

DEPARTMENT OF TRANSPORTATION

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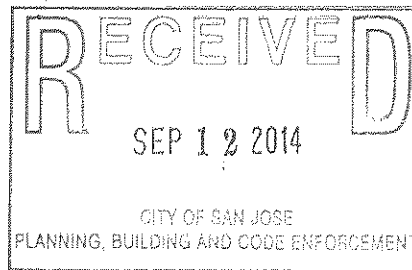
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September 8, 2014



SCL101942
SCL/101/PM 39.1
SCH# 2013122053

Ms. Rebekah Ross
Planning Division
City of San Jose
200 E. Santa Clara Street, Tower 3
San Jose, CA 95113

Dear Ms. Ross:

Bay 101 Casino and Mixed-Use Project – First Amendment to the Draft Environmental Impact Report (FEIR)

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 FEIR and have the following comments to offer.

RESPONSE B-1: *As detailed in Section 3.2, Transportation of the EIR, the proposed project site is located within the North San Jose Development Policy (NSJDP) area and is consistent with the NSJDP. As described in Section 1.2, Tiering of Environmental Review, the Bay 101 Casino and Mixed Use Project EIR tiers off of two prior program EIRs, the 2005 NSJ FPEIR and the 2011 Envision 2040 General Plan FPEIR. The 2005 NSJ FPEIR included a TIA that evaluated traffic impacts at 220 study intersections, and the trips that would be generated from the project site (under either the card club or office scenarios) were accounted for in the comprehensive TIA prepared for NSJ. Level of Service (LOS) impacts on local intersections and freeway segments resulting from the NSJDP were found to be significant and unavoidable despite the incorporation of mitigation measures via the NSJ Final Program EIR (FPEIR). As a result, the City Council in 2005 adopted a statement of overriding consideration in connection with the NSJ transportation impacts in accordance with CEQA Guidelines Section 15093.*

The development and trip capacity available for card club and office uses is drawn from the pool of development capacity included in the NSJDP. Commercial uses such as the proposed project potentially draw substantial numbers of people from outside of the NSJDP area, thereby contributing to regional traffic levels, and are thus subject to NSJ Traffic Impact Fees. These fees are be used to fund construction of a series of transportation improvements identified in the 2005 NSJ FPEIR. Even with these prescribed improvements for the North San Jose Area, traffic impacts from build-out (including the subject site with card club or office uses) of the NSJDP

area at some locations would remain significant and unavoidable; as noted above the City Council in 2005 adopted a statement of overriding considerations for this impact.

Reply to Response B-1: Caltrans commends the City of San Jose's (City) in its commitment to making "fee payments based on trip equivalency calculations", in order to mitigate for this project's traffic impacts. Caltrans encourages the City to consider other mitigation options that would allow the City to ensure that direct and indirect traffic impacts, as well as the contribution to cumulative traffic impacts, from the project are mitigated to the extent feasible. For example, the City can negotiate a co-operative agreement with Caltrans or other agencies where the City agrees to make a fair share contribution towards improvements that the applicable agencies agree to implement in a timely manner. Also, the Santa Clara Valley Transportation Agency (VTA) already has a voluntary contribution program in place into which this project could make a fair share contribution.

RESPONSE B-3: *The comment requests study of six intersections of freeway ramps and city streets. The four following intersections were among the 220 included as study intersections in the NSJDP Traffic Impact Analysis and FPEIR:*

- *North First Street/Brokaw Road*
- *US 101/Brokaw Road*
- *North First Street/I-880*
- *Airport Parkway/Old Bayshore Highway (includes US 101 off-ramp)*

Any intersections (e.g. Skyport Drive/SR 87 on-ramps and off-ramps) not included in the TIA prepared for the NSJDP Update were 'screened' out because the scale of development envisioned in the plan would not generate enough trips to potentially affect the LOS at those locations.

North First Street/US 101 is not an intersection. There are two ramps from First Street to NB US 101, but neither one is an intersection. The ramps split off from the right side lane.

The proposed project would draw from the development pool and associated vehicle trips included as part of the NSJ FPEIR, therefore additional intersection LOS analysis is not needed.

Reply to Response B-3: This project will produce more left turn traffic on the northbound (NB) U.S. Highway (U.S.) 101 off-ramp at the East Brokaw Road intersection, which would queue back onto U.S. 101. A focused traffic study of this ramp should be conducted to determine the traffic safety impacts posed by this proposed project.

RESPONSE B-7: *Adding ramp meters to the southbound US 101/North 4th Street on-ramp would not be related to mitigating any project impact and therefore is beyond the scope of the proposed private project EIR. The City is open to further discussion of this issue in the context of the planned 4th/Zanker/Skyport/US 101 interchange. The interchange is identified as a Phase 4 mitigation measure in the NSJDP and is planned to be reprioritized as a 'Phase I' improvement. Phase I improvements are anticipated to be constructed within the next five to ten years and are*

considered near-term projects. For clarification, the project proposes to convert Old Bayshore Highway to eastbound-only; Matrix Boulevard begins west of North First Street.

Reply to Response B-7: Any proposed modifications to existing on-ramps and impacts caused by the development to an existing on-ramp should have provisions to include installing ramp metering. According to Caltrans Deputy Directive 35-R1, it requires that provisions for ramp metering shall be included in any project that proposes additional capacity, modification of an existing interchange, or construction of a new interchange, within the freeway corridors identified in the 2013 Ramp Metering Development Plan, regardless of funding source.

RESPONSE B-8: *This comment does not raise any environmental issues requiring further evaluation or revision in the Draft EIR. The City and project applicant will coordinate with Caltrans and VTA as appropriate to ensure compatibility between the project and the U.S. 101 Express Lanes project.*

Reply to Response B-8: Caltrans appreciates the City's willingness to cooperate with Caltrans and the VTA in coordinating on the U.S. Highway 101 Express Lane Project. Caltrans recommends the City utilize the Express Lane Project as another means to mitigate for traffic impacts along U.S. 101.

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.

Sincerely,



ERIK ALM, AICP
District Branch Chief
Local Development - Intergovernmental Review

c: Scott Morgan, State Clearinghouse
Robert Swierk, Santa Clara Valley Transportation Authority (VTA) – electronic copy
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