shall be paid by County as its share of the "total construction cost" of the project shall be Thirty-four Thousand Dollars (\$34,000.00), or twenty percent (20%) of the "total construction cost" of the project, whichever is less. If \$30,000 amounts to more than 20% of the "total construction cost" of the project, then and in that event, City shall, within sixty (60) days from receipt by County of the final accounting, refund to County a sum of money equal to the difference between \$30,000 and 20% of the "total construction cost" of said project. However, if 20% of the "total construction cost" of said project is more than \$30,000, then and in that event County shall, within sixty (60) days from receipt by County of the final accounting, pay to City an additional sum of money equal to the difference between 20% of the "total construction cost" of said project and \$30,000; said additional sum of money, however, shall not exceed the sum of Four Thousand Dollars (\$4,000.00).

6. Records and Accounts. City shall keep, maintain and render available for inspection by County or its authorized representatives, records and books which will provide a complete and accurate account of all costs, fees and expenditures made by City on construction costs of said project.

7. Annexation. In the event any portion of the area within the limits of said project is annexed to City before the date of approval of said plans and specifications by County, County's share of the "total construction cost" shall be reduced in proportion to the amount of territory annexed.

8. Termination. If City has not awarded a contract for construction of said project prior to December 31, 1973, City shall refund to County all sums advanced under Paragraph 3 of this agreement.

9. Public Hearings and Environmental Statements. County shall conduct all public hearings and shall prepare all environmental statements that may be required for said project by existing legislation.

WITNESS THE EXECUTION HEREOF the day and year first hereinabove set forth.

APPROVED AS TO FORM:

Richard W. Marston
Deputy City Attorney

ATTEST:

James L. Seiner
City Clerk

CITY OF SAN JOSE, a municipal corporation of the State of

By Armando Rodriguez
Mayor
"City"

APPROVED AS TO FORM:

David J. Thompson
Deputy/Assistant County Counsel

ATTEST:

Shirley M. Rains
Clerk, Board of Supervisors

COUNTY OF SANTA CLARA, a political subdivision of the State of California

By Raymond J. ...
Chairman, Board of Supervisors
"County"

California

TRANSMITTAL MEMORANDUMS.D. 3Page 1 of 3DATE: May 30, 1973

FOR: BOARD OF SUPERVISORS AGENDA OF June 5, 1973
MONTINI, PUBLIC WORKS, ENGINEERING

FROM: A. THE FINAL ENVIRONMENTAL STATEMENT FOR IMPROVEMENTS ON CAPITOL AVENUE BETWEEN ALUM ROCK AVENUE AND MC KEE ROAD AND A COST SHARING AGREEMENT BETWEEN THE CITY OF SAN JOSE AND THE COUNTY OF SANTA CLARA FOR THE CONSTRUCTION OF INTERIM IMPROVEMENTS ON CAPITOL AVENUE BETWEEN ALUM ROCK AVENUE AND MC KEE ROAD.

TITLE: A. THE FINAL ENVIRONMENTAL STATEMENT FOR IMPROVEMENTS ON CAPITOL AVENUE BETWEEN ALUM ROCK AVENUE AND MC KEE ROAD.

DESCRIPTION: B. COMMUNITY INVOLVEMENT MEETING WITH CAPITOL AVENUE PROPERTY OWNERS BETWEEN ALUM ROCK AVENUE AND MC KEE ROAD.


A. Final Environmental Statement and Cost Sharing Agreement

This item was originally agendized for the Board of Supervisors' agenda of May 15, 1973 and was held over at the request of this Department for a period of three weeks until June 5, 1973.

The attached Final Environmental Statement has been prepared in conformance with the California Environmental Quality Act of 1970 as amended in 1972. The statement speaks to both immediate interim improvements and long term ultimate improvements on Capitol Avenue and complies with the policy for Capitol Avenue that was approved by the Board of Supervisors on August 8, 1972. That policy included the following features:

1. The County should not propose to construct the ultimate improvements at this time.
2. The funding for Capitol Avenue included in the 1972-73 budget should be used for interim improvement projects on Capitol Avenue.
3. The Public Works Departments of the County of Santa Clara and the City of San Jose should initiate a joint agency project.
4. For the construction of ultimate improvements the County should acquire the necessary parcels as those parcels become available on the real estate market provided that such acquisition can be accomplished through limited multi-year budgeting.

The attached joint agency cost sharing agreement is necessary to accomplish improvements on Capitol Avenue; the attached agreement provides for interim improvements which will be consistent with the long term ultimate improvements. It is proposed that the County, as

APPROVED: JAMES POTT 

HQUARD CAMPEN _____

AGENDA DATA: DATE: _____
ITEM NO: _____

BOARD ACTION: _____

TRANSMITTAL MEMORANDUM

Page 2 of 3

DATE: May 30, 1973

DATE OF AGENDA: June 5, 1973

TITLE: A. THE FINAL ENVIRONMENTAL STATEMENT FOR IMPROVEMENTS ON CAPITOL AVENUE BETWEEN ALUM ROCK AVENUE AND MC KEE ROAD AND A COST SHARING AGREEMENT BETWEEN THE CITY OF SAN JOSE AND THE COUNTY OF SANTA CLARA FOR THE CONSTRUCTION OF INTERIM IMPROVEMENTS ON CAPITOL AVENUE BETWEEN ALUM ROCK AVENUE AND MC KEE ROAD.
B. COMMUNITY INVOLVEMENT MEETING WITH CAPITOL AVENUE PROPERTY OWNERS BETWEEN ALUM ROCK AVENUE AND MC KEE ROAD.

its share of the interim project, acquire the unincorporated right of way necessary for roadway transitions and contribute 20% of the total project cost (a maximum of \$34,000).

Funds are available in the current road budget FY 1972-73 for this project.

B. Community Involvement Meeting.

This Department sent over 50 letters to the property owners on this section of Capitol Avenue and McKee Road inviting them to a community meeting on this project. This meeting was held on May 29, 1973 and was attended by approximately 20 property owners. The purpose of the meeting was to serve as a follow-up meeting to the original community meetings held in November, 1972. County and City of San Jose staffs explained what was being proposed and why at the May 29, 1973 meeting. It was pointed out that the high accident rate experienced on Capitol Avenue necessitated immediate interim improvements which can be accomplished this construction season; whereas the ultimate improvements will require at least several years to relocate the approximately 17 single family units which are in the ultimate right of way required for the ultimate project.

The general attitude of those property owners in attendance was favorable to the project. A vote of those present indicated the following preferences of the property owners:

1. A strong preference to have the City of San Jose and the County proceed with the ultimate improvement of this section of road at this time instead of the proposed interim improvement.
2. Realizing that the ultimate improvement would create a hardship on both the City of San Jose and the County road fund finances, a preference to have the City of San Jose and the County proceed with the interim project as proposed, provided that the County continue with the Board approved policy to acquire the necessary parcels for the ultimate improvement on a multi-year basis.

TRANSMITTAL MEMORANDUM

Page 3 of 3

DATE: May 30, 1973

DATE OF AGENDA: June 5, 1973

TITLE: A. THE FINAL ENVIRONMENTAL STATEMENT FOR IMPROVEMENTS ON CAPITOL AVENUE BETWEEN ALUM ROCK AVENUE AND MC KEE ROAD AND A COST SHARING AGREEMENT BETWEEN THE CITY OF SAN JOSE AND THE COUNTY OF SANTA CLARA FOR THE CONSTRUCTION OF INTERIM IMPROVEMENTS ON CAPITOL AVENUE BETWEEN ALUM ROCK AVENUE AND MC KEE ROAD.
B. COMMUNITY INVOLVEMENT MEETING WITH CAPITOL AVENUE PROPERTY OWNERS BETWEEN ALUM ROCK AVENUE AND MC KEE ROAD.

C. It is recommended that:

1. The Final Environmental Statement be approved.
2. The interim project cost sharing agreement between the City of San Jose and the County be executed.
3. The Board of Supervisors reaffirm the policy it adopted on August 8, 1972 for the construction of ultimate improvements on Capitol Avenue which is:

The County should acquire the necessary parcels as those parcels become available, provided that such acquisition can be accomplished through limited multi-year budgeting. The ultimate improvements on Capitol Avenue between consecutive streets should be accomplished only after all parcels in that block have been acquired.

After execution, please forward two signed copies to Al Chan, Engineering Division, Department of Public Works, who will arrange for hand delivery to the City of San Jose.

LM:SAB:vlh

attachments

County of Santa Clara
California

Department of Public Works
1555 Berger Drive
San Jose, California 95112

TRANSMITTAL MEMORANDUM

S.D. 3

Page 1 of 2

DATE: May 1, 1973

FOR: BOARD OF SUPERVISORS AGENDA OF May 15, 19 73

FROM: MONTINI, PUBLIC WORKS, ENGINEERING

TITLE: THE FINAL ENVIRONMENTAL STATEMENT FOR IMPROVEMENTS ON CAPITOL AVENUE AND A COST SHARING AGREEMENT BETWEEN THE CITY OF SAN JOSE AND THE COUNTY OF SANTA CLARA FOR THE CONSTRUCTION OF INTERIM IMPROVEMENTS ON CAPITOL AVENUE BETWEEN ALUM ROCK AVENUE AND MCKEE AVENUE

DESCRIPTION:

The Final Environmental Statement has been prepared in conformance with the California Environmental Quality Act of 1970 as amended in 1972. The statement speaks to both immediate interim improvements and long term ultimate improvements on Capitol Avenue and complies with the policy for Capitol Avenue that was approved by the Board of Supervisors on August 8, 1972. That policy included the following features:

1. The County should not propose to construct the ultimate improvements.
2. The funding for Capitol Avenue included in the 1972-73 budget should be used for interim improvement projects.
3. The Public Works Departments of the County of Santa Clara and the City of San Jose should initiate a joint agency project.
4. For the construction of ultimate improvements the County should acquire the necessary parcels as those parcels become available on the real estate market provided that such acquisition can be accomplished through limited multi-year budgeting.

A joint agency cost sharing agreement is necessary to accomplish improvements on Capitol Avenue; the attached agreement provides for interim improvements which will be consistent with the long term ultimate improvements. It is proposed that the County, as its share of the interim project, acquire the unincorporated right of way necessary for roadway transitions and contribute 20% of the total project cost (a maximum of \$34,000).

800 Funds are available in the current road budget (FY 1972-73) for this project.

APPROVED: JAMES POTT *[Signature]*

HOWARD CAMPEN *[Signature]*

JUN 5 1973 *[Signature]*

AGENDA DATA: DATE: _____

BOARD ACTION: MAY 15 1973 *[Signature]*

ITEM NO: _____

TRANSMITTAL MEMORANDUM

Page 2 of 2

DATE: May 1, 1973

DATE OF AGENDA: May 15, 1973

TITLE: THE FINAL ENVIRONMENTAL STATEMENT FOR IMPROVEMENTS OF CAPITOL AVENUE AND A COST SHARING AGREEMENT BETWEEN THE CITY OF SAN JOSE AND THE COUNTY OF SANTA CLARA FOR THE CONSTRUCTION OF INTERIM IMPROVEMENTS ON CAPITOL AVENUE BETWEEN ALUM ROCK AVENUE AND MCKEE AVENUE

Approval of the Final Environmental Statement and also of the joint agency cost sharing agreement is recommended.

2063
LM:LJM:vlh

• attachments

COUNTY OF SANTA CLARA

DEPARTMENT OF PUBLIC WORKS

FINAL ENVIRONMENTAL IMPACT REPORT

ON

CAPITOL AVENUE BETWEEN ALUM ROCK AVENUE

AND

MCKEE ROAD, SAN JOSE, CALIFORNIA

This report for the proposed improvement is submitted pursuant to:
California Environmental Quality Act of 1970, as amended 1972

Prepared by:

H. R. Bell

Approved for circulation by:

E. D. Hodge

E. D. Hodge, Manager
Real Estate Division
May 1, 1973

6-5-73 X13 ~~MAY 15 1973~~

The following report was prepared on March 6, 1973 and circulated as a Draft Environmental Report to the Planning Department of the County and the City of San Jose on March 15, 1973 for review and comments, if any.

There have been no formal comments received relative to the project or the Draft Environmental Report, and no significant change in the design of the proposed improvements are being considered, therefore, this report is to be considered as a Final Environmental Impact Report covering both the proposed interim improvements and the ultimate improvement which is proposed to be constructed at some future date.

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I. OVERVIEW

Capitol Avenue between Alum Rock Avenue and McKee Road is a bottleneck at the present time. The degree of congestion is reflected by the average daily traffic which is approaching 18,000 vehicles per day and is abnormally high for a two-lane roadway.

This typical section between these limits is a two-lane roadway constructed within a 60-foot overall right of way, greatly restricting the flow of traffic. Development, dedication and improvement have been on a piece-meal basis. There is essentially no chance of development between Alum Rock Avenue and Avenue B. There is a possibility of some development occurring between Avenue B and Gay Avenue, but the public agencies will have to acquire the parcels which cannot be developed economically. Between Gay Avenue and McKee Road development should eventually provide the necessary right of way and the corresponding improvements.

The latest plan lines by the City of San Jose for Capitol Avenue between Alum Rock Avenue and McKee Road indicate non-concentric right of way requirements to avoid the cemetery on the west side of Capitol Avenue just north of Alum Rock Avenue. The ultimate over-all right of way is shown as 120 feet, which provides for six through lanes. (See Exhibit "A" for ultimate plan lines and jurisdictional boundaries.) The additional 60 feet of right of way to be acquired and the non-concentric widening would ultimately require the acquisition of

approximately 37 parcels, including 17 dwelling units and one small business. At the present time, 34 parcels, including the 17 dwelling units, and the one small business are in the unincorporated area.

Any improvement project on Capitol Avenue between Alum Rock Avenue and McKee Road would require joint agency participation between the City and County. Each year the County requests from each city a list of projects that should be accomplished by joint agency action. The City of San Jose had not submitted this section of road as a recommended co-op project for the Fiscal Year 1972-73. Since the County became aware of the magnitude of the problem, the City and County have met and jointly reviewed the alternative solutions to relieve the congestion on Capitol Avenue. The City of San Jose's Public Works staff is recommending the funding of interim improvements on Capitol Avenue and has budgeted \$114,000 for such improvements. The County of Santa Clara has budgeted \$150,000 for interim improvements. The jurisdictional boundary lines for the City of San Jose and County of Santa Clara are shown on the attached Exhibit "A"

Sinclair Freeway from Alum Rock Avenue south to Bayshore Freeway is presently under construction with completion expected in February, 1974. That portion of Sinclair Freeway running north from Alum Rock Avenue is also under construction with completion planned for August, 1974. When the freeway is completed, some diversion of traffic from Capitol Avenue to the freeway can be expected, although a large portion of the

existing traffic, as well as increased traffic in future years, can be expected to use Capitol Avenue as a major community thoroughfare.

II. STATUS OF THE ADJACENT SECTIONS OF CAPITOL AVENUE

Capitol Avenue between Capitol Expressway and Alum Rock Avenue was improved under a cooperative project between the County and the City of San Jose in March, 1971. The overall right of way varies from 130 feet to 120 feet between these limits and improvements include four through lanes with left-turn pockets and free-running right turns. Six through lanes without a median can ultimately be constructed within the present right of way.

Capitol Avenue north of McKee Road was constructed in 1957 in cooperation with the State Division of Highways. The overall right of way is typically 80 feet, allowing four through lanes. As development occurs dedication and improvement are being required in order to provide the ultimate overall right of way width of 130 feet with six through lanes.

III. PROJECT DESCRIPTION

The proposed action centers around the improvement of Capitol Avenue between Alum Rock Avenue and McKee Road. The project area is partially within the jurisdictions of the City of San Jose and the County of Santa Clara.

The ultimate improvement to this roadway will include acquisition of the necessary land for a 120 foot right of way, construction of six travel lanes and undergrounding of power lines.

It is proposed that the ultimate improvement be implemented in stages. The first stage interim improvement includes the following: (See Exhibit "B".)

- A. Signal modification and intersection modification at Capitol Avenue and Alum Rock Avenue. Interim roadway improvements and relocation of utility lines between Alum Rock Avenue and Avenue B.
- B. The installation of new solid state signal controller equipment and the ultimate improvement of the southerly leg of the intersection of Capitol Avenue and McKee Road.
- C. A pedestrian pathway on the east side of Capitol Avenue between Alum Rock Avenue and McKee Road.
- D. Modify the northwest corner of Mueller Avenue and the southeast corner of Riverrun Drive to enhance transitions on Capitol Avenue.

The improvements to be installed in the first stage of the program will be designed in such a manner as to be consistent with the ultimate improvements envisioned for this section of roadway, with the exception of pedestrian pathways, which will be temporarily placed within existing right of way, or adjacent thereto on land acquired as part of the initial stage construction.

IV. STUDY AREA ENVIRONMENT

Areas outside the study area will no doubt benefit from the proposed project, however, for purpose of discussion in this report, the study area has been limited to that area which is considered to be most affected. See Exhibit "C" attached for study area.

Land use within the defined area includes single and multi-residential, commercial and public. The commercial uses are along both sides of Alum Rock Avenue and a mixture of commercial, multi-residential, and vacant R-1 (residential) zoned land is located along McKee Road. The Shields Elementary school and Foothill High School are located along Gay Avenue. Pala Jr. High School and James Lick High School are located on the west side of White Road between Gay Avenue and Alum Rock Avenue. These schools are all within the East Side Union School District.

Land use along the east side of Capitol Avenue is predominately single-family residential. On the west side, the Calvary Catholic Cemetery occupies a site of approximately 19 acres in the northwest quadrant of Capitol Avenue and Alum Rock Avenue with multi-residential use extending northerly between Madden Avenue and Mueller Avenue.

Public transportation within the study area is provided by the Santa Clara County Transit District. Service, with two-hour headway is provided along McKee Road between the hours of 6:15 a.m. and 7:15 p.m. More frequent service is provided for the Alum Rock Avenue route. Headways are 30 minutes with service provided between 6:05 a.m. and 12:40 a.m.

Capitol Avenue is the boundary line for two separate 1970 Census Tracts, each encompassing an area larger than the defined study area. However, the census tract area east of Capitol Avenue is reported to have a median income of \$9,800, with 12.5% of 1,656 households below the poverty level. West of Capitol Avenue the median income is reported to be \$7,900 with 14.6% of the 1,885 households below the poverty level. The median income for all of San Jose is \$10,043, and \$12,450 for the entire County.

The Route 680 Freeway, shown on the attached exhibits, is currently under construction. The freeway, when completed, will provide a major travel route for many San Jose residents traveling within the County and its environs. While the freeway is expected to relieve some of the travel demands on Capitol Avenue, additional increases in travel on Capitol Avenue is anticipated as the land areas north and south of the study area become more fully developed with residential land use. Also, the shopping complex at McKee Road and Capitol Avenue and the Eastridge Shopping Center at Capitol Expressway and Tully Road are major trip attractors which can be expected to generate additional travel on Capitol Avenue in future years.

It was noted previously that average daily traffic volumes in the study area are approaching 18,000 vehicles per day on a two-lane road. School children living west of Capitol Avenue and attending one of the four schools in the area between Capitol Avenue and White Road must cross Capitol Avenue.

A school crossing guard, supplied by San Jose, assists elementary school children, but all others are unassisted.

A recent traffic survey (Friday, February 16, 1973) between 7:00 a.m and 8:30 A.m. revealed 1,686 vehicles traveling northbound on Capitol Avenue and 855 traveling southbound. During the same period, 60 pedestrians were observed crossing Capitol Expressway at Gay Avenue.

The congestion on Capitol Avenue between McKee Road and Alum Rock Avenue has contributed to an excessive amount of vehicular accidents. In 1970 there were 52 accidents, increasing to 84 accidents in 1971, and to 135 in 1972.

On November 28, 1972, the County and City of San Jose Public Works staffs conducted an informal community involvement meeting with the adjacent business community and with the homeowners on November 30, 1972. The consensus of opinion expressed at these meetings was:

1. The existing traffic situation is intolerable and needs immediate attention.
2. The ultimate construction, rather than interim improvement, should be commenced as soon as possible. Property owners requiring relocation would have no objection to relocating under the County's Relocation Assistance Program.

V. ENVIRONMENTAL IMPACT

A. Impact of the Proposed Action

1. First-stage construction will require acquisition of eight parcels of land and relocation of three families.
2. Improved signalization and the addition of transition lanes is expected to reduce congestion within the immediate areas of the interesections involved in the project.
3. Pedestrian pathways will increase pedestrian safety and enhance pedestrian travel..
4. Noise and air quality are not expected to be significantly affected, although the improved flow of traffic through the intersection will reduce stop-and-go travel to some degree, as well as vehicle idle time, both of which are contributors to noise and air pollution. (Studies indicate carbon monoxide generation rates of .42 lbs/veh. mile for congested traffic versus .11 lbs/veh. mile for smoothly flowing traffic.*).
5. The frequency of vehicular accidents is expected to be reduced.

* "The Highway Engineer and the Environment", Harter M. Rupert, U. S. Bureau of Public Roads (March, 1970).

6. Future construction of road improvements to meet the ultimate design will require acquisition of additional land and relocation of approximately 15 additional families. There is presently no timetable for construction of ultimate improvements.

The stated willingness of the property owners attending the Community Involvement meeting on November 30, 1972 to relocate, and the current availability of housing, leads one to conclude that right of way acquisition will not have a significant adverse effect upon owners or the housing market.

B. Adverse Impact and Mitigation Measures to Minimize Impact

The project is not viewed as containing any long-term adverse impact. Implementation of the project will enable the local jurisdictions to attain their mutual long-term goal of improving the subject facility. Vehicular access in and through the study area will be enhanced. Pedestrian traffic will be provided a safer means of travel, and a reduction in annual vehicular traffic accidents is anticipated.

Some short-term inconvenience may occur during the construction period; however, the contractor will be required to provide for continuous and uninterrupted traffic flow.

Relocation of the three families affected by the initial stage of construction will be provided for pursuant to the provisions contained in the Relocation Assistance Program of the County of Santa Clara. The additional land needed for the ultimate road improvements will be acquired by the County at some future time as the owners decide to sell their property and offer it for sale on the open market.

There are no bodies of water, natural streams, public parks, or areas of historical significance affected. The Calvary Catholic Cemetery will not be affected as all plans for the proposed improvements will be designed to avoid acquisition of any portion of the Cemetery.

C. Alternatives to the Proposed Action

The alternatives considered for this project included the construction of interim improvements and the construction of the facility in its entirety. While the "do nothing" concept has also been considered, this alternative would not be responsive to the community which has specifically requested local government to give the subject facility its immediate attention and to do something to improve traffic congestion.

There are three restrictions controlling the movement of traffic between Alum Rock Avenue and McKee Road. The most critical restriction occurs at the northwesterly leg of the intersection at Capitol Avenue

and Alum Rock Avenue. The next most critical restriction occurs at the southeasterly leg of the intersection at Capitol Avenue and McKee Road. Finally, the two-lane link between intersections limits the volume of traffic which is able to travel between Alum Rock Avenue and McKee Road.

Six plans for the improvement of Capitol Avenue within the subject limits are described below.

Within the Existing Right of Way

- Plan 1 - Signal Modification at the intersection of Capitol Avenue and Alum Rock Avenue. This plan would essentially include a modification of the signal timing and the existing signal equipment to be more responsive in serving the traffic volume demand.
- Plan 2 - Signal Modification at the intersection of Capitol Avenue and McKee Road. The City of San Jose is presently in the preliminary design stages for the improvement of this intersection. The County is only partially involved jurisdictionally and would be obligated to contribute its fair share towards this improvement.
- Plan 3 - Interim roadway improvements between Alum Rock Avenue and Gay Avenue. This plan includes such items as the relocation of power lines, the construction of a portion of the ultimate roadway and channelization. The County is only partially involved jurisdictionally.

Limited Right of Way Acquisition & Road Improvements

Plan 4 - Northeast leg at the intersection of Capitol Avenue and Alum Rock Avenue. This plan would relieve the congestion at this intersection and provide an interim transition for the through traffic. It includes the purchase of a minimum amount of right of way and the construction of the corresponding road improvements.

Plan 5 - Southwest leg at the intersection of Capitol Avenue and McKee Road. This intersection improvement, which would include the installation of new solid state signal controller equipment, island construction and channelization would be done in cooperation with the City of San Jose as a joint agency project. The jurisdictional boundary requires only minor County participation.

Ultimate Right of Way Acquisition & Ultimate Road Improvements

Plan 6 - Ultimate roadway improvements between Alum Rock Avenue and McKee Road. This plan includes the acquisition of right of way and the construction of the ultimate road improvements by both the City and County respectively, according to the ultimate plan lines. Plans 1 through 5 are included in this plan. The County's portion of the right of way costs is estimated at \$700,000, which includes the relocation of

approximately 17 families and one small business.

The County's portion of construction costs is estimated at \$300,000.

D. Relationship between Local Short-Term Uses of
the Environment and the Maintenance and Enhancement
of Long-Term Productivity

The proposed action is not expected to have long-term adverse effects on the community or the environment. Following the initial construction, a major portion of Capitol Avenue will remain essentially unchanged. The residential use adjacent on the east side of the existing roadway will continue until such time as the owners elect to offer their property for sale and move to another home in this or some other neighborhood.

At such time as the land required for the ultimate improvements is acquired, a narrow strip of land on the east side of Capitol Avenue between Alum Rock Avenue and Gay Avenue may remain as excess to road right of way requirements. This strip of land could be utilized for landscaping purposes or sold in individual parcels to the owners whose rear lot lines abut upon the excess land. The exact area of excess land is not known at this time.

E. Irreversible Environmental Changes Should the Proposed Action be Implemented

The proposed action will not require the irreversible commitment of natural resources of any significant amount. Improvement of the facility will have a limited effect upon the undeveloped land in the area as the plan lines for the ultimate facility have been established for some time and must be recognized by the developer.

A reduction in residential land use will occur on the east side of the subject road between Gay Avenue and Alum Rock Avenue. This reduction is not considered significant in relation to the total residential land in the region.

F. Growth Inducing Impact on the Proposed Action

The principal inducement for growth in the overall community is the commercial shopping centers on McKee Road, and further south on Tully Road (Eastridge). As the undeveloped land lying north and south of the study area is developed to planned use (i.e., residential-commercial), the influx of residents and additional travel to those areas will exert additional pressure on local streets and major thoroughfares.

The proposed action, in and of itself, is not viewed as a contributing factor to increased growth within the larger community, but should population growth accelerate in the near future, The ultimate

improvement of the subject facility, as an adjunct to peripheral development, may be necessary to avoid those problems of congestion currently being experienced by the community.

VI. ORGANIZATIONS AND PERSONS CONSULTED

A. City of San Jose

Planning Department

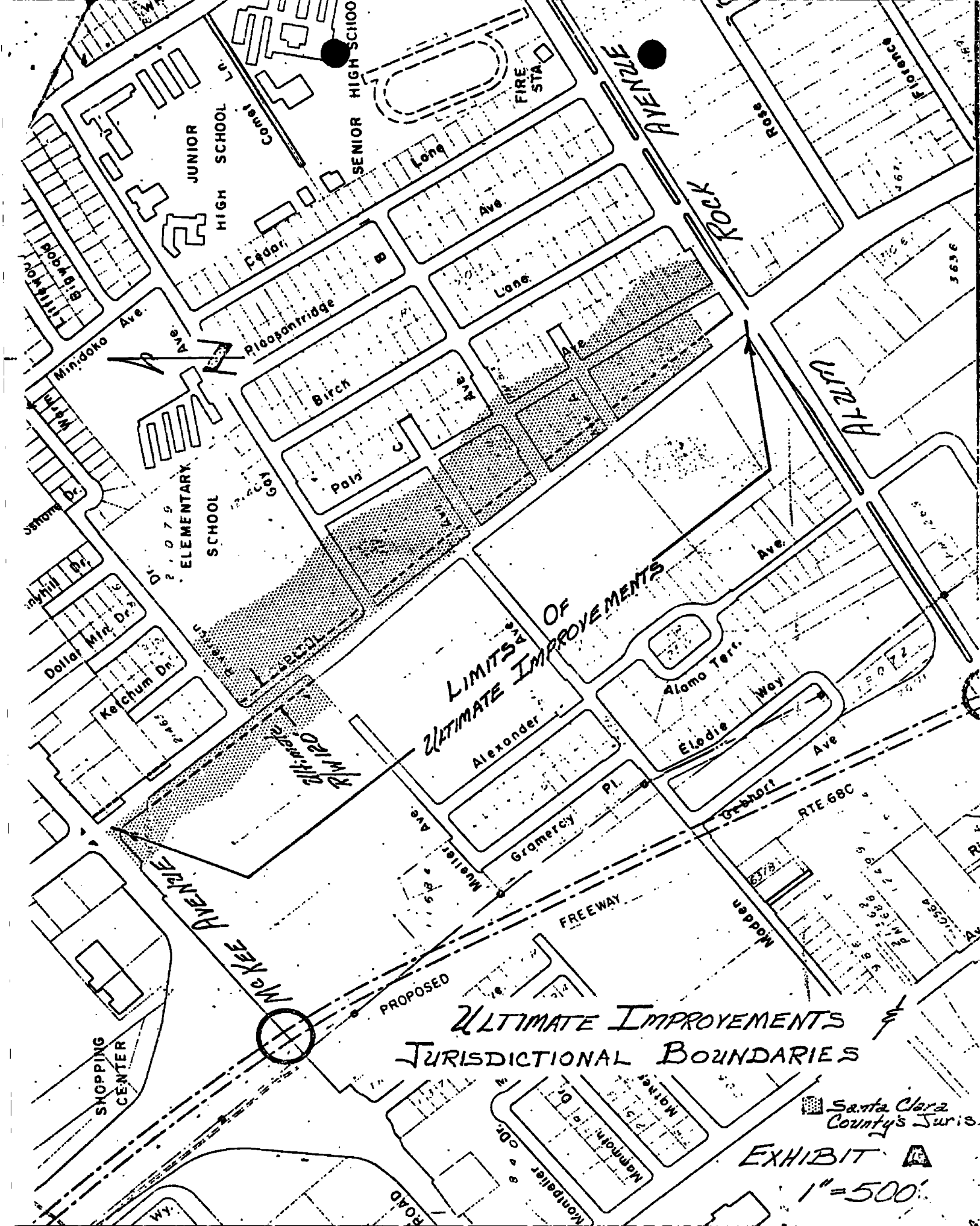
Traffic Department

B. County of Santa Clara

Planning Department

Public Works - Design Division &
Traffic

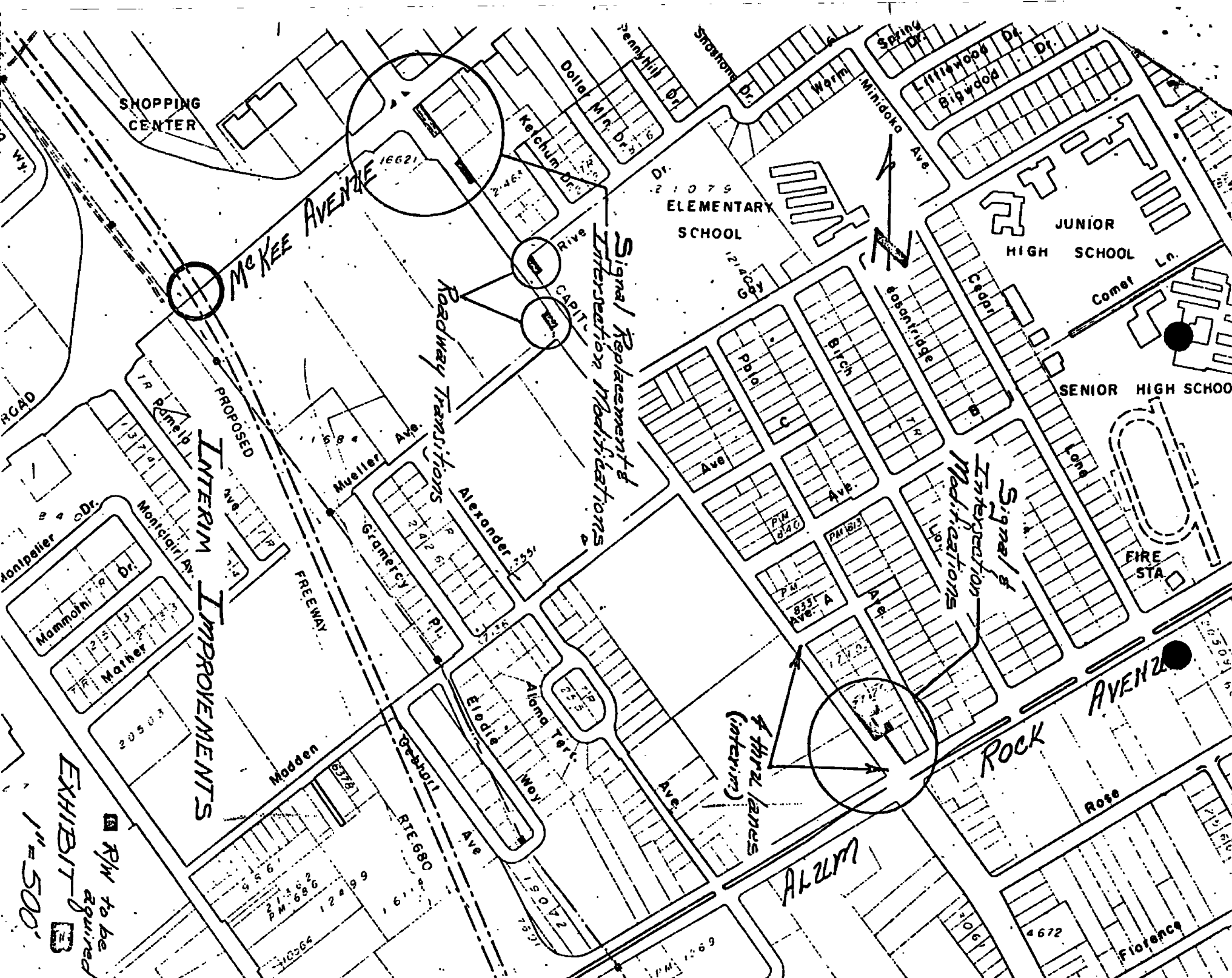
C. San Jose Historian - Clyde Arbuckle



ULTIMATE IMPROVEMENTS
JURISDICTIONAL BOUNDARIES

Santa Clara
County's Juris.

EXHIBIT
1"=500'



SHOPPING CENTER

16621
McKEE AVENUE

21079
ELEMENTARY SCHOOL

JUNIOR HIGH SCHOOL

SENIOR HIGH SCHOOL

FIRE STA

ROCK AVENUE

INTERIM IMPROVEMENTS

Signal Replacement & Intersection Modifications

Roadway Transitions

Signal & Intersection Modifications

4 Third Lanes (Interim)

EXHIBIT
1" = 500'

R/W to be acquired



EXHIBIT C

