

DIRIDON STATION AREA PLAN

FIRST AMENDMENT TO THE DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT

State Clearinghouse # 2011092022



City of San José

April 2014

PREFACE

This document together with the Program Environmental Impact Report (PEIR) constitutes the Final Environmental Impact Report (FEIR) for the Diridon Station Area Plan project. The PEIR was circulated to affected public agencies and interested parties for a 60-day review period from December 16, 2013 to February 13, 2014. This volume consists of comments received by the Lead Agency on the PEIR during the public review period, responses to those comments, and revisions to the text of the DEIR.

In conformance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the FEIR provides objective information regarding the environmental consequences of the proposed project. The FEIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The FEIR is intended to be used by the City and any Responsible Agencies in making decisions regarding the project. The CEQA Guidelines advise that, while the information in the FEIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the DEIR by making written findings for each of those significant effects.

According to the State Public Resources Code (Section 21081), no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) The public agency makes one or more of the following findings with respect to each significant effect:
 - (1) Changes or alterations have been required in, or incorporated into, the project which will mitigate or avoid the significant effect on the environment.
 - (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities of highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

In accordance with CEQA and the CEQA Guidelines, the FEIR will be made available for 10 days prior to certification of the EIR. All documents referenced in this FEIR are available for public review at the City of San José Department of Planning, Building, and Code Enforcement, 200 E. Santa Clara Street, 3rd Floor, San José, CA 95110, on weekdays during normal business hours.

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SECTION 1.0 LIST OF AGENCIES AND ORGANIZATIONS TO WHOM THE DRAFT PEIR, NOTICE OF COMPLETION, OR NOTICE OF AVAILABILITY WAS SENT

State Agencies

California Dept. of Fish and Wildlife
California Public Utilities Commission
Caltrans District 4
Association of Bay Area Governments
California Native American Heritage Commission
California High Speed Rail Authority
California Air Resources Board
California Highway Patrol
California Office of Historic Preservation
California Dept. of Toxic Substance Control

Regional Agencies

Bay Area Air Quality Management District
San Francisco Regional Water Quality Control Board
San Francisco Bay Conservation and Development Commission
PG&E
Valley Transportation Authority
San Jose Unified School District
Santa Clara Valley Water District
Santa Clara County Roads & Airports Department
Metropolitan Transportation Commission
Caltrain
Guadalupe-Coyote Resource Conservation District

Cities

City of Campbell
City Cupertino
City of Fremont
City of Milpitas
City of Santa Clara
City Sunnyvale

Organizations/Businesses

Santa Clara Valley Audubon Society
Greenbelt Alliance
SPUR
San Jose Downtown Association
Sierra Club - Loma Prieta Chapter
Shasta/Hanchett Neighborhood Association

Individuals

Angela Elsey

Dr. Lawrence Lowell Ames

Madalyn Perrine

Rick Bernard

In addition to the agencies, organizations, and individuals listed above, the Notice of Availability was published in the San José Mercury News and posted on the City's website. E-mail notices were also sent to individuals and groups that either requested notice or who provided an e-mail address at one of the Diridon workshops. The PEIR was available for review at the City's Department of Planning, Building, and Code Enforcement during normal business hours, and at the MLK and Rose Garden libraries.

SECTION 2.0 LIST OF COMMENT LETTERS RECEIVED ON THE DRAFT PEIR

Copies of written comments on the Draft PEIR that were received during the public review period are provided in **Section 6.0 Copies of Comments Received on the Draft PEIR**. A list of agencies, organizations, businesses and individuals commenting on the Draft PEIR is provided below.

Comments Received From	Date of Letter	Response on Page
A. Scott Barry	February 5, 2014	14
B. California High-Speed Rail Authority	February 13, 2014	16
C. Caltrain	February 13, 2014	21
D. Caltrans	January 29, 2014	24
E. David Dearborn	January 27, 2014	31
F. Jean Dresden	February 13, 2014	33
G. Friends of Caltrain	February 13, 2014	36
H. Greenbelt Alliance	February 13, 2014	44
I. Pacific Gas and Electric Company (PG&E)	February 13, 2014	50
J. Public Advocates	February 13, 2014	55
K. SAP Center/Sharks Sports and Entertainment	February 13, 2014	70
L. Santa Clara Valley Audubon Society	February 13, 2014	77
M. Sierra Club	February 7, 2014	79
N. Arena Authority	February 11, 2014	97
O. San Jose Downtown Association	February 13, 2014	98
P. Spur	February 13, 2014	103
Q. Silicon Valley Bicycle Coalition	February 13, 2014	113
R. Silicon Valley Leadership Group	February 13, 2014	118
S. Transform: World-Class Public Transportation Walkable Communities	February 13, 2014	122
T. Santa Clara Valley Transportation Authority	February 13, 2014	124
U. Working Partnerships	February 13, 2014	128
V. Santa Clara Valley Water District	February 11, 2014	132
W. Willow Glen Neighborhood Association	No Date on Letter	136

SECTION 3.0 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT PEIR

The following section includes all the comments on the DEIR that were received by the City in letters, emails, and public meetings during the 75-day review period. The comments are organized under headings containing the source of the letter and the date submitted. The specific comments from each of the letters, emails, or transcripts are presented as “Comment” with each response to that specific comment directly following. Each of the letters and emails submitted to the City of Redwood City are attached in their entirety (with any enclosed materials) in Section V of this document. The full transcripts of public meetings regarding the proposed project are also included in Section V.

CEQA Guidelines Section 15086 requires that a local lead agency consult with and request comments on the Draft EIR prepared for a project of this type from responsible agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, adjacent cities and counties, and transportation planning agencies. Section I of this document lists all of the recipients of the DEIR.

Three of the comment letters received are from public agencies, two of whom may be Responsible Agencies (California Department of Transportation and San Francisco Public Utilities Commission) under CEQA for the proposed project. The CEQA Guidelines require that:

A responsible agency or other public agency shall only make substantive comments regarding those activities involved in the project that are within an area of expertise of the agency or which are required to be carried out or approved by the responsible agency. Those comments shall be supported by specific documentation. [§15086(c)]

Regarding mitigation measures identified by commenting public agencies, the CEQA Guidelines state that:

Prior to the close of the public review period, a responsible agency or trustee agency which has identified what the agency considers to be significant environmental effects shall advise the lead agency of those effects. As to those effects relevant to its decisions, if any, on the project, the responsible or trustee agency shall either submit to the lead agency complete and detailed performance objectives for mitigation measures addressing those effects or refer the lead agency to appropriate, readily available guidelines or reference documents concerning mitigation measures. If the responsible or trustee agency is not aware of mitigation measures that address identified effects, the responsible or trustee agency shall so state. [§15086(d)]

The CEQA Guidelines state that the lead agency shall evaluate comments on the environmental issues received from persons who reviewed the DEIR and shall prepare a written response to those comments. The lead agency is also required to provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report. This FEIR contains written responses to all comments made on the DEIR received during the advertised 75-day review period. Copies of this FEIR have been supplied to all persons and agencies that submitted comments.

3.1 MASTER RESPONSES TO MULTIPLE COMMENTS RECEIVED ON THE DRAFT PROGRAM EIR

Comments were received during the circulation period of the PEIR from multiple sources on a variety of issues. Some issues were stated in more than one comment letter. To address the multiplicity of concerns, including comments that were identical or similar, Master Responses were prepared on these common topics. The Master Responses are referred to in the responses to individual letters, as appropriate. Below is a list of the Master Responses prepared for the Final PEIR:

- Master Response 1: High Speed Rail Alternatives, Above and Below Ground
- Master Response 2: Transportation Demand and Parking Management
- Master Response 3: Parking Allocation
- Master Response 4: Autumn Street Bike Lane/Trail
- Master Response 5: No Ballpark Alternative
- Master Response 6: Affordable Housing and Displacement
- Master Response 7: Reduced Scale Alternative as Environmentally Preferred Alternative

MASTER RESPONSE 1: HIGH SPEED RAIL ALTERNATIVES, ABOVE AND BELOW GROUND

As stated throughout the PEIR, the California High Speed Rail Authority (CHSRA) is planning for the development of a statewide high speed rail (HSR) system, linking San Francisco and Los Angeles. In San José, the CHSRA has not yet selected a rail alignment, grade elevation, number of tracks, or station configuration alternatives. These decisions will be made by the CHSRA Authority during and after the environmental review process for the San Francisco to San José section of the high-speed rail system.

The DSAP was developed in such a way as to allow either the above or below ground options for HSR in the Diridon area. For the purposes of the environmental analysis, the above ground option was evaluated because it has the potential to affect more land uses than the below ground option. It is understood that the below ground option is not without its challenges; however, CHSRA has agreed to study both alternatives when project-specific environmental review commences for the HSR project. The DSAP is conceptual in nature and has generally been designed to be able to accommodate either alignment.

MASTER RESPONSE 2: TRANSPORTATION AND PARKING MANAGEMENT

Letters received during circulation of the DSAP PEIR contained many comments encouraging the City to create a plan to manage traffic, parking, and overall travel demand related to Arena operations and development in the Diridon Station Area in general.

The City of San Jose in partnership with San Jose Arena Management and the San Jose Arena Authority (SJAA) utilize an event based Transportation and Parking Management Plan (TPMP). The most recent edition was prepared in 2005.

“The purpose of the TPMP is to establish event traffic and parking management strategies for the HP Pavilion (now SAP Center) that:

- 1) Promotes efficient and effective vehicular and pedestrian traffic circulation
- 2) Provides convenient and easy access to and from area parking facilities
- 3) Minimizes traffic congestion on surrounding roadway facilities
- 4) Minimizes traffic and parking intrusion into surrounding business and neighborhood communities”

While the TPMP will be periodically updated as the Diridon area develops and the Arena continues to operate at a high level of activity, there is also a need for a broader strategy to manage travel demand. Transportation demand management (TDM) refers to a broad range of actions meant to promote alternatives to single-occupant vehicle trips. TDM programs promote walking, bicycling, ridesharing and transit use and their attendant benefits of reduced congestion and pollution and lower parking demand.

Often businesses, major residential buildings and institutions in a concentrated area such as a downtown band together and form a Transportation Management Association (TMA) which conducts TDM programs on behalf of all employees and residents of the member organizations.

The City of San Jose is exploring the concept of a Downtown San Jose TMA which would market, promote, and conduct programs related to the use of transit, ridesharing, bicycling, and walking in downtown and the Diridon Station Area. The City is also allocating some existing funds and seeking additional funds to prepare a Transportation Demand Management Plan (TDM Plan) for downtown including the Diridon station area.

MASTER RESPONSE 3: PARKING

The parking analysis and projections for maximum build-out of the Diridon Station Area were derived from calculations of parking demand by land use including adjustments for use of alternative transportation. The Diridon Station Area Plan explains the methodology in detail (see Section 2.8, pages 2-136 through 2-145). The basic steps and approach are as follows:

The projected parking demand is calculated based on net area of land uses (commercial, residential, etc.). Parking ratios by land use type originated from the current zoning ordinance¹ and have been adjusted based on projected changes in the mode of travel over time. The City Council-adopted Envision San Jose 2040 General Plan calls for a significant reduction in single-occupant vehicle (SOV) travel. It sets the goal of reducing SOV trips from about 80% currently to 40% percent in 2040. The Diridon Station Area Plan parking analysis is based on a projection of 60% total auto trips with the remaining 40% of trips by other modes of travel (transit, walking, and bicycling). Given this goal, parking ratios for commercial office land uses were adjusted from the current downtown ratio of 2.5 spaces per thousand net square feet of development to 1.51 spaces, which is a 40 percent reduction. As stated on page 2-136 of the DSAP, “these ratios are appropriate for a multi-modal rich environment, such as the Diridon Station Area.” Furthermore, the parking projections would be

¹ Base rates used in the parking analysis were taken from Table 20-140 of the City’s Downtown Zoning codes. Under Section 20.70.320, all references to building square footage are based on “floor area” as defined in Section [20.90.050](#) to be eighty-five percent of the “total gross floor area” or net area of the building.

achieved over a 30-year period and will evolve over time as the area develops and parking ratios are adjusted.

Using this methodology, the total projected parking demand from development at maximum build-out within the Diridon station area was projected to be 9,127 spaces. The tabulation is detailed by land use type in Figure 2-8-1 of the DSAP (see page 2-140). The total transit related parking demand is projected to range from 1,353 to 2,213 spaces at maximum build-out when all new transit services including BART and High Speed Rail are operational (see pages 2-141 through 2-144 of the DSAP). The total combined parking demand from new development and expanded transit service was projected to be 11,340 spaces (see Table 2-8-4 of the DSAP).

Parking supply at maximum build-out is described in Section 4.2 of the DSAP, pages 4-18 through 4-26. The total development-based parking supply within the ‘test-fit’ plan for the DSAP is 11,950 spaces providing a modest projected surplus of just over 600 spaces when full build-out is achieved over the 30-year life of the DSAP.

MASTER RESPONSE 4: AUTUMN PARKWAY

In 2008, the City prepared an Environmental Impact Report (EIR) for the Coleman Avenue/Autumn Street Improvement Project which included, in general, the extension, realignment, and widening of Autumn Street (to be renamed Autumn Parkway) from Coleman Avenue to Park Avenue. Autumn Street would also be converted from one-way to two-way traffic between Santa Clara Street and Park Avenue.

These improvements are a key component of the Downtown San José Strategy 2000 Plan, a long-term plan for development in the greater downtown area that was approved by the San José City Council in June 2005. An objective of that project was to provide additional roadway capacity in the Coleman-Autumn Corridor, which is a major gateway to Downtown San José from I-880. That additional traffic capacity is needed to accommodate traffic demand associated with development programmed in the approved Downtown San José Strategy 2000 Plan. The extension of Autumn Street is an approved project in that plan.

The portion of the roadway extension from Coleman Avenue to the UPRR tracks was completed as part of the construction of the Marketplace development on Coleman Avenue. The segment of the project from the UPRR tracks to West Julian Street is currently under construction. The next phase of the project would realign and build Autumn Parkway from Julian Street to St. John Street.

The Autumn Parkway project between Coleman Avenue and Park Avenue was included in the Strategy 2000 Plan to accommodate traffic anticipated from Downtown development. Therefore, the extension, realignment, and widening of this entire roadway, which has already undergone environmental review, is part of the previously approved Downtown San Jose Strategy 2000 Plan and is required to accommodate its traffic. The majority of the Plan area is located within the Downtown Core, the development of which is included in the Strategy 2000 Plan. For this reason, the extension of Autumn Parkway is assumed and required for the DSAP project.

The Los Gatos Creek Reach 5 Master Plan depicts the primary future Los Gatos Creek Trail along the west side of Los Gatos Creek within the DSAP area. The Master Plan shows a path along the east side of Autumn Parkway from West San Fernando Street to West Santa Clara Street. It is anticipated that open space areas would be created adjacent to the trail after the acquisition of a series of private properties and the removal of structures on the east side of Autumn Street and west of Los Gatos Creek.

Prior to the completion of this trail project, the City will designate a Class III bicycle route on Autumn Street between Park Avenue and West Santa Clara Street.

Los Gatos Creek and the Guadalupe River converge just north of West Santa Clara Street. From West Santa Clara Street to West St. John Street, bicyclists and pedestrians are accommodated on an existing shared use path (Class I bicycle facility) within Arena Green along the west side of the Guadalupe River. A continuation of the Class I bike path will be constructed as part of the Autumn Parkway project on the east side of the parkway from St. John Street to West Julian Street, where it will ultimately connect to the existing Class I Guadalupe River Trail facility on the west side of the river.

Figure 2-10 of the DSAP PEIR has been revised to reflect changes in proposed bicycle and facilities along Autumn Parkway as described above.

MASTER RESPONSE 5: NO BALLPARK ALTERNATIVE

As stated in Section 1.2.1.1 of the DSAP PEIR, the City is working to facilitate the relocation of the Oakland A's to San José. While Major League Baseball has not yet approved the territorial adjustment to allow the move by the A's, it continues to be the intent of the City to pursue this relocation. For these reasons, the baseball stadium was assumed to be included in the DSAP area and its inclusion in the plan furthers the City's objective of creating a regional world class entertainment destination in the Diridon Station area.

The PEIR also describes in Section 2.4.2 that if the ballpark is not constructed, the approximately 15-acre site would be developed consistent with the 2040 General Plan and Downtown Strategy Plan, as shown on Figure 2-4. Therefore, the DSAP project description as it relates to the 15-acre site consists of the first option of being developed with a ballpark (which has already undergone environmental review in a project-level EIR), and in the event that ballpark option is not feasible, a second option of development consistent with current plans and policies applicable to the site. The ballpark site is designated in the General Plan for *Commercial Downtown* uses including high-density office, hotel, retail, service, and entertainment uses. All development within this designation should enhance the "complete community" in downtown, support pedestrian and bicycle circulation, and increase transit ridership. Residential uses are excluded from this designation. It is expected that given the building height limits proposed in the DSAP, development would not exceed an FAR of 6.0 and new buildings would range from seven to nine stories. Any development on the ballpark site will either come from the maximum development capacity for the Central Zone or will be considered additional development capacity, requiring additional environmental review.

A No Ballpark Alternative was not considered for analysis in the Alternatives section of the PEIR because the stadium has already been planned as an independent component of the DSAP. As stated above, the development of the site with high-density office, hotel, retail, service, and/or entertainment uses is the anticipated scenario if the ballpark does not occur on the parcel. Therefore, there is no reason to separately develop and consider a DSAP alternative that does not include a ballpark; it already exists as part of the plan that is the subject of the PEIR.

Environmental impacts of constructing and operating the ballpark were evaluated and disclosed in a previous certified EIR prepared specifically for that purpose. The DSAP PEIR, therefore, was not intended to constitute the environmental review for the construction and operation of the ballpark, as that had already been completed. When considering alternatives to a project in an EIR, CEQA requires that the alternatives avoid or substantially lessen the significant effects of the project. A No Ballpark Alternative would not reduce the impacts of the proposed project since such a scenario is part of the DSAP project (in the event the ballpark is not feasible) and was not separately evaluated as part of the PEIR Alternatives section.

MASTER RESPONSE 6: AFFORDABLE HOUSING AND DISPLACEMENT

Several comments on the PEIR expressed concern about an allegedly inadequate analysis of the impact of the DSAP on housing affordability and the potential for the displacement of low-income residents that currently reside in the Plan area. Some commenters suggested that the DSAP be amended to increase the number of housing units in the Plan area.

Social and economic issues are not required to be analyzed under CEQA except in limited circumstances when these issues can be tied to a physical change in the environment, such as the physical displacement of housing units to construct infrastructure. As discussed below, these circumstances do not apply to the DSAP.

Analysis of Social and Economic Issues under CEQA

Under CEQA, a project's social and economic effects are not environmental effects and need not be discussed in an EIR unless they can be linked to a physical change to the environment. Per Section 15131(a) of the CEQA Guidelines:

“Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.”

The potential loss of existing affordable housing in the Plan area is an economic and social issue without a clear, direct link to physical changes in the environment that can be attributed to the adoption or implementation of DSAP. The Plan is a document for guiding future growth in the station area that will be implemented over many decades, and changes in the availability of

affordable housing that occur in this timeframe are not physical environmental impacts of the Plan; rather, such changes are social and/or economic.

New development, which can occur today without adoption of the Plan, may result in displacing some residents who may relocate to other areas or cities. The potential for physical impacts to the environment as a result, particularly air quality, greenhouse gas emissions, and transportation impacts resulting from changes in the regional housing distribution, were disclosed in the Envision San Jose 2040 Program EIR. However, the extent to which the displacement or relocation of existing low income residents to other areas would have physical impacts on resources, i.e., air quality, is highly speculative because travel patterns based on income are not available. There is no substantial evidence on which to base any predictions about where existing residents will go and in what numbers. Those actions are all highly dependent on fluid market and social forces, which are not environmental issues.

The discussion of affordable housing in the Population and Housing section of the Draft EIR assumes that at least 15% of new units in the Plan Area will be affordable. However, given the dissolution of the Redevelopment Agency and a legal challenge to the City's Inclusionary Housing Ordinance, there are currently no feasible mechanisms to require this level of affordable housing. Therefore, references to an assumption that 15% of all housing in the Plan Area will be affordable on pages 378 – 379 of the Draft EIR will be replaced in the Final EIR with references to the City's policy goal that a minimum of 15% of residential units in the Plan Area be affordable to households of low- and moderate-incomes. This will be accomplished through a range of policy tools and strategies that will be further developed at the Plan's implementation stage. These strategies are included in the DSAP, and are discussed below under "Affordable Housing Strategies Being Pursued by the City." This change in language will have no bearing on the analysis of environmental impacts in the PEIR since the provision (or lack) of affordable housing is a socio-economic issue that is not analyzed under CEQA because no direct, physical effects on the environment can be attributed to the availability of affordable housing in the Plan Area beyond those impacts already discussed in the PEIR.

Displacement of Housing Units

Several letters also express concern about the potential displacement of existing low-income residents within the Plan area. Two types of displacement are discussed: construction displacement and socio-economic displacement.

Construction Displacement

Construction displacement refers to the direct physical displacement of housing units resulting from construction directly related to the Plan, such as roadway or other infrastructure needed to support the development capacity outlined in the Plan. The only direct physical displacement of housing units in the Plan area are those that will be removed as part of the Autumn Parkway extension project, which was previously analyzed at a program-level in the Downtown Strategy 2000 EIR and at the project-level in the Coleman Avenue/Autumn Street Improvement Project EIR, and is therefore considered background to the DSAP. See Master Response #4 for a further discussion of the Autumn Street extension.

Socio-economic Displacement

Socio-economic displacement refers to market forces which could lead to the displacement of low-income residents of the Plan area resulting from increased rents and housing costs and the replacement of older housing stock with newer, market-rate housing. As discussed above, the socio-economic effects of a project that do not implicate physical environmental effects are not required to be analyzed under CEQA.

The potential displacement of 1,430 housing units discussed on page 379 of the Draft EIR is referring primarily to socio-economic displacement resulting from market-driven new development that replaces existing housing stock. This new development can occur today without the implementation of the DSAP, since the existing zoning and General Plan land uses already allow individual property owners to convert residential properties higher intensity uses. For instance, residences in the Northern Zone can be replaced with new development that is consistent with the Heavy or Light Industrial zone districts and the Transit Employment Center General Plan designation absent implementation of the DSAP.

Increasing Housing Supply in the Plan Area

Several comments expressed a desire for DSAP to include more housing, particularly affordable housing, in the Plan Area. The primary reasons given for increasing housing supply in the Plan area were to increase the supply of affordable housing in close proximity to transit and to act as a mitigation measure to address environmental impacts associated with a shortfall of affordable rental housing in the Plan Area.

The DSAP's emphasis of employment land uses in the core and northern sections of the Plan Area is the result of a multi-year public outreach process that started in 2010. The concentration of existing and proposed transit services makes the Plan Area one of the most transit accessible places in the Bay Area, more akin to the area around the new Transbay Terminal in San Francisco than a residential-dominated station like San Francisco's Balboa Park BART station. For this reason, the current Plan prioritizes employment-intensive land uses in areas closest to the station, with new housing development on the periphery of the Plan Area so future residents will be within a half-mile walk of the station. Significantly increasing housing supply in the Plan Area, particularly in the core area, could preclude the desired concentration of employment in this transit-rich area. People are more likely to commute by transit if their workplace is located near a transit station, especially if their workplace is in walking distance of the station (Arrington and Cervero, 2008; Kolko, 2011; and Walker, 2011). People who work within ¼ mile of a transit station are significantly more likely to commute than people who work more than a ½ mile from a transit station, and the influence of employment density and transit use is twice as large as the relationship between residential density and transit use (Kolko, 2011). Finally, the concentration of employment near Diridon Station will benefit the region by increasing the number of jobs accessible by public transit, similar to how the concentration of jobs near BART stations in downtown San Francisco resulted in higher transit ridership among residents living within a half-mile of BART stations (Cervero and Landis, 1997). This job accessibility will benefit workers of all income levels, including lower-income workers throughout the region who rely on transit.

Comments that request an increase in affordable housing as a mitigation measure to reduce environmental impacts are noted. As discussed above, CEQA does not require mitigation of the socio-economic impacts of a project, and the lack of additional affordable housing in the Plan Area does not result in additional, direct or secondary physical effects on the environment beyond those already disclosed in the Draft EIR (i.e. air quality, greenhouse gas emissions, and population-housing balance).

Affordable Housing Strategies Being Pursued by the City

The DSAP includes policies and strategies to increase the availability of affordable housing within the Plan Area. However, in the last several years, the ability for jurisdictions in California to meet their housing and community development needs has been severely diminished, given the demise of redevelopment agencies, the legal challenges to inclusionary housing, the depletion of State funding sources, and the significant decline in federal dollars. San Jose is no exception: since the beginning of the current 2007-14 Housing Element cycle, the City issued building permits for 13,073 market-rate units (85% of the City's 15,450 market-rate allocation). Only 2,956 permits for affordable homes (15% of the City's 19,271 affordable housing allocation) have been issued during the same time.

The City is currently in the process of exploring a housing impact fee, which, if adopted, would charge residential developers a fee to be used for development of affordable housing. Current funding for affordable housing comes primarily from development agreements, repayments from the Housing Department's loan portfolio, and federal funding. San Jose's citywide inclusionary housing ordinance for both rental and for-sale units has not been implemented due to the pending litigation in *California Building Industry Association (CBIA) v. City of San Jose* before the California Supreme Court. Additionally, San Jose's inclusionary housing policy, which applies to newly constructed rental and for-sale residential units located in redevelopment project areas, has been suspended as it applies to rental units as a result of *Palmer/Sixth Street Properties, L.P. v. City of Los Angeles* and currently only applies to newly constructed for-sale residential units. However, owners of projects with rental units must record an affordability restriction requiring the payment of a fee pursuant to the inclusionary policy if and when the rental unit converts to a for-sale unit in the future.

As the City develops the implementation strategy for Urban Villages, staff will be highly engaged to explore new or revised tools to facilitate the development of affordable housing. These tools may include, but are not limited to:

- Development agreements
- Public benefits agreements
- Public-private partnerships
- Tax increment financing
- Assessment districts
- Planning tools such as density bonuses, overlay zones, or public benefits conferred through rezonings
- Market-based tools

- Private lending
- Grant funding

Although these tools have not yet been specifically developed, the DSAP includes a policy goal for a minimum of 15% affordable housing in Diridon Station. As a result of that policy goal, at the Plan's implementation phase, a policy or combination of policies will be developed to facilitate the provision of affordable units, even though there is currently no mechanism or mechanisms in place in the DASP to guarantee the provision of affordable homes.

Housing Element Update

City staff is currently in the process of developing the State-mandated 2014-22 Housing Element that requires jurisdictions to plan for their fair share housing needs. In addition to the potential mechanisms noted above, staff is exploring a variety of potential housing policies, including measures to: develop new funding tools; facilitate new construction of affordable housing; preserve the supply of affordable housing; mitigate the potential for the displacement of existing residents; facilitate equitable development; and respond to homelessness. The City will also engage in policies and legislation at the State and federal levels to create a permanent affordable housing source and to ensure that existing and any future housing & community development programs benefit San Jose to the greatest extent possible.

MASTER RESPONSE 7: REDUCED SCALE ALTERNATIVE AS ENVIRONMENTALLY PREFERRED ALTERNATIVE

The PEIR describes a Reduced Scale Alternative in Section 8.8. This alternative, which includes approximately half of the proposed development (approximately 2.5 million square feet of office/R&D uses, 210,000 square feet of retail/restaurants, 1,300 residential units, and 45 hotel rooms) was determined to be feasible and consistent with project objectives. Because it would incrementally reduce the magnitude of traffic, noise, air quality, cultural, biological, greenhouse gas, and cumulative population and housing impacts, it was determined to reduce impacts within the project vicinity – the area upon which these impacts would occur.

The discussion in the PEIR also acknowledges that reducing the land use intensities of the project would not support transit ridership and economic development at levels that would be beneficial to the region when compared to the proposed project. However, in the project vicinity, impacts would be reduced overall and the reduced scale alternative is considered by the City to be the environmentally preferred alternative.

3.2 INDIVIDUAL COMMENT LETTERS

A. RESPONSES TO COMMENTS ON THE DPEIR FROM INDIVIDUAL SCOTT BARRY, DATED FEBRUARY 5, 2014

Comment A.1:

I would like to comment on what seems to be a lack of language in the ~~plan~~ and EIR regarding bicycle infrastructure. It is not apparent from the plan that the bicycle infrastructure component has been addressed or thought through adequately. One example from the recent workshop being that creek paths were proposed as primary access routes. Creek paths are illegal to use after dark. If you get off work at 5:30 and arrive at Diridon at say 6:30, your bike access would be limited to late Spring through early Fall.

Response A.1: An off-street shared use path (Class I Bikeway) will be provided adjacent to east side of future Autumn Parkway north of Santa Clara Street. That path will be lit. Refer to Master Response #4 for more information.

Comment A.2:

It appears that San Jose is planning a world class transportation hub, similar to some very successful ones in Europe, with one glaring exception. The key difference being that those hubs contain significant and well thought through bicycle infrastructure. What makes those hubs work is that biking was made the backbone of the system, not an afterthought. In the Diridon workshop it was mentioned that the focus to achieve a reduction to 40% driving mode share in the area would be shuttles (buses) and carpooling. I would like to point out that those options have always been there and have not achieved anything close to this. I would propose that driving cannot be significantly reduced in the area without strong and carefully planned bike infrastructure. Studies have shown that 54% of the population would like to bike, but do not because of lack of basic infrastructure. On the other hand, I doubt that few additional people are waiting in the wings to carpool or ride buses. Most people who prefer those options are already using them. It is biking that is the untapped market to reduce driving mode share in the Diridon area, so imperative that there be safe non-intimidating bike access to this large multimodal transport hub.

In terms of value, bike infrastructure is the least expensive compared to other modes of travel, but with the highest potential growth factor. In some cases this is just design consideration, with no actual cost.

Response A.2: The DSAP includes Transportation Improvement Strategies and Design Guidelines to achieve one of the project's main objectives: to improve pedestrian, bicycle, motorized, and transit connectivity within the DSAP area and between the station site and existing adjacent commercial and residential areas. This comment does not refer to the environmental effects of the project or the conclusions of the PEIR; therefore, no further response is required.

Comment A.3:

From my experience and travels, below is what I recommend be included in the plan for a true multimodal hub.

(1) **Safe "road" access for bikes from north, east, south, and west of Diridon:** Preferably bike lanes, or when not possible, sharrows combined with significant traffic calming techniques in low speed areas. The goal should be a non-intimidating experience. I would also note that the Google maps designation of a 'bicycle friendly' road (dotted lines) should not be the standard. For example, Bird Ave from West Virginia St to north of Park Ave, the most practical southern access point for Diridon is marked friendly but is almost the definition of unfriendly and intimidating. It has three lanes with excessive speed limit (35mph limit means 45mph actual), no bike lane, no shoulder, and uses proven dangerous pork chop island intersections. This section is clearly overlaid and in need of road diet, bike lane, and elimination of the pork chop islands. The Diridon area, including Bird Ave, should follow the Complete Streets' design philosophy for all roads in the area.

Response A.3: This comment describes the character of the project area in terms of bicycle facilities and suggests other design considerations. As it does not comment on the environmental effects of the project addressed in the PEIR, no further response is required.

Comment A.4:

(2) **Intersection vehicle detection that includes bikes, not just cars:** Cycling is not encouraged by forcing people to hobble over to the pedestrian walk button, then hobble back into the road. This is made even more unsafe by the use of pork chop islands.

Response A.4: The San Jose Department of Transportation will install bicycle detections on new street projects, such as Autumn Parkway, and at existing intersections that are being improved or are part of a street maintenance project.

Comment A.5:

(3) **Secure bike parking at Diridon:** The Diridon bike racks are a hot bed for bicycle theft because thieves know it's an easy target. The existing system of bike lockers should be replaced by the flexible user friendly on-demand BIKELINK system already implemented in thirteen other location is San Jose. Sufficient area should be set aside to accommodate future expansion of the BIKLINK area according to mode share goals. Any overflow non secure bike parking racks should have surveillance cameras with obvious signs.

(4) **Secure bike parking at new retail business:** Bike parking at planned local retail stores should include at least some bike parking in front of the store, if visible from the inside. When not possible, the maximum distance from bike parking to the furthest point within the store should be 150 feet, and preferably less. This is to take advantage of new bluetooth based bike security systems which are coming on the mark this year. These systems detect bike vibrations and notify the bike owner by cell phone through bluetooth, which must be within 150 feet to work (in an idea case). Practically the parking should be somewhat closer due to signal loss through the building. Note the max distance is not to the front of the store, but should take into account that the customer may be located at the back of the store. At last some bike parking should be designed for cargo bikes or bikes with trailers, especially at grocery stores.

(5) **Secure bike parking at new residence complexes:** New condo residence structure that include secure car parking should also have secure bike parking, with expansion space allocated based on mode share goals. This should include some allocation for cargo bikes. Non secure parking areas should include bike racks that have signed surveillance cameras.

Response A.5: It is anticipated that secure bike parking will be provided as projects are developed within the Plan area consistent with the DSAP and City policies. This comment does not refer to the environmental effects or the project or the conclusions of the PEIR. No other response is required.

Comment A.6:

(6) Parking lots that consider bikes: Park lots in the area should have dedicated protected and marked paths for bikes to navigate from the road to the bike rack adjacent to the building. This is especially important for larger lots and grocery store lots. Bikes are not designed to be pushed long distances through parking lots, especially loaded cargo bikes.

Response A.6: It is not anticipated that the project will include large parking lots; however, once specific development projects come forward, safe vehicle and bicycle interface will be considered. No further response is required.

Comment A.7:

Finally, I highly recommend seeking the advice and consultation of Dutch transportation experts to review the Diridon area plan. They have been implementing successful multimodal transportation plans for a long time, and have it down to a fine art.

Response A.7: The recommendation of the commenter will be considered by the City as project plans are developed. No further response is required.

B. RESPONSES TO COMMENTS ON THE DPEIR FROM CALIFORNIA HIGH SPEED RAIL AUTHORITY, DATED FEBRUARY 13, 2014

Comment B.1:

The California High-Speed Rail Authority (Authority) appreciates the opportunity to review the Draft Program Environmental Impact Report (DEIR) for the Diridon Station Area Plan and the Diridon Station Area Plan Final Draft Report (DSAP). This letter and the attached appendices convey the Authority's comments on the two documents.

The DSAP presents a well-measured framework for creating an efficient, sustainable, livable and attractive urban village with high-quality economic development by leveraging existing transit capacity and future opportunities for multi-scale transit improvements. The DEIR is a well written and organized document that reports the results of balanced analyses and provides useful information for the public, stakeholders, and decision makers.

Please consider several additional observations regarding content in these documents that is related to the California High-Speed Rail Program.

1. The California High-Speed Rail Program is evolving. The DSAP and DEIR documents cite the 2008 Bay Area to Central Valley High-Speed Train Final Program Environmental Impact Report/Environmental Impact Study (EIR/EIS) for much of the high-speed rail data. This document was superseded by the 2012 Bay Area to Central Valley High-Speed Train Partially Revised Final Program EIR. Also, the 2012 Business Plan describes the vision for bringing high-speed rail service to San Jose in 2027, and starting service north of San Jose in 2029. California High-Speed Rail will operate in a "blended" capacity, sharing Caltrain's electrified tracks north of San Jose Diridon

Station. The 2012 Business Plan describes service levels of up to 6 trains per hour per direction at a maximum speed of 220 miles per hour (mph) south of San Jose Diridon Station, and up to 4 trains per hour per direction at a maximum speed of 110 mph north of the station. Conceptual planning and engineering for the blended approach are underway, however preliminary and final design details will be developed at later stages of the high-speed rail project. In San Jose, the Authority has not yet selected a rail alignment, grade elevation, number of tracks, or station configuration alternatives. These decisions will be made by the Authority during and after the environmental review process for the San Francisco to San Jose Section of the high-speed rail system.

Response B.1: Text revisions are included in Section 4.0 of this First Amendment to the Program EIR to reflect the most recent environmental documents and business plans prepared for HSR. Caltrain electrification is described in Section 1.2.1.2 of the PEIR. The information in the comment is important; however, it does not require additional environmental analysis or comment on the environmental impacts of the project. No further response is required.

Comment B.2:

2. In addition to an aerial option for the high-speed rail service at San Jose Diridon Station, the Authority has informally committed to fully studying an underground option in the San Francisco to San Jose Section environmental document. Preliminary alternatives analysis in progress shows that the underground station option involves several construction challenges, such as difficult tunneling and mining through silty soils with a high groundwater table, the need for extensive right-of-way acquisition around the tunnel portals, and the need for ventilation shafts throughout the tunnel. The physical constraints of the underground option will lead to several operational difficulties and may substantially complicate design of BART's future underground station facility.

Response B.2: The DSAP was developed in such a way as to allow either the above or below ground options for HSR in the Diridon area. For the purposes of the environmental analysis, the above ground option was evaluated because it has the potential to affect more land uses than the below ground option. It is understood that the below ground option is not without its challenges; however, CHSRA has agreed to study both alternatives when project-specific environmental review commences for the HSR project by CHSRA. As this comment does not refer to the environmental impacts identified or conclusions of the DSAP PEIR, no further response is required.

Comment B.3:

3. The Authority's schedule for implementing the high-speed rail program is influenced by regulatory, financial, and political circumstances. The progress of all high-speed rail sections advance in systematic coordination. However, project-level environmental documentation must be prepared for each section of the project on schedules that are subject to change.

4. The Authority recently released the Draft 2014 Business Plan, which is currently available on our website. Following the review of public comments, the 2014 Business Plan will be submitted to the Legislature by May 1, 2014. The 2014 Business Plan contains updated information about high-speed rail operation and service that are primary data inputs to the DSAP and DEIR.

Response B.3: This comment describes the schedule for project-level environmental documentation and the current status of the Draft Business Plan. As it does not comment on the environmental impacts or conclusions of the DSAP PEIR, no further response is required.

Comment B.4:

In addition to these observations, please consider the detailed comments on the DEIR and DSAP presented in the two appendices attached to this letter. The intent of the comments is to ensure consistency between the City's station area planning and impact analysis, and the Authority's current work on the high-speed rail project.

The Authority and City of San Jose have an active and productive planning partnership for the Diridon Station and surrounding urban area. We look forward to continuing collaboration on specific planning issues, including access between Diridon Station and Mineta San Jose Airport, and changes in station area zoning that will leverage the state's and city's investments in multi-modal transit infrastructure. The ongoing partnership with the City of San Jose is helping the Authority bring high-speed rail service to the community.

We invite you to visit our website at www.hsr.ca.gov for additional project information. Please contact us if you have any questions.

Response B.4:

Responses to comments on the PEIR provided in Appendix A of this letter are presented below. Many of the comments are actually suggested text revisions to the PEIR. Those comments that relate only to the text of the PEIR are included in Section 4.0 of this Final PEIR and are identified separately with the acronym "HSR" included in the comment number, as presented below.

Appendix B of the comment letter refer to the DSAP itself and are not responded to in this FEIR. The PEIR acknowledges that the Station Plan is conceptual in nature and dependent upon the ultimate HSR design evaluated in that EIR. PEIR responses related to TDM measures and parking requirements are described in Master Responses #3 and #4, respectively. The full HSR comment letter can be found in Section 4.0 of this Final PEIR.

Comment HSR A.1: Station access planning is an important component of the Authority's Station-Area Partnership funding program. Creation of a station area Transportation Demand Management (TDM) plan with implementing policies and a Transit Connectivity Study were part of the scope of work for the San Jose station-area partnership application, which was approved by the Authority in February 2012. The Authority looks forward to the City's submittal of a City Council Resolution to enable execution of a final funding agreement.

Response HSR A.1: A TDM will be prepared for the DSAP area, as described in Master Response #2. Examples of TDM measures to be considered at the time future development is proposed are identified in Section 4.4.3.2 of the Air Quality section of the PEIR. As this comment does not refer to the environmental impacts or conclusions of the DSAP PEIR, no further response is required.

Comment HSR A.2: Consider mentioning the positive impacts to transit operations from the high-speed rail project.

Response HSR A.2: The proposed project was designed given the exceptional access to transit in the DSAP area, especially as HSR is developed for Diridon Station. The recommendation is noted and no further response is required.

Comment HSR A.3 and A.4: Summary and Alternatives: The sentence "... includes a freestanding high speed rail building (assuming a below- Design grade alignment) ..." is not consistent with the California High Speed Rail description made on page 32: "...the alignment through San Jose would run along an elevated structure ..."

The Authority has committed (informally) to study both aerial and underground station alignments in the San Jose to Merced Project-level Environmental document. All planning scenarios should incorporate both an aerial and underground high-speed rail alignment/station.

Response HSR A.3: The PEIR assumed an above ground alignment for the project and the alternatives evaluated due to the greater potential for land use impacts when compared to a below ground option. However, neither the DSAP nor the alternatives evaluated in the PEIR preclude the two alignment options. The DSAP and Station Plan are conceptual in nature and have generally been designed to be able to accommodate either alignment. This comment refers to the DSAP rather than the PEIR. No further response is required.

Comment HSR A.10: Consistent with all other high-speed rail sections, the Project EIR/EIS for the San Jose to Merced Section will evaluate environmental and community impacts associated with the high-speed rail alignment and San Jose station, at a preliminary design level of detail. Subsequent final design will include details of building and landscape architecture.

Response HSR A.10: The information included in this comment is noted.

Comment HSR A.11: While the Federal Transit Administration has completed an EIS for Caltrain electrification, the Peninsula Corridor Joint Powers Board is presently preparing an EIR for the Peninsula Corridor Electrification Project. Caltrain is expected to release a public Draft EIR during the first quarter of 2014.

Response HSR A.11: The information regarding the upcoming release of the EIR for the electrification projects is noted.

Comment HSR A.13: Rezoning of the plan area is part of the scope of work for San Jose's station-area partnership funding program application, which was approved by the Authority in 2012. Please consider adding a short explanation of this partnership with respect to rezoning.

Response HSR A.13: The DSAP PEIR is a program-level document and does not include the rezoning of any land. Once the project is approved and rezonings

are proposed, they will be considered by the City for consistency with the Plan and the future HSR alignment. Please refer to Master Response #2.

Comment HSR A.14: Station interface planning is part of the scope of work for San Jose's station-area partnership funding program application, which was approved by the Authority in 2012. Please consider adding a short explanation of this partnership with respect to station interface planning.

Response HSR A.14: The comment related to station interface planning is noted. The DSAP, including the Station Plan, was developed taking into consideration future HSR, as well as other transit opportunities in the Station area.

Comment HSR A.20: Analysis should include consistency with the California High-Speed Train Program Plan (2005).

Response HSR A.20: The analysis in the PEIR assumed the implementation of HSR at Diridon Station. Text revisions have been included in this Final PEIR to reflect the most recent schedule and information pertaining to HSR and the Program Plan. Please refer to Section 4.0 of this FPEIR.

Comment HSR A.21: Vertical clearance limitations are prudent. High-speed rail would also affect the type and density of landscaping. Design of the community park should consider collaboration with the Authority to ensure *de minimus* use of parkland.

Response HSR A.21: During development of a specific plan for the community park, the City will take into account the alignment of HSR. As this comment does not refer to the environmental impacts or conclusions of the DSAP PEIR, no further response is required.

Comment HSR A.24: Current planning for blended service with Caltrain, based upon the 2012 California High-Speed Rail Business Plan, limits top operating speed to 110 mph. Although maximum operating speed between San Jose and San Francisco may increase to 125 mph in later stages of high-speed rail development, the results of the analysis in this EIR represent a conservative, worst-case scenario for presently planned high-speed rail operations. Please consider expanding the discussion or adding a footnote to clarify expectations for maximum high-speed train operating speeds.

Response HSR A.24: Given the program-level of environmental review for the DSAP and the fact that the alignment and other specific characteristics of HSR in the Diridon area have not been determined, it is prudent of the City to reflect a worst case scenario given the current status of the HSR project. Future environmental analysis for the HSR project will identify specific speeds and their environmental consequences. As this comment describes, the environmental impacts of HSR may have been overestimated in the DSAP PEIR, but are nonetheless, appropriate for this program-level analysis.

Comment HSR A.26: "... a new station building ... three platforms ... up to six tracks ... " Although this statement is consistent with the fully grade-separated 4 track alignment option described in the 2010 Bay Area to Central Valley High-Speed Train Revised Final Program EIR, the Authority has since entered into an agreement with other regional stakeholders to develop this corridor for blended operations of both high-speed rail and electrified Caltrain. Blended system planning is underway and track and platform requirements for the San Jose Diridon Station have not yet been determined.

Response HSR A.26: The information in this comment is noted. As this comment does not refer to the environmental impacts or conclusions of the DSAP PEIR, no further response is required.

Comment HSR A.31: South of the Station, regarding the second bullet: "Develop column orientation and spacing to support future park site uses at the existing SJFD Training Facility." Use of areas below elevated structures will require approval by the Authority.

Response HSR A.31: The comment is noted. The City will acquire all necessary approvals for components of the project, as appropriate.

Comment HSR A.32: To minimize use of parkland and interference with the intended program for the future community park on the SJFD Training Facility site, the EIR should describe collaboration between the City and the Authority on eventual design of the community park.

Response HSR A.32: The City will work with the CHRSA and the community to determine appropriate design components of the park at such time as the park and HSR alignments are designed. The comment is noted. No further response is required.

C. RESPONSES TO COMMENTS ON THE DPEIR FROM CALTRAIN, DATED FEBRUARY 13, 2014

Comment C.1:

The Peninsula Corridor Joint Powers Board (JPB) is pleased to provide the following comments on the Diridon Station Area Plan Draft Environmental Impact Report (DSAP DEIR). As both the owner of the Diridon Station facility and the operator of its major existing rail service, Caltrain supports the City of San Jose's vision for a vibrant station area whose development and uses take full advantage of the unique transit connectivity offered by this site.

Staff understands that the DSAP DEIR is a program level document that establishes a framework for subsequent project level clearances. Given this, we have focused our comments on clarifying factual issues and identifying key areas of interest where the future coordination is required.

Description of Caltrain Services, Facilities and Plans:

In General: Within the DSAP-DEIR there are several instances where descriptions of Caltrain's services, facilities and future plans are either inaccurate or outdated. In reviewing the source materials used in the preparation of the DEIR, staff notes that JPB authored documents with dates ranging from 2007 - 2012 have been variously cited. Caltrain staff recommends reviewing and

updating this information as possible particularly as it pertains to descriptions of Caltrain systems and plans.

Attachment A to this letter provides a collection of current data and information related to the Caltrain system as well as descriptive language related to Caltrain's future plans including electrification and blended operations with California High Speed Rail (HSR). Additionally, Caltrain is preparing to release the draft of its Peninsula Corridor Electrification EIR. Collectively, these attachments and the forthcoming DEIR provide a comprehensive and up-to-date description of Caltrain's system and projects. Caltrain staff recommends using these documents as a basis for updating the descriptions of Caltrain's current and future services throughout the DEIR. Caltrain staff is available to support this effort.

Response C.1: The information contained in this comment is noted. All necessary revisions to the text of the PEIR are included in Section 4.0 of this Final EIR to ensure accuracy of the document. None of the comments require additional environmental analysis, nor do they change the impacts or conclusions of the PEIR.

Comment C.2:

Conflation of Caltrain and HSR:

There are two points in the DSAP DEIR where Caltrain and HSR projects have been incorrectly conflated. On pp. 32-33, the Electrification of the peninsula corridor and the conversion of Caltrain vehicles from diesel-electric train sets to electric multiple units (EM Us) is mischaracterized as an HSR project. Although the Peninsula Corridor Electrification Project will implement infrastructure that is compatible with future use by HSR it is a JPB project with independent utility and should not be described under the "High Speed Rail" heading. Similarly, the subsequent information under the "Caltrain Electrification" heading is outdated and should be removed entirely (see also the description of Caltrain Electrification on p. 113). In the Noise and Vibration analysis on p. 178, Caltrain service is bundled under High Speed Rail. Although it may be appropriate to group these services for noise analysis purposes, it is important to indicate in the text that they are separate train services with different vehicles, schedules and implementation timeframes.

Response C.2: The comment is noted. Please refer to Section 4.0 of this Final EIR for revisions to the text of the PEIR which was changed to better reflect the relationship between HSR and JPB. The information included in the Appendix A attachment to the Caltrain letter contains up to the minute information and has been incorporated as appropriate. The noise and vibration analysis included the cumulative impacts of BART and HSR based on information available at the time the PEIR was prepared and circulated. The text on page 178 of the PEIR contains information pertaining to only HSR. No revisions to the text in the Noise section of the PEIR is required.

Comment C.3:

Future Ridership and Service Levels:

The Transportation section of the EIR describes (p.151) includes 20,200. Analysis of the actual Diridon Station Area Plan reveals that this number is based on older, "Caltrain 2025" ridership projections and service assumptions. These service assumptions and associated ridership projections have since changed based on the adoption of a blended system model for Caltrain/HSR operations. Most notably, Caltrain service levels are now capped at 6 trains per peak hour per direction (the basis

for the 2010 projections assumed 10 trains per peak hour per direction). Updated ridership forecasts will be available in the forthcoming Peninsula Corridor Electrification DEIR.

Response C.3: It is assumed that this comment refers to the average weekday boardings and alightings anticipated for HSR. Actually, this number is 21,000 for BART and 24,600 for HSR. Once updated ridership forecasts are available, they will be taken into consideration during final project design.

Comment C.4:

Diridon Station Expansion Plan:

Caltrain staff has participated on an ongoing basis in the development of the Diridon Station Expansion Plan reflected in the DSAP DEIR. We look forward to continuing close coordination with the City of San Jose, HSR, VTA and other stakeholders as detailed planning and design for this important project continues. Within this process, staff emphasizes the dual role and interests of the JPB as both a rail operator and property owner responsible for preserving the integrity of a historic resource. Similarly, Caltrain staff looks forward to future discussions regarding station management and operations structure as described on p. 368 of the DEIR.

Response C.4: This comment states Caltrain staff's desire to continue to participate in future discussion regarding station management and operation. The comment is noted.

Comment C.5:

Station Access and Connectivity:

As described in the Caltrain's System wide Access Policy Statement (2010), and identified in the DSAP DEIR, Caltrain supports a hierarchy of station access that places an emphasis on alternative modes. Staff is pleased to see that the DSAP includes a robust range of pedestrian, transit and bicycle improvements that will enhance station connectivity and access. Similarly, Caltrain is conceptually supportive of exploring the development of existing JPB owned surface parking at the station. However, staff emphasizes that any such development of transit parking should be undertaken in the context of a larger access and parking strategy that includes consideration of transit user parking needs. To that end, staff agrees with the DSAP's inclusion of a Transportation and Parking Management Plan as a key next step (p.66).

Response C.5: Transit user parking needs will be considered in the development of the Diridon Station area. The City will develop a Transportation Demand Management (TDM) Plan for the area consistent with the Transportation Improvement Strategies in Table 2-4 of the PEIR. The City will also assess parking needs associated with zoning changes made to implement the DSAP. Impacts on transit user parking will be considered.

Comment C.6:

Centralized Equipment Maintenance and Operations Facility:

As noted in the DSAP DEIR, the Caltrain Centralized Equipment Maintenance and Operations Facility (CEMOF) is located just to the north of the project site on Lenzen Avenue. To that end, Caltrain staff notes and agrees with the DEIR's finding that the proposed business and industrial land uses contemplated for the north of the project site are compatible with the existing CEMOF use (P. 99-101). Staff also acknowledges the DSAP DEIR's listing of CEMOF as a stationary source of toxic air contaminants (p.197). CEMOF is an essential facility for Caltrain and will continue to be in

heavy use for the foreseeable future. As Caltrain strives to maintain both its existing and next generation of infrastructure in a state of good repair, the continued viability and operation of CEMOF as an industrial site is of primary concern to the JPB.

Thank you for the opportunity to comment on this important project. Caltrain staff is available to provide further information or clarification as needed.

Response C.6: The comment is consistent with information contained in the PEIR.

D. RESPONSES TO COMMENTS ON THE DPEIR FROM CALTRANS, DATED JANUARY 29, 2014

Comment D.1:

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the DPEIR and have the following comments to offer.

Traffic Impacts

One of Caltrans' ongoing responsibility is to collaborate with local agencies to avoid, eliminate, or reduce to insignificance potential adverse impacts by local development on State highways.

1. Ramp Metering: during metering hours, the metered on-ramp queues will likely be lengthened with the additional traffic demand by this project, thereby potentially impeding on the local streets and affecting their operations. Please consider providing additional storage on the onramps/local streets for the freeway on-ramp traffic to avoid such impacts. In addition, please consider providing HOV Preferential Lanes on the freeway on-ramps as part of the mitigation.

The proposed project is likely to have impacts on ramp metering operations on the following metered freeway corridors:

- Northbound State Route (SR) 87 PM Peak (3:00 PM-7:00 PM)
- Southbound SR 87 AM Peak (6:00 AM-10:00 AM)
- Northbound I-280 AM Peak (6:00-10:00 AM)
- Southbound I-280 PM Peak (3:00-7:00 PM)
- Northbound I-880 AM Peak (6:00-9:00 AM.)
- Southbound I-880 PM Peak (3:00-7:00 PM)

Response D.1: The recommendation of the comment to provide additional vehicle storage on on-ramps in the project area is noted, as is the suggestion of providing HOV Preferential Lanes on freeway on-ramps. These recommendations are based on the assumption that the project will have ramp metering impacts. However, there are no City, CMP, or Caltrans thresholds, and Caltrans provided no information or analysis to support a conclusion that impacts will occur. The traffic analysis for the proposed project, which was prepared in accordance with adopted City and CMP guidelines, uses Level of Service (LOS) at freeway ramp intersections to determine whether impacts on such facilities will occur. The analysis concluded that the project will not result in any significant impacts at any ramp intersections

along the SR 87, I-280, and/or I-880 corridors. Therefore, mitigation at these locations is not warranted.

Comment D.2:

2. Traffic Operations Systems (TOS): the SR 87, I-280, and I-880 corridors have some existing (TOS) elements, which are targeted for build-out for future TOS elements. Please consider with Caltrans to identify future TOS elements as possible mitigation for freeway impacts.

Response D.2: This comment includes a recommendation that future TOS elements be identified by the City as possible mitigation for freeway impacts. Currently, there is no TOS program to which a project can contribute. The comment is noted. As this comment does not refer to the environmental effects of the project or the conclusions of the PEIR, no further response is required.

Comment D.3:

3. Appendix C Transportation Impact Analysis (TIA): Table 6 Trip Generation Summary (TIA, page 39) indicates trips within the Diridon Station Area Plan (DSAP) area will increase by 64 and 65 percent during the AM and PM peak hours. In other words, generated trips will increase by 2,972 (i.e., $7,587 - 4,615 = 2,972$) and 4,336 (i.e., $11,053 - 6,717 = 4,336$) vehicles per hour (vph) during AM and PM peak hour, respectively, from Strategy 2000 to DSAP Buildout Conditions. Caltrans requests that such significant AM and PM generated turning traffic as 2,972 and 4,336 vph be assigned to project driveways within the DSAP Area for further review.

Response D.3: The comment correctly referenced projected increases in AM and PM peak hour trips within the DSAP project boundaries. The projected trip increases were evaluated at each of the study intersections and freeway segments included in the traffic study. The evaluation of the trip increases at the driveway/parcel level is not possible at this time given that the DSAP identifies only general development land use types and densities within general development zones. The DSAP does not identify specific future development on an individual parcel basis. The City may in the future require that specific development proposals prepare an evaluation of their effects on access and operations at their respective driveways upon identification of development plans.

Comment D.4:

4. Southbound I-880/Coleman Avenue (Intersection #88), Background, Plus DSAP 10-Yr AM Peak Hour: In general, Caltrans supports the idea of designating an intersection as Protected in order to facilitate concentrated infill development in Downtown San Jose. However, the westbound right-turn lane would operate at LOS F and have a queue of 45 vehicles (1125 feet). This would most likely queue back onto southbound I-880, as the one right-turn lane would not be able to handle this volume, and is a safety concern for Caltrans. This intersection should be mitigated to provide for a second right-turn lane.

Response D.4: The referenced intersection is projected to operate at LOS E conditions during both Background and Background plus 10-Year DSAP conditions in the AM peak hour. The projected levels of service meet the CMP LOS E standard and the increase in trips at the intersection due to the proposed DSAP development would not result in an impact at

the intersection based on City of San Jose impact criteria. Therefore, mitigation is not required.

Comment D.5:

5. I-880 North and Southbound Ramps/Stevens Creek Boulevard (Intersection #46): This Intersection should be re-analyzed with the proposed interchange configuration of northbound I-880 partial cloverleaf and southbound I-880 tight diamond interchange at Stevens Creek Boulevard. This interchange modification is currently in construction. Once these intersections are re-analyzed, please submit the analysis to Caltrans again for further review.

Response D.5: The I-880/Stevens Creek Boulevard was included in the study because it was originally projected that the DSAP project may have an effect on the intersection under Existing plus Project Conditions. However, it has been determined that DSAP development would not result in an increase in traffic volumes at the intersection when compared to the approved Strategy 2000 conditions and would not affect operations currently under construction. For these reasons, further analysis of this intersection is not required.

Comment D.6:

6. Santa Clara Valley Transportation Authority (VTA) is proposing Express Lanes on SR 85, U.S. Highway 101, and SR 87 along with Bus Rapid Transit on Stevens Creek Boulevard. Fair share funds should be contributed to these projects to offset the freeway impacts caused by this development; see our comment below on VTA's voluntary contribution program as a possible mechanism for such contributions.

Response D.6: A VTA voluntary fair share program contribution program does not currently exist. As stated in Section 2.3.2.3 of the PEIR, the next phase in the DSAP planning process will include development of a Transportation Demand Management (TDM) Plan to manage travel demand in the DSAP area. In addition, major projects will be required to prepare individual TDM plans for their development.

Comment D.7:

Lead Agency

As the lead agency, the City of San Jose (City) is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the State ROW, and Caltrans will not issue a permit until our concerns are adequately addressed, we strongly recommend that the City work with both the applicant and Caltrans to ensure that our concerns are resolved during the environmental process, and in any case prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

Response D.7: Please refer to Response D.6. As required by CEQA (Section 15097), the MMRP for the PEIR will include the City's implementation and monitoring responsibilities related to the mitigation measures included in the project to reduce impacts. The timing of implementing mitigation measures shall also be identified. Funding or financing strategies need not be included in the MMRP. This is especially true when a project is the adoption of a plan-level document. In this case, the monitoring plan applies to policies and any other portion of the plan that is a mitigation measure.

The City is the project applicant for the proposed adoption of the plan-level DSAP. When specific development projects come forward, project-level mitigation measures will be required. Improvements identified for traffic impacts do not require encroachment into Caltrans' right-of-way. Therefore, it is not anticipated that encroachment permits will be required.

Comment D.8:

Transportation Management Plan (TMP)

If it is determined that traffic restrictions and detours are needed on or affecting State highways, a TMP or construction TIS may be required of the developer for approval by Caltrans prior to construction. Traffic Management Plans must be prepared in accordance with Caltrans' *Manual on Uniform Traffic Control Devices*. Further information is available for download at the following web address: <http://www.dot.ca.gov/hq/traffops/signtech/mutcdsupp/pdf/camutcd.2012/Part6.pdf>.

Please ensure that such plans are also prepared in accordance with the transportation management plan requirements of the corresponding jurisdictions. For further TMP assistance please contact the Office of Traffic Management Plans at (510) 286-4647.

Response D.8: The project is not anticipated to require traffic restrictions or detours during or after construction. As this comment does not refer to the environmental effects of the project or the conclusions of the PEIR, no further response is required.

Comment D.9:

Cultural Resources

Caltrans requires that a project's environmental document include documentation of a current archaeological record search from the Northwest Information Center of the California Historical Resources Information System if construction activities are proposed within State ROW. Current record searches must be no more than five years old. Caltrans requires the records search, and if warranted, a cultural resource study by a qualified, professional archaeologist and evidence of Native American consultation to ensure compliance with California Environmental Quality Act (CEQA) Section 5024.5 and 5097 of the California Public Resources Code, and Volume 2 of Caltrans' Standard Environmental Reference (<http://www.dot.ca.gov/set/vol2/vol2.htm>).

These requirements, including applicable mitigation, must be fulfilled before an encroachment permit can be issued for project-related work in State ROW. These requirements also apply to National Environmental Policy Act (NEPA) documents when there is a federal action on a project. Work subject to these requirements includes, but is not limited to: lane widening, channelization, auxiliary lanes, and/or modification of existing features such as slopes, drainage features, curbs, sidewalks and driveways within or adjacent to State ROW.

Response D.9: Please refer to Response D.7. As this comment does not refer to the environmental effects of the project or the conclusions of the PEIR, no further response is required.

Comment D.10:

Environmental Justice

Caltrans recommends a more detailed discussion regarding the socioeconomic impacts of this project than is briefly mentioned in Section 4.2.3.2 Vehicle Traffic Generation Impacts (page 130) and the TIA (page 5). The socioeconomic discussion should include, but not be limited to, the socioeconomic status of nearby residents who could potentially be impacted by the project and the aspects of the project that will address any potential for socioeconomically disproportionate impacts.

Response D.10: The displacement of existing residents is discussed in the PEIR in Section 4.15 *Population and Housing* and not in the transportation section. Socio-economics is not an environmental issue unless it results in or from direct or indirect physical changes to the environment that may affect existing and future residents. The PEIR, consistent with the City's General Plan, has determined that impacts to existing residents within the DSAP that will be displaced by the future implementation of the Plan would not be significant. Environmental impacts to residents outside the Plan area are described throughout the document in appropriate sections of the PEIR (traffic, noise, air quality, etc.).

Comment D.11:

Biology

This project may require issuance of a 1602 permit from the California Department of Fish and Wildlife, if there are any impacts to or work proposed in Los Gatos Creek. If the construction involves placing fill in Los Gatos Creek, issuance of a U.S. Army Corps of Engineers (USACE) 404 permit may be required. Furthermore, the USACE may determine that an Endangered Species Act consultation is required where the USACE would be the federal Lead Agency.

If this project involves tree trimming or removal or shrub removal, the project must comply with the Migratory Bird Treaty Act. For projects in Santa Clara County, birds are anticipated to nest between February 1st and August 31st and cannot be disturbed by construction activities, including tree trimming or removal or shrub removal.

Response D.11: The proposed project would not require that any work be done within the bed or banks of Los Gatos Creek. Therefore, regulatory permits would not be required. As discussed in Section 4.7.3.4 of the PEIR, measures are included in the project to reduce and avoid impacts to nesting birds and raptors.

Comment D.12:

Hydraulics

Section 4.9.1.1 Stormwater Drainage (page 286, the first sentence of the second paragraph): please consider revising, " ... and are designed to accommodate a storm event that would statistically occur every two or three years" to "... and were designed to accommodate a two or three years design storm event." Also, please state what is the current requirement.

Section 4.9.2.6 Storm Drain Standards Improvement Process (page 292, second sentence of the fourth paragraph): please consider revising "... to convey a storm event that has a 10 percent chance of occurring each year ..." to "...to convey a storm event that has a 10 percent chance of occurring in any given year

Response D.12: The statements in the PEIR are correct. As stated in Section 4.9.2.6, the City does not have a level of service measure for the storm drain system. It is City policy, however, for stormwater mains to have a minimum pipe size of 15 inches and to convey a storm event that has a 10 percent chance of occurring each year (often referred to as the “ten-year storm”). As stated in Section 4.9.3.3 of the PEIR, General Plan policies require future development project under the proposed DSAP be designed and constructed with drainage systems meeting the City’s 10-year storm event standard. Projects may be required to complete specific off-site upgrades to accommodate runoff from the development site.

Comment D.13:

Geotechnical

Section 4.8.1.2 Seismic Hazard (page 277): please correct the statement, "The closest active fault to the Plan area is the Hayward fault zone, located approximately five miles to the east." The closest active fault to the Plan area is the Silver Creek fault, not the Hayward fault, 1.3 miles east (Wentworth, USGS, OFR 210-1010). According to the Association of Bay Area Governments (ABAG, 2013), the project area is classified as having very strong level of ground shaking.

Response D.13: The comment incorrectly states that the Silver Creek Fault is the active fault nearest the project area. The PEIR correctly states that, according to the USGS, the Hayward Fault is the active fault zone nearest the site.² As stated in Section 4.8.1.2, the San Francisco Bay Area is recognized by geologists as one of the most seismically active regions in the United States.

Comment D.14:

Section 4.8.4 Cumulative Impact & 4.8.5 Conclusion (page 285): please correct the determination for cumulative effects of construction on geologic conditions to "Less than Significant with Mitigation", instead of "Less than Significant", because hazards such as earthquakes require a special design to mitigate the hazard's effects to the public.

Response D.14: The comment requests that the conclusions of the PEIR related to seismic hazards be changed. To make this change would be incorrect. As stated in Section 4.8.3.2 of the PEIR, future development proposals would be subject to General Plan policies, the Municipal Code, and the California Building Code. Implementation of these standards and requirements, which are required by law, prevents significant impacts from occurring. Therefore, impacts are less than significant and mitigation measures are not required. The PEIR also identifies additional standard measures to further reduce and avoid impacts related to geologic condition. The conclusions of the PEIR are correct and changes are not required.

² www.pubs.usgs.gov/sim/2004/2848/SIM2848.pdf

Comment D.15:*Traffic Impact Fees*

Please identify traffic impact fees to be used for project mitigation. Development plans should require traffic impact fees based on projected traffic and/or based on associated cost estimates for public transportation facilities necessitated by development. Scheduling and costs associated with planned improvements on State ROW should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any.

Response D.15: Traffic impacts for all proposed development within the downtown San Jose Specific Plan area were addressed in the *Downtown Strategy 2000 Plan* (certified in 2005) and updated in the City's Envision 2040 General Plan (adopted in 2012). The proposed project is within the approved development parameters of the Downtown Strategy 2000 Plan. Since the City's General Plan exempts projects within the Downtown Strategy 2000 Plan area from the City's traffic level of service policy, the payment of project-specific traffic impact fees are not anticipated. It should be noted, however, that the City may determine that traffic improvements such as half-street improvements along property frontage may be required at the time of development.

As stated previously in Response D.7, it is not anticipated that improvements to State facilities within State ROW will be required.

Comment D.16:*Voluntary Contribution Program*

SR 87, 1-280, and 1-880 and other State facilities near the site are critical to regional and interregional traffic in the San Francisco Bay region. They are vital to commuting, freight, and recreational traffic and are among the most congested regional freeway facilities. Given the scale and location of the proposed project, the traffic generated by this proposed project together with other projects in the vicinity (e.g. St. James Towers Residential Project, Park Avenue Senior and Multi-Family Housing Project, etc.), will have a cumulative significant regional impact to the already congested State Highway System.

Caltrans encourages the City to participate in Santa Clara Valley Transportation Authority's (VTA) voluntary contribution program and plan for the impact of future growth on the regional transportation system. Contributions would be used to help fund regional transportation programs that improve the transportation system to lessen future traffic congestion improve mobility by reducing time delays, and maintain reliability on major roadways throughout the San Francisco Bay Area. Reducing delays on State facilities will not only benefit the region, but also reduce any queuing on local roadways caused by highway congestion.

Response D.16: This comment includes a recommendation that the City participate in VTA's voluntary contribution program. The Voluntary Contribution Program has been discussed at the VTA's TAC, LUTI, and SOM working group meetings but there has been no consensus yet and VTA has not implemented a voluntary fair share contribution program. As this comment does not refer to the environmental effects of the project or the conclusions of the PEIR, no further response is required.

Comment D.17:

Transportation Permit

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, a completed transportation permit application with the determined specific route(s) for the shipper to follow from origin to destination must be submitted to: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. See the following website for more information: <http://www.dot.ca.gov/hq/traffops/permitS>.

Response D.17: This comment states that, as projects come forward, transportation permits may be required by Caltrans. The comment is noted. As this comment does not refer to the environmental effects of the project or the conclusions of the PEIR, no further response is required.

Comment D.18:

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To apply; a completed encroachment permit application, environmental-documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See this website for more information: <http://www.dot.ca.gov/hq/traffops/developservlpermits>.

Should you have any questions regarding this letter, please contact Brian Brandert of my staff at (510) 286-5505 or brian.brandert@dot.ca.gov.

Response D.18: The project is the approval of a program-level plan for the DSAP area and does not include construction. Please refer to Response D.7. As this comment does not refer to the environmental effects of the project or the conclusions of the PEIR, no further response is required.

E. RESPONSES TO COMMENTS ON THE DPEIR FROM INDIVIDUAL DAVID DEARBORN, DATED JANUARY 27, 2014

Comment E.1:

Thank you for the opportunity to comment on the City of San Jose's Draft DSAP EIR. Though the plan covers a large area and a mired of land use classifications, at its core is planned regional transportation hub. How that hub is configured will have a significant impact on its attractiveness, efficiency and long term value to downtown San Jose. This comment letter speaks to that issue.

PURPOSE

With respect to the adequacy, completeness, and a good-faith effort at full disclosure, it is suggested that greater consideration be given to the impact of an underground High Speed Rail (HSR) or form of such into and through the Diridon Station area.

BACKGROUND

Discussion, illustrations, photo-simulations and tables contained in the DEIR relating to HSR inform in the context of an aerial path and elevated station above the current Diridon Station tracks.

In 2010, a coalition of area neighborhoods and the San Jose Downtown Business Association (Coalition) filed a letter to the Mayor and Council expressing their desire for an underground HSR option in the CHSRA HSR EIR. In 2012 Coalition technical representatives in conjunction with CSJ Senior DOT staff and RDA Principal Architect developed a viable underground option with support information. The product of that collaboration was sent by the City of San Jose to the CA HSRA requesting an underground option be included in the in the HSR EIR.

On two separate occasions the San Jose City Council voted unanimously requesting an underground option to be included in the Project-level HSR EIR through San Jose.

Repeatedly, community leaders and volunteers that formed the HSR Visual Design Guidelines Advisory Group expressed their preference for an underground option. Visual, economic, environmental and operational benefits were raised in support of an underground alternative.

Throughout 2010, 2011 and 2012 the community, stakeholders, Senior City Staff, the Mayor and Council were aligned in support of developing a viable underground high speed rail design into and through the Diridon Station area.

COMMENT

Given the various environmental impacts of an elevated viaduct through the DSA and the issues raised by the community and stakeholders, it is suggested that:

1) equal discussion, illustrations, photo-simulations and comparative table(s) be included in the final DSA EIR to fully inform community and elected officials of the both possible designs;

Response E.1: Please refer to Master Response #1. The aerial alignment for High Speed Rail has a greater potential to impact land uses adjacent to the rail alignment when compared to the below ground option. For this reason, the above ground HSR option was included in the DSAP planning process.

Neither the DSAP nor the PEIR preclude the ultimate construction of a below ground option for HSR. As stated in the letter from CHSRA (Letter B in this Final EIR), CHSRA has informally committed to studying an underground option in the environmental document for the future San Francisco to San José Section. Detailed information regarding an underground option will be developed prior to preparation of the EIR for the San Francisco to San José section by CHSRA. The details requested in this comment will be determined at that time and are not necessary to provide environmental review for the program-level DSAP project.

Comment E.2:

2) that a comparative table be included to inform readers, stakeholders and decision makers of the comparative environmental impacts of both the elevated and underground alternatives; during

construction and ongoing operation as in the example shown below. (see Fig. 1 in Section 5.0, Letter E of this First Amendment to the Draft EIR)

Response E.2: Please refer to Master Response #1. The DSAP and its PEIR are program-level documents. There is not enough detail currently available to complete such a table without speculation. From a planning perspective, the above ground option has more implications for what could and could not be planned for the area. For this reason, this option was carried forward in the Plan and the PEIR. Once such details are determined for both HSR rail options, CHRSA will evaluate the long-term and construction-related environmental impacts of both alternatives as described in Response E.1, above.

Comment E.3:

3) and that it be of such clarity to represent the collective view and efforts of community, downtown business, and the San Jose City Council's votes of record.

Not to do so in a document of this importance may be viewed as a lack of serious interest in developing a viable and beneficial underground high speed rail transit hub as expressed by neighborhoods and stakeholders and Council.

Thank you for the opportunity to comment on this exciting step in our city's forward planning process.

Response E.3: It is assumed that the CHRSA will undertake an extensive community outreach process to determine the location of the HSR alignment through San José. Environmental review will be required for the ultimate alignment chosen. This comment does not refer to the environmental review completed for the DSAP project. No further response is required.

F. RESPONSES TO COMMENTS ON THE DPEIR FROM INDIVIDUAL JEAN DRESDEN, DATED FEBRUARY 13, 2014

Comment F.1:

Here are some comments:

1. For what reason did staff choose to discuss only the elevated alignment of high speed rail when Council Policy is to discuss both elevated and underground?

Response F.1: Please refer to Master Response #1 and Responses E.1, E.2, and E.3 of this Final PEIR. No further response is required.

Comment F.2:

2. For what reason did staff choose to limit parkland to the same amount of parks as was planned in the old Midtown plan, which had substantially fewer residential units? The current park ratio is 3.5 acres per 1000, unless there is a school nearby which can give credit to up to 2.0 acres per thousand. There's no school nearby. So where will the additional parkland be located that will account for the

additional units over and above the original? Although the park fees could be used to develop the land, the General Plan calls for 3.5 acres of neighborhood serving parkland. Where will it be??

Response F.2: This is a comment on the DSAP document, not on the adequacy of the PEIR or identification of environmental impacts. The Diridon Station Area Plan includes more parks and open space than those included in the Midtown Specific Plan. As discussed in Section 2.4 *Primary Public Plaza Concepts* of the DSAP, a public plaza is planned in front of the Diridon Station that would be between .92 and 1.27 acres in size, depending on the plaza configuration ultimately selected. Furthermore, the Plan envisions small Neighborhood Squares or plaza spaces integrated within the residential portions of Diridon (See Section 2.3 *Landscape and Open Space* of the DSAP). In addition to these facilities, the City will be developing the Del Monte Park on Auzerais Avenue at Los Gatos Creek and has long-term plans to build a new eight-acre park on the Fire Training Center. New trail segments along the Los Gatos Trail within the Diridon Area are also planned.

To provide additional open space to service the existing and anticipated new residents of both Diridon and the greater Downtown, the City's Park Strategic Plan (the *Greenprint*) also includes a strategy to further develop the adjacent 240-acre Guadalupe River Park, the Master Plan for which identifies 100 acres that are currently undeveloped. The City is also actively working with residential developers in the Midtown area, just outside of the Diridon Station Area, to secure additional park acreage in the near-term.

Comment F.3:

3. How do the "green fingers" figure into the calculation of parkland, if at all? How will the "green fingers" meet the needs for recreation? To what extent are privately owned publicly accessible spaces considered within park goal numbers? What research supports that concrete plazas provide the same health and recreation benefits as green space?

Response F.3: This is a comment on the DSAP document, not on the adequacy of the PEIR or the analysis of environmental impacts. As stated in the DSAP, "green fingers" are linear parks that in some areas would be integrated with roadways, while in others would provide pedestrian and bicycle connections only. The green fingers are intended to connect the larger public open spaces with the various neighborhoods within the Plan area and to provide pedestrian and bicycle connections between districts. How the green fingers would figure into parkland calculations is not yet determined, and the extent to which they would be included in these calculations will depend on the design of a given green finger and how much open space is provided. That being said, linear parks can provide quality open space that meets the passive and/or active recreation needs of the community and contribute towards the overall quality of life for residents.

The City's recent Three Creeks Trail Draft Master Plan is a good example of how to provide recreational activities within a linear park setting. The Plan includes a trail, outdoor fitness equipment, children's play equipment, and other amenities. Trails support biking, running, and walking and offer a healthy alternative mode of transportation to downtown destinations.

The City's current Parks Dedication Ordinance allows residential or residential mixed-use developments to receive up to a 50% credit toward meeting the park funding obligation by providing private, but publicly-accessible plazas or open spaces.

Urban plazas, be they publically owned or privately owned but publically accessible, can, if well designed, contribute towards a well-rounded diversity of parks, open space, and recreation facilities in a community, providing opportunities for both passive and active recreation. Successful examples of urban plazas in San José include the central paved courtyard area in the Evergreen Town Center which is a routine meeting location for practitioners of tai chi. In Willow Glen, the public plaza at the corner of Lincoln and Willow Avenues provides a sense of community, offering a location for people to gather and socialize informally. Activities that could occur in plazas in Diridon include art and cultural festivals, concerts, and farmer's markets. The City's Park and Recreation Commission has recently approved urban park designs that are paved, offering outdoor exercise equipment.

Comment F.4:

4. For what reason were alternatives to Baseball not discussed substantially? Since baseball appears to be dead, what will go into all that space? Residential? Commercial? How does that change the analysis in the EIR?

Response F.4: Please refer to Master Response #5.

Comment F.5:

5. In order to meet Envision 2040 emission reduction goals, increased pedestrian, bicycle, and BRT on West San Carlos viaduct will be needed. The current bridge is incompatible with these uses. Where is the analysis that shows the impact of delaying the replacement of this bridge? Preliminary sketches of the replacement include blocking access to multiple properties and streets. How is this design's impact analyzed in this report? How does the bridge's current substandard design impede development in Midtown and make financing more difficult? How will changes in access from a new bridge make some lands undevelopable? How will that lower the residential/commercial numbers?

Response F.5: The Diridon Station Area Plan is not dependent on the replacement of this bridge. It is identified in Section 1.2.1.3 of the PEIR as a future project anticipated for the Diridon area; however, it is not part of the project and was not analyzed in the DSAP PEIR. An environmental analysis for the San Carlos Bridge replacement project will be completed as part of the bridge replacement project when initiated.

Comment F.6:

6. Caltrain plans to replace their bridge over Los Gatos Creek. City of San Jose Parks staff has written a letter opposing the new alignment because they believe it will ruin the opportunity to

connect the Los Gatos Creek trail with the Diridon Station Area. Where in this EIR is there an analysis of the impact of terminating the trail on the west side of the Los Gatos Creek?

Response F.6: The Peninsula Corridor Joint Powers Board (JPB) has prepared an Initial Study/Mitigated Negative Declaration for the replacement of the Los Gatos Creek railroad bridge. A third tail track would also be constructed to ensure that two tracks are always available to maintain existing rail service. This project is proposed by the JPB to address existing structural deficiencies and safety issues while improving operations at Diridon Station.

The replacement of the railroad bridge is not part of the DSAP project, and will not have any bearing on the implementation of the Plan; therefore, the implications for the Los Gatos Creek Trail as a result are not analyzed in the PEIR.

Comment F.7:

7. Caltrain plans to build a new third track that crosses Auzerais Avenue. It will be used to switch trains around at Diridon Station. Crossing arms will go down more times per day and for longer dwell times. How will this impact traffic operations in the area?

Response F.7: The proposed project is the planning of the Diridon Station Area with uses generally consistent with the City's General Plan. The City of San José analyzes intersection operations in terms of level of service given trip generation and distribution. Traffic along streets and intersections can be affected by rail crossing gates such as those that exist for Caltrain and Light Rail Transit in the area. However, given that the referenced crossing is located along a two-lane roadway and not a major arterial, the delays experienced by vehicles along Auzerais Avenue would not be significant. Signal timing adjustments can be implemented in the future during periods when the crossing gates frequently disrupt traffic if deemed necessary.

G. RESPONSES TO COMMENTS ON THE DPEIR FROM FRIENDS OF CALTRAIN, DATED FEBRUARY 13, 2014

Comment G.1:

Friends of Caltrain is a nonprofit grassroots organization with over 3,000 participants on the Peninsula Corridor corridor from San Francisco to San Jose, including about 400 in San Jose. The group is dedicated to a financially stable, electrified rail system, with frequent all day service, easy access via transit, walking and biking, and well integrated into transit supportive land uses.

Friends of Caltrain strongly supports the Diridon Station Area Plan which will take advantage of a major confluence of current and future transit services to enable the creation of a walkable, urban employment and entertainment center and residential neighborhood. We also strongly support the City's General Plan goal to reduce vehicle trips to 40% of all trips, mitigating carbon and congestion impacts.

In the interest of supporting and furthering the success of the plan, we would like to offer comments regarding the mitigation of environmental impacts as disclosed in the Environmental Impact Report, as well as to offer comments on the implementation of the Plan which will be critical to the ability to reach the City's economic and environmental goals.

The planning assumptions regarding the transit services achieving the mitigation goals of the Diridon Station Area Plan should include the ridership of the planned Bus Rapid Transit lines on El Camino and Stevens Creek lines which will be serving the area (not included in the table above [Table 2-5.1]). To improve connections, the BRT route could turn left onto Autumn Street Eastbound and left onto Montgomery Westbound with a BRT station at Autumn/Montgomery.

Response G.1: It is unclear which table in the PEIR is being referred to in this comment. Bus Rapid Transit is described in Section 1.2.1.2 and Transit Priority Corridors are described in Section 4.2.4.2 of the PEIR. The ultimate route of BRT on Autumn Parkway has not yet been determined by the VTA. The proposed project would not preclude any potential BRT routes in the Plan area.

Comment G.2:

Diridon will bring together Caltrain, BART, High Speed Rail, Amtrak, VTA light rail, two bus rapid transit lines, as well as local bus and shuttle service. The effectiveness of Diridon as a Multimodal transit hub is only as strong as the transit connections. Transit riders are highly sensitive to transfer times. Minimizing transfer times will increase ridership and therefore improve mitigation of congestion and carbon impacts. Transfer time includes the amount of time to walk from service to service, including vertical travel time on stairs and elevators, plus the amount of waiting time for the connection. It also includes wayfinding time assessing where to go in the station area to make one's connection. Therefore, the City should set a policy to minimize transfer times among services.

The transfer time reduction policy can be used to set goals for the implementation phase detailed design of BART, High Speed Rail, Bus Rapid Transit and station area configuration in order to minimize pedestrian connections; for collaboration with the various transit agencies to design schedules that minimize transfer time; and for clear, ubiquitous signage with real time information about where to make one's connection.

Response G.2: Multi-modal connectivity is discussed in the conceptual station area design alternatives in pages 2-70 through 2-73 of the Plan document. All transit modes would require coordination amongst the agencies providing the services at the time that station and transit center expansion plans are developed. Once detailed station and transit service plans are developed, they will be evaluated in terms of consistency with appropriate policies and the project's Transportation Improvement Strategies. This comment does not refer to the environmental effects of the project as described in the PEIR.

Comment G.3:

Transit, bicycle and pedestrian connections should be strengthened to key local destinations, particularly to the North and West. Destinations including the Market Center on Coleman (5 minute drive, 30 minutes by transit), North San Jose employment centers (10 minute drive, 40 minutes by

transit), Valley Fair (10 minute drive, 30 minutes by transit), and the airport (10 minute drive, 4050 minutes by transit) are not convenient to reach by public transit if one is leaving from Diridon Station.

Response G.3: Comment noted. The DSAP includes bicycle and pedestrian connections for shorter trips within the DSAP and beyond. This comment refers to components of the DSAP and does not comment on the analysis or conclusions of the PEIR.

Comment G.4:

There are also gaps in the proposed bicycle and pedestrian network that should be filled to mitigate congestion and carbon impacts. The Autumn parkway that is being built is not planned to include bike lanes. The city proposes the Guadalupe River Trail as the recommended route for walking and bicycling, but the Trail is closed at night, creating a gap. By contrast, in Mountain View, where the City has set an ambitious goal of 45% non-drive alone mode share in the North Bayshore area, the Specific Plan proposal states that to achieve the goal, all streets need to provide strong support for bicycle and pedestrian use. Streets with high vehicle traffic and higher speeds should include protected bicycle lanes.

Response G.4: Please refer to Master Response #4 for a discussion of the planned Autumn Parkway and trails in the project area. Figure 2-10, Existing and Proposed Bicycle and Trail Facilities, of the PEIR has also been updated, as shown in Section 4.0 of this Final PEIR.

Comment G.5:

Transportation Demand Management Plan Reporting

A crucial component of the plan to mitigate congestion, pollution and carbon impacts is the Transportation Demand Management and Parking plans and programs which will shape the programs and incentives to encourage employees and residents to reduce vehicle trips. The programs and policies themselves will be designed in the implementation phase. However there is one critical element that the Plan can include up front, without yet working out all of the implementation details.

The City should require reporting on vehicle trips and transportation mode share. The reporting should be public information, and should be presented to City Council on an annual ongoing basis, without any sunset. Since the risks of congestion and pollution increase as the plan area fills out, if trip goals are not met, the use of a “sunset clause” in a reporting requirement is antithetical to the purpose of mitigating the environmental impact of vehicle trips.

The City of San Mateo currently implements such a reporting policy in its Rail Corridor Specific Plan Area, for the area extending between the Hillsdale and Hayward Park Caltrain stations. Study of effective TDM programs around the US shows that regular, public reporting is a critical factor in success. A requirement for ongoing, public reporting of progress toward the vehicle trip and mode share goals can be set up front, and creates a much higher level of confidence in the achievement of the proposed vehicle trip reduction mitigations described in the Environmental Impact Report.

Response G.5: Please refer to Master Response #2. As stated in Section 2.3.2.3 of the PEIR, the next phase in the DSAP planning process will include development of a Transportation Demand Management (TDM) Plan to manage travel demand in the station area. In addition major future projects will be required to prepare individual TDM plans for their development.

This comment does not refer to the environmental effects, analysis or conclusions in the PEIR.

Comment G.6:

Greenhouse Gas Emissions

The EIR reports overall Greenhouse Gas Emissions impacts as “significant and unavoidable” because of the increased density in the area. However, concentration of development in Transit rich areas is expected to reduce Greenhouse Gas Emissions per Capita compared to low density, car-centric locations. The EIR should assess the expected GHG emissions per capita, compared to low-density alternatives in the San Jose area.

Response G.6: The comment does not accurately describe the conclusions of the PEIR. Section 4.12 of the PEIR states that the proposed DSAP would be consistent with the City’s GHG Reduction Strategy, and therefore, would not result in a significant impact related to greenhouse gas emissions through 2020.

The Envision San José General Plan PEIR concluded that implementation of the 2040 General Plan, of which the proposed project is a part, would result in significant cumulative impacts to global climate change because the City’s projected GHG emissions per service population in 2035 would exceed the average carbon-efficiency standards necessary to maintain a trajectory to meet statewide 2050 goals. Additional strategies, policies, and programs to supplement those currently identified will ultimately be required to meet the 2035 reduction target.

Although the DSAP is intended to reduce emissions of regional pollutants over the long-term, it cannot be determined whether implementation of General Plan policies and proposed measures would reduce greenhouse gas emissions to meet the necessary carbon-efficiency standards. Given the amount of growth proposed, it was conservatively determined that the project would make a cumulatively considerable contribution to the significant greenhouse gas impact resulting from planned growth in San José as envisioned in the 2040 General Plan.

The BAAQMD CEQA Guidelines determine GHG impacts based on the service population (defined as the sum of the number of residents and the number of employees at the development) rather than on a per capita basis. Therefore, the GHG analysis was prepared for the entire proposed project. The alternatives section of the PEIR included a comparison of the project to a reduced scale alternative at the DSAP site. CEQA does not require a comparison of the project to low-density alternatives in other areas of San José.

Comment G.7:

Housing

Currently, the Diridon Station Area Plan calls for about 23,000 jobs and about 2700 homes. Additional affordable housing would help reduce vehicle trips, since lower income households generate on average fewer vehicle trips. In collaboration with partners that provide expertise on housing issues, we recommend tools such as smaller homes, density bonuses, inclusionary housing and in lieu fees, a housing impact fee, and value capture mechanisms to exceed existing affordable housing goals in the implementation of the Plan.

Vehicle trips would also be mitigated with the inclusion of additional market rate housing, which would generate fewer internal trips, and enable residents to use the plentiful transit, bike and pedestrian resources. While San Jose does have plentiful housing overall, it has a significant undersupply of the types of housing in walkable, transit-accessible urban neighborhoods which are in high demand among the skilled workers needed by San Jose corporations. This is evidenced by the rapidly rising housing prices in neighborhoods in and near downtown. More housing supply in walkable neighborhoods will help San Jose employers be competitive in the market for talent.

The growth in demand for attached and multifamily housing in walkable neighborhoods is driven by underlying demographic and cultural trends. Younger people prefer to drive substantially less than older cohorts. In addition, some empty-nester baby boomers are preferring to downsize to walkable neighborhoods requiring less home maintenance and less driving, for reasons including the ability to do without a car as they age. Adding more housing in walkable, transit-rich areas, both dedicated affordable housing and market rate housing will help mitigate congestion and pollution impacts, and address the demographic trends.

Response G.7: The recommendations in this comment relate to the DSAP and not to the PEIR. Please refer to the Responses to Letter J from *Public Advocates* for a discussion of affordable housing within the Plan Area. Also, please refer to Master Response #6.

Comment G.8:

The plan assumes that a baseball stadium will be built in the Diridon Area. However, there are significant uncertainties in the efforts to bring Major League Baseball to Diridon. The EIR should include a scenario for the Diridon Station Area if the stadium is not built.

Response G.8: Please refer to Master Response #5 for a discussion of the No Ballpark scenario.

Comment G.9:

The SAP Center is a key component of the vitality of the area, and continued access to the SAP center is essential. As the Diridon Area matures, with more transit resources and more adjacent uses, there is an opportunity to phase out the SAP arena surface parking lot, while implementing greater multimodal access to the arena. Building on land currently used for parking will create greater walkability. Density of uses, and programs to reduce trips to the arena, can provide additional vehicle trip reduction and environmental impact mitigation.

Regional experience shows that it is possible to manage and reduce vehicle trips for regional sports destinations. In the planning for AT&T Park in San Francisco, the city conducted professional analysis to ascertain an achievable mode share goal. Based on this analysis, the city set a 50% mode share goal for AT&T Park, and the City and Ballpark collaborated extensively to design and implement programs to achieve the goal, and to refine the programs over time as the area evolves.

Response G.9: This comment includes opinions regarding parking in the Diridon area and information regarding parking policies in San Francisco. It does not comment on the environmental effects of the project or conclusions of the EIR. See Master Response #3 for a summary of how parking demand from development was calculated, including accounting for decreased single-occupant vehicle trip rates based on implementation of the Envision San Jose 2040 General Plan.

Comment G.10:**Implementation Comments**

Friends of Caltrain and other transit, active transportation, and land use groups reviewing and supporting the plan are concerned that the biggest risks to the plan are in the implementation phases. The plan has an extremely ambitious goal of reducing solo car commuting to 40% by 2040. This is even more aggressive than San Francisco's 50% goal for the city, and more aggressive than Mountain View's 45% goal for North Bayshore where Google is headquartered.

The assumptions in the plan regarding road capacity, as well as for development density and parking, depend on the ambitious 40% goal being reached. There is no budget to expand the roads to accommodate higher levels of driving. And the economic goals will not be achieved if a greater amount of real estate needs to be used for vehicle parking, especially considering the height limits imposed by proximity to San Jose International Airport.

San Jose will need strong policies to fund and implement transit, biking and walking improvements, as well as transportation demand management programs as incentives, in order to achieve the economic and environmental goals of the plan.

Response G.10: This comment describes the DSAP in regards to vehicle use reduction and road capacity and transportation demand management programs. Economic goals of the project are not required to be evaluated in the PEIR. As the comment does not refer to the environmental effects of the project or conclusions of the PEIR, no further response is required. See Master Response #2.

Comment G.11:**Funding pedestrian and bicycle infrastructure**

The plan proposes a greatly increased network of pedestrian and bike trails, crossings of train tracks and creeks, and other pedestrian and bike infrastructure. Funding this infrastructure will be a challenge. In recent years San Jose has reduced developer impact fees for transportation infrastructure, reducing the ability to pay for the pedestrian and bicycle infrastructure needed to reduce vehicle trips and create an environment that will be attractive for employers, visitors and residents.

Response G.11: The funding of infrastructure for pedestrian and bike improvements identified in the Plan will be addressed at the Plan implementation stage. Developer fees may be required once actual development is proposed within the Plan area.

Comment G.12:**Pedestrian and bicycle navigation**

The plan calls for robust wayfinding signage enabling pedestrians and bicyclists to make their way among destinations in the Plan area and other accessible places in San Jose. The Plan calls for detailed attention to "placemaking", creating attractive and welcoming places and trails for people to experience. And the "Plan" considers viewsheds, particularly views from freeway approaches.

As a complement to these features, the Plan should consider and include in design guidelines the creation and extension of "viewsheds", utilizing landmark buildings, public art features, open space

areas, and other natural features to help pedestrians and bicyclists to navigate the area. Creating and preserving pedestrian viewsheds can enhance a sense of place and improve navigation.

Response G.12: This comment describes components of the DSAP and opinions and recommendations related to signage and viewsheds. As it does not comment on the environmental effects of the project addressed in the PEIR, no further response is required.

Comment G.13:

Strong TDM policies, including a Transportation Management Association

To achieve the 40% drive-alone goal, San Jose proposes to create a Transportation Management Association to help fund, plan and implement an aggressive Transportation Demand Management Plan, to fund and implement programs and benefits like shuttles, carpool programs, and transit pass discounts for the area. Successful implementation is critical to the environmental and economic success of the plan.

In addition to required, public, ongoing reporting, there are a number of policies at the implementation level that can help achieve the goals.

- * New developments required to participate in the TMA, including funding and trip goal commitments as a condition of approval of the development
- * Regular surveys to determine trip origins, destinations, and the reasons for driving. This data enables the TMA to create and continuously improve targeted measures to reduce vehicle trips.
- * Create defined geographical operating areas for the TMA. While a larger umbrella TMA organizational structure can be helpful, it is important to have focused operating areas, in order to gather relevant data and create targeted services to more effectively reduce trips.
- * Implement unbundled parking for both residential and commercial developments.
- * Unbundled parking for residential developments incents residents not to own more vehicles per household than they need.
- * Unbundled parking for commercial developments allows the implementation of “parking cashout” one of the most successful incentives at reducing driving. With “parking cashout”, and employee who chooses not to use a parking space receives a cash benefit up to the value of the parking space. This is practical to implement when commercial buildings have unbundled parking, setting a price for the space
- * Charging for parking. Paid parking is a powerful incentive not to drive, and is one of the key factors in Stanford’s ability to reach a 42% drive alone mode share among employees (not including undergrads and grad students)
- * Shared parking, enabling uses with differing hours of operation to make efficient use of parking space, maximizing the space available for development, and improving the walkability of the area
- * Benefits for residents in addition to employees. While TDM programs are most familiar for workplaces, they are also of benefit to residents. Discount transit passes, shuttle connections, carshare, bikeshare, and other programs and benefits can help plan area residents generate fewer trips and own fewer cars.
- * The creation of a “hierarchy” of programs and measures. If goals are not achieved with “easy” measures, require implementation of more difficult measures.

Response G.13: Friends of Caltrain acknowledges that the City will be preparing a Transportation Demand Management Plan for the Diridon station area and suggests a number of policies to be considered in the development of that plan. These will be considered when the City prepares the TDM Plan.

Comment G.14:**Support funding for BART to Diridon and the completion of Caltrain modernization.**

San Jose leadership has shown strong support to extend BART to Diridon. The Environmental Impact Report shows that the top two transit services for Diridon Station will be Caltrain and BART, carrying about 10,000 riders each.

To achieve the Caltrain ridership that is required to achieve the plan's goals, support will be needed for:

- * Completion of Caltrain electrification. The current electrification plan calls for the replacement of only 75% of the Diesel trains. Replacing 100% of the diesel trains will enable Caltrain to run faster, more frequent service with lower operating costs.
- * Level boarding. As part of the electrification program, Caltrain intends to implement level boarding. This will generate an additional 50% speed increase over and above electrification, by reducing "dwell time" at the station. Level boarding will also allow much better schedule coordination with BART and other services. Caltrain currently cannot provide ontime performance closer than a 5 minute window, because it takes at least 4 minutes to serve a single passenger with a wheelchair or mobility impairment. Level boarding will require platform modifications.
- * Platform extensions for longer trains. Currently the frequency of Caltrain service will be capped at 6 trains per direction per hour, because of the "blended system" agreement with High Speed Rail. To carry more passengers, Caltrain can run longer trains, but will need funding to extend platforms.
- * The current plan has 50% funding via the High Speed Rail project. If there are risks to that funding, support for other sources will be needed.
- * The Downtown Extension to the Transbay Terminal will give Caltrain riders access to 3x as many jobs in downtown SF than the rest of the corridor combined. DTX will also provide excellent transit connections in San Francisco and the East Bay. Political support for the funding of the DTX project will add value to Caltrain for Diridon.

Response G.14: This comment includes components of the future Caltrain electrification project and identifies the need for funding. The funding of transit services is not an environmental issue that is analyzed in this EIR. The comment correctly states that Caltrain is and BART and will be important services at Diridon Station. As this comment does not refer to the environmental effects of the project or the conclusions of the PEIR, no further response is required.

Comment G.15:**Collaboration with Transit Agencies**

A major strength of the Diridon Station Area is the presence of a rich set of transit services. In order for plan implementation to be successful, the city will need to collaborate closely with transit agencies, and transit agencies will need to take a seat at the table to provide the well-coordinated, frequent service required in order to meet the city's trip goals.

Thank you very much for your consideration of these comments, and for the good work that has gone into creating the Diridon Station Area Plan. We look forward to supporting the City's efforts to implement the plan going forward.

Response G.15: The City will coordinate with transit providers as the Plan is implemented. The comment is noted.

H. RESPONSES TO COMMENTS ON THE DPEIR FROM GREENBELT ALLIANCE, DATED FEBRUARY 13, 2014

Comment H.1:

Thank you for allowing Greenbelt Alliance the opportunity to provide comments on the Diridon Station Area Plan Draft Environmental Impact Report (DPEIR). This letter is in addition to our comments on the Draft Station Area Plan (DSAP). We appreciate the 60-day comment period. Our comments are intended to make the Plan even stronger, so that it provides clear direction to stakeholders that the City is planning for a dense, walkable, equitable community.

Greenbelt Alliance has been engaged in the Diridon Station Area planning effort for several years, having served on the Diridon Good Neighbor Committee and the Envision San Jose 2040 General Plan Task Force. We are the Diridon Station Area site lead for the Great Communities Collaborative, working closely with our local partners, Silicon Valley Bicycle Coalition and Working Partnerships USA. Through the Great Communities Collaborative, we were able to hire Public Advocates to comment specifically on the need for strong policies supporting affordable housing. It has long been known that San Jose is a leader in the production of homes, especially affordable homes, and that the City's ability to provide more affordable homes has been severely hampered by forces out of your control. Our comments are intended to prod the City to identify new tools and craft strong language so that it is unmistakable that the preservation and creation of affordable homes is an integral part of this Plan.

All of the recommendations in our letter on the Diridon Station Area Plan are mitigations to reduce air quality and transportation impacts further. In this letter, we also address traffic modeling, complete streets and parking. We support strong measures to protect riparian corridors and echo comments made by the Sierra Club, Loma Prieta Chapter on this important issue.

Transportation and Air Quality Impacts

It is clear that infill development near a transportation station is preferable to sprawl on a greenfield near freeways. The associated environmental impacts that result from sprawl are well-documented, such as the air quality impacts from a forced dependence on one travel mode, cars. The DPEIR documents that there are significant unavoidable impacts to air quality and transportation as a result of new development. Greenbelt Alliance would like to raise the following concerns and suggested mitigations.

“Transportation planning is undergoing a paradigm shift which is changing the way we define transport problems and evaluate solutions.” While the DSAP is exempted from the City's level of service policies, the DPEIR seems to address transportation impacts from an automobile level of service perspective. The State of California is in the process of developing new transportation impact evaluation methods, making it difficult for San Jose to know what is acceptable under state

law now. San Jose planners can, however, become leaders on transportation modeling. Currently, the transportation modeling software used in the DPEIR called CUBE does not account for impacts on bicycle facilities from their increased use as the DSAP builds out. San Jose must consider alternative methods to analyzing traffic generation impacts and make a commitment to re-evaluating automobile impacts with improved modeling software that accounts for impacts to all transportation modes.

- As part of the implementation plan, San Jose must utilize new modeling software once the State has established alternatives to roadway level-of-service (LOS) for evaluating developments in transit-oriented areas. For example, “the most comprehensive and multi-modal is multi-modal accessibility modeling which measures the time and other costs to reach services and activities by various modes.”

Response H.1: This comment notes Greenbelt Alliance’s participation in the development of the DSAP. The comment states that the City must utilize new transportation modeling software that has not yet been developed. The City’s Envision 2040 General Plan Action TR-1.14 encourages the development of multimodal level of service (LOS) standards and including them in the City’s analysis guidelines when useful and effective tools become available. The City will evaluate whether to change the way they evaluate traffic impacts at such time as the modeling information becomes available and multimodal standards have been developed.

Comment H.2:

In the analysis of impacts to pedestrian, bicycle and transit facilities, the emissions modeling through CalEEMod shows no difference between mitigated and unmitigated scenarios of the DPEIR (p.3 of 22 Appendix E. Air Quality Assessment, 4.1 Mitigation Measure Mobile). It is unclear how mitigation measures are impacting air quality. Further clarification on mitigation measures taken to reduce emissions is necessary to provide transparency in analysis and confirmation of effective mitigation measures.

Response H.2: The CalEEMod was used to predict average daily and annual emissions associated with operation of sites fully developed according to the DSAP, including all existing and proposed pedestrian, bicycle, and transit facilities. The DSAP emissions were compared to 2010 Bay Area Air Quality Management District thresholds and are consistent with the City’s General Plan PEIR.

Future projects will develop Transportation Demand Management (TDM) plans as part of the project design or as condition of approval. Mitigation measures will be evaluated for consistency with Sections 2.3.2.1 and 4.3.2 of the PEIR and the General Plan policies. It is not anticipated that the mitigation measures themselves will impact air quality.

Comment H.3:

Greenbelt Alliance recommends the following mitigations to reduce impacts to pedestrian, bicycle and transit facilities:

Improve transit ridership forecasts in CUBE traffic analysis by connecting bus rapid transit transfers along The Alameda and West San Carlos Street to the primary Diridon Station platform to minimize connection time. The DPEIR does not include Bus Rapid Transit in the set of transit services that are expected to reduce vehicle trips to the station area.

Response H.3: The recommendation regarding CUBE modeling is noted. The comment is incorrect regarding BRT in the project area. As stated in Section 1.2.1.2, BRT is described as a transit project that will serve the DSAP area in the future. Planned transportation improvements are listed in Section 4.2.1.6 and include BRT improvements for The Alameda/Santa Clara Street/Alum Rock Corridor and new service on San Carlos Street.

Comment H.4:

Station layout creates long horizontal and vertical trips to connect between different transportation agencies and modes (Caltrain, BART, HSR, Amtrak, BRT, Light Rail, Bus). Transit ridership can be reduced by long and inconvenient transfers. Timed pedestrian connections must be analyzed and additional station design for all transit modes to reduce connection time must be incorporated. Implementation needs cooperation with transit agencies to ensure timed transfers.

Response H.4: Comment noted. As part of the planning process for the DSAP, a conceptual layout was developed for Diridon Station as described in Section 2.2 of the PEIR. It is anticipated that minimizing the distance between connections and transfers will be considered by all the appropriate transit agencies during the Station re-design phase.

Comment H.5:

Require that all bicycle facilities entering the DSA and continuing through the primary Diridon platform should be Class II Bike Lanes or Class I Bicycle Paths. Allowing Class III sharrows along major access roads to the station will cause an increase in likely bicycle collisions from inadequate protection measures for bicyclists.

There must be mandatory Class II Bike Lanes for station access roads along intersections with Level of Service F, such as the south side of The Alameda (Figure 2-10 Bicycle and Trail map, p. 63 EIR).

Response H.5: Comment noted. This comment includes recommendations regarding the types of bicycle facilities to be required within the DSAP area and does not comment on the environmental effects of the project. No further response is required.

Comment H.6:

There are no transit options traversing the DSA through the north and south of Santa Clara Street, so people living south of the station are forced to drive. We recommend evaluating transit rider trips captured by improving and/or expanding DASH shuttles to areas north, such as Coleman Marketplace and San Jose International Airport.

Response H.6: Comment noted. This comment does not address the adequacy of the EIR or the environmental impacts. VTA provides transit service to the areas mentioned, though in

some cases may require a transfer in downtown San Jose. This comment expresses the opinion of the commenter in terms of transit rider opportunities within the DSAP area and does not comment on the environmental effects of the project. No further response is required.

Comment H.7:

Design Autumn Parkway to be multimodal, especially for cyclists. The Guadalupe River Trail is not a complete connection for pedestrians and cyclists, as it is closed at night. San Jose will also need to consider lighting impacts to the riparian corridor if the trail were lit at night.

Response H.7: Please refer to Master Response #4 regarding bicycle accommodations along the Autumn Parkway. Figure 2-10 has also been updated, as shown in Section 4.0 of this Final PEIR. The project does not include the lighting of any trails in the project area. The City will implement the Riparian Corridor Policy for any development near the river or creek, as described in Section 4.7.3 *Biological Resources*, of the PEIR.

Comment H.8:

Connect Pedestrian Corridor gaps such as 1) from the central station area running east-west along West San Fernando Street at Delmas Ave and under the freeway overpass into downtown and 2) along N. Montgomery Street between N.W. DSA and the SAP Center (Fig. 2.10).

Response H.8: This comment expresses a request by the commenter to connect what they perceive to be pedestrian gaps within the DSAP area and does not comment on the environmental effects of the project or the conclusions of the PEIR. No further response is required.

Comment H.9:

Greenbelt Alliance recommends the following mitigations to address air quality impacts:

- Develop list of mitigation measures corresponding to mobility that can be evaluated against the CalEEMod emission outcomes between implementing mitigated and unmitigated scenarios.
- Measures included in project to reduce/avoid impacts to regional air quality must include additional commitments by the city:
 - Offer parking cash-out for DSA residents
 - Set parking maximums for automobiles; remove parking minimums
 - Establish market-based parking pricing to encourage use of off-street facilities
 - Set bicycle parking minimums for residential developments

Response H.9: The recommendations in this comment are noted. Measures to reduce air quality emissions are included in Section 4.4 of the PEIR, and include several parking management measures. Minimum bicycle parking requirements for residential and

commercial developments are already required in the City's Zoning Ordinance (see Table 20-200). Additional measures, including TDM and Transportation Improvement Strategies as listed in Section 2.3.2.1 of the PEIR, will be considered as actual development projects come forward. BAAQMD does not require ongoing air quality monitoring of the effect of TDM policies; however, they do include measures that, when implemented, can be assumed to reduce emissions.

Comment H.10:

- Ensure more affordable housing is part of the plan, easily accessible to Diridon Station (*see Public Advocates letter*).

Response H.10: Please refer to Master Response #6 for a discussion of affordable housing in the Plan Area.

Comment H.11:

Fund and Implement a strong Transportation Demand Management Program

The key to much of the success of the DSAP is how Plan goals and policies are implemented. A Transportation Demand Management (TDM) Program and Transportation and Parking Management Plan (TPMP) are listed as mitigation measures for Air Quality Impacts 1 and 2. To achieve a 40% reduction in vehicle miles traveled (VMT) by 2040, San Jose must commit to funding a Transportation Management Agency (TMA) to implement benefits like shuttles, carpool programs, guaranteed ride home programs and transit pass discounts for employees and residents in the area.

Response H.11: Please refer to Master Response #2.

Comment H.12:

Mitigation measures must be binding. San Jose recently approved the North San Jose Traffic Impact Fee Incentive Program, which essentially reduced fees to developers, which are a critical funding source for traffic mitigation and improvement projects. North San Jose TIF fees were mitigation for development and the backbone of the North San Jose Plan. When fees are being waived or reduced in other parts of San Jose, it calls into question the credibility of the above referenced mitigation measures.

San Jose has waived fees to attract office development. Greenbelt Alliance argues that using TIF fees to design more complete streets for pedestrians and cyclists can actually attract the type of jobs San Jose desires.

Response H.12: Traffic impacts for all proposed development within the downtown San Jose Specific Plan area were addressed in the Downtown Strategy 2000 Plan (certified in 2005) and updated in the City's Envision 2040 General Plan (adopted in 2012). The Downtown Strategy 2000 Plan included improvements to Autumn Street and Coleman Avenue. The proposed project is within the approved development parameters of the Downtown Strategy 2000 Plan. Since the City's General Plan exempts projects within the Downtown Strategy 2000 Plan area from the City's traffic level of service policy, the

payment of project-specific traffic impact fees are not anticipated. It should be noted, however, that the City may determine that traffic improvements such as half-street improvements along property frontage may be required at the time of development.

Comment H.13:

Parking

Cited often in the DSAP is the 900-space parking structure just north of SAP Center, marked as A6 on the DSAP land use maps. In fact, “the test-fit preferred plan shows a 3 to 4 level structure in this general location” (DSAP, 4-23). The City and SAP Center have entered into an agreement that allows for making this structure plus the 1200+ existing surface spaces “available to the public when not in use for...events, which usually occur outside of regular commute hours.” The DPEIR studies the maximum build out for Diridon Station. Figure 4-1-2 in the DSAP states that the 900-space parking structure is not included in the total for maximum build out. At the same time, the DPEIR on page 65 states that the “total recommended parking supply would be approximately 11,950 spaces. The parking supply does not include on-street parking, off-street parking to be provided at the Whole Foods Market or Park Avenue Townhomes sites, or the existing surface lot associated with the Arena.” The DPEIR fails to analyze all of the parking supply provided in the Plan Area and therefore fails to address the environmental impacts associated with excess parking.

Response H.13: The comment states that by not including in the evaluation of parking supply the existing and planned Arena parking and parking to be included with two recent private development projects in the area (Whole Foods and Park Avenue Townhomes), the PEIR has not analyzed the total parking supply or disclosed the environmental impacts associated with excess parking.

The City disagrees with the assertion that the PEIR fails to analyze all of the parking supply within the DSAP. The DSAP (Sections 2.7 and 4.2) and PEIR (pgs. 64-66) describe the existing and reasonably foreseeable planned parking facilities within DSAP as well as the parking plans associated with new development to ensure an adequate supply as the DSAP is fully implemented. The private parking spaces noted in the comment (Whole Foods and Park Avenue Townhomes) may or may not ever be made available to other uses occurring with the Diridon station area; these spaces are not controlled by the City. While the City and the Arena currently have an agreement for the use of Arena parking facilities by non-Arena patrons when no events are occurring, the City does not rely on the spaces at full build out.

The comment suggests a parking surplus in the DSAP could contribute to secondary effects (e.g., increased traffic, vehicle emissions, roadway noise, etc.) by attracting more cars to the area, contrary to the City’s goal to encourage the use of public transit and discourage use of single occupant private automobiles in an area well served by transit. The PEIR discloses the traffic, air quality, and roadway noise impacts based on the total forecast trip generation taking into account the characteristics of the area and planned uses (i.e., location, density, transit service, etc.) and substantial evidence supports the PEIR’s conclusions regarding those impacts.

The DSAP attempts to strike an appropriate balance in existing and projected parking demand versus supply, recognizing that both demand and supply will vary over time as specific development projects and parking facilities are brought on-line. Please refer to Master Response #3.

Comment H.14:

Restricted valuable surface parking at SAP Center is off limits to development and incorrectly described as “under built-out conditions”. More accurate and up-to-date parking analysis should determine the highest and best use of limited land in DSAP and should not be wasted as a surface lot. We recommend the following mitigation measures:

Better coordinate transit times with SAP Center events and offer free or discounted transit passes to event attendees and employees, perhaps bundled into the cost of a ticket.

Consider phasing out the SAP Center surface parking lot in combination with a strong suite of TDM measures and an effective TMA that includes SAP Center, City of San Jose and other area stakeholders in its management.

Conclusion

Greenbelt Alliance appreciates the opportunity to comment on the DSAP DPEIR. Please keep us informed of all planning and implementation efforts as this process moves forward.

Response H.14: The opinion that the 1,400 space Arena surface lot is not the highest and best use of the property is not a specific comment regarding the PEIR’s analysis of environmental impacts, and is more appropriately addressed to Arena Management and the City’s Office of Economic Development outside of this process. The availability of the existing surface lot is critical to the success of the SAP Center for the foreseeable future.

Arena Management and the City’s Office of Economic Development could consider developing the surface parking lot if it determined that all or some of the parking was not needed at some future date due to actual mode shifts of Arena patrons. Given the significant control by SAP Center Management over the lot authorized by the agreement with the City, and their concern about future parking impacts on SAP Center operations, it is not anticipated that changes in its use would be contemplated, particularly in the short term. Master Response 3 provides a summary of how the parking supply at buildout for development sites within DSAP was calculated.

I. RESPONSES TO COMMENTS ON THE DPEIR FROM PG&E, DATED FEBRUARY 13, 2014

Comment I.1:

Thank you for the opportunity to review the Draft Program Environmental Impact Report (EIR) for the Diridon Station Area Plan (DSAP). Pacific Gas and Electric Company (PG&E) has the following comments to offer regarding the proposed Plan:

Impacts to PG&E Facilities

PG&E owns and operates electric, gas, and service facilities located within the Diridon Station Area Plan. These facilities include PG&E's electric San Jose Substation A, two 115 kV power lines, and the Cinnabar Service Center. To promote the safe and reliable maintenance and operation of these utility facilities the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, the City of San Jose and project proponents should coordinate with PG&E early in the development phase of proposed construction projects to determine potential relocation or upgrades to PG&E facilities. The proposed construction projects that could impact PG&E facilities include but are not limited to the Diridon Station expansion, the major league Baseball Park, Transit Employment Center, and proposed commercial and residential development. Section 4.1.1 of the EIR explains that the “. . . site of the proposed baseball stadium includes vacant properties and a PG&E substation.” The EIR also explains the option of the PG&E “service center” (Cinnabar Service Center) to be “replaced with a new Transit Employment Center, as proposed by the DSAP.” See Table 1 for a list of PG&E facilities and properties within the Plan boundaries. Also, any proposed construction projects should provide for unrestricted utility access, and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.

Table 1 PG&E Facilities within DSAP

PG&E Facilities and Fee Property*	DSAP Identity Zones	Impacts from potential planned projects
San José Substation A (1.4 acres**)	Central Zone	Major League Baseball Park
San José A-San José B 115 kV Power Line	Central Zone and Northern Zone	Major League Baseball Park, and residential/commercial development
El Patio-San José A 115 kV Power Line	Central Zone and Southern Zone	Major League Baseball Park, and residential/commercial development
Cinnabar Service Center (12.7 acres**)	Northern Zone	Transit Employment Center
PG&E Fee Strip (0.6 acres**)	Southern Zone	Transit Facilities/Park

*Excludes PG&E's Gas and Electric Distribution facilities within the draft DSAP boundaries.

** Approximate

The City of San Jose and project proponents are encouraged to coordinate early with PG&E to establish a Utility Agreement with PG&E to identify costs associated with the relocation of existing PG&E facilities. To maximize PG&E's ability to identify impacts to PG&E facilities and to start the planning, engineering, acquisition, and construction phases, an Agreement must first be attained.

Response I.1: Comment noted. The PEIR states in section 4.11.3.2 that, “*The City will continue to coordinate with PG&E on utility needs...*” The recommendation of the commenter will be considered by the City as project plans are developed.

Comment I.2:

Discretionary Permitting

PG&E is subject to the jurisdiction of the CPUC and must comply with CPUC General Order 131-D on the construction, modification, alteration, or addition of all electric transmission facilities (i.e., 115 kV power lines and San Jose Substation A.). In most cases where PG&E's electric facilities are under 200 kV and are part of a larger project (i.e. Diridon Station or ball park projects), G.O. 131-D exempts PG&E from obtaining an approval from the CPUC provided its planned facilities have been included in the larger project's California Environmental Quality Act (CEQA) review, the CPUC has been included as a responsible agency and included in the circulation of the review, and that the lead agency (e.g. City of San Jose) finds no significant unavoidable environmental impacts. PG&E may proceed with construction once PG&E has filed notice with the CPUC and the public on the project's exempt status, and the public has had a chance to protest PG&E's claim of exemption. If PG&E facilities are not adequately evaluated in the larger project's CEQA review, or if the project does not qualify for the exemption, PG&E may need to seek approval from the CPUC (i.e., Permit to Construct), taking as much as two years or more since the CPUC would need to conduct its own environmental evaluation (e.g., Environmental Impact Report).

Before the G.O.131-D process can proceed, a Feasibility and Constraints Analysis may first need to be conducted to determine potential relocations of PG&E facilities. Depending upon the degree of impact and facility, the Analysis could take between two months to one year per facility.

The City of San Jose/project proponent should also coordinate with PG&E on permits and authorizations required by resource agencies over PG&E's upgraded facilities. Construction work, design of utility facilities, and environmental impacts should be included as appropriate in the permits and authorizations required by these agencies.

In summary, if it is determined that a proposed construction project will impact PG&E facilities, PG&E recommends the following:

- Coordinate with PG&E on the development and review of agency permits and authorizations required;
- As appropriate, include impacted PG&E facilities as necessary in its project description and evaluate under CEQA all impacts caused by PG&E's proposed construction work and design of utility facilities; and
- Include construction work and design of utility facilities impacted as appropriate in the permits and authorizations required by resource agencies.

These actions could potentially reduce impacts to the project's schedule and cost by eliminating the need for additional environmental evaluation from the CPUC and resources agencies.

Response I.2: The PEIR states in section 4.11.3.2 that, “*The City will continue to coordinate with PG&E on utility needs...*” The recommendation of the commenter will be considered by the City as project plans are developed. Individual development projects within the Plan Area will continue to be required to comply with PG&E requirements at the development permit and building permit phases.

Comment I.3:

Section 851

Per the CPUC's Section 851 all PG&E property sales require CPUC approval. Obtaining CPUC approval for a Section 851 application can take 9 to 12 months, and requires compliance with CEQA. PG&E recommends that Section 851 issues be identified as early as possible so that the necessary application can be prepared and processed. As with GO 131-D compliance, PG&E recommends that the City of San Jose include any facilities that may be affected by Section 851 in the CEQA review so that the CPUC does not need to undertake additional CEQA review in connection with its Section 851 approval.

Response I.3: Comment noted. The DSAP does not require the sale of any PG&E property, as it is a program-level document to guide future development proposed by property owners and developers. CEQA review for any property sales by PG&E will be conducted on a project-by-project basis. The recommendation of the commenter will be considered by the City as project plans are developed. This comment does not call into question the PEIR analysis of environmental effects.

Comment I.4:

Growth and Development

Please note that continued development consistent with your Area Plan will have a cumulative impact on PG&E's gas and electric systems and may require on-site and off-site additions to the facilities that supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas or electric transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads.

Expansion of distribution and transmission lines and related facilities is a necessary consequence of growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate build-out capacity, and building new substations and interconnecting transmission lines.

Response I.4: The PEIR discussed the cumulative impacts to energy in section 4.11.4 and concluded that, “*The DSAP would not result in a new cumulative impact or make a cumulatively considerable contribution to a previously identified significant impact related to energy use.*” In addition, the PEIR noted in section 4.11.3.2 that the City will coordinate with PG&E on utility needs. These will be addressed as projects are developed within the Plan area consistent with the DSAP and City policies.

Comment I.5:**Cinnabar Service Center**

The draft EIR shows that the Transit Employment Center would occupy the area PG&E's Cinnabar Service Center currently exists. The drafts explain that the Transit Employment Center's "Driving Industry type businesses envisioned ... include high technology and green tech type business that would place a premium on being adjacent to the Diridon Station and the high level of transit access it provides and will provide." PG&E request that the City consider the traffic and utility impacts in its CEQA evaluation associated with the potential relocation of the Cinnabar Service Center if the Transit Employment Center construction project is proposed. With over 240 PG&E employees that include gas and electric first responders, maintenance crews, and customer field support the Cinnabar Service Center is strategically and centrally located to efficiently dispatch these crews to its customers. The number of vehicle miles traveled (negative impact) as a result of a potential relocation of the Cinnabar Service Center could outweigh the beneficial result of the vehicle miles saved with the construction project. The response time for first responders to power outages and other emergency events would also increase with the potential increase in vehicle miles traveled.

Response I.5: This comment refers to the General Plan Land Use designation of the Cinnabar Service Center site, which is Transit Employment Center. This designation applies to future development on the site (for example, if PG&E elects to sell the site to a private developer). This General Plan Land Use Designation currently applies to the site, and no change in the designation is proposed with the implementation of the DSAP. The DSAP and its PEIR are program-level documents. If PG&E elects to sell the property or pursue new development that would replace the existing Service Center, the environmental impacts associated with that development will be addressed in a project-level CEQA document. This comment does not refer to the DSAP PEIR analysis of environmental effects or conclusions.

Comment I.6:

The EIR explains that the land use designations for the Employment Service Center would allow for different uses. PG&E requests that if zoning designations were to change, PG&E should be allowed to continue exercising the full extent of the current zoning designation. Any limitations by a new zoning designation may adversely affect PG&E's ability to serve our customers safely, reliably, and affordably.

Conclusion

PG&E is committed to working with the City of San Jose on the proposed DSAP developments while maintaining its commitment to provide timely, reliable, and cost effective gas and electric service to its PG&E customers. Please contact me by telephoning (408) 282-7138 or emailing me at MXK4@PGE.COM if you have any questions concerning our comments. We would also appreciate being copied on future correspondence regarding this subject as future projects develop.

Response I.6: The DSAP is a plan-level (program) project and does not include the re-zoning of any properties. Planning the PG&E site for future development does not change the uses that can exist on the site. The City will keep PG&E apprised of development plans

and future environmental review once actual project plans are developed. This comment does not call into question the PEIR analysis of environmental effects. No further response is required.

J. RESPONSES TO COMMENTS ON THE DPEIR FROM PUBLIC ADVOCATES, DATED FEBRUARY 13, 2014

Comment J.1:

Public Advocates welcomes the opportunity to comment on the Draft Program Environmental Impact Report (“DPEIR”) for the Draft Diridon Station Area Plan (“Draft Plan”). We were invited to provide comments by Greenbelt Alliance, a member of the Great Communities Collaborative. The GCC is a regional network of organizations dedicated to creating healthy, thriving, and affordable neighborhoods in the Bay Area. The Diridon Station Area, with substantial existing and planned transit connectivity and large scale redevelopment potential, occupies a unique place in the development of San Jose and the entire South Bay. Making that plan as sustainable and equitable as possible is critically important to building a strong future for San José, and the environmental review process is a vital opportunity for achieving that outcome.

Housing is among the most important factors that will determine the Draft Plan’s environmental impacts. The number and affordability of homes planned for the station area will determine the level of impacts on traffic, air quality, greenhouse gas emissions, and numerous other environmental factors. As highlighted in the Plan itself, housing availability and affordability will have significant direct, indirect and cumulative environmental impacts:

The location of affordable housing in transit-rich locations is especially important, as lower-income residents utilize public transportation at a higher rate than other households. Transit ridership has the effect of helping to reduce greenhouse gas emissions and reducing the total cost of housing and transportation for lower-income households. Additionally, housing opportunities allow lower-income households who might otherwise be forced to live farther away from work to live and work in the same community, further reducing pollution and traffic congestions. (Draft Plan at 2-155/2-156).

Despite the strong links that both the Draft Plan and the DPEIR identify between housing affordability and environmental impacts, the DPEIR fails to properly incorporate this aspect of the plan into the environmental analysis. Because of this, the DPEIR fails to meet the legal requirements of the CEQA in at least four ways: (1) it contains an inaccurate project description (see Part I, below); (2) it fails to discover and analyze significant environmental impacts (Part II, below); (3) it fails to consider and incorporate all feasible mitigation measures (Part III, below); and (4) it fails to adequately analyze a full range of alternatives. (Part IV, below.)

Response J.1: Please see Master Response #6 for a general discussion of housing and displacement issues and comments J.2 through J.24 for responses to specific affordable housing comments.

Comment J.2:

To ensure the environmental benefits of affordable housing, affordable housing and anti-displacement strategies must be a concrete part of the Final Plan and its implementation. Until the Draft Plan is modified to incorporate those concrete strategies, the EIR must accurately reflect the full range of greater environmental impacts that will result. Public Advocates and Greenbelt Alliance acknowledge that the City has a strong record of promoting affordable housing; we stand ready to work cooperatively with the City to address these issues in the spirit of achieving the best result for the environment and the public at large.

Response J.2: Please refer to Master Response #6 for a discussion of mechanisms the City is considering to ensure that affordable housing is ultimately constructed within the DSAP area. Housing within the DSAP is expected to vary in pricing and the actual locations for affordable housing have not yet been determined. The types and severity of environmental impacts are not differentiated based on the affordability of housing in the Plan area, since analysis of issues like traffic, air quality, and noise do not differentiate the behavior of residents based on income levels. The full range of environmental impacts of the program-level project are identified in the PEIR and the availability of or shortage of affordable housing would not increase or reduce the severity of these impacts.

Comment J.3:**I. The DPEIR's Assertion that 15% of New Units will be Affordable has no Basis in the Plan.**

The DPEIR's project description inaccurately assumes a quantity of affordable rental housing that the Draft Plan does not provide. The DPEIR "assumes that 15 percent of the new units would be affordable housing" under the Draft Plan (DPEIR at 378). Yet, as the Draft Plan acknowledges, San José's inclusionary housing program "is on hold (except for for-sale homes in former redevelopment areas) due to legal challenges." Draft Plan at 2-156. While we applaud the City of San José's philosophical commitment to inclusionary housing, as a legal matter a proper CEQA analysis cannot be predicated on an inaccurate project description. See *County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 199; *City of Santee v. County of San Diego* (1989) 214 Cal. 3d 1438, 1450.

Response J.3: Please refer to Master Response #6. The DSAP includes a policy goal that the Plan Area include at least 15% affordable units. Section 4.15 and 4.16 of the PEIR has been revised to reflect the lack of current policies in effect to require new affordable housing in the Plan Area and the DSAP goals to develop new strategies and policies at the implementation phase.

Comment J.4:

The discrepancy between the level of affordability assumed in the EIR and the Plan's lack of guaranteed production of affordable housing renders the project description flawed. "An accurate . . .

project description is the *sine qua non* of an informative and legally sufficient EIR.” See *County of Inyo*, 71 Cal. App. at 193. The project description must be grounded in facts and analysis, rather than on “the bare conclusions of the agency.” See *Santiago Water Dist. v. County of Orange* (1981) 118 Cal. App. 3d 818, 831.

Response J.4: The project description in the PEIR, including the discussion of strategies to incorporate new affordable housing in the Plan Area in Section 2.3.4 of the PEIR, is correct. As stated in Section 2.3.4, the DSAP incorporates affordable housing consistent with City policy and although specific sites or strategies are not yet determined, potential financial strategies have been identified. These potential strategies are listed in the same section of the PEIR and are not considered to be the only possible strategies. These strategies have no bearing in the determination of physical environmental impacts of the project (see Master Response #6). Section 4.15 of the PEIR has been amended to reflect the City’s Policy Goal that at least 15% of new housing units be affordable and to remove any references to affordable housing requirements due to the lack of current policies. Affordable housing policies will be developed at the Plan implementation stage. The provision of affordable housing is not an environmental impact under CEQA.

Comment J.5:

The Draft Plan acknowledges that, in the absence of an enforceable inclusionary housing ordinance, the City will have to adopt new policies to ensure that the assumed inclusionary units actually get built in the Station Area. “Without inclusionary housing and its ability to help site affordable housing in the right places, the City must develop new mechanisms to facilitate such developments in Diridon Station.” Draft Plan at 2-155 (emphasis added). The Plan lists several policies which “will be explored as implementation tool[s].” *Id.* These measures, however, are not part of the plan, but merely speculative and aspirational. In fact, “specific robust mechanisms to facilitate San Jose’s policy goal of a 15 percent minimum of affordable units, have not yet been determined for Diridon Station. . . .” Draft Plan at 2-159 (emphasis added). See 14 CCR 15126.4(a)(1)(B) (“Formulation of mitigation measures should not be deferred until some future time.”). Furthermore, none of the affordable housing policies or funding opportunities identified in the Plan is discussed in the Plan’s Implementation Strategy Report.

Response J.5: Please refer to Master Response #6. This comment refers to the contents of the Plan and does not comment on the environmental effects identified or conclusions of the PEIR.

Comment J.6

II. The DPEIR Fails to Analyze the Impacts of Foreseeable Housing Costs.

Unfortunately, the flaw in the project description extends to the entire DPEIR, which fails to adequately analyze and mitigate the significant environmental impacts related to foreseeable (rather than merely aspirational) levels of housing affordability and availability in the Plan Area. Until the Draft Plan is amended to explicitly adopt concrete and enforceable measures, the DPEIR is required to analyze the environmental impacts of realistically forecasted housing cost.

Response J.6: The future affordability of housing in the Plan Area is a socio-economic issue related to regional economic trends, and is not required to be analyzed under CEQA (Please see Master Response #6). The DSAP is a planning level document, upon which future development would be based. The DSAP will be consistent with all City policies regarding the provision of affordable housing, including financing strategies. The DPEIR is not required to analyze the environmental impacts of forecasted housing costs, as this is a socio-economic issue and is not a direct physical change to the environment. The DSAP PEIR tiers from the General Plan PEIR and adequately analyzes reasonably foreseeable significant effects of the project. The inclusion, or lack, of affordable housing in the Plan, will not change the analysis of environmental impacts identified in the PEIR, as discussed in the responses to Comments J.16 and J.19 through J.22, below. Whether the housing provided by the project is affordable is not a physical change to the environment.

Comment J.7:

Even though the Draft Plan’s proposed development capacity is consistent with that anticipated in the 2040 General Plan, because the Draft Plan will “cause significant effects on the environment that were not adequately addressed in the prior EIR” (14 CCR § 15152(d)), the DPEIR must properly identify, analyze and mitigate any significant effects on the environment caused by the Plan’s design. Analysis of the significant impacts of a project must include the “changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development)” and “any significant environmental effects the project might cause by bringing development and people into the area affected.” 14 CCR 15136.2(a).

Response J.7: The PEIR adequately analyzes the environmental impacts of implementation of the DSAP, including the development of up to 2,588 residential units, consistent with the 2040 General Plan. Population and Housing impacts are described in Section 4.15.3 of the PEIR. Every section of the PEIR evaluates the proposed land uses, including office/R&D/light industrial, retail/restaurant, residential, and hotel uses at a program-level. The impacts of the project are compared to the existing conditions, as required by CEQA.

Comment J.8:

The lack of adequate affordable housing in the Station Area is likely to manifest itself in two interrelated dynamics that must be factored into the environmental analysis: (1) displacement and (2) inadequate affordable workforce housing.

Response J.8: Comment noted. Please see Master Response #6 for a discussion of displacement and affordable housing in the Plan Area. As required by CEQA, the PEIR includes a discussion of the displacement of housing units or people. The PEIR acknowledges that future redevelopment of existing residential properties consistent with the Plan could displace some of the approximately 1,430 existing residents in the Plan area due to new construction on sites currently occupied by housing. If this occurs, some of these residents could relocate to new or existing residences within the DSAP or adjacent

neighborhoods. The provision of affordable housing within the DSAP, which is a policy goal of the plan, could encourage relocation within the Plan Area.

The General Plan PEIR determined that the intensification of development in San José allowed by the General Plan would not displace substantial numbers of existing housing or people. Therefore, implementation of the proposed project, which is consistent with the General Plan, would not result in a significant impact in terms of housing or population displacement. Please refer to Response J.7.

Comment J.9:

1. Environmental Impacts Caused by Displacement (Section 4.15.3.3)

Transit-oriented development (TOD) can be highly beneficial, but the propensity of TOD to cause displacement, and the resulting adverse environmental impacts of that displacement, are well established. Displacement results in negative impacts on health, air quality, VMT, GHG emissions, and transportation, *inter alia*. The failure to incorporate an adequate analysis of the environmental impacts of displacement not only undermines the DPEIR's conclusion in section 4.15.3.3 but also a host of other environmental impacts including transportation, air quality, climate change, and health.

Response J.9: Please refer to Master Response #6. The General Plan PEIR determined that, because nearly all existing housing units in the City would be retained, implementation of the General Plan would not displace a substantial number of existing housing units or people. Because the project is consistent with the General Plan and housing growth and redevelopment in the City would be focused in existing commercial, industrial, and vacant areas of the City, the proposed project would not result in a significant environmental impact due to displacement. Other environmental impacts of the Plan to future residents and surrounding residential areas, such as traffic, air quality, and population and housing, are discussed in appropriate sections of the PEIR.

Comment J.10:

The DPEIR should have considered the adverse social and economic impact of displacement on populations as a factor in assessing the significance of the Plan's effects. *See* 14 CCR § 15064(e) (“[I]f a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect.”); *see also* Cal. Pub. Res Code § 21083(b)(3) (stating that the Guidelines “shall require a finding that a project may have a "significant effect on the environment" if . . . [t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly”).

Response J.10: Please refer to Response J.9 and Master Response #6 for a discussion of social and economic issues under CEQA. The project, which is consistent with the General Plan, would not displace a significant number of residents in any way that they would be substantially affected by environmental factors either directly or indirectly. If residents of existing housing are displaced by future development, existing residents would be required to

relocate either to new housing within the DSAP or to other areas of the City, County, State, or beyond. To anticipate where such residents would move is speculative and beyond the scope of the program-level analysis of the PEIR for the DSAP project. As stated in Section 15131(a) of the CEQA Guidelines, economic or social effects of a project shall not be treated as significant effects on the environment. Finally, as stated in Master Response #6, the displacement of existing residences in the Plan Area can occur today as allowed by current General Plan land use designations.

Comment J.11:

CEQA Guidelines § 15131 and §15064(e) describe situations in which social and economic factors must be considered. 14 CCR §§ 15131, 15064(e); *see also Anderson First Coalition v. City of Anderson*, 130 Cal. App. 4th 1173, 1182 (2005). It is well established that, “if the forecasted economic or social effects of a proposed project directly or indirectly will lead to adverse physical changes in the environment, then CEQA requires disclosure and analysis of these resulting physical impacts.” *Bakersfield Citizens for Local Control v. City of Bakersfield*, (2004) 124 Cal. App. 4th 1184 (1205); *see also, Napa Citizens for Honest Government v. Napa County Bd. of Supervisors*, 91 Cal. App. 4th 342 at 367-68. Additionally, the negative impacts of socio-economic displacement also affect human health, a topic not considered in the DPEIR.

Response J.11: Please refer to Response J.10. Section 15131 of the CEQA Guidelines states that impacts related to economic or social effects of a project must focus on the physical changes that result. The health effects described in this comment would not result in physical changes to the environment. The environmental impacts of planning the DSAP area with additional residential units and jobs are identified in the PEIR and mitigation measures and General Plan policies are included to reduce impacts as required by CEQA. All physical environmental impacts have been identified.

Comment J.12:

The DPEIR’s analysis of two forms of displacement is inadequate:

a. Construction Displacement (Displacement of Housing Units)

The DPEIR is internally inconsistent on the issue of displacement from construction. On the one hand, it states that “Implementation of the [Draft Plan] could displace a portion of the approximately 1,430 existing residents in the Plan area.” DPEIR at 379. Despite this (likely accurate) statement, the DPEIR simply adopts the Envision PEIR’s conclusion that, “[t]he intensification of employment lands and the construction of infrastructure and public facilities necessary to serve future growth would not displace substantial amounts of existing housing or people. Therefore, the 2040 General Plan would not result in significant impact in terms of housing or population displacement.” Id. Despite the likely displacement of an unspecified portion of the existing residents, to make the determination that this impact will be less than significant, this section again relies on the ability of displaced residents to “relocate to new housing in the Plan area.” Id. As the “Less than Significant”

determination relies on the flawed assumption about the extent of guaranteed affordable housing, as discussed above, this impact must be reassessed.

Response J.12: This comment refers to the potential for the physical displacement of housing units for the construction of infrastructure to support the development envisioned in the DSAP. The only direct physical displacement of housing units in the plan area are those that will be removed as part of the Autumn Parkway extension project, which was previously analyzed at a program-level in the *Downtown Strategy 2000 EIR* and at a project-level in the *Coleman Avenue/Autumn Street Improvement Project EIR*, and is therefore considered background to the DSAP. See Master Response #4 for a further discussion of the Autumn Street extension and Master Response #6 for a discussion of affordable housing and displacement.

Comment J.13:

b. Socio-Economic Displacement (Displacement of People)

The Draft Plan acknowledges the “potential displacement of existing households as a result of rising rents or property values due to the development of Diridon Station.” Draft Plan at 2-154. The Plan desires to “continue to support these existing residents while accommodating a new residential population.” *Id.* Yet the potential for economic displacement is high due to the fact that existing households in Diridon have lower incomes than San José as a whole. The median household income of residents in the Diridon Station is \$25,000 lower than the citywide median income, placing these residents in the low- and very low- income brackets for Santa Clara County. Furthermore, 78 percent of these residents are renters compared to 42 percent citywide, and Station Area renters currently pay \$246 less in median gross rent than renters citywide. *Id.* In short, the lower income renters who live in the Station Area today are uniquely vulnerable to economic displacement pressures.

Most of the housing units that are home to today’s lower-income Station Area residents are cheaper market-rate units, with only about 150 existing deed-restricted affordable units in the project area. Draft Plan at 2-155. As the Draft Plan notes, a foreseeable impact of the Plan is that market pressures and a lack of enforceable policies will lead to a shortage of residential units affordable to low-, very low- and extremely low-income households within the Plan area. Draft Plan at 2-154. In short, many of these market-rate units will likely cease to be affordable.

The DPEIR fails to address this likelihood. Instead, it focuses exclusively on the proportion of newly-constructed units that will be affordable, without addressing the pressures placed on current rental units. The influx of people willing to pay market rate for units within this area may lead to rising rents, an increase in Ellis Act evictions, and/or market incentives to convert rental units into condominiums. These dynamics should be fully analyzed and mitigated. Even if 15 percent of new units are affordable to very-low and low-income households, it is still likely that economic pressures will displace the existing lower-income residents of the Diridon Station area and force them to move to far-flung areas where housing is more affordable, thereby inducing a significant change in the current population distribution. *See* 14 CCR 15136.2.

Displacing the lower-income residents of this area will induce pressures that strain or deplete the affordable housing stock in nearby communities or require the construction of new homes in areas where land is less expensive. The negative impacts of socio-economic displacement also affect human health. The DPEIR cannot avoid analyzing these impacts.

Response J.13: The comment focuses on the potential for future displacement caused by the redevelopment of sites consistent with the Plan. Land uses in the Plan Area are consistent with the land uses envisioned in the City’s 2040 General Plan. The General Plan found that the development included in the General Plan would not result in a significant impact associated with displacing residents as housing is redeveloped in the City. It is entirely feasible that some residents would relocate to some of the new housing provided in the Plan. Whether the housing is guaranteed to be affordable is not an environmental issue and is not related to whether residents have to move to other locations in the City. Please refer to Responses J.11 and Master Response #6.

Comment J.14:

2. Environmental Impacts Caused by Lack of Jobs-Housing Fit

In addition to impacts related to displacement of existing units and residents, the Draft Plan will also create thousands of low-wage jobs without providing adequate additional affordable housing for these new lower-income workers and their families. If the Plan Area provides inadequate affordable workforce housing, most of these workers will be forced to live elsewhere. While we acknowledge that San Jose is “housing rich,” (DPEIR at 376) given the high housing prices prevalent throughout all of Santa Clara County, these families will likely need to look outside the county (and outside the Bay Area altogether) to find affordable homes. The further that housing is from their jobs in the Station Area, the more VMT their trips to work will generate, which in turn will increase local air pollution, greenhouse gas emissions, and traffic.

Response J.14: Please refer to Responses J.7, J.8, J.9, J.10, and J.11 and Master Response #6. The placement of additional housing in proximity to a transit station with Caltrain, BART, HSR, Amtrak, and bus transit opportunities will reduce VMT, consistent with the General Plan. While some residents will relocate outside of the DSAP area, transit opportunities in San José and the County will be available to serve those located in proximity to transit. Impacts related to air quality and greenhouse gas emissions resulting from traffic generated by development within the DSAP were evaluated in Sections 4.4 and 4.12 of the PEIR, consistent with the General Plan EIR.

Comment J.15:

The DPEIR claims that “the main environmental issue associated with a jobs/housing imbalance is increased VMT and the [Draft Plan] is a key strategy for reducing VMT; however, because the project will increase jobs over residential units within the City, the [Draft Plan] would contribute to the significant unavoidable impact identified in the Envision PEIR.” DPEIR at 381. Again, because the DPEIR does not analyze housing affordability, beyond raising it as an issue, the DPEIR fails to

address the relative impact on VMT that would occur if housing “that matches the needs of new workers” is constructed within the Plan area. DPEIR at 380.

Furthermore, the existing lower-income population of Diridon utilizes public transportation at twice the rate of the average transit-riding community in San José. To maintain transit ridership at these levels, “The location of affordable housing in transit rich locations is especially important, as lower-income residents utilize public transportation at a higher rate than other households.” Draft Plan at 2-150. Because transportation needs are driven in large part by where people can afford to live, housing affordability affects the transportation sector’s emissions. The availability of affordable housing within the Plan area significantly impacts transit ridership, VMT generated, air pollutant and GHG emissions.

The DPEIR itself acknowledges that the relationship between local wages and local housing costs has direct implications for the environment. A proper jobs/housing balance can reduce VMT, and “VMT is linked to a variety of environmental impacts (i.e., traffic flows, air quality, energy consumption, etc.)” DPEIR at 376. Moreover, attention to the jobs/housing “fit” is even more important than the overall jobs/housing balance, as the DPEIR acknowledges:

Important to the analysis of the jobs/housing balance is whether housing is affordable to local employees and whether employment opportunities match the skills and educational characteristics of the local labor force. When considering these factors, sizeable levels of in-commuting and out-commuting may occur, even if a jurisdiction has a statistical balance between jobs and housing. Improving the availability of housing that is suitable for those holding jobs in the community can allow employees to live in proximity to their place of work. (*Id.*).

By ensuring that a greater percentage of the new workers would be able to find affordable housing within the Diridon Station area, these environmental impacts can be reduced. Thus, we urge the city to further analyze the significant environmental impacts caused by lack of jobs-housing fit within the Plan Area and adopt affordable housing related mitigation measures.

Response J.15: This comment repeats many comments in the letter provided. The comment correctly states, but does not refute the discussion in the PEIR. Cumulative impacts related to the regional jobs/housing imbalance are discussed in Section 4.15.3.4 of the PEIR, and are considered to be a “Significant and Unavoidable Cumulative Impact,” the same conclusion as the *Envision San Jose 2040 General Plan EIR*. No further analysis related to the jobs to housing balance in San José, beyond that described in the DSAP EIR and General Plan EIR, is required. Please refer to Response J.13 and Master Response #6.

Comment J.16:

III. The DPEIR Must Identify and Analyze Housing-related Mitigation measures that would Lessen the Significant Impacts of the Plan.

Identification and adoption of feasible measures to avoid or substantially lessen significant environmental impacts is one of the primary purposes of an EIR. *See* Pub. Res. Code § 21081.6(b);

see also 14 CCR 15121(a); *Fed'n of Hillside and Canyon Ass'ns v. City of Los Angeles* (2000) 83 Cal App. 4th 1252, 1258. Indeed, a project should not be approved “as proposed if there are feasible mitigation measures available which would substantially lessen the significant environmental effects of the project.” Cal. Pub. Res. Code § 21002; see also 14 CCR § 15002(a)(3)(agencies must prevent avoidable damage “whenever it finds measures to be feasible”). In order to be deemed feasible, mitigation measures must be successfully achievable within a reasonable period of time. See *Napa Citizens*, 91 Cal. App. 4th at 365. Deferring the specifics of a mitigation measure to the future does not fulfill these requirements. See 14 CCR § 15126.4(a)(1)(B) (“Formulation of mitigation measures should not be deferred until some future time.”).

Where multiple measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. 14 CCR § 15126.4(a)(1)(B). And, because mitigation measures are “the teeth of the EIR,” *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1039, they must be “fully enforceable through permit conditions, agreements, or other legally binding instruments.” 14 CCR § 15126.4.

The Draft Plan’s land use policies establish “maximum development capacities for residential commercial, retail, and hotel uses.” DPEIR at 6. As a result, mitigation measures or alternatives that address both the amount of housing and the proportion of affordable housing are feasible and should be discussed. See 14 CCR § 15131 (“Economic, social, and particularly housing factors shall be considered by public agencies . . . in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR.”) (emphasis added). Because, as described above, housing affordability bears on the significance of environmental impacts discussed in EIR, it follows that measures addressing housing affordability are a feasible method for alleviating the identified environmental impacts.

Response J.16: This comment includes excerpts from CEQA. Please refer to Response J.14, and Master Response #6. The project includes affordable housing policy goals, as described in the EIR; however, providing this type of housing does not reduce the physical environmental effects of the project.

Comment J.17:

While a shortfall of affordable units within the Plan Area would have adverse environmental impacts, measures that guarantee 15 percent of new units are affordable and/or increase the percentage of affordable units within the Plan area would substantially lessen certain identified impacts. As the City identified in its analysis of the Design Alternative, increasing the Maximum Development of Residential units from 2,588 in the Draft Plan to 4,000, and including less office/R&D square footage, would reduce the traffic impacts because residential uses result in “30% less traffic than jobs-related land uses.” DPEIR at 16, 416.

In sum, the Draft Plan should be amended to either include concrete measures guaranteeing that the bare minimum of 15 percent of units will be affordable to very-low and low-income households, or make provision for a minimum number of units of housing affordable to those households. It should also consider the environmental benefits of increasing the total number of housing units and of increasing the percentage of affordable housing in the Plan. Absent strong policies in the Plan, the EIR must include a revised project description, must analyze the full range of impacts associated with the shortfall of affordable rental housing, and must include enforceable mitigation measures to increase the supply of affordable housing and preserve existing affordable housing.

Response J.17: Please refer to Response J.15 and Master Response #6. Providing additional affordable units would not substantially reduce any of the environmental impacts identified in the PEIR, as the program-level analysis of environmental impacts, such as those pertaining to traffic, air quality, and greenhouse gas emissions, do not differentiate environmental impacts on the basis of income levels. Furthermore, as discussed in the evaluation of the Design Alternative, increasing the number of housing units in the DSAP above what was analyzed as part of the project would still result in significant unavoidable impacts despite an incremental reduction in the magnitude of traffic impacts.

With the exception of traffic, the alternative would have similar environmental impacts as the project, including those related to noise, air quality, and greenhouse gas emissions (see Section 8.7 for a discussion of the Design Alternative and a comparison of environmental impacts). The PEIR includes an accurate project description, analysis of all environmental impacts, and feasible mitigation measures as required by City and CEQA requirements.

Comment J.18:

a. The DPEIR Must Mitigate Displacement.

As discussed above, the DPREIR's analysis of displacement impacts is fundamentally flawed. The DPEIR bases its conclusion that displacement impacts are less than significant on the unsupported assumption that approximately 15 percent of residential units in the Plan area will be affordable. DPEIR at 379. We assume that a proper analysis will be conducted prior to certification of the Final EIR and therefore offer the following comments on appropriate mitigation measures.

Response J.18: Please refer to Master Response #6 and Response J.16. The physical displacement of housing units as a result of the construction of the Autumn Street extension has already been analyzed in previously certified environmental review documents. As discussed in Master Response #6, the amount of affordable housing provided by the Plan is not an environmental issue as it would not result in any physical changes to the environment.

Comment J.19:

When properly analyzed, displacement impacts are likely to be significant, necessitating a discussion of mitigation measures. The DPEIR must discuss and incorporate feasible antidisplacement measures, such as, *inter alia*: (a) implementing a jobs-housing impact fee, (b) dedication of land for affordable housing, (c) implementation of affordable housing overlay zone, (d) increasing the amount of housing growth, (e) provision of deed-restricted affordable housing, (f) inclusion of stronger tenant protections. Moreover, while ensuring the availability of affordable housing within the Plan area is one method of safeguarding against displacement, there are a host of other measures the City could consider that would effectuate this goal. For example, the city could consider local hire and living wage ordinances as policies to mitigate socio-economic displacement. There are approximately 150 existing deed-restricted affordable units currently within the project area. DSAP at 2-154. Preservation of these units is a high priority and should be guaranteed in Plan implementation as a concrete mitigation measure.

The City could also strengthen affordable housing impact fees to provide more funding for affordable housing, strengthen tenant protections, adopt a land trust/land banking program in the Station Area, and include other methods of funding affordable housing to ensure that it is actually built within the Station Area. Before the DPEIR can conclude that the Draft Plan will not have a significant impact on displacement, there must be a policy that ensures the assumed affordable housing will actually be built in the Plan area, as mitigation measures cannot be deferred or speculative.

Response J.19: Physical (construction) and socio-economic displacement is discussed in Master Response #6. The physical displacement resulting from the Autumn Parkway construction has already been analyzed in previous environmental documents, and mitigation measures are not required for potential socio-economic displacement resulting from the redevelopment of existing housing sites in the Plan Area since this displacement is not linked to a physical impact on the environment. Implementation of the Plan will include strategies to provide affordable housing to reach the City's policy goal that at least 15% of new housing be affordable, but these are plan implementation issues, not mitigation measures required under CEQA.

Comment J.20:

b. The DPEIR Must Analyze Housing Policies that Would Mitigate Other Identified Significant Environmental Impacts.

Because the DPEIR identified significant environmental impacts, feasible mitigation measures that would substantially lessen those impacts must be discussed. These include Impact AQ-1, Impact Tran-1 and Impact GHG-1. The housing-related policies discussed throughout this letter would mitigate each of those impacts. The failure to consider and adopt such mitigation measures in response to the finding of significant impacts is a legal flaw.

Response J.20: This comment refers to significant and unavoidable impacts resulting from build-out of the Plan related to air quality, transportation, and greenhouse gas emissions. These impacts are based on traffic modeling of trips generated by the project, and modeling software does not differentiate travel behavior based on income level. Therefore, there is no legal flaw in the environmental document. The PEIR evaluates the environmental impacts of planning up to 2,588 residential units and almost 5 million square feet of office/R&D/Light Industrial uses, along with retail and hotel uses in the DSAP area. This development is consistent with the General Plan land use designations in the DSAP. The environmental impacts of this amount of development, including air quality, traffic, and greenhouse gas, were analyzed in the PEIR. Feasible mitigation measures, including the implementation of General Plan policies, have been identified for all impacts.

Implementation of affordable housing policies is not considered to be CEQA mitigation and are not required to reduce any impacts to a less than significant level.

Comment J.21:**1. Vehicle Traffic Generation Impacts**

Location-efficient, affordable TOD, for example, has been estimated to yield VMT reductions of 20 to 40 percent over households in non-TOD locations. While living in TOD homes increases transit ridership among people of all incomes, low-income households demonstrate the highest transit ridership in TOD neighborhoods in California's four largest metro areas. Therefore, the benefits of improved access to transit will decrease if existing residents with low vehicle ownership are displaced. The new higher-income, car-owning residents are significantly less likely to use public transit for commuting.

Response J.21: Comment noted. As stated in the response to Comment J.19, above, the City's traffic models do not differentiate travel behavior by income levels, so increasing the supply of affordable housing in the Plan would not result in a meaningful reduction in VMT using current modeling methods. Residents of all income levels utilize transit due to its convenience, the cost of parking, and traffic conditions in highly urban environments. It is expected that all income levels will utilize Diridon Station, especially as additional residential and jobs opportunities are developed in the area.

Comment J.22:**2. Greenhouse Gas Emissions**

Affordable housing in TOD is a key component of California's greenhouse gas ("GHG") reduction strategy. The California's Air Resources Board has identified affordable housing in TOD as an investment that facilitates reductions of greenhouse gas emissions. Especially as Diridon Station is a future high speed rail station, the Draft Plan should more fully incorporate a complete vision for sustainable communities and the resulting GHG emissions reductions.

Response J.22: As stated in the response to Comment J.19 and J.20, above, transportation modeling used by the City does not differentiate travel patterns based on income levels. The type of intensity of development envisioned for the Plan Area is consistent with the GHG reduction strategy outlined in the *Envision San Jose 2040 General Plan*. Furthermore, as discussed in the analysis of the Design Alternative (which increases the supply of housing in the Plan Area), increasing housing supply to 4,000 units would result in similar GHG emissions as the proposed Plan.

Comment J.23:**3. Air Quality**

Motor vehicle use is the largest source of ozone precursors, carbon monoxide and particulates in the Bay Area. Affordable housing opportunities allow lower income households who might otherwise be forced to live farther away from work to live and work in the same community, further reducing pollution and traffic congestions.

Response J.23: Air quality impacts resulting from build-out of the DSAP have already been discussed and disclosed as Significant and Unavoidable in the EIR. As discussed in Response J.19, the City’s traffic models do not differentiate travel behavior based on income level. Furthermore, the concentration of employment land uses in the Plan Area has the potential to increase the number of jobs accessible by transit on a regional level, with benefits to air quality (see Master Response #6), while the evaluation of the Design Alternative (which includes more housing and less employment in the Plan Area) concluded that more housing at the expense of jobs would not result in a significant decrease in the identified air quality impacts. Providing a variety of housing types, including affordable housing, in proximity to transit opportunities has the potential to reduce air pollution and traffic conditions. These impacts are described in the PEIR, consistent with the General Plan.

Comment J.24:

IV. The DPEIR Must Analyze the Full Range of Feasible Alternatives.

The DPEIR does not consider an alternative that would increase the proportion, or deepen the income targeting, of affordable housing within the Plan Area. Such an alternative would alleviate air quality, greenhouse gas emissions and traffic impacts. The EIR should discuss reasonable alternatives and identify those that “will feasibly attain most of the basic operatives of the project but will avoid or substantially lessen any of the significant effects of the project.” *Marin Municipal Water District v. KG Land Cal. Corp.*, 235 Cal. App. 3d 1652, 1664. The failure of the EIR to consider this alternative is a serious legal flaw.

“The purpose of the alternatives section is to determine whether there are alternatives of design, scope or location that will substantially lessen the significant impacts, even if those alternatives impede to some degree the attainment of project objectives.” 14 CCR §15126.6(b). This alternative is completely feasible, as noted above. And even if it were not, an EIR may omit an alternative deemed infeasible from detailed consideration only if provides analysis that explains in meaningful detail the reasons and facts supporting its conclusion. *Marin Municipal Water District*, 235 Cal. App. 3d at 1664.

An agency should not approve a project if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of a project. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564-65 (citing Pub. Res. Code §§ 21001(g), 21002). A "feasible" alternative is one capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. *Id.* at 565; 14 CCR § 15364.

The Design Alternative demonstrates how, by increasing the Maximum Development of Residential units from 2,588 in the Draft Plan to 4,000, and including less office/R&D square footage, environmental impacts of the plan can be reduced. The Design Alternative would reduce the traffic impacts because residential uses result in “30% less traffic than jobs-related land uses.” DPEIR at 16. However, analysis of this alternative did not address affordable housing. The DPEIR should

have analyzed how 15 percent affordable housing in that scenario (a total of 600 new lower-income units) would impact traffic, air quality, VMT, GHG emissions.

Response J.24: As noted in the comment, the PEIR did evaluate a Design Alternative, which would result in additional residential units (4,000 units compared to the 2,588 units proposed in the DSAP) and significantly fewer jobs when compared to the proposed project. Traffic impacts would be reduced with the Design Alternative because residential units generate less traffic than office/R&D uses. Therefore this alternative was determined to be environmentally superior to the proposed project, although many significant and unavoidable impacts would still occur. This conclusion was not required to take into account whether affordable housing is included in the Plan, and traffic modeling software (from which traffic and vehicle-related air quality and GHG impacts are assessed) does not differentiate traffic patterns by income level (see Response J.19).

It should be noted that the provision of both housing and jobs in proximity to transit is important to meet ridership goals and reduce VMT in the City. Both must be provided for the project to meet its objectives and the goals and policies of the City's General Plan. Finally, the Design Alternative would not fulfill the project objective of creating ambitious job growth in transit accessible locations, which would not be realized if the amount of office/R&D/light industrial uses are replaced by additional housing within the DSAP area. Fulfillment of this objective is key for making the Station Area one of the most transit-accessible employment locations in the region.

Comment J.25:

V. Conclusion

For all of the reasons stated above, the DPEIR must do more to comply with CEQA. In light of the serious issues identified above and in the comment letter submitted by Greenbelt Alliance, and the extent to which correcting those deficiencies will likely affect much of the DPEIR, recirculation after those deficiencies have been addressed is highly advisable. In any event, we look forward to the City's reasoned response, including a good faith rationale for rejections of specific comments. *See* 14 CCR § 15088. We hope to work with you to improve the draft Plan.

Thank you for your consideration.

Response J.25: The opinion of the commenter is noted. The responses to this letter demonstrate that the analysis and conclusions in the PEIR are not flawed or inaccurate. The mitigation measures included in the PEIR, including implementation of General Plan policies, are feasible and would reduce many impacts to a less than significant level, consistent with the City's General Plan.

The commenter's main issue is that the project does not include enough affordable housing. As stated above, the Plan includes policy goals and potential strategies to provide affordable housing, with strategies finalized at the Plan implementation phase. The environmental impacts of the project are not affected by the amount of affordable housing included in the

Plan, and an alternative to the Plan that includes more housing at the expense of job capacity (the Design Alternative) would not reduce any of the identified impacts to less than significant level. For this reason, the DSAP PEIR meets the requirements of CEQA, as described in the responses above and recirculation of the document is not required.

K. RESPONSES TO COMMENTS ON THE DPEIR FROM THE SAP CENTER, DATED FEBRUARY 13, 2014

Comment K.1:

On behalf of Sharks Sports & Entertainment LLC ("SSE"), the parent company of San Jose Arena Management, LLC, I am submitting preliminary comments to the Diridon Station Area Plan Draft Program Environmental Impact Report, State Clearinghouse# 2011092022, dated December, 2013, prepared by the City of San Jose ("DEIR").

While SSE appreciates the opportunities the Diridon Station Area Plan ("DSAP"), creates for the City and regional transit center environs, the City is well aware we have long been concerned that the DSAP, if not properly drafted and implemented, could significantly harm the successful ongoing operations of the SAP Center at San Jose ("Arena") to the extreme detriment of SSE and the City. As you know, the Arena draws from a broad region outside of San Jose. It is unlikely that public transportation will allow convenient transportation from throughout the area that the Arena draws from, and vehicular access will be the most significant method for our patrons and their families to attend Arena events for the foreseeable future. Any limitation in the effectiveness of vehicular access to the Arena, along with adequate available parking, would degrade the customer experience and would discourage attendance at the Arena. Thus, the risk of a miscalculation in traffic and parking planning that impedes regional and local access is an adverse impact on Arena operations and on the businesses throughout the downtown area that rely on the Arena's draw to keep them profitable.

The City Council decided on April 28, 2011 that the Arena's parking and traffic concerns must be dealt with in a way that ensures the DSAP strengthens and does not impair the Arena. The Council directed that any reduction in aggregate parking below the levels agreed to by the City in the Arena Management Agreement could occur only with the concurrence of SSE (and SSE has not agreed to any such reduction). Finally, the Council directed that adequacy of circulation and parking for the Arena would be a key objective for, at least, the first decade of the DSAP.

In CEQA terms we believe the Arena's regional draw and the Arena Management Agreement are baseline conditions and complying with the City Council's directives are among the project objectives. With that in mind we have provided City staff with an additional project objective to include in section 1.4 of the DEIR.

SSE has been working closely with City since 2011 to fulfill the City Council's directives. We sincerely appreciate the cooperative *effort* City staff has made to preserve and protect the Arena as part of the ongoing plan preparation and analysis process, particularly as it relates to the preparation

of the 10 Year Horizon Analysis, which we view as an essential part of the DSAP, along with this DEIR.

While much of the analysis in the DEIR, some of which has been undertaken at our request, is consistent with our prior understandings with City staff, we are concerned about several items presented in the DEIR. As presented, we believe these items pose major risks to the adequacy of circulation and parking for Arena customers. We believe these items need to be refined before the DEIR can be properly considered an adequate environmental impact report under CEQA.

Response K.1: The above comment is an overview of specific comments included in the letter provided by SSE. Specific responses to the specific comments are provided below.

Comment K.2:

Our first major concern pertains to parking, and we have two specific objections regarding this issue:

1. The DEIR does not address whether the proposed parking supply in the Diridon Plan will be sufficient to meet the expected parking demand. For multiple reasons, we believe the DEIR needs to be modified to include a comprehensive parking adequacy analysis.

2. From review of parking supply and demand information presented in the Diridon Draft Preferred Plan Report dated December 2013, we believe that the actual full development parking demand likely will substantially exceed the supply of spaces. If this situation occurred, one consequence would be that much of the excess parking demand would occupy spaces in the downtown area, which are intended to be unoccupied and available for Arena customers upon their arrival for events. The result would be a deficiency of spaces for Arena customers and a shortfall from the City's responsibility to provide off-site parking spaces for Arena customers. Page 65 in the DEIR states that the total recommended parking supply would be about 11,950 spaces. Table 2-8-4 in the Draft Preferred Plan Report states that the total estimated parking demand would range from 10,480 to 11,340 spaces. This parking demand projection is premised on substantial reductions in development parking ratios below existing City Code and substantial reductions in parking demand by transit users from projections presented by the transit agencies. In our opinion, these extensive parking demand reductions are highly speculative. As presented in a document attached to this letter, we believe the actual full development parking demand will be in the low 20,000s, nearly double the parking demand presented in the Draft Preferred Plan Report. You will note that our demand projections are premised on several specific citations from City Code and citations from publications by transit agencies, and our comments simply elaborate on ones we made to the City Council in April, 2011; so are not new.

Based on the two above points, we believe that the DEIR needs to be modified to include a comprehensive parking supply/demand analysis, to resolve multiple items in the Draft Preferred Plan report where parking demand is underestimated, and to present a refined Diridon Plan that provides sufficient parking spaces to meet the expected demand.

Response K.2: The comment concerns the Diridon Station Area Plan parking analysis and specifically asserts that the projected parking demand from full buildout will substantially exceed the projected future supply. The explanation and methodology for projected parking demand and supply that would result from the development of the Diridon Station Area, is in the DSAP itself, as parking is a key plan component, and not an environmental impact in and of itself. The DSAP calculates development-based parking demand at full buildout based on a non-automobile trip rate of 40 percent (see DSAP text on pages 2-136 through 2-139 and Figure 2-8-1 on page 2-140). Emphasis is placed on full buildout when it is expected that BART and Rail electrification of Caltrain has been implemented. The projected demand for parking from new development over the 30 year life of the plan is below current Downtown parking ratios, but moves in the direction outlined in the recently adopted Envision San Jose 2040 General Plan. In addition, with the planned extension of BART, and expansion of other transit services to the Station Area over the life of the plan, greater transit connectivity is expected, helping reduce parking demand. See also Master Response 3 Parking.

The DEIR discloses the traffic, air quality, and roadway noise impacts based on the total forecast trip generation taking into account the characteristics of the area and planned uses (i.e., location, density, transit service, etc.) and substantial evidence supports the DEIR's conclusions regarding those impacts.

To revise the Diridon Station Area Plan to include the more than 20,000 off-street parking spaces as suggested in the comment would be contrary to the City's goal to encourage the use of public transit, bicycling and walking and to discourage the use of single occupancy automobile trips, particularly for everyday work related commute trips, in an area well served by transit, bicycle and pedestrian facilities.

Parking conditions change over time as travel patterns change, and the potential for unmet parking demand created by a project need not be considered a significant environmental impact under CEQA unless it would cause significant secondary effects.³ Parking demand and supply varies by time of day, day of week, and seasonally. It also varies over time. The DEIR forecasts conditions at full buildout. Implementation of the DSAP will occur over many decades, and the parking requirements are likely to evolve in a series of steps based upon market demand, and the effectiveness and use of alternate modes of travel. The City will continue to work with Arena representatives over the life of the plan to carefully monitor the parking demand and supply.

The California Legislature enacted revisions to CEQA in 2013 through SB 743 directing that parking impacts shall not be considered significant impacts on the environment if all of the following factors are present: it is in relation to a residential, mixed-use development, or employment center project, on an infill site, and within a transit priority area. (Public Resources Code §21099(d)(1).)

³ San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656

The City of San Jose acknowledges the importance of the Arena to the Downtown and the Diridon Station Area, and will continue to work closely with Arena representatives on parking related matters.

Comment K.3:

Our second major concern pertains to potential negative traffic impacts at the intersection of Autumn Street, Bird Avenue, and Park Avenue. This intersection is subject to two particularly important performance measures:

1. Criterion agreed upon by the City and SSE that all major intersections in the vicinity of the Arena should operate at level of service E or better during the hour of 6:00 to 7:00 p.m. with an Arena event.
2. Statement under Section 11 in the Third Amendment to the Amended and Restated Arena Management Agreement that the intersection "shall not be reconfigured in a manner so as to reduce the traffic capacity measured against the existing intersection capacity of greater than 25%."

City staff worked closely with our traffic engineer during the process of analyzing intersection levels of service. Through the extensive work performed by the City and cooperation with our engineer, we believe that point 1 above has been adequately addressed.

However, we believe that point 2 is not yet satisfied. Based on a statement on page 131 in the DEIR regarding planned narrowing of Bird Avenue and based on other intersection plan information City staff have provided, our traffic engineer has determined that the current plans for the Autumn/Bird/Park intersection would reduce the capacity of this intersection by 36%. This potential violation of the 25% maximum capacity reduction rule needs to be resolved. We believe some modest adjustments to the intersection plan can be accomplished, which would eliminate this problem. Our traffic engineer is in communication with City staff to seek a mutually acceptable concept plan for this intersection.

Response K.3: An alternative design concept has been developed for the Autumn/Park intersection, which includes a third southbound lane along Autumn Parkway for a distance of approximately 100 feet north of the intersection and through the intersection itself, and that fits within the existing public right of way. This design concept results in a capacity reduction of less than 25% compared to the existing conditions.

Comment K.4:

Our other comments regarding the DEIR and requests for further consideration are presented next. Each comment is referenced by the applicable page number in the DEIR.

a) *Pages 34 and 35.* This section begins: "The City is considering a plan to reduce the number of travel lanes on The Alameda from four lanes to two lanes ..."The final statement is:

"Construction is currently underway with completion expected in early 2014." Our understanding is that the current project does not reduce the number of travel lanes, that an EIS would be required to reduce the number of lanes, and that the City has no intention anytime soon to prepare such an EIS. This section needs to be clarified. The traffic analysis for the DEIR did not address the concept of The Alameda just providing two traffic lanes. We believe such narrowing likely would cause serious negative impacts for motorists traveling to the Arena.

Response K.4: The comment correctly states the contents of the PEIR; however, further clarification is needed. The project currently under construction on The Alameda does not include reductions in the number of travel lanes. *"The Alameda: A Plan for the Beautiful Way"* is a plan which evaluated alternatives including among others an alternative that would reduce the number of travel lanes. The proposed DSAP project did not assume two travel lanes on The Alameda. The City of San Jose has no plans to reduce the number of travel lanes on the Alameda.

Comment K.5:

b) *Pages 38 and 39.* The set of objectives should be expanded to include a new objective referring to the Arena. We have consulted with City staff regarding the wording of this new objective.

Response K.5: As this comment states, a new objective has been added to the PEIR, as stated in Section 4.0, Text Revision, of this Final EIR and Section 1.2 of the Plan. The wording of the new objective is as follows:

"Ensure the continued vitality of the San Jose Arena, recognizing that the Arena is a major anchor for both Downtown San Jose and the Diridon Station area, and that parking and access for Arena customers are critical for the Arena's on-going success."

This new objective has also been included as a project objective in the PEIR.

Comment K.6:

c) *Page 61 and Table 2-4.* A serious deficiency in the transportation improvement strategies presented is that no reference is made to the need to provide high quality vehicular access and parking for the Arena and other land uses in the Plan area. Such a strategy should be added.

Response K.6: The current TPMP addresses access and parking during Arena events and will be updated as the Diridon Station area changes. The next phase in the DSAP planning process will include development of a Transportation Demand Management (TDM) Plan to manage travel demand in the station area. In addition major developments will be required to prepare individual TDM plans for their developments. This comment does not refer to the environmental effects, analysis or conclusions in the PEIR.

Comment K.7:

d) *Page 61 and Figure 2-10.* References are made to a North Railroad Trail, which would run along the Arena parking lot from Santa Clara Street and connect to the Guadalupe River Trail at Autumn Street. As we have advised City staff, we are very concerned this trail as depicted would take right-of-way from our parking lot and thereby reduce the number of on-site spaces for Arena customers. The trail should be removed unless clarification can be provided which demonstrates that this trail would not impact our parking lot.

Response K.7: The North Railroad Trail has been removed from Figure 2-10 of the PEIR. Please refer to updated Figure in Section 4.0 of this Final PEIR.

Comment K.8:

e) *Pages 74 through 97.* The DEIR should recognize and adequately describe the Arena, its operations, and the City's contractual obligations under the Arena Management Agreement (as amended) respecting the specific parking and transportation standards which must be maintained. Such information is needed in the DEIR so readers can properly understand the baseline conditions upon which the DSAP and future projects within it will be considered. Existing/Surrounding Land Use sub-sections as well as the Regulatory Framework section should identify the items noted above. Likewise, the Land Use Compatibility Impacts should identify what possible effects future development may have on the Arena and its operations.

Response K.8: The City acknowledges the contractual obligations it has with Arena Management. One of the main objectives of the project is to transform the Diridon Station Area into a world-class, regional entertainment area that is transit rich and a cultural destination. The Arena and other mixed-use transit-oriented development are intended to be complementary. Parking monitoring and an effective Transportation and Parking Management Plan are intended to ensure that the desired land uses do not negatively impact each other or the contractual agreements between the City of San Jose and Arena management.

The transit services planned for Diridon Station could bring patrons to the Arena from areas farther away than Arena patrons currently travel. This transit use may also reduce the need for Arena parking. There has been no substantial evidence provided that indicates that new development and/or expanded transit services contemplated in the DSAP could have adverse significant physical environmental impacts on or related to the Arena.

Please also refer to Response K.2.

Comment K.9:

f) *Page 66 in Appendix C.* The last sentences in the first paragraph state: "However, the proposed project would generate the greatest amount of traffic and result in the greatest impact to the roadway system during the standard AM and PM peak hours. In addition, the City's Level of Service Policy is applicable to only the standard AM and PM peak commute periods. Therefore, the 6:00-7:00 PM

event period analysis is presented for informational purposes only." These sentences are incorrect and either should be deleted or rewritten. Analyses presented by the City show that at least the following four intersections would have worse levels of service during the 6 to 7 PM hour on event days: Autumn Street and San Fernando Street, Delmas Avenue and Park Avenue, Montgomery Street and Park Avenue, and Woz Way and San Carlos Street. The statement that this analysis is presented for informational purposes only discounts directions from the City Council to provide effective traffic operations for event traffic and does not acknowledge that CEQA impacts can occur outside the times covered by the City's LOS policy.

Response K.9: The majority (approximately 60%) of traffic generated by the proposed DSAP land uses will originate from the proposed commercial/R&D/Industrial space. Nearly all traffic generated by office/R&D/light industrial space occurs during standard AM (7:00-9:00 am) and PM (4:00-6:00 pm) peak hours and within standard business hours (8:00 am 5:00 pm). Thus, the proposed land uses will generate the greatest amount of traffic during standard peak hours. In addition, it is during standard peak hours that the ambient traffic volumes on the roadway system as a whole are greatest. During the PM peak commute period traffic volumes dissipate after 6:00 pm. The analysis indicates that the proposed DSAP land uses will result in the degradation of levels of service at 10 intersections during the standard AM and PM peak hours. The DSAP land uses will result in the degradation of levels of service at four intersections during the hour between 6:00 pm and 7:00 pm on five to 13 evenings when there are simultaneous events at both the Arena and planned Ballpark.

Each of the above-referenced intersections is located within the immediate area of the proposed Ballpark site and the SJ Arena. The results of the traffic analysis indicated that each of the intersections was identified to operate at LOS F conditions during the 6:00-7:00pm event period. The analysis of the 6:00-7:00pm event period included traffic volumes and traffic control measures associated with simultaneous events at both the Arena and planned Ballpark. While traffic volumes during the 6:00-7:00pm event period in the immediate area of the Arena and Ballpark site may be greater than during the standard peak hours; that situation is only expected to occur five to 13 times per year.

Several improvements were recommended to address traffic conditions during the 6:00-7:00pm event period. The necessary improvements to improve operational traffic deficiencies during the 6:00-7:00 PM event period identified within the traffic study will be addressed through a collaborative effort with the Arena staff and future Ballpark representatives. Each of the improvements will be implemented as part of an updated TPMP process, as described in Master Response #2.

Comment K.10:

In closing, I also wish to note that we are still completing our review of the DEIR. Because it identifies the "project" as the DSAP itself, and the complete draft plan, specifically the 10 Year Horizon Analysis, was not made available until late last week, we could have additional comments once we complete our review of the DEIR based on a complete DSAP.

You are welcome to contact me if you have any questions about the contents of this letter.

Response K.10: The 10-year horizon traffic analysis was summarized in Section 4.2.3.5 of the PEIR. More detailed information is provided in the Traffic Impact Analysis (Appendix C of the PEIR). Both documents were made available to the public on December 16, 2013.

L. RESPONSES TO COMMENTS ON THE DPEIR FROM SANTA CLARA VALLEY AUDUBON SOCIETY, DATED FEBRUARY 13, 2014

Comment L.1:

Santa Clara Valley Audubon Society (SCVAS) mission is to preserve, protect, and educate our community about native birds and their ecosystems in Santa Clara County, California. We are pleased to submit the following comments on the Diridon Area Plan (Project) Environmental Impact Report (EIR).

General comments on Objectives and Design Guidelines:

Bird watching is a recreationally, economically and culturally important activity in the US, and is practiced in urban and natural landscapes alike.

- Birding in the United States: A Demographic and Economic Analysis. Addendum to the 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation. US Fish and Wildlife Service, 2014. (Please see attached)

Bird conservation increasingly relies on the integration of bird habitats in urban and urban boundary landscapes.

- Myla F. J. Aronson, Frank A. La Sorte, Charles H. Nilon, Madhusudan Katti, Mark A. Goddard, Christopher A. Lepczyk, Paige S. Warren, Nicholas S. G. Williams, Sarel Cilliers, Bruce Clarkson, Cynnamon Dobbs, Rebecca Dolan, Marcus Hedblom, Stefan Klotz, Jip Louwe Kooijmans, Ingolf Kühn, Ian MacGregor-Fors, Mark McDonnell, Ulla Mörtberg, Petr Pyšek, Stefan Siebert, Jessica Sushinsky, Peter Werner, and Marten Winter. A global analysis of the impacts of urbanization on bird and plant diversity reveals key anthropogenic drivers. Proc. R. Soc. B April 7, 2014. 281 1780 20133330; doi:10.1098/rspb.2013.3330 1471-2954. <http://rspb.royalsocietypublishing.org/content/281/1780/20133330>

The Project's location on the migratory Pacific Flyway and the vicinity to Los Gatos Creek provides opportunity for incorporating bird friendly urban habitat enhancement and native bird attractions as a part of the “livability” in community parks, open space and creek corridors as well as within the built environment. In section 2.3 Landscape and Open Space, the plan includes many beneficial features. We ask for increased integration of habitat and bird-friendly design principles in the urban green spaces (native plants, trees that support diverse bird species, vegetated understory) and minimizing light pollution.

Furthermore, it is important to incorporate bird safe building design policies and guidelines to minimize bird collision with glass in all new buildings the project area. Studies have shown that cumulatively, window collisions significantly threaten the viability of bird populations leading to local, regional, and national declines.

- <http://www.aoucospubs.org/doi/full/10.1650/CONDOR-13-090.1> Scott R. Loss, Tom Will, Sara S. Loss, and Peter P. Marra (2014) Bird–building collisions in the United States: Estimates of annual mortality and species vulnerability. The Condor: February 2014, Vol. 116, No. 1, pp. 8-23.

Bird death and injuries are culturally and aesthetically unacceptable to the public.

Other cities in our region, including San Francisco, Oakland and Sunnyvale, are taking action to incorporate bird safety design measures and light out operation programs to reduce impacts to birds and biological resources, and bird-safety is considered LEED standards:

- <http://www.sf-planning.org/index.aspx?page=2506>
- <http://www.goldengateaudubon.org/wp-content/uploads/Oakland-Bird-Safety-Measures.pdf>

Response L.1: The PEIR addresses migration corridors for birds in section 4.7.3.5. With implementation of General Plan policies, existing regulations, and measures related to riparian habitat and special status species, development allowed under the proposed DSAP would not substantially interfere with the movement of birds. This comment recommends incorporating bird safe designs into the project. This will be considered once actual development projects are proposed.

Comment L.2:

CEQA specific comments

Segmentation

- The MND for the impacts of the proposed Los Gatos Creek Bridge Replacement/South Terminal Phase III Project should be considered together with the Diridon Station Area Plan, in one CEQA document. That project was led by Caltrain and segmented from the Diridon Station project, despite the fact that the projects are interdependent and are each needed for the other to be completed as planned. We believe that the Los Gatos Creek Bridge Replacement/South Terminal Phase III Project would cause significant and irreversible damage to Los Gatos Creek (see comment letters attached).

Response L.2: The comment is noted. The Los Gatos Creek Replacement/South Terminal phase III Project is an infrastructure project and does not change the analysis or conclusions in the PEIR for the DSAP. The Peninsula Corridor Joint Powers Board (JPB) has prepared an Initial Study/Mitigated Negative Declaration for the replacement of the Los Gatos Creek railroad bridge which analyzes project-level impacts of the project, including impacts to Los Gatos Creek.

This project is proposed by the JPB to address existing structural deficiencies and safety issues while improving operations at Diridon Station. The replacement of the railroad bridge is not part of the DSAP project, and the program-level development assumed in the DSAP is not dependent on the replacement of the bridge. Therefore, the implications for Los Gatos Creek as a result are not analyzed in the PEIR.

M. RESPONSES TO COMMENTS ON THE DPEIR FROM SIERRA CLUB, DATED FEBRUARY 7, 2014

Comment M.1:

The San Jose Cool Cities Team (SJCCT) of the Sierra Club Loma Prieta Chapter would like to comment on the Draft Environmental Impact Report (DEIR) of the Diridon Station Area Plan (DSAP). Our main concerns with the DEIR involve impacts within the project area as well as the surrounding environment and communities. Given the circumstances –climate change, air pollution, hydrological impairments and flooding, and impacts on humans and wildlife –the SJCCT suggests specific recommendations in six (6) sections of the DEIR, including: A) Land Use, B) Transportation, C) Air Quality, D) Greenhouse Gases, E) Biological Resources, and F) Hydrology.

The following comments are in respect to the potential impacts and mitigations (and/or lack thereof) proposed in the DEIR for the DSAP. Each impact is organized in the chronological order as written in the DEIR unless the solutions we propose are grouped.

Thank you for considering our recommendations. We hope that by working together, Diridon Station can become a community that supports and embraces the grouping of homes, jobs, and services near transit while protecting species and their habitats and the surrounding environment.

Response M.1: Please refer to comments and responses M.2 through M.31 below for the responses to the specific section comments of the PEIR. Chapter 4.0 of the PEIR includes the environmental topics addressed for the project. In each topic section there is a discussion entitled “*Impacts*” that describes the impacts of the project, as well as identifies and describes the feasible measures to mitigate, minimize, or avoid project-related impacts to the pertinent environmental topic section in accordance with the requirements of CEQA.

Comment M.2:

A. Land Use

There should be a hierarchy of neighborhoods throughout the City of San Jose. The area that should get the most intensification is downtown followed by station areas, public institutions (public/quasi-public), office parks, and then residential. These types of neighborhoods create different varieties of place-making.

1. DSAP is Not Downtown: The Diridon Station Area must focus more on housing rather than downtown place-making as indicated in the plan. Currently, DSAP designates mixed-use developments coupled with increased intensity of restaurants, clubs, and other entertainment

facilities. DSAP must act more as a housing stock that feeds into the downtown and the accessible transit hub. An example of this would be the Balboa BART station in San Francisco.

The housing-focused character of DSAP we're proposing changes the land use of the area to one that may also restore the natural landscape, thus, considering the nearby riparian corridors that have been known to cause massive flooding. By reducing intensity of the area, parking can be reduced and the riparian corridors can be restored. Tools that can accomplish this are Transfer Development Rights and Incentive Zoning. We ask that these tactics be considered, studied, and implemented. Further, current conditions show that the Delmas parking lot is a suitable area to be converted into an alluvial park that can act as a pleasant connection to the station area and its residents to open space and downtown.

2. More Flexibility on Housing Location: To better connect people between the project area and downtown, housing must not be limited to the southern portion of the project area as suggested in the Final and Alternatives reports for the DSAP. Further, it is important to note that a new market segment is growing between the senior populace and adolescents; they both prefer to live near transit with easy accessibility. This is especially true amongst seniors because there is a need. Over the next twenty years the Baby Boom Generation will reach their senior years and it is estimated that by 2030, one out of every four residents of Santa Clara and San Mateo Counties will be over age 65. Since most seniors have limited mobility, the plan must consider the negative impacts of a southerly focused housing on seniors, and therefore, housing must be spread throughout the project area closer to transit than the proposed quarter mile/5 minute walking distance measured exclusively for young adults.

Response M.2: This comment is noted. This is a comment on the content, goals, and policies in the Plan Document, and does not comment on the adequacy of the analysis in the PEIR. Please refer to Master Response #6 and Response J.16, above. As discussed in the Master Response, the Plan Area is more comparable to the area around the Transbay Terminal in San Francisco than the Balboa Park BART station in terms of transit connectivity with the larger region. Emphasizing employment-focused land uses near the station has the potential to significantly increase the number of jobs accessible by public transit, with region-wide accessibility benefits. Comments on more flexibility in housing location to better serve seniors are noted, but pertain to the content of the Plan document and not the analysis in the EIR.

Comment M.3:

B. Transportation

1. No HSR Alternative: Although we commend the City of San Jose (CSJ) for preparing project alternatives of the California High Speed Rail (HSR), CSJ must prepare a "No HSR" alternative considering the Federal Government's funding of HSR is uncertain. In effect, a plan that considers the station without HSR reduces parking estimates, changes circulation measurements, traffic and congestion levels, and may bring more opportunities for land-uses that prioritize pedestrian and bicycle circulation. Again, we strongly recommend CSJ to study and create a "No HSR" alternative since there would be considerable impacts on pedestrians and bicyclists from car traffic, congestion, and circulation of an HSR plan.

Response M.3: The comment is noted. As stated in the letter from the CHSRA regarding the DSAP and DSAP EIR, the California High Speed Rail project continues to be viable and planning and environmental review is continuing to occur. For this reason, an alternative that does not include HSR was not considered.

Comment M.4:

2. Flawed Assumptions: There are many flawed assumptions in the flow and level of service measurements incorporated into the mitigation measures for Impact TRAN-1 (pgs 9, 134). Freeways (I-280, SR 87, I-680, and US 101) and connector roads to freeways are currently congested. Expanding roads or freeways would not improve traffic and congestion conditions since money spent for driving develops into mechanisms made in favor of driving.

Impact TRAN 1 (Pg.9) –When compared to existing conditions, build-out of the DSAP would result in a significant impact on 15 directional mixed flow freeway segments and four directional HOV lane freeway segments during at least one peak hour when compared to the existing condition. [Significant Impact]

Mitigation Tran 1 (Pg 9) –Full mitigation of significant project impacts on freeway segments would require roadway widening to construct additional through lanes, thereby increasing freeway capacity. It is not feasible for the proposed project to bear the responsibility for implementing such extensive transportation system improvements due to constraints in acquisition and cost of right-of-way. In addition, Caltrans or VTA have not developed a freeway widening program to which individual projects can contribute.

The DSAP is intended to reduce vehicle travel and congestion in the long-term. In particular, the intensification of development in proximity to Diridon Station would make transit a more viable commute option for people living and working in the Plan area, which would reduce vehicle traffic at a citywide and regional scale. However, it is not possible to know if the strategies proposed by the DSAP would reduce freeway impacts to a less than significant level. [Significant Unavoidable Impact]

And

Impact TRANS 3: The proposed project would result in a significant impact on mixed flow lanes of one additional freeway segment under Strategy 2000 plus Project Build-out conditions. [Significant Impact]

Mitigation TRANS 3: Freeway widening is not a feasible mitigation measure and it is not possible to know if the strategies proposed by the DSAP would reduce freeway impacts to a less than significant level. Although the DSAP is intended to reduce vehicle travel over the long-term, particularly at a citywide and regional level, it is not possible to know if the contribution to freeway impacts would be reduced to a less than significant level. [Significant Unavoidable Impact]

The following tools must be considered, for TRAN-1 and TRAN-3, to reduce dependence on automobiles and increase a multi-modal approach in the Station Area:

- **Reduce Parking:** The most significant precursor to driving is parking. Currently, public transit costs more money and time than refueling and parking an automobile. In essence, tools to put the real cost of fuel and parking must be implemented in the station area. Cars usually benefit from extensive amenities of parking which provide much faster and cost effective reasons to drive than to take transit. Therefore, CSJ must conduct a "door-to-door" (switch terminal) study of cost and time used when taking transit versus the cost and time it takes to drive from place to place.
- Further, phase out the HP Pavilion arena surface parking lot which will enable more density and walkability, and fewer vehicle trips.
- **Do Not Widen Roads:** We caution and remind the City again that widening roads and freeway capacity are auto-centric tools to relieve traffic and congestion only for the car.

Response M.4: This comment cites and restates some of the contents of the DSAP PEIR, none of which demonstrates the flawed assumptions that the comment generally alleges to exist. As described in Section 4.2.3 of the DSAP PEIR, the transportation analysis was prepared in conformance with City of San Jose and CMP guidelines. The comment also recommends additional measures for reducing vehicular use within the Plan area, which are noted (See Master Response #2 on TDM). These measures will be considered at the Plan implementation phase and once actual development projects are proposed. As stated in Section 2.3.2.3 of the PEIR, the next phase in the DSAP planning process will include development of a Transportation Demand Management (TDM) Plan to manage travel demand in the station area. In addition major developments will be required to prepare individual TDM plans for their developments. The project does not include widening of any roadways. This comment does not specifically address the environmental conclusions of the PEIR; therefore, no further response is required.

Comment M.5:

- The DEIR must utilize the many basic Transportation Demand Management (TDM) strategies and tools the Plan already includes. We strongly recommend either free or discounted transit passes to both residents and employees within the project boundary provided or subsidized by developers, local government, and/or companies as outlined on pages 2-116 and 2-117 of the Plan. Other common features of TDM programs include car and bike share, mobility management like carpool programs, and emergency ride home services.
- Further, reporting must be required on vehicle trips and transportation mode share – this is a step that can be approved by the City up front, without working out more of the TDM implementation details.

Response M.5: Please refer to Master Response #2. As stated in Section 2.3.2.3 of the PEIR, the next phase in the DSAP planning process will include development of a Transportation Demand Management (TDM) Plan to manage travel demand in the station area. In addition major developments will be required to prepare individual TDM plans for their developments. This comment does not refer to the environmental effects, analysis or conclusions in the PEIR.

Comment M.6:

- Shuttles & Community Benefit Districts: The DEIR must emphasize the use of public shuttles to the project area not only to downtown, but also to abutting communities. More specifically, we recommend shuttle buses with stops approximately every three blocks, financed through development fees or Community Benefit District (CBD) as effective and enduring mitigation measures to relieving traffic and congestion within the project area.
- Further, CBDs must be funded through “parking congestion pricing” to ease parking congestion by using price signals to alter automobile usage behavior.

Response M.6: This is a comment on the content, goals, and policies in the Plan Document, and does not comment on the adequacy of the analysis in the EIR. As described in Section 4.2.3.6, the City would continue to coordinate with transit providers to provide amenities at bus stops, enhancing the safety and comfort of transit users. VTA bus and light rail routes already serve Diridon Station from surrounding communities. VTA is responsible for studying and implementing the expansion of transit service (including shuttles) based on demand. See Master Response #2.

Comment M.7:

- Mode Share & Bus Rapid Transit (BRT): The set of transit services that are accounted for to meet the 40% mode share goal in the plan does not include Bus Rapid Transit (BRT). There are two major BRT projects adjacent to the Diridon Area - El Camino and San Carlos. The San Carlos stop is about a half-mile away and access must be made closer. The BRT projects must play an important role at bringing residents to jobs or transit connections.

Response M.7: The PEIR describes the proposed enhanced bus rapid transit (BRT) service along three corridors through the Plan area, including the Santa Clara Street/Alum Rock Avenue/Capitol Expressway corridor, the El Camino Real Corridor, and the San Carlos Street/Stevens Creek Boulevard corridor, in Section 1.2.1.2. The project would not preclude the installation of BRT in the project area. This comment does not address the environmental conclusions of the PEIR.

Comment M.8:

- Further, the DEIR does not include the cumulative impacts current and future traffic and congestion may have on the BRT projects.

Response M.8: The PEIR includes a discussion in the cumulative traffic analysis of the planned BRT upgrades in Section 4.2.4.2 and noted that, “*Planned BRT upgrades would likely improve travel times and may ultimately reduce the cumulative impact on these transit corridors to a less than significant level. The DSAP supports and accommodates the planned BRT upgrades.*” Further, the analysis notes that the DSAP also incorporates various strategies and measures, which are intended to reduce vehicle travel, which could reduce impacts on bus service overtime. The BRT was developed based upon the amount of development and traffic expected in the areas it will ultimate serve.

Comment M.9:

3. “Protected Intersections” & Parking Policies: We disagree with the mitigation of designating the stated intersections as "Protected Intersections" as the only means of mitigating Impact TRAN-2 at the stated intersections.

Impact TRAN-2: Build-out of the DSAP would result in significant impacts to the intersections of The Alameda/Naglee Avenue and Park Avenue/Naglee Avenue under Strategy 2000 plus Project Build-out conditions. [Significant Impact]

Mitigation TRAN -2: These intersections serve as gateways to Downtown and as important transit, bicycle, and pedestrian corridors. Therefore, the project proposes to add these two intersections to the List of Protected Intersections. As a condition of project approval, the City/future developers will be required to implement offsetting improvements to pedestrian, bicycle, and transit facilities in the vicinity of the existing and proposed protected intersections. The construction of offsetting improvements would be required for impacts at these intersections. [Significant Unavoidable Impact]

“Protected Intersection” implies that no further improvements can be made by including Smart Growth initiatives and General Plan policies, however, “Protected Intersections” do not guarantee multimodal improvements because of other roads and networks that may be causing the traffic and congestion to begin with (which may be subject to “improvements” such as road widening”). We are certain that if pedestrian and bicycling facilities are planned in those intersections as well as throughout the project area, then the Level of Service will improve. According to a study conducted by Greenbelt Alliance & Nelson/ Nygaard Consulting Services, 4 cities have shown significant improvement in their transportation system by implementing innovative parking policies to mitigate problems related to traffic and congestion. These cities are:

- The city of Boulder, Colorado, which was able to revive its downtown by abolishing minimum parking requirements for all the non-residential uses and also by adopting policies to fund public transportation system rather than creating oversupply of parking spaces.
- The city of Arlington County, Virginia, which transformed itself by “choosing to surround its new Metro stations with intense, high-density transit-oriented development and market-rate parking, rather than the more usual swaths of free park-and-ride lots and parking structures. Today, the Metrorail corridors generate 50% of the County’s tax base on just 7% of its land, making it possible for the County to give its residents the best levels of government services in the region, with the lowest tax rates.”
- The city of Santa Monica, CA, which has built “shared parking lots at strategically located locations to allow the downtown to function well with just 2.1 spaces per 1000 square feet of building space.”
- The city of Pasadena, CA, which was successful in installing parking meters and reducing on street parking by their employees on roads. The revenue that was generated from these parking meters proved useful in funding various street side and community improvements.

We believe that city of San Jose can use these examples for improving its circulation and transportation networks.

Response M.9: The City and/or developers will be implementing improvements to pedestrian and bicycle infrastructure throughout the Diridon station area as part of the plan

implementation to improve overall circulation, and not only to address impacts at protected intersections.

Comment M.10:

The following tools must also be considered as adequate mitigation measures to Impact TRAN-2 and in general throughout the DEIR:

- Pedestrian Priority: We recommend that pedestrian priority be the primary design criteria for block size, streets and public spaces, with bikes second, transit third, and automobiles last, controlling speed wherever possible to create pedestrian convenience within ½ mile of the station area.
- Traffic Speed Limitation: We recommend including a 15 mph traffic speed limitation for most streets within DSAP for pedestrian and bicycle safety and priority. Fatalities rise exponentially above 15 mph.
- “Safe Routes to School”: We recommend Safe Routes to School be integrated within the station area to accommodate the most vulnerable street users first and to serve all ages and abilities.
- Mid-block pedestrian: We encourage cross walks, connected to “paseos” every 50 ft. to increase neighborhood walkability. With downtown containing San José State University as well as several elementary schools including St. Patrick School, Gardner Academy, Learning Pathways, and Horace Mann Elementary, DSAP should be safe for pedestrians of all ages.
- Coordinate with Regional Planning Processes such as Plan Bay Area, adopted Climate Action Plans and the Grand Boulevard Initiative to meet goals and targets integrated within station area.
- Require Unbundled Parking: When parking is unbundled and users pay to park, fewer spaces are needed and construction cost savings can be passed on to tenants and home buyers as rent reduction or reduced residential unit cost. This is something that must be done now since it meets all of the policy goals the City is trying to achieve in Envision 2040 and the Green Vision, including: air quality improvements, greenhouse gas reductions, and congestion improvements.
- Implement Residential Permit Parking Zones for existing residential neighborhoods, within and adjacent to all of DSAP, where needed to protect neighbors from overflow parking.
- Collect In-Lieu Parking Fees to build public satellite parking on the edge of the station area to control traffic and avoid prime real estate in the DSAP wasted on extra parking garage space. In addition, pooled parking is more efficient.
- Implement Parking Congestion Pricing in a community benefit district (CBD) to ease parking congestion by using price signals to alter automobile usage behavior.
- Implement Metered Parking, Shared Parking and combine all parking through a parking authority that can qualify under the State's Air Resource Board's "Parking Cash-Out Program,” including satellite public parking. For example, Satellite Parking –Some cities, such as Portland, Oregon –have low or no parking requirements in downtown buildings because the city provides public parking structures, in preferred locations, using “in-lieu” developer fees. Shared Parking –Private parking is open to public use at certain times e.g. parking in office buildings is open for public parking at night; in Mountain View, CA, condo residential parking is shared with CalTrain commuters during the day.
- Further, implement “smart parking” as a means of enabling land uses that minimizes travel requirements. Since parking increases the use of cars, this results in health impacts from

pollution and noise, danger to walking and dispersal of the land uses where it's inefficient to walk, which in effect, increases obesity, heart disease, and type II diabetes levels on people.

Response M.10: In this comment, The Sierra Club identifies pedestrian and bicycle improvements and other measures to mitigate traffic impacts. Several of these measures are already incorporated into the DSAP project description, including pedestrian-priority design, mid-block pedestrian crossings, and parking management measures. Details of these measures will be considered during implementation of the station area plan.

Comment M.11:

The City of San Jose must de-emphasize or remove automobile "Level of Service" within the Diridon Station Area and use modal splits to set goals for each mobility mode such that each gets equal share and appropriate environmental impacts are measured adequately. Modal Splits establish goals/metrics for the percentage of traffic planned to use each different mode of travel- walking, biking, bus, shuttle, scooters, cars, etc. As suggested in SB 743 (Steingberg, 2013):

SB 743 requires the Governor's Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide an alternative to LOS for evaluating transportation impacts. Particularly within areas served by transit, those alternative criteria must "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses.

Response M.11: This comment is noted. As stated in the PEIR discussion of the traffic analysis methodology (Section 4.2.3.2), *"the intersection level of service analysis is intended to evaluate near-term traffic impacts in the Downtown Core. The City has different standards for the Downtown Core because higher levels of congestion are considered to be more acceptable given the high level of economic and social activity. Therefore, future development projects proposed outside of the Downtown Core (that meet minimum trip thresholds) will be required to complete a site-specific, near-term traffic impact analysis (TIA) to address circulation issues within surrounding neighborhoods and at local intersections."*

SB 743 allows the City to utilize alternative methods for analyzing traffic impacts. It does not eliminate the need to analyze such impacts. It should be noted that intersections within the Downtown area are exempt from the City's Level of Service Policy. This comment does not address the environmental conclusions of the PEIR; therefore, no further response is required. Please see Response H.1, above, for a discussion of the City's direction and goals for implementing multi-modal LOS for traffic impact analyses.

Comment M.12:

Installing High Quality Bicycle And Pedestrian Infrastructure: Bike/Ped infrastructure around the station area must be improved because there currently are no significant bicycle routes around the Station Area. In addition, the DEIR indicates LOS E and/or F (Figure 4- 5, pg 139) on many areas proposed to have Class II and III bicycle lanes or none at all in the DSAP (pg. 2-103), such as Park Ave, Taylor St., San Carlos, Santa Clara/ The Alameda, Montgomery St., Delmas Ave., and Autumn St. Class I Bicycle Facilities and sidewalk widening must be made in these streets that have LOSs of

Es and Fs for the safety of bicyclists and the success of the DSAP. This supports and enhances “The Alameda: A Plan for the Beautiful Way” 2010 report which was created and backed by the community such as the Shasta/Hanchett Park Neighborhood Association.

Also, a centrally located bike stand/station must be installed, so that more people could easily locate this facility and can avail themselves of its benefits. By creating a centrally located bicycle stand, we can eliminate the danger of theft from the minds of the bicyclists, which could create more comfortable conditions for them to leave their cars and travel using bikes. According to the General Plan Policy TR-2.8 “Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.”

Response M.12: This is a comment on the content, goals, and policies in the Plan Document, and does not comment on the adequacy of the analysis in the EIR. Bicycle infrastructure and parking facilities are discussed in the DSAP (page 2-81 to 2-83). Figure 2-10 as revised in the PEIR shows existing and proposed bicycle and trail facilities in the study area. The City’s development standards (Section 20.90.060 of the Zoning Code) require the inclusion of bicycle parking spaces as part of development projects. Inclusion of specific bicycle amenities in the station area will be considered once actual development projects are proposed.

Comment M.13:

Further, implement a duplicate or enhanced version San Francisco’s 4th and King Caltrain station where a staffed bike parking lot is alongside bicycle repair shops.

Response M.13: This is a comment on the content, goals, and policies in the Plan Document, and does not comment on the adequacy of the analysis in the EIR. Bike parking facilities, including the potential for a staffed, secure parking area and repair shop, will be considered once actual development of the Diridon Station expansion or renovation occurs (see page 3-56 of the Plan document).

Comment M.14:

Green Streets/Walks: In addition to Park Avenue being a “Green Street”, it must also be a “Green Walk” to make the walking experience both pleasant and efficient. Examples of pleasant walkways include Bryant St. in Palo Alto and San Francisco’s Embarcadero. “Green Streets/Walks” should not only be limited to east-west connections, but also for north-south along riparian corridors to extend natural alluvial buffers. Examples of where this must be included are Autumn St. running along the Guadalupe River and Delmas Ave.

Response M.14: This is a comment on the content, goals, and policies in the Plan Document, and does not comment on the adequacy of the analysis in the EIR. Please see Master Response #4 for a discussion of bike and pedestrian facilities along the proposed Autumn Parkway.

Comment M.15:

The DEIR proposes to add the stated intersections below under the list of protected intersections.

According to the DEIR-TRANS IMPACT 4: Build-out of the DSAP would make a substantial contribution to significant cumulative impacts at the intersections of Park Avenue/Naglee Avenue, The Alameda/Naglee Avenue, and Lincoln Avenue/San Carlos Street under Cumulative plus Project conditions. [Significant Cumulative Impact]

We believe that the problems with these intersections could be improved by adopting:

Removal of Excess Street Parking: There are excess parking spots provided on the Montgomery St. and Autumn St., which should be reduced to provide better bike/ped infrastructure. By removing curbside parking spaces on this road, we could provide room for dedicated bike lanes and better pedestrian infrastructure on both sides of these roads.

Response M.15: An extensive network of bicycle and pedestrian facilities is being developed in the Diridon station area. See revised Figure 2-10 in the PEIR and also Master Response #4 Autumn Parkway.

Comment M.16:

According DEIR-TRANS IMPACT 5:

The project would make a substantial contribution to significant impacts on transit priority corridors. [Significant Cumulative Impact]

The following mitigation strategies must be considered:

Establish Transportation Management Association (TMA): These associations can help in managing the functions of the transit priority corridors such as parking management and pricing, transit pass subsidies, managing and enforcing trip reduction requirements, and providing information. Possible stakeholders should be identified and involved in forming these TMA's.

Response M.16: Please refer to Master Response #2.

Comment M.17:**C. Air Quality**

As shown on page 191 of the DEIR, the project exceeds the thresholds set by the BAAQMD for ROG and NOx. Reactive Organic Gases (ROG) and Nitrogen Oxides (NOx) are precursors to ozone, photosynthetic smog.

Impact AQ-1: Build-out of the DSAP would result in a net increase in ROG and NOx in the Bay Area, contributing to existing violations of ozone standards. This conclusion is consistent with the analysis in the Envision PEIR and Strategy 2000 EIR. [Significant Impact]

The DEIR states that an increase in ROG will be sourced from aerosol products and cannot be contained. However, the DIER does not specifically state a source of NO_x, which 42% out of all sources come from on-road vehicles. Further, the Bay Area Air Quality Management District states that “unusual heat waves triggered new exceedances of the national ozone standard during the summers of 1995 and 1996.” ‘As a result, in 1998 U.S. EPA re-designated the region [San Francisco Bay Area] back into nonattainment status for the national 8-hour ozone standard.’ ‘The region also periodically exceeds state ambient air quality standards for ozone and particulate matter.’” The EIR suggests that this impact is unavoidable due to unforeseen impacts of future projects within the station area. This impact must be studied more, and thus, cross-analyzed more thoroughly with the Transportation section of the DEIR as a majority of NO_x will come from idling, congestion, and traffic of motor vehicles in the area. For example, the transportation study on congested intersections and highways in Figures 4-5 and 4-6 of the Transportation section show a grade of LOS E and F on a majority of intersections based on the build-out of the DSAP. Since 42% of photosynthetic smog originates from on-road vehicles then mitigation measures to reduce automobile use must be a priority. Therefore, CSJ must use the mitigations suggested throughout our comments on the Transportation section.

Response M.17: The PEIR states in Section 4.4.1 that motor vehicle use is the largest source of ozone precursors. Ozone is defined in this section as formed by a chemical reaction between ozone precursors, primarily reactive organic gases (ROG) and nitrogen oxides (NO_x), in the presence of sunlight. Traffic data acquired during preparation of the traffic study was used to complete the air quality analysis, particularly related to impacts associated with cars idling at congested intersections. Mitigation measures consistent with City policies, particularly those related to the Greenhouse Gas Reduction Strategy, and the BAAQMD Guidelines are included in the project to reduce air quality impacts to the extent feasible. Further mitigation measures may reduce impacts; however, impacts are still significant and unavoidable, as discussed in the PEIR.

Comment M.18:

The DEIR also must take into further consideration of cancer risk and the sensitive receptor populace (e.g. youth, elderly, and asthma patients). Although the DEIR includes CSJ as an area with high levels of toxic air contaminants (TAC) and mentions the adoption of BAAQMD’s Community Air Risk Evaluation (CARE) program, it does not provide any recommendations to reduce these emissions specific to the Plan. About 800 to 1,200 persons per million in the area are at risk of cancer due to exposure to TAC in San José. These emissions largely come from the abutting highways, such as 101, 87, 85, and 280. We recommend the City of San José to create measures to reduce cancer risk and the negative impacts to sensitive receptors specific to Diridon Station, which in effect, will help the CARE program become more successful.

Response M.18: Section 4.4.3.3 describes measures to reduce exposure to TACs, which includes implementation of General Plan policies, best management practices, and the Community Risk Reduction Plan, once adopted. Until the Community Risk Reduction Plan is in place, site-specific standard construction management and best management practices will continue to be required of individual projects that impact sensitive receptors. In

addition, site-specific modeling will be required prior to development of residential uses that could be affected by TACs associated with roadways or stationary sources, in accordance with BAAQMD and City requirements and General Plan policies. If impacts are identified, projects would be required to incorporate mitigation into project design or be located an adequate distance from TAC sources to avoid significant risks to health and safety. Design measures may include the installation of indoor air quality filters and ventilation and the planting of pollution absorbing trees and vegetation in buffer areas.

In accordance with GP Policy MS-11.2, future development projects that would emit TACs would be required to: 1) prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review, and 2) employ effective mitigation to reduce possible health risks to a less than significant level. Projects that would generate heavy truck traffic will be required to: 1) designate truck routes that minimize exposure of sensitive receptors to TACs, and 2) post signage on-site that reminds drivers that the State truck idling law limits truck idling to five minutes (GP Policy MS-11.3 and Action MS-11.8).

With these measures future development under the DSAP would not expose sensitive receptors to a significant risk associated with TACs.

Comment M.19:

D. Greenhouse Gases (GHGs)

The GHG section of the DEIR focuses on a globally- scaled perspective, and thus, the mitigation measures did as well. We disagree with this logic and recommend the city to focus on local and regional level solutions to climate change. Currently, the County of Santa Clara trails behind Contra Costa for second place with 19.6% (18.8 MMT/Yr) of total CO₂ emissions released within the entire Bay Area. When looking closely at the majority of GHG emissions, they are largely sourced from the City of San José's travel behavior of automobile usage. Greenhouse gas emissions will continue to rise if commuters are given incentives, such as parking. A more in-depth study using vehicle miles traveled (VMT) in the area can better address the impact at a regional scale of the Bay Area more effectively, rather than on a global scale (which easily makes it seem as an unavoidable impact). Our transportation section comments address the use of VMTs in more detail, see our transportation comments.

Response M.19: The PEIR noted that development in the Plan Area would generate GHG emissions through vehicle trips associated with future development. The DSAP would support the City's vision for new compact, energy-efficient development, which is one of the principal reduction measures contained in the GHG Reduction Strategy for minimizing vehicle miles traveled (VMT). The PEIR also included specific measures in Section 4.12.3.2 to reduce GHG emissions, which all future projects specifically within the DSAP project would be subject to, including the Envision 2040 General Plan policies, and mandatory and voluntary measures established in the GHG reduction Strategy.

Also, as stated in Section 4.12 of the PEIR, the project would serve to reduce VMT in the City by constructing residential units and jobs in proximity to a major multi-modal transit facility.

Comment M.20:

Impact GHG-1: Build-out of the DSAP would make a considerable contribution to the significant unavoidable cumulative impact to global climate change identified in the Envision PEIR.
[Significant Cumulative Impact]

Build-out of the DSAP would make a considerable contribution to the significant unavoidable cumulative impact to global climate change identified in the Envision PEIR.
[Significant Cumulative Impact]

1. GHG Measurement & Evaluation: The Plan's DEIR does not discuss how GHG reduction will be critically measured, evaluated, and even fails to mention climate adaptation strategies. We recommend that DSAP greenhouse gas emissions measurements be conducted annually to measure its progress via CAPCOA methodologies and include mandatory reporting's prepared by Environmental Services to be addressed to the Planning Commission and City Council for evaluation. This report will allow city staff and decision makers to reevaluate new ways of cutting down further GHG emissions, if needed, to reach the General Plan: Envision 2040 San Jose's Greenhouse Gas Reduction Strategy and Green Vision goals. We also recommend using CAPCOA's extensive mitigation and climate adaptation strategies (2009 California Climate Adaptation Strategy) as opposed to using the bare minimum as recommended in the DEIR.

Response M.20: The PEIR notes in Section 4.12.3.2 that individual projects within the DSAP area that conflict with the General Plan Land Use/Transportation Diagram will not be covered by the GHG Reduction Strategy and would have to perform an individual project analysis for GHG emissions through 2020. The DSAP and its PEIR are program-level documents. The specific development projects within the DSAP will be required to complete a project-level CEQA document, which will address impacts and measures to reduce the impacts associated with the specific development project.

Comment M.21:

2. Green Concrete to Cut CO2: To further cut down on GHG emissions, the use of Green Concrete is highly recommended. Recently in Dallas six schools were built using Green Concrete and had a net savings of 108.7 million pounds of CO2 emissions. Implementing this into the building requirements may cut down contributions to the significant unavoidable cumulative impact to global climate change. Also this could help fulfill the GHG emissions goals of San Jose's Envision 2040 and the Greenhouse Gas Reduction Strategy.

Response M.21: New, non-residential development will be required to comply with the City's Green Building Ordinance as part of the building permit review process. The use of recycled concrete is one of several measures included in green building rating systems (such as Build-it-Green and LEED) that developers may elect to use in order to meet the City's Green Building standards.

Comment M.22:

3. Green Building Certification: The Plan and the Draft EIR does not consider making all new buildings green building certified. Implementing more green building certifications, like LEED Neighborhood Development (Silver or Platinum) certified buildings can help curb GHG emissions from residential use, office, retail, industrial, and commercial. San José's Green Vision Goal 4 states that any new building within San José have to use certification of Build It Green or USGBC which strives for optimal energy performance and results in a reduction in Greenhouse gasses.

Response M.22: New, non-residential development will be required to comply with the City's Green Building Ordinance as part of the building permit review process. Once specific development projects come forward, all considerations shall be made to encourage green building techniques, consistent with City policies and the General Plan.

Comment M.23:

4. Street Lights: Referring to San José's Green Vision goal number nine, implement 100% of the street lights with smart, zero emissions lighting such as Light Emitting Diodes (LEDs). This will help reduce GHG emissions, while implementing San José climate change goals.

Response M.23: This comment recommends incorporating all smart, zero emissions lighting street lights into the DSAP projects. This will be considered once actual development projects are proposed. This comment does not address the environmental conclusions of the PEIR; therefore, no further response is required.

Comment M.24:

E. Biological Resources

Section 4.7 Biological Resources (Pages 252-276)

The DEIR analysis discusses the impacts from the proposed project onto the riparian corridor. The impacts from increased human activity include: increased noise, litter, destruction of native vegetation, nuisance of wildlife, harassment from pets such as house cats, and night lighting. To help alleviate these impacts, the DEIR states that it will abide to the City of San José's Riparian Corridor Policy Study measures. The measures include setback guidelines of at least 10 feet for trails, 100 feet for urban development and active recreational facilities, and 200-300 feet for night-lighted facilities.

The following must be included:

1. Respecting Riparian Corridor Setbacks: While these are good measures, we are concerned about the final language, "The setback for a particular project is typically determined on a case-by-case basis" (page 255). The SJCCT of the Sierra Club Loma Prieta Chapter recommends the language be modified to reflect that development will always respect the setback guidelines. We recommend the language to state, "The setback for a particular project is typically determined on a case-by-case basis, in accordance with the Riparian Corridor Policy Study setback guidelines." This setback measure will help to lessen the impacts of human activity, such as lighting, noise, litter, trampling, and house pets, on critical riparian resources. If setbacks are not met, adequate mitigation measures and a public review process must be mandated.

Response M.24: The language from the PEIR referenced in the above comment is a statement that notes that the specific distance for the setback will be determined on a case-by-case basis. The PEIR also notes in Section 4.7.3.2 that, “*For specific projects adjacent to the riparian corridor, a setback would be established in accordance with the development guidelines in the Riparian Corridor Policy and GP Policy ER-2.2.*” Therefore, any development adjacent to the riparian corridor will include setbacks.

Comment M.25:

2. Habitat restoration: The DEIR’s Table 4.7-1 includes several San José General Plan 2040 policies to help reduce or avoid impacts on the city’s riparian corridor (page 256). However, the DEIR fails to incorporate one important policy, ER-2.5, which discusses habitat restoration. The San Jose Cool Cities Team (SJCCT) of the Sierra Club Loma Prieta Chapter recommends Table 4.7-1 must include San José General Plan 2040 Policy ER-2.5: “Restore riparian habitat through native plant restoration and removal of non-native/invasive plants along riparian corridors and adjacent areas.” This will help to provide a much-needed suitable habitat for many critical wildlife species that rely on a healthy riparian corridor for survival.

Response M.25: The text in Table 4.7-1 has been revised to include this language, as shown in Section 4.0 of this Final PEIR.

Comment M.26:

3. Proper Tree Replacement Ratio: The DEIR’s Table 4.7-2 describes the tree replacement ratios for each tree that would be removed (page 266). Currently, a 1:1 replacement ratio of one 15-gallon container tree is set to replace those removed trees of a diameter of less than 12 inches. However, this fails to adequately replace the beneficial ecosystem services and critical habitat that would be lost due to the removal of a larger, established tree. The SJCCT of the Sierra Club Loma Prieta Chapter recommends it is critical to increase the minimum size of each replacement tree to a 24-inch box and have a tree replacement ratio of 2:1. Therefore, two 24-inch box trees shall be planted for the removal of each tree which is less than 12 inches in diameter. This will help to more adequately replace the removed tree, provide a suitable habitat for wild species, clean the air and absorb pollutants, and help with erosion control. This tree replacement ratio and size minimum is especially critical in the riparian corridor where many wild species are found.

Response M.26: The tree replacement ratios included in Table 4.7-2 of the PEIR are consistent with current regulations including the San José Municipal Code. The PEIR also describes in-lieu mitigation for replacement trees if the project site does not have sufficient area to accommodate the required tree mitigation, including, “*The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees.*”

Comment M.27:

4. Bird Nest Surveys: The DEIR proposes a mitigation measure where bird nest surveys shall be completed no more than a certain period prior to demolition/construction activities, and if nests are found a construction-free buffer zone can be created (page 270). The DEIR states that the preconstruction survey “shall be completed no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season... and no more than

30 days prior to the initiation of these activities during the late part of the breeding season.” However, the timeline does not accurately reflect the reproductive cycle of breeding birds. For example, according to VTA’s Santa Clara-Alum Rock Transit Improvement Project Final EIR and CalSJ.org, the Yellow Warbler, a declining species and thus a California Species of Special Concern, nests in the Los Gatos/Guadalupe River-Coyote Creek riparian corridor.

5. The Yellow Warbler typically builds its nest over 4 days, the incubation period is 10-13 days, and the nestling period is 9-12 days. Therefore, the pre-construction surveys and its timeframe is not an adequate mitigation measure in protecting these birds. Therefore, surveys must be conducted no more than 4 days prior to the demolition/construction period, in addition to surveys conducted within 4 days prior to any tree removals within the riparian corridor. This aligns with many birds’ reproductive cycle and will more appropriately help to lessen impacts on Species of Special Concern, nesting raptors, and migratory birds.

Response M.27: This comment describes very specific mitigation measures related to nesting birds and yellow warblers. The measures for nesting raptors and migratory birds outlined in the PEIR are based on California Department of Fish and Wildlife standards, and are similar to mitigation measure BIO-4.1 in the Santa Clara-Alum Rock Transit Improvement Project Final EIR. At the project-level, a biologist will determine the appropriate species-specific survey protocols as part of the environmental review for development in the Plan Area, particularly for development bordering Los Gatos Creek and the Guadalupe River.

Comment M.28:

6. Bird-Friendly Design: Approximately 750 million to 1 billion birds are killed in North America each year as a result of collisions with artificial structures. Several hundred million collisions result from windows in buildings, particularly plate glass and other highly transparent or reflective glass. Specifically near riparian and migratory corridors, where bird life is in greater abundance, collisions are much greater. Many cities are adopting bird friendly design guidelines or ordinance to address this problem. Within the Bay Area, the City of San Francisco, Oakland, and Sunnyvale have already adopted bird-safe building guidelines. The SJCT of the Sierra Club Loma Prieta Chapter recommends the City of San José to adopt bird-friendly design guidelines in order to help prevent bird deaths and continue its leadership in wildlife and environmental protection. If not, we ask that the final EIR at least require bird safe building designs for all new construction.

Response M.28: The PEIR addresses migration corridors for birds in section 4.7.3.5. With implementation of the General Plan policies, existing regulations, and measures related to riparian habitat and special status species, development allowed under the proposed DSAP would not substantially interfere with the movement of birds. This comment recommends incorporating bird safe designs into the project. This will be considered once actual development projects are proposed.

Comment M.29:

F. Hydrology

1. Stormwater Runoff: We commend the plan to follow the Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit, Provision C.3 (page 291), Low

Impact Development (LID) measures and several General Plan: Envision 2040 Policies. However, both Los Gatos Creek and Guadalupe River are impaired water bodies, and therefore, it is critical to do more than the minimum required pollution prevention as suggested in the DEIR.

Since this plan encompasses a large planning area where multiple developments will be constructed near sensitive waterways, it is reasonable to require innovative stormwater infiltration measures that can mitigate cumulative impacts and support General Plan Policies ER-8.5 and MS-3.4. Non-industrial projects should be required to implement additional measures such as: underground infiltration units; infiltration trenches; permeable pavement; and green roof infiltration systems. For more information see “Water Quality Improvement Project: Solving Water Quality Problems.”

2. Water Quality/Litter: The increase of human activity at the Diridon Station Area Plan will likely increase litter and pollution into the creek (page 299). The SJCT of the Sierra Club Loma Prieta Chapter commends the City of San Jose for its efforts to reduce waste such as Provision C.10 and C.11 of the NPDES permit (page 299). However, again, stronger mitigation measures are necessary to address the increase of human activity and not impact the critical biological resources and water along the creek. Additional mitigation efforts must include increase of trash/recycling/compost bins with proper enclosures to avoid runoff, such as one bin every 250 feet along sidewalks, as well as creek trails. Furthermore, creek trails should offer pet waste bags. Educational signage about waste reduction should be displayed throughout the Diridon Station Area Plan and creek trail areas. This effort can be funded by development impact fees or a Community Benefit District.

Response M.29: Comment noted. Stormwater control and litter reduction measures will be considered at the project level and will take into consideration the proximity of Los Gatos Creek and the Guadalupe River. These measures will be considered once actual development projects are proposed. All development will be required to meet the requirements of the City’s NPDES permit and SWPPP and HMP requirements.

Comment M.30:

3. Flooding: The analysis of flooding must include possible impacts from the Los Gatos Creek Bridge Replacement / South Terminal Phase III Project immediately upstream from the planning area. The EIR must analyze how this will effect erosion, sedimentation, and possibly even change the creek channel, and hence how it will affect flooding and other creek issues in the planning area. See Appendix A for more information about this project.

Response M.30: Project-level impacts from the Los Gatos Creek Bridge Replacement project have been assessed in a draft Initial Study and Mitigated Negative Declaration. The DSAP PEIR is a program-level document that addresses the impacts to receiving waterways, including erosion and alteration of the existing drainage pattern in Section 4.9.3.3 and states, “Given that the Plan area is highly urbanized and existing surfaces are largely impervious, future development under the proposed DSAP would not alter the existing drainage pattern such that substantial flooding or erosion would occur in the receiving water bodies.” All future development within the Plan Area will be required to conform with all San José regulations related to stormwater quality and quantity.

Comment M.31:

To avoid flooding impacts, the Plan must restrict below-grade structures within flood hazard areas. Furthermore, to protect from the impacts of any new building in flood zones, the EIR must include a mitigation measure to require the developers of any new structure within a 100-year flood hazard

area to analyze the potential for the project to impede or redirect flood flows (to guarantee the claim in the DEIR that there will be no impact in this area). Stating that the properties in DSAP are not near a creek channel is irrelevant because the threshold does not contain an exception for this condition. More analysis is needed.

Response M.31: The PEIR includes measures to reduce and avoid impacts related to flood hazards in Section 4.9.3.2, including conformance with Chapter 17.08 of the San José Municipal Code, which requires the lowest floor of all new structures within flood hazard areas to be elevated above the base flood elevation (BFE) as mapped by FEMA, or for non-residential structures, be flood-proofed one foot above the BFE. In addition, any below-ground parking structures will be designed and constructed (i.e., with either grade control and/or berms), so that the base flood would not inundate these areas. The impacts of individual developments on flooding will be analyzed during project-level environmental review, and compliance with flood hazard regulations will be reviewed at the development permit phase.

Comment M.32:

4. Sea Level Rise: Please see Appendix B for a sea level rise map of the NOAA’s Coastal Services Center’s Sea Level Rise and Coastal Flooding Impacts Viewer. This map illustrates projected impacts of sea level rise. Although the map does not show impacts directly on the Diridon Station Area, impacts are still shown throughout San Jose’s watershed, such as the Guadalupe River. According to the National Institutes of Environmental Health Sciences, climate change and sea level rise are known to have alarming effects on life since it increases the temperature in water, “precipitation frequency and severity, evaporation-transpiration rates, and changes in coastal ecosystem health could increase the incidence of water contamination with harmful pathogens and chemicals, resulting in increased human exposure.” This is one of several negative impacts sea level rise may have, therefore, the City of San Jose must conduct a much more thorough analysis of DSAP’s impact from sea level rise by considering it a “Significant Impact” with mitigations incorporated (pg. 298).

Response M.32: The PEIR concluded that sea level rise is not a concern for Downtown San José, given the distance to San Francisco Bay and ground surface elevations (approximately 100 feet above sea level). The commenters’ reference is to an area outside of the DSAP, therefore, the implications for the sea level rise to this area are not analyzed in the PEIR.

Comment M.33:

5. De-Watering: Since discharges from de-watering will flow from storm drains into Los Gatos Creek or Guadalupe River, the quality and quantity of this water must be strictly regulated. Depending on the flow in these waterways at the time of dewatering, discharge volumes may need to be limited, and water temperatures could also be an issue. More specific measures must be developed to mitigate any possible impacts from dewatering on nearby aquatic habitats.

Response M.33: De-watering is not anticipated as part of the DSAP project; however, if it becomes necessary at the time of future development, all necessary discharge requirements shall be met. This comment does not refer to the environmental effects or conclusions of the PEIR; therefore, no further response is required.

N. RESPONSES TO COMMENTS ON THE DPEIR FROM SAN JOSE ARENA AUTHORITY, DATED FEBRUARY 11, 2014

Comment N.1:

The San Jose Arena Authority appreciates the opportunity to respond to the Draft Environmental Impact Report (EIR) for the Diridon Station Area Plan, File No. PP09-163. The Arena Authority considers the Draft EIR for the Diridon station area as an essential component in the continued development of the western portion of Downtown San Jose.

The Arena Authority respectfully requests that the following points receive thoughtful consideration by the City's Department of Planning, Building and Code Enforcement, the Department of Transportation and other critical stakeholders in the development and implementation of this significant regional project:

- That the Arena Authority be kept apprised of any significant developments in the further refinement of the EIR, the Diridon Station Area Plan and other potential EIR and developmental plans for projects considered in the Arena/Diridon station area, including the professional baseball stadium, the Bay Area Rapid Transit, High Speed Rail, Autumn Parkway and other potential area developments.

Response N.1: The commenter requests updates related to the DSAP and PEIR, which is noted. The City will notify the Arena Authority when the Final PEIR is available.

Comment N.2:

That the appropriate City and project representatives continue to engage representatives from Sharks Sports and Entertainment (operators of SAP Center at San Jose) in the developmental, technical and operational aspects of the EIR and the Diridon plan as they relate to the ongoing operations at SAP Center at San Jose.

Response N.2: the comment is noted. The City will continue to collaborate with the relevant agencies associated with the DSAP project area.

Comment N.3:

That all local residential and business I commercial stakeholders continue to be engaged and advised of significant plan milestones. This can be accomplished in a number of fashions, including the continued convening of the City's Diridon Station Good Neighbor Committee.

In closing, I appreciate your consideration on the items listed above and look forward to continuing to work cooperatively on this essential regional project. Please feel free to contact me with any comments or questions. I can be reached at 408-977-4783 or at morrisey@sjaa.com.

Response N.3: This comment suggests continuing to convene meeting of the City's Diridon Station Good Neighbor Committee. This comment is noted.

**O. RESPONSES TO COMMENTS ON THE DPEIR FROM SAN JOSE DOWNTOWN ASSOCIATION,
DATED FEBRUARY 13, 2014**

Comment O.1:

The members of the San Jose Downtown Association (SJDA) appreciate this opportunity to comment on the Diridon Station Area Plan (DSAP) Program Environmental Impact Report (PEIR).

The primary objective of the DSAP is to provide a long-term growth vision for the Diridon Area's 250 acres, incorporating large scale projects like a baseball stadium, BART and high speed rail with a land use/policy framework to address San Jose's jobs/housing imbalance by attracting new industry-driving jobs, specifically office and technology-sector jobs.

SJDA supports the PEIR's focused analysis that provides environmental review for future DSAP projects as well as CEQA clearance for potential traffic-related impacts.

Response O.1: This comment expresses support for the DSAP and PEIR analysis. This comment is noted.

Comment O.2:

Building height limits

The PEIR would be more complete if it provided analysis on building height maximums throughout the Diridon Area allowed by FAA compared to the lower limits currently in use by City of San Jose.

In 2.1.3 the PEIR states "the height limits prevent more intense development in most cases" yet the DSAP is calling for more density and FAR. The analysis would be more complete if these "cases" were identified. For instance, Figure 2-3 shows height limits of 80, 90 and 100 feet in the Northern Zone. It is unclear how the 3 million square feet of commercial development identified for this zone is achievable at these heights. Is there room for 30 buildings of 100,000 square feet each at 100 feet high or less with the other uses contemplated in the northern zone? This potential capacity flaw should receive additional study.

Response O.2: The PEIR analyzed the proposed development for the DSAP related to the proximity to the airport and FAA obstruction standards in Section 4.6.3.5. The PEIR noted that, "*The maximum building heights proposed over most of the DSAP Area would comply with FAA obstruction standards to protect the airspace around the Mineta San José International Airport. Individual mid- or high-rise buildings, depending on specific proposed heights and locations, will be subject to required FAA regulatory review and modified if necessary prior to City approval.*"

Although the FAA has the discretion to determine that a proposed building can exceed an obstruction surface without impacting aircraft operation, the City cannot speculate as to where and by how much such an exceedance might be determined acceptable and can only

plan according to the established FAA regulatory criteria. The City notes that there are no existing FAA-designated obstructions in the DSAP area.

In regards to the ability of the Northern Zone to accommodate the specified level of development, the development capacities were determined based on a “test-fit” plan that took into consideration development constraints like height limits, parking, and high groundwater levels. Although hypothetical, the test-fit plan did determine that the level of development capacity proposed in the Northern Zone is achievable given these constraints.

Comment O.3:

High Speed Rail and Diridon Station

On page 32, 1.2.1.2, the PEIR states the DSAP assumes construction of the aboveground alignment for High Speed Rail because this option has the potential to effect land uses to a greater extent than any below ground option. The PEIR is not complete without studying the alternative below ground alignment, particularly its impacts on land use. For instance, the enormous footprint required by aerial high speed rail structures with its corresponding bridges, abutments and trestles will consume how many acres? And if these acres were then available for other uses because of the underground alignment, what would the impacts and mitigations be for the Diridon Area? There would undoubtedly be additional development capacity for each of the three zones. In fact the PEIR elsewhere in the report (pages 398-399) acknowledges this logic by recognizing the aerial tracks impact on the park at the fire training site: "The HSR alignment is currently planned to pass over the southwestern portion of the park site and the presence of elevated tracks 60 feet above the ground surface could constrain the uses and design of the new community park (precluding baseball/softball fields)." In this example, an underground alignment would obviously mitigate these impacts on the park; it stands to reason similar mitigations would be realized throughout the area and the PEIR fails to adequately account for these impacts.

If the PEIR response to all things HSR is to defer to if and when the CHSRA performs its project EIR, is our community faced with a plan that pushes development away from the station area based upon a flawed assumption in the DSAP for an aerial alignment?

The Diridon Station Conceptual Plan in 2.2 is all above ground. Again, with an underground HSR alignment, impacts for the station would be very different than described in the PEIR. The reference to underground in this section applies to BART, not to HSR. The PEIR is deficient in not providing analysis of an underground HSR station at Diridon.

Response O.3: Please refer to Master Response #1 for a discussion of High Speed Rail Alignments as considered by the Plan. As stated in this comment and the PEIR, the aerial alignment for High Speed Rail has a greater potential to impact land uses adjacent to the rail alignment when compared to the below ground option. For this reason, the above ground HSR option was included in the DSAP planning process.

Neither the DSAP nor the PEIR preclude the ultimate construction of a below ground option for HSR. As stated in the letter from CHSRA (Letter B in this Final EIR), CHSRA has informally committed to fully studying an underground option in the San Francisco to San José Section environmental document. Detailed information regarding an underground

option will be developed prior to preparation of the EIR for the San Francisco to San José section by CHRSA. The details requested in this comment will be determined at that time and are not necessary to provide environmental review for the program-level DSAP project.

Comment O.4:

SJDA concurs that the existing historic depot building would remain under any scenario in the Diridon Plan.

Response O.4: This comment expresses support for maintaining the historic depot building. This comment is noted.

Comment O.5:

Missing from this document is any reference to accommodating the relocation of the Greyhound Bus depot to this area of transportation convergence.

Response O.5: The DSAP and its PEIR are program-level documents. Relocation of the Greyhound Bus depot, which is currently not located within the DSAP area, is not part of the proposed planning-level project. Therefore, the environmental impacts of its relocation are not included in the PEIR. If and when the Greyhound Bus depot relocates to Diridon Station, project-level environmental review will be required for any physical changes made to the station.

Comment O.6:

Open space

SJDA supports the vision to incorporate a variety of plazas, parks, creek areas and trails into the plan.

All will be needed, and more. It is clear in the PEIR that the new open spaces created within the plan area are inadequate to meet the new demand without counting the adjacent parks, primarily in the downtown core. To this point, it is quality (not quantity) of the new open spaces in the plan area that will mitigate the intensity of development. SJDA encourages prioritization of the Los Gatos Creek Reach 5, the daylighting of Los Gatos Creek (page 263) from its culvert beneath Park Avenue/Bird Avenue and the development of a continuous Los Gatos Creek trail across the entire Diridon Area connecting to the confluence with Guadalupe River.

Response O.6: Comment noted. This comment refers to the DSAP and not to the PEIR analysis or conclusions. Please refer to Master Response #4 for a discussion of bike and trail facilities associated with the Autumn Parkway project.

Comment O.7:**Housing**

The PEIR states in 4.15.3.3 that affordable housing will comprise 15 percent of new housing units in the plan area. SJDA considers 15 percent a minimum. We encourage the affordable housing be blended within projects of all product types throughout the plan area.

Response O.7: This comment is noted. Please refer to responses to comments in Letter J from Public Advocates and Master Response #6 regarding affordable housing.

Comment O.8:**Access, circulation and parking**

The PEIR does not adequately address impacts on access to the Diridon Area. The myriad transportation projects - BRT, BART, HSR, new bike lanes, DASH shuttles - are not integrated with the full build-out of land uses in context with the limited number of streets providing ingress and egress to the area. Is there enough roadway capacity to service the area given the transportation demands on these same streets sharing the intensification of land uses?

Considering the location of the Hwy 87 freeway entrance and exit ramps, do the significant unavoidable impacts (page 405) concentrate along the surface streets crossing beneath the overhead freeway at Santa Clara, Julian, St. John, Park, San Fernando and San Carlos, effectively the dividing line between the Downtown Core and Diridon Area?

Does the PEIR analysis on circulation take into account the handful of downtown east-west streets and overlay these with both the anticipated Diridon Area and Downtown Core build out alongside the transportation projects (reduced lanes, etc.) for many of these same streets?

Response O.8: The traffic analysis completed for the project assumed the street network for the area consistent with the General Plan Land Use Transportation Diagram and Downtown Strategy 2000. The TIA evaluated impacts at all intersections, including those at on-ramps, consistent with City policies and not roadway segments. It should be noted that the intersections in Downtown are exempt from the City's Level of Service Policy. The TIA was completed according to City and CMP standards.

Comment O.9:

Is there analysis that shows how 13,000 baseball cars (page 65), 11,950 Diridon max development cars (page 65) and the current level of cars –especially on an Arena event day- work together?

Response O.9: Please refer to Master Response #5. Environmental impacts of constructing and operating the ballpark were evaluated and disclosed in a previously certified EIR prepared specifically for that purpose. The DSAP PEIR, therefore, was not intended to constitute the environmental review for the construction and operation of the ballpark, as that has already been completed.

As described in Section 4.2.3.5, a 6-7 PM analysis was completed to determine impacts during major events at both the Arena and ballpark, which is expected to occur between five and 13 times per year at or after 7 pm. As stated in Chapter 8 of Appendix C of the TIA, operational deficiencies were identified at five intersections located in the Downtown Core. TPMP measures have been developed for the Ballpark project. Implementation of these measures, along with additional measures to be developed in concert with Arena Management and ultimate DSAP development, would reduce operational impacts during these major events.

It should be noted that the 6-7 PM timeframe is not considered the afternoon peak hour for the purposes of evaluating CEQA impact according to City policy. Please also see Response K.9.

Comment O.10

SJDA concurs with the DSAP recommendations for a 900-space parking garage to support SAP Center and other area activities. The Shared Parking Program should be further clarified, along with the Parking Trade Credits program and Diridon Area Parking District, for how it applies to the SAP Center parking lot and future SAP Center parking structure.

Response O.10: The parking trade program is one of the parking supply management tools recommended for Diridon Station Area and will be considered when development occurs.

Comment O.11:

Text Amendments

It is difficult to follow the jargon in 2.1.4.3 created by the 2040 Plan that establishes two separate growth areas downtown, including the Downtown Growth Area and Diridon Area Urban Village, while the Diridon Area Urban Village is mostly contained within the Downtown Core while the Diridon Urban Village objectives are contained in the Diridon Station Area Plan while the Downtown Core includes most of the Diridon Area Urban Village, while the Downtown Growth Area covers the remainder of the Core. Confused? The PEIR does not clarify (nor simplify) the overlapping terminology and boundaries.

Response O.11: The PEIR includes a description of how the DSAP fits within the growth areas for the Envision 2040 General Plan in the Summary, which states, *“The DSAP area is almost entirely within identified Growth Areas of the 2040 General Plan, including the Downtown. The project includes the designation of the Diridon Station Urban Village and modification of the overlapping Growth Area boundaries and capacities.”*

The proposed DSAP would eliminate the overlap between the Plan Area and the Alameda Urban Village and the Midtown Specific Plan. The Diridon Plan Area, Alameda Urban Village, and Midtown Specific Plan Area will be distinct areas with no overlap. The Downtown Core includes most of the Diridon Plan Area, however, portions of the Diridon

Plan Area that are west of the railroad tracks and Stockton Avenue will be outside of the boundaries of the Downtown Core.

Comment O.12:

Autumn Parkway

The extension of Autumn Street to Coleman Avenue is an important linkage for the Diridon Area. However, another potential north-south barrier to pedestrian movement is the last thing downtown and Diridon Area need. We already have Almaden Boulevard and the Hwy 87 freeway- and overhead high speed rail tracks would be the mother of all imposing structures. Consider Autumn as a street, rather than a parkway. SJDA concurs with the recommendations of SPUR on how to treat Autumn Street: phase the roadway with the development demand (i.e. ballpark); maintain the street grid north of Julian Street; keep on-street parking and loading north of Santa Clara Street for use during non-event periods; utilize the street grid to connect with Los Gatos Creek and Guadalupe River.

Response O.12: This comment recommends consideration of the suggestions included in the letter from SPUR (Letter P) in terms of how Autumn Parkway is constructed. The Autumn Parkway Improvement Project is not part of the DSAP project. Environmental review has already been completed and a portion of it is currently under construction. The comment is noted. Please refer to Master Comment #4. This comment does not refer to the environmental impacts or conclusions contained in the PEIR.

Comment O.13:

Underpass connections with core

The PEIR acknowledges sidewalk improvements, better lighting and public art are ways to improve the pedestrian experience beneath Hwy 87. These will be critical especially for San Carlos, Park, San Fernando, Santa Clara and St. John Street connections between the downtown core and Diridon Area.

Response O.13: This comment expresses support for the inclusion of improvements for the pedestrian pathway underneath State Route 87. This comment is noted. This comment does not refer to the environmental impacts or conclusions contained in the PEIR.

P. RESPONSES TO COMMENTS ON THE DPEIR FROM SPUR, DATED FEBRUARY 13, 2014

Comment P.1:

SPUR is pleased to share our comments on the draft Diridon Station Area Plan (DSAP) and its related Draft Program Environmental Impact Report (DPEIR). We appreciate and commend the years of time and commitment already contributed to creating this plan from the community, the city and dozens of experts.

The Diridon Station Area is an opportunity to implement the vision and policies set forth in the City's Envision 2040 General Plan, including strengthening and expanding the city's downtown and achieving the ambitious target to grow walking, cycling, transit and carpools to 60% of all commute trips. It is also an area of regional and statewide significance given the projected transit investment. What happens at Diridon could become a model for effective long-term transit-oriented planning and development throughout California.

SPUR is an urban policy organization and civic group with offices in San Jose and San Francisco. We recently published a major report on urban design in San Jose ("Getting to Great Places") and will soon release a report on the future of downtown San Jose. That report includes additional discussion of the Diridon area and other recommendations about downtown overall. Later this year we will release a long-term strategy report about the Valley Transportation Authority (VTA). These reports inform the following comment letter. SPUR is committed to San Jose and to the long-term development around Diridon.

SPUR is supportive of the broad outlines of the draft plan. Of primary importance is ensuring both significant and high-quality development in the station area to achieve high transit ridership while successfully implementing the placemaking and transportation policies discussed in the plan. We look forward to a close partnership with the city and other stakeholders in this effort.

Response P.1: This comment expresses support for the DSAP. This comment is noted.

Comment P.2:

We do, however, think that the Draft Program Environmental Impact Report (DPEIR) does not provide sufficient analysis of some of the project impacts. This letter has three parts.

1. What we support about the Diridon Station Area Plan (DSAP) and the DPEIR.
2. Areas that deserve special attention, particularly in the plan's implementation.
3. Areas that should be corrected or modified in the plan or further studied in the DPEIR.

1. We support the following:

The overall land use plan and proposed amount of development is appropriate.

SPUR supports the proposed DSAP, not the Design Alternative. Diridon should be a major job node and 5 million square feet is a realistic amount of commercial development for the area. The alternative only includes 1.15 million square feet, which is a major underuse of this important district. We do think that Diridon could support more than 5 million square feet of development, particularly if the densities were increased in the southern zone (where the airport flight path and high water table are less of a limiting factor in development).

Response P.2: The comment states that the commenter supports the DSAP and not the Design Alternative analyzed in the PEIR. Further, the commenter believes that additional development, above that proposed in the DSAP, could be planned for the project site. This comment is noted and will be considered during the project development process. This is a comment on the content, goals, and policies in the Plan Document, and does not comment on the adequacy of the analysis in the PEIR.

Comment P.3:

The land use controls in the central area should focus on commercial or job-generating uses and restrict residential development.

The central area will be one of the most transit-rich places in the state. As is well documented, significant employment directly adjacent to transit is the best way to ensure high transit ridership. As a result, we agree with the Plan's restriction on housing within the immediate zone around the station and support the proposal to focus the housing development in the southern portion of the plan area.

Response P.3: This comment expresses support for the proposal to focus the housing development in the southern portion of the DSAP. This comment is noted. This is a comment on the content, goals, and policies in the Plan Document, and does not comment on the adequacy of the analysis in the PEIR.

Comment P.4:

We support the goal to require transportation demand management (TDM) for future development. We would go a step further to establish an area-wide transportation management association (TMA) to promote TDM for future visitors and users. In addition to running programs to encourage employees, residents and visitors to travel with alternative modes, the TMA could take on the additional role of parking policy and management in the Diridon area.

Response P.4: The comment encourages the establishment of a TMA as part of the DSAP project. Please refer to Master Response #2 regarding the DSAP Transportation Demand Management (TDM) Plan and the formation of a Transportation Management Association (TMA). This is a comment on the content, goals, and policies in the Plan Document, and does not comment on the adequacy of the analysis in the EIR.

Comment P.5:

The station plaza is an opportunity to create a sense of place and orient travelers. We are encouraged by the analysis of different options for orienting the plaza. We think selecting the appropriate plaza design will be crucial for the success of the station area and think this is worthy of additional discussion.

Response P.5: This comment includes the opinion of the commenter regarding the plaza design. This is a comment on the content, goals, and policies in the Plan Document, and does not comment on the adequacy of the analysis in the PEIR. The DSAP and its PEIR are program-level planning documents. Details of the plaza design will be considered once actual development projects are proposed.

Comment P.6:

2. The following areas deserve special attention, particularly in the plan's implementation:

More attention should be paid to the land ownership and management structure. Realization of the vision the DSAP and related Envision 2040 goals will require a high level of continuous cooperation among public agencies, private land owners, facility operators, and the community. One option would be to establish a Joint Powers Authority that would serve as the joint owners for major portions of the entire site. This would streamline decision-making.

Response P.6: The comment is noted. This is a comment on the implementation of the Plan Document, not on the adequacy of the analysis in the PEIR.

Comment P.7:

The physical connection and street orientation between the station and Santa Clara Street is the key to connecting Diridon to the rest of downtown. Planning for Diridon must come from the perspective of the pedestrian, particularly the transit passenger who arrives at Diridon and exits the station heading elsewhere in downtown. The streets, sightlines, signage and other orientation tools should clearly point the pedestrian towards downtown's Grand Boulevard of Santa Clara Street or other identified direct paths to the rest of downtown. This will require ongoing careful consideration about the walkability of the district as it gets built out. We suggest a requirement that as individual projects come forward, their site plans show orientation to pedestrian paths of travel. (Table 2-4, Section 2.3.2.1)

The physical connection to preferred bicycle routes to/from the station in all directions is key to connecting Diridon to the Central San Jose area. Per the 2040 General Plan, 2020 Bike Plan and our own research, we believe San Jose has significant potential to increase non-auto commute mode share, particularly within the neighborhoods immediately surrounding downtown. This area we refer to as "Central San Jose." In addition to building on the strong bike infrastructure the City has recently constructed, the signage, maps, significant bicycle storage and clear path of bike travel should be prioritized. We suggest a requirement that as individual projects come forward, their site plans show bicycle paths of travel. (Table 2-4, Section 2.3.2.1)

Response P.7: The comment is noted. This comment suggests requirements of the Plan pertaining to pedestrian and bicycle routes and facilities with the DSAP area. As described in Section 2.3.2.1 of the PEIR, the DSAP proposes a range of transportation improvement strategies that are intended to maximize the efficiency, safety, and connectivity of the circulation system. The strategies are summarized in Table 2-4 and emphasize increasing access and mobility for pedestrians and bicyclists. The DSAP and its PEIR are program-level planning documents. The specific pedestrian and bicycle transportation strategies will be considered and implemented during the construction of public improvements and once actual development projects are proposed in the Plan Area.

Comment P.8:

The station area should have seamless integration between the multiple transit operators and provide clear information about the various transit options, both within the station and at the bus transfer stops outside. Given the many different transit services at Diridon, there is additional burden for travel information. There should be better signage and digital displays of real-time information for

all trains at Diridon, rendered in a consistent way across different transit services and repeated throughout the station area. The 511 maps located just outside Diridon Station are an improvement but do not give enough detail about the places to go in downtown, nor do they provide any real-time information about transit or the DASH shuttle. There should also be a hub for all bus lines outside the station with similarly clear real-time signage and mapping. (Table 2-4, Section 2.3.2.1)

Response P.8: The PEIR includes a discussion of the transportation projects planned for Diridon Station and the Downtown area in Section 1.2.1 and 4.2.16, which includes various transit facilities. In addition, as shown in Table 2-4, the City would continue to coordinate with transit providers to provide amenities at bus stops, including real-time passenger information. Integration of transit operations will be a significant consideration in any future station expansion to accommodate new services such as BART, BRT, and High Speed Rail. The DSAP and its PEIR are program-level planning documents, and specific transit connectivity strategies will be considered during the design of the transit center and once actual development projects are proposed.

Comment P.9:

There should be a goal and commitment to shift towards a shared parking model where not every building is self-parked. The plan suggests that shared parking should be encouraged. But this is something that cannot happen if every building is required to be self-parked. We strongly support establishing a parking management system that shares parking between uses and times of day. (Section 2.3.2.2)

Response P.9: This is a comment on the content, goals, and policies in the Plan Document, and does not comment on the adequacy of the analysis in the PEIR. As stated in Section 2.3.2.3 of PEIR, the next phase of the DSAP planning process will include preparation of a Transportation and Parking Management Plan (TPMP) to manage travel demand and maximize efficient use of parking and transportation resources. The TPMP will include parking management tools for both short- and long-term traffic management including shared parking, as described in Master Response #2.

Comment P.10:

The pedestrian connections and green finger investments should respond to the natural walking and mobility patterns of users. It is crucial for the pathways to be logical for the user. Some of the maps and proposed connections seem to be missing key routes and connections (such as along Santa Clara and San Fernando) while other proposed paths do not seem to be most needed. For example, the rail spur should not become a bike lane in the Northern Innovation zone, as this is not a natural route for anyone traveling in the area. Instead, any bike path should be directly south to the Diridon station from the Innovation District. In addition, maintaining the existing rail/track area as a bike path would carve up these development opportunity sites. (Table 2-4, Section 2.3.2.1)

Response P.10: This is a comment on the content, goals, and policies in the Plan Document, and does not comment on the adequacy of the analysis in the PEIR. Please refer to Response K.7. This trail has been removed from the DSAP and Final EIR.

Comment P.11:

The total amount of open space in the area should be carefully managed to not become too much space that is rarely used. Ensuring that future open space is well used and inviting should be the key goal. Downtown San Jose already has substantial open space resources that are underutilized. It is important for the implementation of the plan to carefully consider the amount and access to future park space. This includes proposals to expand the park space along Los Gatos Creek, the proposal to build a major park in the Southern Area of the DSAP and the various options and alignments for the plaza in the Central Zone.

Response P.11: The comment is noted. This is a comment on the implementation of the Plan Document, and is not a comment on the adequacy of the analysis in the PEIR. The PEIR states in Section 2.3.1 that, “*Elements of the open space network could be constructed by the City as part of a public improvement project or may be incorporated into future private development.*” The DSAP and its PEIR are program-level planning documents. The open space design will be further considered once actual development projects are proposed.

Comment P.12:

3. The following areas should be corrected or modified in the plan, or further studied in the DPEIR:

Correction or clarification requested:

The DSAP inaccurately references and depicts the addition of a separated bike path and open space area west of Autumn Street and east of the Los Gatos Creek Trail, between Santa Clara and San Fernando Streets. There are several permanent structures existing today in this geography that prohibit the possibility of a Class I bike path or publically accessible open space between Autumn and the Los Gatos Creek (see Los Gatos Creek Trail – Reach 5 Master Plan, 2008). As stated on page 35 of the DPEIR, the statement: “the trail would follow on-street alignments between San Fernando Street and Santa Clara Street, although the City currently plans to construct the trail in the open space created by the Autumn Street realignment project” appears to be not entirely accurate as the trail would have to connect on Autumn Street. For clarification purposes, references to this as a continuous path/open space should be removed from the project description and maps of the DPEIR. For example:

- References Figure 2-2, text on page 35, 59 and 61, Figures 2-8 (or, buildings such as that located at the southeast corner of Santa Clara Street and Autumn should be acknowledged), Figure 2-9 (Los Gatos Creek park area in same location) and particularly “Bicycle and Trail” map of Figure 2-10, which incorrectly depicts the proposed Los Gatos Creek Trail Alignment at Santa Clara and Autumn.

Response P.12: Please refer to Master Response #4 regarding the Autumn Street Trail. Figure 2-10 has also been updated, as shown in Section 4.0 of this Final PEIR.

Comment P.13:

4.1 LAND USE

There should be an alternative studied and prepared to the baseball stadium. In the event that Major League Baseball does not occupy the space around Diridon, there should be an environmentally cleared alternative that assumes maximum development of commercial/job uses in the area of the proposed stadium.

Response P.13: Environmental impacts of constructing and operating the ballpark were evaluated and disclosed in a previous certified EIR prepared specifically for that purpose. The DSAP PEIR, therefore, was not intended to constitute the environmental review for the construction and operation of the ballpark, as that has already been completed. Please also refer to Master Response #5 regarding a No Ballpark Alternative.

Comment P.14:

The minimum FAR for the Central Zone should be higher than 2.0 to ensure that the build out does not underutilize the land around the station.

Response P.14: This is a comment on the content, goals, and policies in the Plan Document, and does not comment on the adequacy of the analysis in the PEIR.

Comment P.15:

Demolition of existing homes and properties should be minimized. Much of the project assumes major redevelopment and demolition of existing homes and commercial buildings. If more of the existing soft sites were built out at high enough densities, and priority was given to the rehabilitation of particularly unique and historical existing structures there would be no need to demolish existing homes and businesses to achieve the build out. In addition, leaving more of the existing structures in place would maintain and add to the future character of the new districts. Building on existing urban fabric, not entirely replacing it, enhances the authenticity of place.

Response P.15: This is a comment on the Plan, not on the adequacy of the analysis in the PEIR. While there may be some potential to retain some of the historic structures within the DSAP area, given the amount of development proposed, the discussion of removal of historic structures in Section 4.5, *Cultural Resources* addresses the worst case analysis in terms of impacts. The DSAP and its PEIR are program-level documents. The actual removal of historic structures will be further considered and evaluated once specific development projects are proposed.

Comment P.16:

4.2 TRANSPORTATION

There should be a strong focus on the performance of the transportation systems in the station area. The DPEIR makes simplifying assumptions about the execution of the DSAP and the development of the “high-volume commuter facility, intermodal passenger hub, and long-distance train station”. Specifically, it assumes that all connections between modes (walking, cycling, transit, auto) and transit services (VTA bus/BRT, light rail, Caltrain, BART, HSR etc.) will be of a high enough quality that ridership projections will be attained. This would support the DPEIR’s conclusion that the project will conform to Envision 2040 and as a result, projects in the DSAP will be largely “self-mitigating”.

Response P.16: This comment expresses support for the PEIR conclusions in regards to performance of the transportation system in the DSAP. This comment is noted.

Comment P.17:

The DPEIR should provide further assurance and methods of measuring/monitoring that there is a less than significant impact to transit, bicycle and pedestrian facilities from the plan. The DPEIR says that the Plan and existing policies ensure there will be a less-than-significant impact to pedestrians, cycling and transit. But without a funding mechanism, TDM or other more detailed planning, those other modes will be impacted. The concern is that new development will continue to prioritize automobile travel and throughput, despite policy variations.

Response P.17: The comment is noted. Please refer to Master Response #2 regarding the DSAP Transportation Demand Management (TDM) Plan and formation of a Transportation Management Association.

Comment P.18:

The DPEIR discloses insufficient information about the impact of the project on planned transit projects. In particular, the DPEIR notes that the proposed project would make a “substantial contribution to significant impacts on transit priority corridors”. Given that the DPEIR has no information on projected ridership of the Alameda/El Camino Real BRT route and mistakenly refers to VTA’s 522 line as “BRT” (See page 111), it is difficult to assess the level of impact on this planned transit investment from the DSAP.

Response P.18: Section 4.2.1.2 of the PEIR describes the existing transit services within the DSAP and in a footnote defines the BRT service provided by VTA. According to VTA’s website, route 522 is defined as a “Rapid 522”. The PEIR also includes a discussion in the cumulative traffic analysis of the planned BRT upgrades in Section 4.2.4.2 and noted that, “*Planned BRT upgrades would likely improve travel times and may ultimately reduce the cumulative impact on these transit corridors to a less than significant level. The DSAP supports and accommodates the planned BRT upgrades.*” Further, the analysis notes that the DSAP also incorporates various strategies and measures, which are intended to reduce vehicle travel, which could reduce impacts on bus service overtime.

Comment P.19:

The plan should protect more intersections from growth in auto capacity. The City of San Jose’s policy to protect intersections from auto mitigations is an exemplary tool to improve conditions for non-auto modes. While the DPEIR proposes adding three intersections to the protected intersections list, we suggest adding all intersections in the DSAP area to this list so that project level EIRs do not result in adverse impacts to these modes.

Response P.19: This comment expresses the opinion that more intersections should be added to the “Protected Intersections” list. As described in Section 4.2.4.1, the three intersections to be added to the City’s List of Protected Intersections are being added because these are the only three intersections that build-out of the DSAP would make a substantial contribution to

significant cumulative impacts. The City's LOS policy does not apply to signalized intersections within the Downtown Core, which already includes most of the Plan Area.

Comment P.20:

The city's new policy framework requires rethinking of design of Autumn Parkway. Autumn Parkway was mitigation from the Strategy 2000 EIR. Subsequent to that time, California passed SB 375 and more importantly, the City of San Jose adopted its Envision 2040 General Plan. We propose that San Jose reexamine this project in light of its new policies. Prioritizing auto throughput in this area is in direct contradiction to the city's stated goals of reducing vehicle miles traveled and encouraging non-auto modes of travel.

Response P.20: Environmental impacts of the extension of Autumn Parkway through the project area were evaluated and disclosed in a previous certified EIR. The DSAP PEIR, therefore, was not intended to provide environmental clearance for Autumn Parkway, as that had already been completed. Please also refer to Master Response #4 regarding Autumn Parkway and the trail.

Comment P.21:

Autumn Parkway should not be built south of Julian. The connection north of Julian is useful in that it increases connectivity across the old railroad tracks. However, the street design and alignment of Autumn Parkway south of Julian would disrupt and destroy some of what is left of the traditional grid in the area as well as lead to the demolition of existing properties. As a result, San Jose should wait for significant development before finalizing the full project extension south of Julian Street. It is appropriate to allow some of the development to take place before defining exactly what kind of roadway expansion is required. It would be a mistake to build out a roadway based on a final development pattern that may take decades to transpire. We did not see any evidence in the DPEIR that stopping Autumn Parkway at Julian Street would have any adverse effect on the transportation system.

Autumn Parkway should be designed as a multi-modal street. Particularly between Santa Clara Street and Park, it will be important to make sure that there is a north/south bike path along Autumn Parkway. An alternative such as the Guadalupe River Trail is not appropriate for bike commuting as that trail is currently closed after dark and as stated before, the assumption of the Los Gatos Creek Trail as a Class I bike facility is likely impossible. Additionally, it is important to maintain on-street parking. This would allow for continued direct access to facilities such as the children's playground just east of the Arena. The on-street parking could be used as a lane of traffic during special events.

Response P.21: Please refer to Master Response #4 regarding the Autumn Parkway and the trail.

Comment P.22:

There should have been additional analysis of the impact of minimum parking requirements and an alternative explored that eliminates parking minimums. The DSAP and DPEIR assume an average of 1.5 spaces per 1,000 square feet of commercial uses and 1 space for every residential use. We do not believe that the DPEIR properly evaluated the negative impact on quality urban design and

encouragement of auto travel of having every building self-parked. Additionally, while we do not dispute the need for increased parking in the Diridon Station area, we do not support the notion of mandating a parking minimum and suggest these be removed from the final plan. An alternative in the near term is to use existing surface parking lots as an interim use and form of land banking until values get high enough to justify dense new development.

Response P.22: Section 2.3.2.2 of the PEIR describes the parking ratios for the DSAP and states that, “*The projected parking ratios are consistent with the Envision San José 2040 General Plan’s goal to reduce drive-alone automobile trips from 77.8% of all commute trips in 2010 to no more than 40% of all commute trips by 2040.*” The PEIR assumed the maximum amount of development that could realistically be accommodated in the Plan area. The DSAP and its PEIR are program-level planning documents. Please refer to Master Response #3. Please note that the DSAP does not establish parking minimums. Parking standards are established in the City’s Zoning Ordinance, and modifications to the parking standards in the Zoning Ordinance are not included in the DSAP planning process.

Comment P.23:

4.5 CULTURAL RESOURCES

There should be greater protection of historic resources, particularly pre WWII housing north of the station area. In Impact CUL-1, the DPEIR notes that “The DSAP would make a cumulatively considerable contribution to previously identified significant impacts to historic resources.” Greater attention should be placed on enabling development in such a way that preserves the existing street fabric and historic structures. We do not think that there is enough information to evaluate the cumulative impact of the loss of these resources. In particular, the Northern Innovation zone includes several blocks of pre-WWII housing on Autumn Street and Autumn Court that should be kept as part of the fabric and history of the area. To treat this area as simply an opportunity site to wipe clean misses part of its unique selling point -- its history. We do not support the extent to which the DSAP and DPEIR assume total loss of those resources and recommend that the city assume retention of as much of the existing fabric and historic buildings as possible. We recognize that part of the challenge lies in CEQA where Structures of Merit are not considered significant resources for the purposes of CEQA, even though they “contribute to the historic fabric of the city.”

The DPEIR does not properly analyze the need for the realignment project to also remove the existing buildings east of Autumn Street towards Los Gatos Creek. As stated earlier, there is no reference to existing structures that would need to be removed in this area.

Response P.23: Please refer to Response P.15. As previously stated, based on the analysis of the maximum build-out of the DSAP, the loss of these structures were included in the analysis to accommodate the “worst case” scenario. The retention of some structures within the plan area can be further considered once actual development projects are proposed. This does not preclude the implementation of other measures included in the PEIR to reduce and avoid impacts to historic resources. The removal of structures for the construction of Autumn Parkway is part of a previously-approved project that was included in the EIR for *Downtown Strategy 2000* and subsequent Coleman Avenue/Autumn Street Improvement Project EIR (see Master Response #4).

Comment P.24:

For ease of review and orientation to the DPEIR, it would be helpful to include a summary of all Impacts, Mitigation and Avoidance Measure and Level of Significance in the first table (starting on page 9), not only those of Significant and Unavoidable (SU) Impact.

Response P.24: In accordance with the CEQA Guidelines Section 15123, the Summary section of the EIR is required to identify “each significant effect with proposed mitigation measures”. It is the City’s policy to only include significant and unavoidable impacts in the summary, consistent with CEQA. All other impacts are identified in appropriate sections of the PEIR.

Comment P.25:

Finally, we challenge the underlying assumptions that lead to the “Reduced Scale Alternative” being considered the “environmentally superior alternative” only because it would result in less development overall. Increasing development around transit is environmentally superior to an alternative of more scattered development. By confining the environmental analysis to the immediate intersections and blocks, the scale of analysis for making this assumption misses the broader and greater environmental impact of reducing development around the station.

Response P.25: Please refer to Master Response #7 regarding the Reduced Scale Alternative as the Environmentally Preferred Alternative.

Comment P.26:

In sum, we support much of what is included in the DSAP and the DPEIR. We look forward to ongoing collaboration with the City and other stakeholders on the implementation of this plan.

Thank you for the opportunity to comment on the Diridon Station Area Plan and DPEIR.

Response P.26: This comment expresses support for the DSAP and the PEIR. This comment is noted.

Q. RESPONSES TO COMMENTS ON THE DPEIR FROM SILICON VALLEY BICYCLE COALITION, DATED FEBRUARY 13, 2014

Comment Q.1:

I am writing on behalf of Silicon Valley Bicycle Coalition (SVBC), a membership-based organization that promotes the bicycle for everyday use in Santa Clara and San Mateo Counties. We have nearly 400 members living in the City of San Jose. Thank you for this opportunity to provide input on the draft environmental impact report (DEIR) for the Diridon Station Area Plan (DSAP).

Support for measures that encourage active transportation

As you may be aware, SVBC was highly involved in the development of the preferred DSAP. We are encouraged to see that the DEIR takes into account and repeatedly references that the area around Diridon Station is planned to be a "highly active, lively, pedestrian and bicycle friendly place." We applaud those mitigation strategies described in the DEIR that support this vision:

Implementation of a transportation demand management (TDM) program: mitigation for Impacts AQ-1 and AQ-2.

Addition of the intersections at The Alameda/Naglee Avenue; Park Avenue/Naglee Avenue; and Lincoln Avenue/San Carlos Street to the City's List of Protected intersections: mitigation for Impacts TRAN-2 and TRAN-4.

Measures to reduce and avoid impacts related to regional air quality:

- Parking measures that include fees for single occupancy vehicles and implementation of a parking cash-out scheme (p. 192).
- Bicycle and pedestrian measures, including secure and weather-protected bicycle parking; direct access to adjacent bicycle routes, showers and lockers for employees using active transportation; secure short-term parking for customers and visitors; and direct, safe, attractive pedestrian access from the area to transit and nearby development (pp. 192- 193).

Measures included to reduce greenhouse gas emissions: In general, creation of an environment where bicycle and pedestrian access is comfortable and convenient (p. 351).

Response Q.1: This comment expresses support for the DSAP and the PEIR. This comment is noted.

Comment Q.2:**Suggested additional measures**

The above measures are crucial for preventing air pollution, mitigating traffic caused by increased travel to the area, and reducing greenhouse gas emissions. However, there are several other steps that would contribute to achieving these goals:

Greenhouse gas emissions: Impact GHG-1 contends that, "Build-out of the DSAP would make a considerable contribution to the significant unavoidable cumulative impact to global climate change ..." Though we concede that new development will lead to increased traffic and travel through the area, we urge the City to take a more multimodal approach to its analysis and projections.

Importantly, the traffic analysis in the DEIR relies on Level of Service (LOS), which looks only at motor vehicle traffic. We encourage analysis using Multimodal Level of Service (MMLoS), which incorporates bicycle, pedestrian, and transit travel. MMLoS would provide a more accurate baseline for measurement, as the City pursues ambitious mode shares of 15% bicycle, 15% pedestrian, and 20% transit as identified in the Envision 2040 General Plan. Without accurate measurements and analysis of all modes of transportation, the projected impacts of bicycle and pedestrian infrastructure

(and other facilities such as parking) can only be guessed at. More accurate projections of facilities' impact in reducing single-occupancy vehicle (SOV) trips can help guide land use and transportation projects in the DSAP to more efficiently mitigate GHG impacts.

Response Q.2: The City's transportation model is multi-modal based and accounts for transit usage. As stated in the PEIR discussion of the traffic analysis methodology (Section 4.2.3.2), *"the intersection level of service analysis is intended to evaluate near-term traffic impacts in the Downtown Core. The City has different standards for the Downtown Core because higher levels of congestion are considered to be more acceptable given the high level of economic and social activity. Therefore, future development projects proposed outside of the Downtown Core (that meet minimum trip thresholds) will be required to complete a site-specific, near-term traffic impact analysis (TIA) to address circulation issues within surrounding neighborhoods and at local intersections."* The PEIR noted that the project would generate GHG emissions through vehicle trips associated with future development.

The DSAP would support the City's vision for new compact, energy-efficient development, which is one of the principal reduction measure contained in the GHG Reduction Strategy for minimizing vehicle miles traveled (VMT). The PEIR also included specific measures in Section 4.12.3.2 to reduce GHG emissions, which all future projects specifically within the DSAP project would be subject to, including the Envision 2040 General Plan policies, and mandatory and voluntary measures established in the GHG reduction Strategy. In addition, the City will develop a Transportation Demand Management (TDM) Plan to manage travel demand in the station area, encourage alternative modes of transportation and support efficient use of valuable parking in the station area. See also Master Response #2.

This comment describes the character of the project area in terms of parking and suggests other design considerations. As stated in *Section 2.3.2.3* of PEIR, the next phase of the DSAP planning process will include preparation of an overall TDM and individual TDM Plans to manage travel demand and maximize efficient use of parking and transportation resources. The TDMs will include parking management tools for both short- and long-term traffic management. Please refer to Master Response #3.

Comment Q.3:

Parking: We appreciate the parking measures identified on page 192 of the DEIR, including parking fees for SOV commuters and implementation of a parking cash-out for employees in the area. We feel additional parking policies would help mitigate SOV traffic and encourage bicycling and walking in the spirit of the DSAP:

- **Unbundled parking for residential developments:** separate the cost of parking from the cost of housing, so people who choose to live car-free or car-light are more likely to be able to afford to live in the area.
- **Eliminate minimum parking ratios:** Instead, place parking maximums on developments and let the market determine parking supply under those maximums.
- **Implement bike parking minimums for residential developments:** Residents of the area need weather-protected, secure storage for bicycles if they are going to take advantage of living in a bicycle-friendly place.

Response Q.3: Additional parking measures beyond those described page 192 of the PEIR will be considered during DSAP implementation, in an overall TDM Plan for the station area and in individual TDM plans for specific development projects in the Plan area. Some of the measures listed above, such as an allowance for unbundled parking for residential development and requirements for minimum bicycle parking are already allowed under the Parking and Loading section of the Zoning Code (Section 20.90). Future changes to the parking requirements in the Zoning Code, including any reduction or elimination of parking ratios, could be considered by the City Council after extensive public outreach with community groups and stakeholders.

Comment Q.4:

Specific project elements suggestions:

We urge the City to consider altering specific project elements and mitigation strategies to achieve a higher level of active transportation, thus further mitigating impacts to traffic, air quality, and greenhouse gas:

Response Q.4: As described in Section 2.3.2.1 of the PEIR, the DSAP proposes a range of transportation improvement strategies that are intended to maximize the efficiency, safety, and connectivity of the circulation system. The strategies are summarized in Table 2-4 and emphasize increasing access and mobility for alternative modes of transportation, including pedestrian, bicycle, and transit. The DSAP and its PEIR are program-level documents. The specific transportation strategies will be considered once actual development projects are proposed.

Comment Q.5:

Autumn Street extension: The Autumn Street extension will provide a major throughway in and out of the station area and should include protected bikeways along its length. The extension will connect the core station area to a popular shopping destination and existing bicycle route. The current extension plan, which relies on the adjacent trail to provide bicycle access, falls short in several areas:

The trail only runs along on the east side of the roadway. Southbound bicycle riders (those heading to Diridon Station from the north) would have to cross over multiple lanes of moving traffic to reach it.

- The City of San Jose trail system is closed for use from one hour after sunset to one hour before sunrise the following day. This policy precludes legal use of the trail much of the time, particularly in the winter.
- Even if trail use were permitted at night, the isolated environment (away from the street and other travelers) is intimidating for people who feel more vulnerable to crime or injury.
- The trail is mixed-use, meaning pedestrians and bicyclists share the same space. This is antithetical to the City's mode share goals: if walking and bicycling are to each compose 15%

of trips taken, adequate space must be provided for both if the facility is to be used for transportation purposes.

- The speed limit on the trail system is 15 miles per hour. The low speed limit makes the trail highly unattractive to some who bike for transportation and maintain higher speeds.

We have examined the plans for Autumn Street in the vicinity of the SAP Center, and we would be happy to discuss some design ideas with DOT staff that successfully incorporate protected bikeways along with event parking.

Response Q.5: Please refer to Master Response #4 regarding Autumn Parkway and the trail. The comment is noted.

Comment Q.6:

Meridian Avenue/Fruitdale Avenue mitigation: The DEIR identifies an unacceptable degradation in LOS at this intersection and anticipates the addition of a second eastbound left-turn lane as mitigation.

- As discussed above, we urge the use of MMLOS instead of LOS.
- We urge the City to consider bicycle infrastructure improvements in order to encourage increased bicycle trips through the intersection. This is particularly appropriate given the proximity to light rail, the Southwest Expressway bicycle route, and the Los Gatos Creek Trail.

Response Q.6: As stated in the PEIR, if it is determined that the amount of development anticipated within the 10-year horizon scenario is going to occur, improvements to the identified intersection will be implemented. Additional design work and analysis may be required to determine the specific improvements necessary. Please refer to Response Q.2 and Q.4 above.

Comment Q.7:

Implementation:

As a membership organization, we have turned to our members for input regarding this DEIR. One of the most often repeated concerns is the lack of clear implementation tactics in many planning documents. Additionally, while the DEIR seems like an ideal document to drive implementation of Envision 2040's mode share goals, many of the issues described above (LOS, Autumn Street, parking minimums) seem to contradict those goals. We encourage the City to establish clear timelines and funding mechanisms for implementing the many laudable bicycle and pedestrian infrastructure elements of the DSAP.

Response Q.7: Please refer to Response Q.4 above. Mitigation measures identified in the PEIR, including General Plan policies, are included as part of the program-level project. Specific transportation strategies and funding strategies, including bicycle and pedestrian facilities, will be considered once actual development projects are proposed.

Comment Q.8:

In general, we are grateful to see the Diridon Station Area Plan moving forward. The planning process has included extensive outreach and opportunity for public input and we appreciate the efforts of staff and our elected leaders over the last several years of work on the DSAP. We hope the City will consider integrating our suggestions to make a great plan even more supportive of the goals laid forth in Envision 2040.

Response Q.8: This comment is noted and will be considered once actual development projects are proposed. The comment does not refer to the environmental impacts or conclusions contained in the PEIR for the project.

R. RESPONSES TO COMMENTS ON THE DPEIR FROM SILICON VALLEY LEADERSHIP GROUP, DATED FEBRUARY 13, 2014

Comment R.1:

The Silicon Valley Leadership Group writes to share its comments on the draft Diridon Station Area Plan (DSAP) and its related Draft Program Environmental Impact Report (DPEIR). We greatly appreciate the time and effort that the City, community and others have put into the DSAP and look forward to working with all involved to implement this critical and ambitious plan.

The Silicon Valley Leadership Group, founded in 1978 by David Packard of Hewlett Packard, represents nearly 400 of Silicon Valley's most respected employers on issues, programs and campaigns that affect the economic health and quality of life in Silicon Valley, including energy, transportation, education, housing, health care, tax policies, economic vitality and the environment. Leadership Group members collectively provide nearly one of every three private sector jobs in Silicon Valley and have more than \$3 trillion in annual revenue.

The Leadership Group has a vested interest in the success of the Diridon Station Area and Plan, particularly given our support for active transportation and transit, high-quality, infill development, and dense market rate and affordable housing. We have been major proponents of the BART Silicon Valley extension and the Caltrain system, and the success of those and other regional transit options depend on the excellent implementation of development at and around the Diridon Station.

Overall, we enthusiastically support the DSAP. The area around Diridon Station represents an incredible opportunity and should serve as a demonstration site for the City of San Jose's laudable land use and mode shift goals. Our comments focus on areas that should be strengthened and/or deserve particular focus as the City moves to the implementation phase of the Plan. Comments are organized into three sections: land use, form & placemaking, housing and transportation.

Land Use, Form & Placemaking

The overall intensity of development envisioned in the DSAP, particularly for the Central Zone, is appropriate and should be ensured, with minimum development thresholds (floor to area ratios or FAR) raised. The (lower) development intensities envisioned in the Design Alternative and Reduced Scale Alternative result in a greater environmental impact (counter to findings in the DEIR) when the

overall City is considered, as scattered development is worse for the environment than concentrated development near transit and key destinations.

Response R.1: This comment expresses the opinion of the commenter regarding the findings of the alternatives analysis. Please refer to Master Response #7 regarding the Reduced Scale Alternative and Response J.23.

The Reduced Scale Alternative would reduce the impacts at three intersections located within the DSAP area to a less than significant level, compared to the proposed project. As further described in Section 8.8 of the PEIR, this alternative was also designed to be developed in such a way as to spread the uses over the DSAP area, thus resulting in less intensive development, **or** could be as intense, but not utilize as much as land as the DSAP. This could reduce additional impacts within the project area when compared to the proposed project.

Comment R.2:

We support the concept of high-density employment and other intensive uses closest to the Station. This approach takes greatest advantage of incredible transit offerings. Generally, we hope to see density in all uses (entertainment, housing, employment, hotel, and retail) throughout the DSAP Area.

Response R.2: This comment expresses support for the intensive uses closest to the Station. This comment does not refer to the environmental effects of the project or the conclusions of the PEIR.

Comment R.3:

We appreciate the emphasis on placemaking and the integration of artistic elements throughout the Plan, and urge the City to hold to the highest standards of urban design in vetting and approving projects that come forward. This attention to detail at the pedestrian scale will ultimately pay dividends, fostering vibrancy, creating value and encouraging walking and lingering in the area.

Response R.3: The DSAP and its PEIR are program-level documents. Specific urban design strategies will be considered once actual development projects are proposed. This comment does not address the environmental conclusions of the PEIR.

Comment R.4:

Housing

As cited in the DSAP, the demand for more homes and particularly affordable homes in transit-rich areas is tremendous. While San Jose has plentiful housing, it does not have enough homes in walkable, transit accessible urban neighborhoods. These homes are in increasingly high demand among the skilled workers needed by our member companies and other regional corporations. More homes in walkable neighborhoods will help regional employers be competitive in the market for talent and encourage companies to locate in San Jose.

- **Market Rate Homes.** We encourage the City to maximize the number of homes available in the Plan. Part of the strategy for accommodating significant residents should be encouraging smaller, well designed homes that appeal to those looking for urban living opportunities. These homes are frequently affordable "by design" rather than "by regulation" and help ensure that many more people have access to the amenities in and around the Diridon Area, even when they do not qualify for subsidized homes.
- **Affordable Homes.** Placing affordable homes near transit is particularly good for the transit systems (with higher projected ridership from lower income riders), the residents (who benefit from a lower overall housing and transportation cost burden), and the environment (with fewer people driving older, less fuel-efficient cars). We encourage the City to maximize the number of homes available in the Plan and ensure that at least 15 percent of them are affordable to those of low and moderate means. Tools such as smaller homes, density bonuses, inclusionary housing and in-lieu fees, a housing impact fee, and value capture mechanisms should all be considered to exceed existing affordable housing goals in the implementation of the Plan.

Response R.4: The DSAP allows for the development of 2,588 dwelling units in the Plan area. Please refer to Master Response #6 and the extensive responses to Letter J from Public Advocates related to this issue.

Comment R.5:

Transportation

In general, it should be easiest to get to and from Diridon Station on transit, by walking or by biking. This is the right area to prioritize non-auto travel, particularly to serve as a demonstration area for the City's Envision 2040 mode shift goals (60% of all trips made via non-solo driving). All further comments seek to reinforce this fundamental principle.

Response R.5: The DSAP proposes a range of transportation improvement strategies that are intended to maximize the efficiency, safety, and connectivity of the circulation system. The strategies are summarized in Table 2-4 of the PEIR and emphasize increasing access and mobility for alternative modes of transportation, including pedestrian, bicycle, and transit. The DSAP and its PEIR are program-level documents. The specific transportation strategies will be considered once actual development projects are proposed.

Comment R.6:

Coordination among the many transit options available at Diridon Station will prove critical to the success of the station and DSAP. This involves both the physical layout of the Station itself- is it easy, quick and intuitive to walk between transit providers? - and operational coordination among the various agencies (timed transfers, ticketing/fares, etc.). Global best practices for intermodal station design can assist in the physical layout, while regional leadership may be required to ensure interagency operational coordination.

Response R.6: The Station will be designed taking into account the various transit facilities and users as stated in the responses to Letters B and C from CHSRA and Caltrain. The specific transit strategies will be considered once actual development projects are proposed and during actual Station design. This comment does not refer to the environmental impacts of the project or the conclusions of the PEIR.

Comment R.7:

We are encouraged by the Transportation Demand Strategies articulated in the DSAP, and urge the establishment of a Transportation Management Association (TMA) to pool resources among Diridon and Downtown-area users and incentivize alternative transportation.

Response R.7: The comment calls for the establishment of a Transportation Management Association (TMA). Please refer to Master Response 2 regarding the DSAP Transportation Demand Management Plan and the formation of a Transportation Management Association. This comment does not address the environmental impacts or conclusions of the PEIR.

Comment R.8:

Parking frequently poses a major challenge to quality urban design and a pedestrian, bike and transit-first orientation. Parking within individual developments also runs counter to fostering an active street life. We urge the City to create a mechanism for managing shared parking among users (potentially in association with the TMA) and to eliminate parking minimums in the Diridon Area, instead letting the market decide how much parking is needed.

Response R.8: The next phase of the DSAP planning process will include preparation of a Transportation and Parking Management Plan (TPMP) to manage travel demand and maximize efficient use of parking and transportation resources. The TPMP will include parking management tools for both short- and long-term traffic management including shared parking. Please refer to Master Response #2. This comment does not address the environmental impacts or conclusions described in the PEIR.

Comment R.9:

This is among the most transit-rich areas west of the Mississippi. Accommodating autos looking to travel through the Diridon Area to any significant extent runs counter to the goals of the plan and the Envision 2040 mode shift goals. Priority should be given to transit and to connecting with transit via bike and on foot; autocapacity improvements should be assessed to ensure they have no negative impact on transit, biking or walking.

- We believe that the success of the SAP Center should be celebrated and built upon, and that maintaining access to the venue is of critical importance to the San Jose Sharks and other SAP Center users. As the Diridon Area matures, we see the potential for increasing access to the SAP Center by multiple transportation means, akin to the way that roughly 50 percent of AT&T Park patrons arrive via transit and/or on foot - enlivening the surrounding area as they travel. We are heartened by, and encourage your continued outreach to, key stakeholders like The Sharks and SAP who have made such a significant investment in our downtown, as the

final plan must work for all of our stakeholders as we move forward to grow a good city into a great one.

Response R.9: The comment is noted. Please refer to Response R.5 above.

Comment R.10:

Building out Autumn Parkway to a four-lane auto-oriented street has the potential to create another eastwest barrier dividing the Diridon Station Area and Downtown. If and when Autumn Parkway needs to be reconfigured south of Julian Street, it should be designed to carry needed auto capacity without compromising the ability to safely and comfortably cross it on foot or bike. The roadway should be designed for slow auto speeds and with ample, well-designed crossing opportunities.

Response R.10: Please refer to Master Response #4 regarding Autumn Parkway.

Comment R.11:

Follow "desire-lines" for pedestrians and bicyclists accessing Diridon Station. People on foot and bike should have short, intuitive paths to and from Diridon Station. This requires short blocks with ample sidewalks and bike facilities (both on- and off-street) that safely and directly connect cyclists to the Station from nearby trails, Downtown and surrounding neighborhoods. We are particularly concerned about the bike connection between the Station and the Guadalupe River Trail to the north.

Response R.11: The comment is noted. The DSAP proposes green fingers and trails, which would provide a network of pedestrian/bicycle pathways connecting the various open spaces within and adjacent to the DSAP area. The green fingers would be constructed along transportation corridors such as Julian Street, Park Avenue, and the light rail right-of-way in the Southern Zone. This comment does not address the environmental conclusions of the PEIR.

S. RESPONSES TO COMMENTS ON THE DPEIR FROM TRANSFORM, DATED FEBRUARY 13, 2014

Comment S.1:

TransForm's would like to submit the following comments on the Draft Diridon Station Area Plan (DSAP) and the Draft Program Environmental Impact Report. We would like to thank the City staff and community members that contributed to the plan over the course of the last several years.

TransForm works to create world-class public transportation and walkable communities in the Bay Area and beyond. We have been engaged in the San Jose for over ten years and have been deeply involved with the planning of Bus Rapid Transit (BRT) along the Alum Rock, El Camino, and Stevens Creek Corridors, all three of which intersect at the Diridon Station Area.

It is critical that the DSAP create a pedestrian, cyclist, and transit-first environment if the City is to reach its local and citywide mode share goals. To do this, the City will need to provide both incentives to taking public transportation, walking, and biking, and disincentives to single occupancy auto travel. Specifically, high density development lined with a wide variety of ground-floor uses that activate the street should be encouraged wherever possible. Parking must be minimized the DASP area using aggressive Transportation Demand Management (TDM) measures such as shuttle services and free transit passes to employees and residents of the area. TransForm's GreenTRIP program has shown that most transit-oriented residential and mixed use developments are significantly over-parked and that offering free transit passes, de-bundling parking, providing free car-sharing membership, and including affordable homes results in residents taking greater advantage of nearby public transit options while decreasing the amount of auto trips.

Response S.1: The DSAP proposes a range of transportation improvement strategies that are intended to maximize the efficiency, safety, and connectivity of the circulation system. The strategies are summarized in Table 2-4 of the PEIR and emphasize increasing access and mobility for alternative modes of transportation, including pedestrian, bicycle, and transit. The DSAP and its PEIR are program-level documents. Specific transportation strategies will be considered once actual development projects are proposed.

The next phase of the DSAP planning process will include preparation of a Transportation Demand Management (TDM) Plan to manage travel demand in the station area, encourage alternative modes of transportation and support efficient use of valuable parking in the station area. Please refer to Master Response #2.

Comment S.2:

In order to ensure the highest level of transit use in the DSAP and broaden the economic benefits of the area's employment growth, it's critical that at least 15% of the housing units in the plan be affordable and that the City implement strong anti-displacement measures. The City of Portland's Pearl District is a good example of how pricing parking and requiring a high degree of housing affordability (30% all units in the Pearl District are affordable) can generate significant benefits for transit ridership, quality of life, and social equity. Although the Diridon Plan calls for 15% affordability, the mechanisms to generate these affordable units, such as Redevelopment funding, are no longer available. Potential policies that the City could implement include inclusionary housing, housing impact fees, and land value capture. Furthermore, more than five years after the Berryessa Flea Market development was approved by the City of San Jose, it's clear that the City is just as unprepared today to effectively deal with displacement pressures near transit station areas. Policies to deal with displacement must be adopted as soon as possible before more low-income and working class families are pushed out of the area. Strategies that the City may consider include increasing the supply of affordable units, adopting strong relocation assistance requirements, and strengthening existing rent control ordinances.

Response S.2: The DSAP allows for the development of 2,588 dwelling units in the Plan area. Please refer to Master Response #6 and the extensive responses to comments in Letter J from Public Advocates related to affordable housing.

Comment S.3:

Another necessary ingredient to ensuring that the DSAP is a success is making sure that the multiple transit improvement plans in the area are implemented effectively. For example, the extent to which Bus Rapid Transit (BRT) will carry a high number of riders to the Diridon area depends on the degree of transit priority given to the lines. At this point, the only section of the BRT corridors with dedicated bus lanes planned within the City of San Jose is less than a two mile stretch on Alum Rock Ave. Generally speaking, the faster and more reliable the transit service, the greater the ridership. Furthermore, the BRT station at Bird Ave is too far removed from the Diridon Transit Center. TransForm recommends a study of the benefits and drawbacks to re-routing the Stevens Creek BRT line through the DSAP up to Santa Clara Street through Autumn Street and Montgomery Street instead of 1st and 2nd Street in downtown San Jose.

Response S.3: The comment is noted. Please see the responses to Comments T.1 through T.8 for a discussion of impacts on transit service. The DSAP has been designed to take into account the various transit facilities that exist and are planned in the area including HSR, BART, Caltrain, LRT, buses, and BRT. BRT is being planned by the VTA independent of the DSAP project as described in Letter T from the VTA. Specific transit connectivity strategies and network design considerations will be considered during the station and transit center expansion and BRT planning processes. Strategies for intermodal connectivity and circulation are discussed in the Plan document on pages 2-70 through 2-73. This comment does not refer to the environmental impacts or conclusions of the PEIR.

Comment S.4:

Finally, TransForm recommends halting the further build-out of Autumn Parkway until development materializes to sufficiently warrant such costly construction, and only after aggressive TDM measures are implemented. Auto-centric projects in the DSAP will move the city in the opposite direction of its General Plan mode share goals. TransForm looks forward to working with the City and other stakeholders in ensuring effective implementation of the Diridon Station Area Plan. Thank you for the opportunity to comment on the DSAP and DPEIR.

Response S.4: Please refer to Response S.1 above. Also please refer to Master Response #4 regarding Autumn Parkway.

**T. **RESPONSES TO COMMENTS ON THE DPEIR FROM VALLEY TRANSPORTATION AUTHORITY,
DATED FEBRUARY 13, 2014****

Comment T.1:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Updated Plan and Draft EIR (DEIR) for expansion of the Diridon Station and transit center as well as allowing for an increase in development within the 250-acre site. We have the following comments.

Land Use

VTA strongly supports the objectives of the Diridon Station Area Plan to improve the Diridon Station to accommodate future transit improvements and create a framework to intensify the land uses surrounding the Station. The Diridon Station Area is the most transit-rich area in Santa Clara County, served by 12 VTA bus routes, Light Rail, Caltrain, Altamont Corridor Express, and Capitol Corridor service. The Station will also be served by future Bus Rapid Transit, BART and High Speed Rail service. Additionally, by concentrating housing, employment, retail, and entertainment uses in close proximity to the existing mix of uses in Downtown San Jose, the project will create more opportunities for daily trips to be accomplished by walking and bicycling and incrementally reduce automobile trips and greenhouse gas emissions.

Response T.1: The City of San Jose acknowledges the VTA is supportive of the proposed project because it will increase the residential density of downtown San Jose and place housing in proximity to jobs, services, and transit. As the comment does not refer to the environmental analysis or conclusions of the PEIR, no further response is required.

Comment T.2:Pedestrian Accommodations

Projects in the Diridon Station Area should include exceptional pedestrian accommodations to facilitate walking trips throughout the area, especially near the transit center, SAP Center and potential future baseball stadium. VTA recommends accommodations above and beyond the minimum requirements including widened sidewalks, pedestrian-scale lighting and a buffer strip between pedestrians and automobiles with consistent street trees. Resources on pedestrian quality of service, such as the Highway Capacity Manual 2010 Pedestrian Level of Service methodology, indicate that such accommodations improve perceptions of comfort and safety on a roadway. VTA also recommends that projects in the area be designed to provide an engaging pedestrian experience by providing consistent active frontages with entrances facing the street.

Response T.2: This comment includes recommendations regarding the future implementation of pedestrian accommodations within the DSAP and are noted by the City. ~~As the~~ This comment refers to design considerations related to pedestrian accommodations in the Plan document, and does not refer to the environmental analysis or conclusions of the PEIR.

Comment T.3:Congestion Impacts to Transit Service

The DEIR notes that buildout of the DSAP would make a substantial contribution to significant cumulative impacts at the CMP Intersection of The Alameda/Naglee Avenue. The Level of Service would degrade to Funder Cumulative plus Project conditions, which is an impact under CMP criteria. The DEIR notes that the intersection would be added to the City's List of Protected Intersections and offsetting improvements to pedestrian, bicycle, and transit facilities in the vicinity would be required (p. 148). In addition, the DEIR finds that the project would have Significant Cumulative Impacts on the Transit Priority Corridors of The Alameda/Santa Clara Street and San Carlos Street (p. 152). VTA notes that these corridors are currently served by Lines 22/522 and 23/323, which are among

VTA's highest ridership bus routes, and that both corridors are planned to be upgraded to Bus Rapid Transit (BRT) service in the future.

VTA supports the proposal to require offsetting multimodal improvements at Protected Intersections, consistent with City policy. Also, VTA supports the purpose of "Protecting" intersections in transit-rich infill locations, such as the Diridon Station Area, to facilitate concentrated development to support transit ridership. However, increased congestion at the locations discussed above could result in delay to transit vehicles, which could degrade schedule reliability and increase operating costs. VTA requests that even where intersections are "Protected" from automobile Level of Service (LOS) standards, TIAs and environmental documents for future projects in the area should still include an analysis of transit delay due to congestion. If increased transit delay is found in this analysis, VTA believes that contributions to transit priority measures at the affected intersection or nearby, such as queue jump lanes, transit priority signal timing, and/or bulb-out transit stops, would constitute appropriate off-setting measures.

Response T.3: This comment supports the City's Protected Intersection Policy and notes VTA's request that transit improvements be considered off-setting measures, as defined by the policy, and is noted.

Comment T.4:

Project Phasing

VTA understands that the buildout of the Diridon Station Area Plan will occur in phases, and requests that the City circulate plans, TIAs and/or environmental documents for individual projects to VTA as they are proposed.

Response T.4: As individual projects come forward, further environmental review would be required, including CEQA Initial Studies or EIRs. The City will include VTA in the noticing for future environmental documents, which will include plans and TIAs, as appropriate.

Comment T.5:

Queuing Analysis at Freeway On-Ramp Locations

The proposed development is within close proximity of SR 87, I-280, I-880, US 101. Per *Section 2.3 - Determining Other Transportation Issues to Address and Section 9.1.2 Queuing Analysis of VTA Transportation Impact Analysis (TIA) Guidelines, March 2009*, a queuing analysis should be included in the TIA report for the intersections at the ramp locations.

Response T.5: Recognizing that the Downtown area serves as a center for financial and business activities, development within the Downtown area boundary is exempt from the City's level of service policy and traffic mitigation requirements. As such, development within the Downtown is not required to prepare TIAs that would include operational queuing analysis. The majority of DSAP development is within the established Downtown core area. However, the City may require operational analysis, including vehicular queuing analysis, which will be completed as future specific development projects proposed for sites outside the Downtown area boundary, but inside the DSAP area, are identified.

Comment T.6:**Existing Intersection LOS**

The 2008 Monitoring and Conformance Report was used for the analysis of CMP facilities (intersections, freeways and expressways). LOS for study intersection I-880/ Coleman Avenue is listed as LOS D, which does not match with the VTA 2008 Monitoring and Conformance report. Please verify LOS for the CMP facilities.

The document may be downloaded from <http://www.vta.org/cmp/monitoring-report>. For more information please contact Rob Cunningham of VTA at (408) 321-5792.

Response T.6: The analysis does utilize the 2008 Monitoring and Conformance report. The intersection level of service summary table presented in Appendix B of the traffic study indicates LOS A operations at the I-880/Coleman (North) intersection and LOS C operations at the I-880/Coleman (South) intersection during the PM peak hour. The 2008 Monitoring and Conformance report also indicates LOS A operations at I-880/Coleman (North) intersection and LOS B operations at the I-880/Coleman (South) intersection. The discrepancy at the I-880/Coleman (South) intersection is due to a correction in loss time to account for the new eastbound right-turn movement at the intersection that is now controlled by the signal.

The referenced LOS D conditions at the I-880/Coleman (South) intersection occur during the AM Peak hour. The comment likely stems from Figure 3 of the traffic study that presents only the “worst-case conditions” LOS during the AM and PM peak hours. Figure 3 of the TIA correctly identifies LOS D operations at the I-880/Coleman (South) intersection during the AM Peak hour.

Comment T.7:**Freeway Analysis**

VTA recommends providing freeway segment analysis in a tabular form as shown in Appendix B of the VTA TIA guidelines. This table should be provided for all the scenarios analyzed. The TIA should include an assessment of freeway segments to determine whether additional freeway segments meet the one percent threshold. This recommendation is based on *Section 2. 2 of the VTA CMP TIA Guidelines*.

The document may be downloaded from <http://www.vta.org/cmp/technical-guidelines>. For more information on the TIA Guidelines, please call Shanthi Chatradhi of the VTA Congestion Management Agency Division at 408-952-4224.

Response T.7: The traffic study summarizes freeway segment levels of service in graphical form only. The freeway segment levels of service as presented in the figures is based on the referenced VTA CMP TIA guidelines. Tables, as referenced in the comment, are provided in Appendix C of the traffic study. No further response is required.

Comment T.8:**Transit Center Design**

We have the following comments concerning the transit center design options discussed in the Updated Plan:

- We prefer the Bus Plaza Option over the alternative option. The alternate option (Transit Mall Option) would be less efficient than the existing transit center.
- We recommend that the transit center incorporate at least two additional bus bays in order to accommodate expansion of service.
- Space for private company shuttle buses and other transit providers such as Megabus and Bolt may not be adequate. The additional rail service at this station will generate more shuttle activity and private bus service.
- Pedestrian bulbouts need to accommodate bus turning movements at Santa Clara Street and Cahill.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Response T.8: This comment includes comments regarding the conceptual Diridon Station Plan, which are noted by the City. The Station will ultimately be designed taking into consideration BART, HSR, and all other transit services expected to utilize the Station. This comment does not refer to the environmental effects of the project or the analysis and conclusions of the PEIR.

U. RESPONSES TO COMMENTS ON THE DPEIR FROM WORKING PARTNERSHIPS, DATED FEBRUARY 13, 2014

Comment U.1:

Working Partnerships USA is pleased to provide comments on the draft Diridon Station Area Plan (DSAP) and the associated Draft Program Environmental Impact Report (DPEIR). We commend the city and the numerous community stakeholders who have invested considerable time, energy, and imagination into the development of the DSAP and its related planning documents.

Working Partnerships is a public policy and economic justice organization dedicated to helping low- and moderate-income workers and families meet their economic needs. Since our founding in 1995, we have been involved in numerous planning and policy efforts to improve housing, transportation, and environmental conditions for San Jose residents. We strongly support the broad overall direction of the DSAP, particularly its emphasis on high intensity, transit-supporting land uses; enhancing pedestrian and bicycle facilities and connectivity; inclusion of affordable homes; and the recognition that mechanisms need to be developed to prevent displacement of low-income residents.

The Diridon Station area offers an unprecedented opportunity to create a vibrant, local and regional destination and establish a major presence for public transit in Silicon Valley. We think the DSAP

sets a promising beginning framework for taking advantage of this unique opportunity. However, there are elements of the plan that could be improved or moved forward. In this letter we focus on components of the DSAP and the DPEIR that could be strengthened and/or that deserve special attention as the plan enters the implementation phase. Our comments are broken into three sections: quality local jobs, affordable housing and displacement prevention, and land use/transportation.

Response U.1: This comment expresses the opinion of the commenter regarding the improvements and implementation of elements of the DSAP. Please refer to comments and responses U.2 through U.5 below for the responses to the specific comments.

Comment U.2:

Quality Local Jobs:

The DSAP could be strengthened by including strategies or policies to increase local hiring, job quality, and economic opportunities generated by development in the Diridon area. While the Envision San Jose 2040 Plan¹ and the Diridon Station Area Good Neighbor Committee recommendations² both prioritize creating self-sustaining jobs for local residents, currently there is *no explicit strategy or policies* within the DSAP to promote access to quality employment opportunities for local residents, despite the substantial scale of development envisioned for the Diridon area. The environmental impacts of having no such strategy - while difficult to study in an EIR - are not insignificant. The creation of low-wage jobs and jobs inaccessible to local residents increase traffic and greenhouse gas emissions, due to workers commuting in from outside the area. In 2008, for example, non-local construction workers employed in Santa Clara County cumulatively drove over 1 million miles per day to and from work.

If the work done by these non-local workers was instead performed by local residents with shorter commutes, the estimated savings would be 123,619,000 miles per year.³

The amount of development anticipated in the Diridon area build out will have a significant impact on the local labor market, employment opportunities, and economic well-being. If done well, these projects can serve as an important driver of economic growth and quality job creation in our community. Conversely, development that creates and proliferates substandard jobs, at which workers do not achieve financial self-sufficiency, is far less valuable to the community, hampers economic growth, and places additional burdens on the city to provide affordable housing and social services for these workers. It is in the public interest, therefore, to promote and encourage the creation of jobs accessible to local residents, which provide area standard wages enabling employees to achieve financial self-sufficiency.

Implementation of the Diridon Plan should include the development of strategies to promote and prioritize quality job opportunities for local residents. Such strategies could include:

- Encouraging developers in the Diridon area to coordinate with Work2Future to link economic development to workforce development and programs that assist local youth and disadvantaged residents in gaining access to construction careers and other job opportunities.
- Encouraging developers of projects receiving entitlements from the city to pay area standard wages to construction workers employed on projects in the Diridon Station Area.
- Exploring model approaches the city can use to proactively attract the kinds of development that offer sustainable wages and career opportunities.

- Encouraging developers, owners and occupants of projects in the Diridon area to meet a goal for employment of local residents and utilization of local businesses in construction contracting and in the permanent workforce and supplier and contract opportunities created by development and use of the site.
- Encouraging owners and occupants of major projects receiving entitlements from the City to pay a livable wage to the permanent workforce employed at that site, and to provide career opportunities, on the job training, work experience and/or paid internship opportunities for local youth and disadvantaged individuals.

Response U.2: The comment is noted. These comments pertain to the implementation of the Plan and do not refer to the analysis in the PEIR. The proposed distribution of the DSAP development is intended to increase the residential population living in proximity to Diridon Station while maintaining areas for employment-oriented development.

The comment states that the implementation of the Diridon Plan should include the development of strategies to promote and prioritize quality job opportunities for local residents and includes possible strategies. These strategies can be considered during the development permit phase for projects located within the Plan area.

Comment U.3:

Affordable Housing and Displacement Prevention:

The DSAP includes a thoughtful analysis of affordable housing needs and establishes a policy goal that a minimum of 15% of the homes developed in the Diridon area should be affordable to low- and moderate income households. Given the growing number of individuals and families in need of below market rate homes and the elevated value and importance of ensuring affordability in transit rich areas we encourage the DSAP to adopt a higher affordable housing goal (20%). However, as the city understands well, the loss of redevelopment funding, the Governor's veto of AB1229 and other changes to the affordable housing landscape have made this goal more difficult to achieve.

To ensure an inclusive, diverse community at Diridon, San Jose must be dedicated to adopting a strong policy response to the loss of these tools.

Whereas the DSAP includes a strong emphasis on developing mechanisms to address displacement of low-income residents, the DPEIR fails to adequately discuss the full impacts of potential displacement. Section 4.15.3.3 (page 379) of the DPEIR observes that implementation of the DSAP could displace a portion of the approximately 1,430 existing residents in the Plan area. It acknowledges that new housing may be more expensive for displaced residents trying to relocate within the plan area. However, the DPEIR seems to assume that this potential impact would be mitigated simply because the plan has a 15% affordable housing goal. There is no analysis of what the displacement impact would be if this 15% goal is not met. And, the DPEIR fails to study the impact of various levels of affordable housing that could be included in the plan, both in terms of the depth of affordability as well as the total percentage of affordable homes within the DSAP.

As the draft DSAP indicates, currently the Diridon area is more income diverse than the city overall; 78% of households are renters compared to 42% citywide and the median household income in the Diridon area is substantially lower than the citywide median income (DSAP, pg. 2-154). The Diridon area will be benefiting from a multi-billion dollar public investment in transit, all income

levels should have access to and benefit from these public amenities. But given the constrained regional and local housing market, rising property values and development pressure will make affordability and displacement a big challenge in this community. It is critical that we don't push out from this area, the families and seniors who would benefit most from the amenities envisioned for Diridon. Tools will need to be put in place to ensure the low-income families and seniors are not left out.

The DSAP does outline several potential financing tools to meet Diridon affordable housing goals. As the DSAP moves into the implementation phase, explicit policies to ensure affordability within the Diridon plan must now be developed and implemented. Such policies could include: a) enacting a citywide housing impact fee and requiring that fees generated from market rate residential development in the Diridon area should stay within Diridon to build affordable projects, b) creating a mechanism to capture a portion of increasing land values through the rezoning process to provide funding for affordable homes to prevent displacement of low income residents.

Response U.3: The comment is noted. Please refer to Master Response #6 and the extensive responses to comments contained in Letter P from Public Advocates.

Comment U.4:

Land Use/Transportation

The Diridon Station anticipates a tenfold increase in transit ridership as a result of transit system expansion and the full build out of the Diridon area. Achieving these lofty ridership targets and moving towards the laudable and ambitious mode shift goals outlined in the 2040 General Plan will not happen simply by building out the plan alone. It will require a commitment to high-intensity development (particularly in the central area), emphasis on quality transit- and pedestrian-friendly design, and an ongoing dedication to prioritizing non-automobile modes. With these thoughts in mind, we have the following comments:

- Given Diridon's role as a regional transit center, the overall level of development proposed in the DSAP is appropriate and should be ensured by increasing minimum allowable densities (floor area ratios) in the central zone. A dense mix of uses through the Diridon area is needed to support transit, walkability, and placemaking goals. The lower intensity alternatives studied in the DPEIR fall short of meeting these goals.
- VTA, Caltrain and other transit agencies should be very closely integrated with the planning and implementation of the DSAP in order to maximize quality design and provide well-coordinated frequent transit service. For example, the El Camino and Stevens Creek/San Carlos Bus Rapid Transit (BRT) system planning efforts should be more explicitly incorporated into the planning for the Diridon area to ensure effective integration of these important projects into the overall vision for the Station Area. Pedestrian connections between the BRT stops and the Diridon Station need to be safe and convenient and the BRT systems themselves should be designed to prioritize the reliability and speed of the transit.

Response U.4: The comment is noted. Please refer to Master Response #7 for a discussion of the Reduced Scale Alternative, and Responses R.1 and S.3.

Comment U.5:

The Diridon area should adopt a progressive parking and transportation demand management program that effectively encourages alternative modes of transportation and incorporates shared, unbundled and reduced parking policies.

Thank you for your consideration of these comments. We look forward to continuing to work with the city and other stakeholders to ensure the Diridon Station Area can meet its substantial potential.

Response U.5: The next phase of the DSAP planning process will include preparation of a Transportation Demand Management (TDM) Plan. Please refer to Master Response #2 regarding the TDM Plan and the formation of a Transportation Management Association (TMA). This comment does not refer to the environmental impacts of the project or conclusions of the PEIR; therefore, no further response is required.

V. RESPONSES TO COMMENTS ON THE DPEIR FROM THE SANTA CLARA VALLEY WATER DISTRICT, DATED FEBRUARY 11, 2014

Comment V.1:

The Santa Clara Valley Water District (District) has reviewed the Draft EIR (DEIR) for the Diridon Station Area Plan (DSAP), City File No. PP09-163, received by the District on December 18, 2013.

Based on our review of the DEIR submitted we have the following comments:

1. The District is pleased to see the City is recommending Los Gatos Creek be day lighted at Park Avenue, which will allow for opportunities to restore the creek to a more natural state. Additionally, this would also provide an opportunity to have the Los Gatos Creek trail continuous along the creek so that the proposed street alignment at Park Avenue could be eliminated or used in conjunction with a creek alignment.

Response V.1: This comment expresses support for the daylighting of Los Gatos Creek at Park Avenue. The Plan would not preclude this daylighting at some future date. This comment is noted.

Comment V.2:

2. The DEIR notes in multiple places that impacts to the riparian corridor will be minimized by enforcement of the City's Riparian Corridor Policy. The District strongly encourages the City to maximize the setbacks to the riparian corridor, using 100 feet where possible, though the riparian corridor policy includes various circumstances where reduced setbacks may be used, such as in-fill areas and areas in and near downtown.

In addition, the District encourages the City to also utilize the Guidelines and Standards for

Land Use Near Streams (G & S) developed by the Water Resources Protection Collaborative in which the City participated. The Guidelines and Standards include additional guidance that compliments the Riparian Corridor Policy, particularly since easy to read guide sheets are included that can be provided to developers and property owners. Of particular importance are setbacks, appropriate land uses near the riparian corridor, and use of appropriate plantings adjacent to the riparian corridor. In particular, the use of box size locally native tree species and large nursery containers for shrubs and ground cover adjacent to the riparian corridor should be avoided to protect the genetic integrity of the existing native riparian plants, and instead for areas adjacent to the riparian corridor where large container plants are desired ornamental and/or non-local natives should be used (see G & S Design Guides 2, 3, 4). Locally native riparian plant species used should be grown from Los Gatos Creek or Guadalupe River watershed stock.

3. The DEIR describes avoidance of impacts to the corridor, by following the Riparian Corridor Policy, but in some places the corridor is very small and/or degraded. As an area plan, goals and opportunities for enhancement of the riparian corridor should also be included and discussed in the DEIR. The Riparian Corridor Policy has many exceptions and minimal setbacks in downtown areas, so it is unclear what setbacks and enhancements will be required at a minimum. The DSPA should assure minimum setbacks and restoration areas.

Response V.2: The PEIR notes in Section 4.7.3.2 that, “*For specific projects adjacent to the riparian corridor, a setback would be established in accordance with the development guidelines in the Riparian Corridor Policy and GP Policy ER-2.2.*” Therefore, any development adjacent to the riparian corridor will include setbacks. Specific setbacks will be determined on a case-by-case basis taking into consideration effects to biological resources as projects come forward.

Comment V.3:

4. It appears based on various figures in the DEIR that additional pedestrian crossings (both overcrossings and undercrossings) of Los Gatos Creek and the Guadalupe River may be proposed. The document should clearly indicate which pedestrian crossings of the river and creek exist, which are proposed, and whether they are part of this project or another project. If any of these crossings are proposed as part of this project the use of District property and impacts on the creek need to be discussed and mitigation measures developed for impacts.

Response V.3: The proposed project does not include any crossings of Los Gatos Creek or the Guadalupe River. The Los Gatos Creek Trail Master Plan is described in Section 1.2.1.4 of the PEIR as a project separate from the DSAP. Figure 2-10 has also been updated, as shown in Section 4.0 of this Final PEIR.

Comment V.4:

5. Page 260 notes that Los Gatos Creek runs through City property where the fire training center is currently located. The creek is located mostly within District property adjacent to the fire training center, and the document should be revised for accuracy.

Response V.4: The text in this section of the PEIR has been revised, as shown in Section 4.0 of this Final PEIR.

Comment V.5:

6. Page 260 states the DSAP does not propose any modifications of Los Gatos Creek and the Guadalupe River except for the possible replacement of sanitary sewer siphons or new or replaced storm drain outfalls. The DEIR also states that new developments will be required to build new storm drains to meet the 10 year design storm capacity standard since the existing system is sized for smaller events. Based on this requirement it will be necessary to upgrade the outfalls in the creek and/or river.

Response V.5: The DSAP and its PEIR are program-level documents. These measures associated with upgrades to the stormwater system will be considered once actual development projects are proposed.

Comment V.6:

Additionally, the DEIR states on page 61 the DSAP proposes the "North Railroad Trail" which appears to require a new crossing of the Guadalupe River that will impact the river. Please clarify and modify the discussion of impacts to the creek and river for consistency.

Response V.6: The comment is noted. The North Railroad Trail has been removed from Figure 2-10 of the PEIR - Existing and Proposed Bicycle and Trail Facilities.

Comment V.7:

7. Pages 270 notes that for "minor" work in the creek or river additional measure may be required by regulatory agencies to project special status fish that may be present. It is unclear why this measure specifies only "minor" work as all work within the creek/river is subject to regulatory permitting that may require additional measures to protect special status species.

Response V.7: The PEIR defines minor work as "modification of outfalls." The DSAP and its PEIR are program-level documents. The additional measures required in compliance with local, state, and federal regulations for minor work that may occur within the creek/river channel will be considered once actual development projects are proposed.

Comment V.8:

8. The discussion of stormwater drainage on page 286 notes that the Howard Street/West Julian Street outfall is in disrepair, but still functioning and not listed for repair/replacement in the City's Storm Sewer Capital Improvement Program. Please note the District has been in discussions with the City regarding the upsizing and replacement this outfall in the near future as part of the proposed Autumn Parkway improvement project.

Response V.8: The text in this section of the PEIR has been revised, as shown in Section 4.0 of this Final PEIR. Environmental impacts of Autumn Parkway were evaluated and disclosed in a previously certified EIR.

Comment V.9:

9. The discussion of flood impacts on page 297 states that new structures will not impede flood flows, since the special flood hazard zones are not adjacent to the creek. Structures within a special flood hazard zone can impede flood flows even if not adjacent to creek, since many flood plains extend well beyond the flooding source. In this case the special flood hazard areas with the plan area are ponded areas; and therefore, there are no flowing floodwaters that will be impacted. However, placement of structures on fill within these areas, as proposed, may redirect and/or increase the depth of flooding as the fill will displace flood waters. The flood impacts discussion should be revised for clarity.

Response V.9: The text in this section of the PEIR has been revised, as shown in Section 4.0 of this Final PEIR.

Comment V.10:

10. A floodplain analysis/creek capacity study for Los Gatos Creek should be done as part of the DSAP. The current flood maps were prepared in the late 1970's using the existing conditions of that time, which is not reflective of today's condition where the channel is more vegetated and the watershed has become more developed. To illustrate the concern, during the floods of 1995, which were far from a 100 year event, the water surface in Los Gatos Creek near the Arena was lapping at the top of bank even though the current flood maps do not show any flooding from Los Gatos Creek. The current maps do include revisions based on the completed flood protection improvements on the Guadalupe River; however, Los Gatos Creek has not been improved or re-mapped based on more current conditions. An updated analysis would allow for assurances that buildings are constructed to meet existing flood conditions.

Response V.10: This comment requests completion of a floodplain analysis/creek capacity study for Los Gatos Creek as part of the DSAP project. The City will consider preparation of a report at such time as actual development is proposed that could affect flood levels within Los Gatos Creek. Since the DSAP is a program-level document, completion of a floodplain/creek capacity study is not required for the environmental analysis at this stage.

Comment V.11:

11. Pages 289 and 298 note that the plan area is located within the inundation area of Anderson dam. The DEIR should also note the area is within the inundation area for Lenihan Dam at Lexington Reservoir.

The discussion on page 298 states the "extent of inundation would be less severe than the worst-case scenario" due the District's current operating restriction at Anderson Reservoir and future improvements to the dam. The District is currently planning and designing required improvements for the dam and once completed, the reservoir can once again be operated at design operation capacity. Completion of these improvements will reduce the likelihood of a dam failure; however, the extent of inundation will remain unchanged as the storage capacity will be restored. Additionally, the area will still be subject to inundation from Lexington Dam.

Reference District File No. 29131 on further correspondence regarding this project. If you have any questions or need further information, you can reach me at (408) 630-2322.

Response V.II: The text in this section of the PEIR has been revised, as shown in Section 4.0 of this Final PEIR.

W. RESPONSES TO COMMENTS ON THE DPEIR FROM THE WILLOW GLEN NEIGHBORHOOD ASSOCIATION, NO-DATE.

Comment W.1:

The Willow Glen Neighborhood Association (WGNA) and our member's were actively and positively involved in developing the Envision San Jose 2040 General Plan and Good Neighborhood Committee and support the purpose of DSAP to integrate past and present plans into one vision that would guide future mixed use Diridon Station Area Urban Village development that is planned to take full advantage of the high level of transit connectivity.

WGNA had previous expressed concerns in our comments about Baseball Stadium (Diridon/ Arena Area) DEIR and asked for clarification regarding; the hierarchy of the multiple interrelated area plans and multiple plan layers and what takes priority and what is consistent or not consistent, and the Diridon Station Area Plan addresses many' of our concerns. The Program Environmental Impact Report (PEIR) Review uses "'tiering" to deal with environmental issues and cumulative impacts from the two previously approved San Jose Downtown Strategy 2000 based on 4 guiding principles and Envision San Jose 2040 General Plan, which establishes a vision for future population and economic growth and provision of municipal services for the City of San Jose.

We believe that a number of DSAP PEIR significant adverse environmental impacts were dismissed without adequate analysis and certain conclusions unsupported by evidence, and that some impacts and potential mitigations are inadequately evaluated in PEIR.

1) Meaningful Alternative Uses for Baseball Stadium Site and Proposed High Speed Rail Sites

WONA continues to have very serious concerns as previously expressed in our Baseball Stadium (Diridon/Arena Area) DEIR (May 3, 2006) comments that meaningful alternatives to the proposed baseball stadium must be studied and compared under the EIR, especially high rise, high density mixed-use development and multi-mode area transportation impacts and mitigations, which is an essential part of public participation in DSAP development CEQA process.

The omission of the meaningful possible alternative uses of stadium site and the review of impacts and mitigations as specified under CEQA must be done because of the very real possibility that either Major League Baseball (MLB) or San Jose voters may not approve the proposed baseball stadium. Both approvals are required prior to building the stadium. MLB has disapproved A's request and voters have twice turned down stadium approval.

Response W.1: Please refer to Master Response #5. Environmental impacts of constructing and operating the ballpark were evaluated and disclosed in a previously certified EIR prepared specifically for that purpose. The DSAP PEIR, therefore, was not intended to constitute the environmental review for the construction and operation of the ballpark, as that has already been completed.

Comment W.2:

2) Transportation and parking impacts and mitigations in DSAP, surrounding areas and south Interstate 280 to Curtner WGNA and other neighborhoods have very serious concerns about the lack of adequate transportation and parking analysis using current, not outdated or missing multi-mode information of the cumulatively considerable impacts and CEQA required mitigations that must be done for proposed extensive DSAP development and related significant increased vehicle transportation street usage, to include senior appropriate transportation; bike/trails to and from DSAP area impacts on comprehensive multi-mode Transportation Network in surrounding low income Strong Neighborhoods Initiative areas - Washington, Gardner, Burbank/Del Monte, University, etc., and the streets and highways bounded by Interstate 280 (north) to Curtner Ave. (south), South First Street/Monterey Highway (east) to Southwest Expressway (west) including Almaden Expressway, Vine, Bird, Coe, Willow, Lincoln, Meridian, and neighborhood cut thru streets.

Population growth, correlating vehicle emissions, alternative transportation methods, and movement to electric vehicles should be estimated and shown to be in compliance with the Greenprint.

This additional CEOA analysis of impacts using current, not outdated or missing, multi-mode information and mitigations must also be done for the possible alternative uses of stadium site.

Response W.2: This comment suggests requirements of the Plan pertaining to pedestrian and bicycle routes and facilities within the DSAP area. As described in Section 2.3.2.1 of the PEIR, the DSAP proposes a range of transportation improvement strategies that are intended to maximize the efficiency, safety, and connectivity of the circulation system. The strategies are summarized in Table 2-4 and emphasize increasing access and mobility for alternative modes of transportation, including pedestrian and bicycle. The DSAP and its PEIR are program-level planning documents. The specific pedestrian and bicycle transportation strategies will be considered once actual development projects are proposed. Please refer to Master Response #4 for a discussion of bicycle and pedestrian improvements associated with the Autumn Parkway project.

Comment W.3:

3) Tamien Station Area Development Impact and Mitigations on DSAP and surrounding areas

Council has apparently given direction to Planning to not study or consider any environmental impacts or mitigations in DSAP area from the Tamien Station Area (TSA) development. TSA has the only existing and recent VTA (acting as developer) proposed but unfiled high-density housing development, without the other required mitigating live-work or walkable elements (jobs, stores, parks, pedestrian, bike, etc.) of a well-designed Transit Station/Urban Village development.

VTA proposed at the December 2, 2013 Preliminary Community Meeting a high-density housing development on vacant land and existing CalTrain parking lot on Lick Ave., and clearly told neighborhoods that VTA would not be building replacement parking. At a later meeting, VTA indicated they would further study the issues raised at the December 2 Community Meeting.

WGNA respectfully disagrees with Council and believes that DSAP and TSA will have significant unstudied adverse environmental and transportation impacts and needs mitigations because Diridon and Tamien are the only Light Rail/CalTrain stations in San Jose; if VTA proposals are approved, current Tamien Station users and proposed new residents will use neighborhood streets and highways to go to Diridon Station for CalTrain/Light Rail unless TSA is developed within a reasonable timeframe with all required mitigating live-work and walkable elements of a well-designed Transit Station/Urban Village development.

Response W.3: VTA's proposed development at Tamien Station is still in the preliminary planning stages. As of late March 2014, VTA has not submitted any applications to the City for environmental or planning review. The Tamien Station Area Specific Plan was approved by City Council in March 1995, and program-level environmental review for the Tamien Station Area was conducted at that time. The DSAP PEIR tiers off the *Envision San José 2040 General Plan* PEIR, particularly for the evaluation of cumulative impacts resulting from potential development on sites near the Diridon Station Area. The *Envision San José 2040 General Plan* PEIR analyzed cumulative impacts from potential development in the Tamien Station Area and five other Specific Plans. Project-level impacts from the Tamien Station development will be analyzed when an application is submitted to the City for review for that development, and will include the proposed build-out of DSAP as a background condition if DSAP is approved.

Comment W.4:

4) WGNA, many other neighborhoods, community groups and city staff have expressed multiple times in public meetings that the previous Council's 2000-2006 rezoning of about 1,400 acres of employment lands (commercial and retail) to residential uses ignored the General Plan 2020's clear guidance, " it is critical to consider the fiscal implications of new growth," and " . . . the community's tax base is weak and may be unable to support adequate levels of urban services," which negatively affected San Jose's historical low jobs/housing balance and resulted in many significant multiple-year budget deficits due to "limited revenues to pay for these services." And many believe 1,400 acres of rezoning had non-General Plan significant CEQA cumulatively considerable impacts that needed mitigation's that may not have been studied, or were only recently studied in *Envision San José 2040 General Plan*.

General Plan 2020 - II Background for Planning - Jobs and Housing pages 19-21

The concept of a balance between the number of jobs and resident workers (generally referred to as the "jobs and housing balance") is integral to this General Plan and to an understanding of the regional urban setting. The jobs/housing balance is the relationship between the number of jobs provided by a community and the number of housing units needed to house the workers in those jobs. The best measure of jobs/ housing balance is the jobs/employed resident ratio; a ratio of 1.00 indicates that there is a numeric balance between the number of jobs and the number of employed residents in a community. A ratio of less than 1.00 indicates that a community is "job poor" and that its economic development has not kept pace with its housing growth. Typically this implies that the community's tax base is weak and may be unable to support adequate levels of urban services.

Response W.4: This comment expresses the opinion of the commenter regarding the jobs/housing balance in San Jose. The 2040 General Plan would allow for a substantial increase in jobs above ABAG's projection for 2035, in order to support the City's goals of economic sustainability. By 2035, San José could have 1.3 jobs per employed resident, which is a substantial change beyond the existing 0.8 to 1 ratio. It is expected that the DSAP will contribute to increasing jobs in the City; however, the project would also provide high-density residential units in proximity to transit, consistent with the General Plan. This comment does not address the environmental impacts analyzed or the conclusions of the PEIR.

Comment W.5:

Fiscal Setting on pages 22-23

"The fiscal health of San Jose is integrally linked with the City's land uses and economic development activity. Generally, industrial and commercial uses generate greater revenues and require fewer services than residential uses. As a 'bedroom community,' San Jose has significant service demands while having limited revenues to pay for these services. Figures 5 and 6 document San Jose's relatively poor per capita revenues when compared with either other large cities in California or other 'full service' cities in Santa Clara County.

"Because of the constraints imposed by State law, options for improving local government revenues are limited. For this reason, it is critical to consider the fiscal implications of new growth. A fiscal analysis completed for the San Jose 2020 General Plan process demonstrated that the location and type of new development affect the costs of providing services."

Response W.5: The comment is noted. The Envision PEIR concluded that the potential for *direct* growth inducing impacts from the 2040 General Plan is minimal because growth planned and proposed as part of the project will consist entirely of development within the City's existing Urban Growth Boundary and Urban Service Area. Like the General Plan, the DSAP does not encourage or serve development beyond what is required to serve the planned growth capacity. This comment does not address the environmental conclusions of the PEIR.

Comment W.6:

Envision San Jose 2040 General Plan was developed with neighborhood and community input, and with significant emphasis on achieving the planned minimum "jobs and housing balance" that has never been previously achieved because housing development has always exceeded the job development needed for a strong community tax base able to support adequate levels of urban city services.

Many San Jose neighborhoods and community groups are very concerned that recent public calls for more market rate and affordable housing by community groups and business community with political pressure on Council will result in more rezoning employment lands to residential without considering the future fiscal implications of new growth ~as has occurred in 2000-2006.

Additional housing without the required additional jobs and tax revenues to support adequate levels of public safety, transportation infrastructure, increase of the currently understaffed (25-30% vacancies) Planning Department to implement planning reviews, monitor CEQA mitigations, and support other essential city critical staff and services will make San Jose quality of life further deteriorate and cause needed business and jobs and their tax revenues to leave for other cities and states.

Response W.6: The comment is noted. The DSAP includes both jobs and housing, consistent with the *Envision San José 2040 General Plan*. Any changes to the General Plan Land Use and/or Zoning designations of property within the Station Area will be reviewed for consistency with the development capacity and goals in the DSAP. This comment does not address the environmental impacts of the project or the conclusions of the PEIR.