

Second Amendment to the Draft Environmental Impact Report

Santana Row Planned Development Rezoning

August 2015

SCH# 2013122059



PREFACE

This document, the Second Amendment to the Draft Environmental Impact Report, together with the Draft Environmental Impact Report (Draft EIR) and the First Amendment to the DEIR, constitutes the Final Environmental Impact Report (FEIR) for the Santana Row Expansion project. The Draft EIR was circulated to affected public agencies and interested parties for a 45-day review period from March 23, 2015 to May 7, 2015. This volume consists of comments received by the City of San Jose, the Lead Agency on the Draft EIR, during the public review period, responses to those comments, and revisions to the text of the Draft EIR.

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 to the public prior to consideration of the Environmental Impact Report. All documents referenced in this FEIR

are available for public review in the office of the Department of Planning, Building and Code Enforcement, 200 E. Santa Clara Street, San Jose, California, on weekdays during normal business hours.

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**SECTION 1.0 LIST OF COMMENT LETTERS RECEIVED ON THE DRAFT EIR
AFTER THE END OF THE PUBLIC CIRCULATION PERIOD**

State Agencies

California Department of Transportation, District 4

July 20, 2015

**RESPONSE TO COMMENTS FROM CALIFORNIA DEPARTMENT TRANSPORTATION,
July 20, 2015:**

Comment 1: Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

Response A3 (in part): [T]he Traffix model queuing analysis provides an over-estimation of traffic. This is because the Traffix model does not consider the intersections along Stevens Creek Boulevard are part of a coordinated system, but instead as isolated intersections operating independently. Recent field observations in the AM peak at the off-ramp and the westbound Stevens Creek Boulevard/Monroe Street intersection indicated queues of about three to five vehicles, which is shorter than the 10 vehicle queue for existing volumes in the Traffix file referenced above. This overestimate of queuing is typical of Traffix software, necessitating the use of other more accurate methods of analysis.

Reply to Response A3: In order to maintain analytical consistency, the City of San Jose (City) should continue to use the Traffix results generated for the queuing analysis for this project. The Traffix software is the analysis tool that was used from the outset of this project beginning with the Traffic Impact Analysis (TIA) Workslope by Hexagon, dated December 4, 2013, and is used by the City to analyze traffic for other projects. Also, the traffic calculation sheets for the TIA (Draft EIR, Appendix A) by Hexagon are all generated by Traffix. Caltrans considers Traffix to be a reliable modeling tool; particularly for queuing analysis, and the results of the Traffix modeling for this project are conservative.

Since the development has not been built yet and therefore its impacts on traffic cannot be observed, field observations of the Stevens Creek Boulevard/Monroe Street intersection (or any other location) will not yield any accurate, actionable information and cannot replace the results obtained by using the Traffix software. The Draft EIR indicates that there are to be negative impacts on this intersection because of the development. The City can mitigate these negative impacts by paying a fair share contribution to the Santa Clara Valley Transportation Authority's Stevens Creek Boulevard Bus Rapid Transit Study.

Response 1: The City only evaluates queuing at left-turn and right-turns and does not typically evaluate intersection queuing for through traffic along city streets. The evaluation for through traffic needs to consider up and downstream traffic conditions along the corridor. Typically, the City's Department of Transportation (DOT) looks at the corridors as a whole and provides long range solutions to improve traffic flow; projects are required to evaluate their own impacts at the intersection level per the City Level of Service Policy which includes additions to left and right-turn pockets. If level of service impacts occur, a project could add an additional through lane to mitigate significant impacts per the City's policy provided the impacted roadway is not at the capacity described in the City's General Plan 2040. In this case, the Stevens Creek Corridor was evaluated and improved as part of the I-

880 Stevens Interchange project and Stevens Creek is widened to its desired capacity. The Traffic calculation is used to determine level of service and overall intersection operations which includes the through volumes. If queuing for left or right-turn demand is evaluated, the City relies on Poisson Distribution or similar methodology.

As discussed in the Draft EIR, the Stevens Creek Boulevard/Monroe Street intersection is built out and there are no additional improvements that can be made. As such, the project is proposing to add the intersection to the City's list of protected intersections under City Council Policy 5-3.

Under CEQA, fair share traffic fees are only considered mitigation if there is a specific identified improvement which has been fully designed and has environmental clearance. In addition, a funding mechanism must be established. The fees would then be used to implement the identified improvement. CEQA does not allow the payment of fees for studies to be counted as mitigation as there is no identified measures that could result in a quantifiable decrease in delay or trips and no guarantee that any improvement would occur.

Comment 2: *Response A4 (in part): The mitigation for freeway impacts is increased capacity in the form of additional mainline or auxiliary lanes.*

Reply to Response A4: There are other methods of mitigating impacts of the project on the Northbound (NB) I-880, I-280 to Stevens creek Boulevard (Impact: AM Peak Hour); Southbound (SB) I-880, Bascom Avenue to Stevens Creek Boulevard (Impact: AM Peak Hour); and Westbound (WB) I-280 HOV, Meridian Ave to I-880 (Impact: AM Peak Hour). Caltrans recommends three such methods: (1) Reducing the percentage of commuters that travel by single-occupancy vehicles (HOV lanes), thereby reducing the demand on the freeway segments, by employing Traffic Demand Management; (2) in order to reduce the demand that reaches the freeway through more restrictive ramp metering, restriping, and increasing the storage on the on-ramps; and (3) paying fair share contribution to the Santa Clara Valley Transportation Authority's Stevens Creek Boulevard Bus Rapid Transit study.

Response 2: The City agrees that TDM programs may result in overall reduced traffic trips. As noted in the Final EIR, the project will include a TDM program, but it has not yet been developed. Specifically, per the response to comments from the Santa Clara Valley Transportation Authority on page 12 of the First Amendment to the Draft EIR, "The primary focus of the TDM will likely be the commercial office space which has the most options for trip reductions compared to residential and retail. Future tenants of the office buildings on-site would need to establish their own programs for trip reductions based on their business model. Programs could include ride share, telecommuting, and subsidized transit. Measures that could be implemented by the project applicant include on-site shower facilities, preferential parking spaces for car/van pools, and electric vehicle changing stations. For future residential development, the project applicant could provide subsidized transit passes and parking cash-out programs. The complete TDM program will be developed with City staff pursuant to the project Conditions of Approval for each planned development permit. City staff will also determine the program necessary to monitor and enforce the required conditions." Because no formal TDM program has been approved, no trip credit can be

taken for the project. Furthermore, the aforementioned segments currently operate at LOS F under existing conditions. Project traffic would add between 1.2 to 2.1 percent additional traffic to these segments. While a TDM program would reduce the overall number of trips from the project, it is unlikely that the TDM measures would reduce the trips enough to fully mitigate the impact (i.e., reduce the projects contribution to less than 1.0 percent).

As noted above and in the Final EIR, under CEQA, fair share traffic fees are only considered mitigation if there is a specific identified improvement which has been fully designed and has environmental clearance. In addition, a funding mechanism must be established. The fees would then be used to implement the identified improvement. CEQA does not allow the payment of fees for studies to be counted as mitigation as there is no identified measures that could result in a quantifiable decrease in delay or trips and no guarantee that any improvement would occur. CEQA case law is very explicit in regards to the payment of fees as mitigation. In addition, the funding of a transit study is not a commitment to any specific course of action, and in no way increases capacity of the freeway or reduces the number of automobiles traveling on the freeway. Therefore, the study in and of itself would not mitigate the identified impacts.

Comment 3: *Response A5: The traffic analysis includes projections of traffic patterns and geometric modifications for purposes of evaluating the intersection Level of Service impacts. For the first two intersections on the list, a queuing analysis performed during construction of the I-880 interchange would not provide an accurate measurement of project queues since traffic pattern changes and excessive delay due to the interchange project would influence the results. The next four intersections were not analyzed because they are located further away from the project site and the traffic analysis did not indicate that the project would add measurable amounts of traffic to these intersections. Furthermore, queuing analysis is an operational issue and the City does not have any adopted thresholds of significance to evaluate queuing impacts.*

Please refer to Response A3 for a discussion of queuing around the I-880/Stevens Creek Boulevard off-ramps.

Reply to Response A5: Response A5 does not respond to the request for the 95th percentile queuing analysis. Please provide Caltrans with the requested queuing analysis for each listed intersection, so Caltrans may verify the determinations made by the City regarding the magnitude and extend of traffic impacts attributable to this development.

Response 3: The City respectfully disagrees with Caltrans comment. Caltrans requested queuing analysis on the following intersections:

- Monroe Street/Stevens Creek Boulevard;
- I-880 SB off-ramp/Stevens Creek Boulevard;
- Saratoga Avenue/I-280 (north);
- Saratoga Avenue/I-280 (south);
- I-280 eastbound (EB) off-ramp/Moorpark Avenue; and
- NB I-880 ramps/Stevens Creek Boulevard (future)

As noted in Response A5, queuing analyses were not completed for the last four intersections on the list because the traffic analysis did not indicate that the project would add measurable amounts of traffic to these intersections. As a result, there would be no change in the LOS or the 95th percentile queues. For the first two intersections, the queuing analysis was not completed because of the on-going interchange project, which would have skewed the results.

Comment 4: *Response A7:* The DEIR addresses the cumulative traffic impacts of the proposed project in Section 6.1.2.1. As clearly expressed on page 174 of the DEIR, Table 6.1-1 shows the results of the cumulative plus project conditions analysis. The analysis identifies a cumulatively considerable project impact at the Monroe Street/Stevens Creek Boulevard intersection. Turning movements are provided in the TIA (Appendix A of the DEIR). The analysis is based on a near-term cumulative scenario approximately five years out from the date of the TIA. Long-term cumulative traffic impacts were analyzed in the Envision San Jose 2040 General Plan FEIR.

Reply to Response A7: As stated by the City in Response A7, the EIR for this development only addressed a near-term cumulative analysis scenario of approximately five years out from the date of the TIA. A near-term cumulative scenario of five years is insufficient to fully and accurately evaluate the near- and long-term extent of this development's impacts. Table 4.2-7 of the Draft EIR shows generation of significant AM (PM) net new trips as 739 (789) vehicles per hour (vph) due to this development. Caltrans requests the City to include the turning movement traffic per study intersection under Project Only, 2035 Cumulative, and 2035 Cumulative + Project Conditions in the EIR for full disclosure of this development's traffic impacts, regardless of the *Envision San Jose 2040 General Plan*.

Response 4: The long-term cumulative analysis in the General Plan is an accurate assessment of overall traffic conditions as the project site is located within an Urban Village with specified development assumptions for all land uses. The proposed project, including the increase in office square footage, is part of the overall land use assumptions in the General Plan analysis and the City believes this analysis to be appropriate in determining long-term cumulative impacts. For this reason, only the project specific near-term cumulative scenario was addressed in the Draft EIR.

SECTION 4.0 REVISIONS TO THE TEXT OF THE DRAFT EIR

The following section contains revisions/additions to the text of the *Draft Environmental Impact Report, Santana Row Project*, dated March 2015. Revised or new language is underlined>. All deletions are shown with a line through the text.

Appendix A: Table 5 will be **REPLACED** with the follow table (as explained in Attachment 1):

Land Use	Size	Daily Trip Rate	Daily Trips	AM Peak Hour							PM Peak Hour							
				Pk-Hr %	Internal Red.	Splits		Trips			Pk-Hr %	Internal Red.	Splits		Trips			
						In	Out	In	Out	Total			In	Out	In	Out	Total	
Proposed Land Uses																		
Parcel 9 & 17 Office /a/	510,000 s.f.	510	11.00	5,610	14%		88%	12%	691	94	785	14%		17%	83%	133	652	785
Mixed-Used Reductions /b/				-168		3%			-21	-3	-24		13%			-17	-85	-102
			Sub-Total	5,442					670	91	761					116	567	683
Movie Theater /a/	7 screens	7	154.00	1,078	0%		0%	0%	0	0	0	12.4%		60%	40%	80	54	134
Mixed-Used Reductions /b/				-129		12%			0	0	0		12%			-10	-6	-16
			Sub-Total	949					0	0	0					70	48	118
Hotel Rooms /a/	6 rooms	6	9.00	54	8%		60%	40%	2	2	4	9%		60%	40%	3	2	5
Mixed-Used Reductions /b/				-6		12%			0	0	0		12%			0	0	0
			Sub-Total	48					2	2	4					3	2	5
47 Apartment Units	47 units	47	6.00	282	10%		35%	65%	10	18	28	10%		65%	35%	18	10	28
Mixed-Used Reductions /b/				-28		10%			-1	-2	-3		38%			-7	-4	-11
			Total Existing Project Trips	254					9	16	25					11	6	17
			Total Proposed Project Trips	6,438					672	93	765					189	617	806
Existing Land Uses																		
Dudley Apartments	47 units	-47	6.00	-282	10%		35%	65%	-10	-18	-28	10%		65%	35%	-18	-10	-28
Mixed-Used Reductions /b/				28		10%			1	2	3		38%			7	4	11
			Total Existing Project Trips	-254					-9	-16	-25					-11	-6	-17
			Net Project Trips	6,184					663	77	739					178	611	789

/a/ City of San Jose Traffic Impact Analysis Handbook: Volume 1 - Methodologies and Requirements, 2009.

/b/ Mixed-use reductions estimated based on ITE mixed-used reduction methodology, ITE Trip Generation Handbook.

Appendix A: Table 8 will be **REPLACED** with the following table (as explained in Attachment 1):

Land Use	Size	Daily Trip Rate	Daily Trips	AM Peak Hour							PM Peak Hour							
				Pk-Hr %	Internal Red.	Splits		Trips			Pk-Hr %	Internal Red.	Splits		Trips			
						In	Out	In	Out	Total			In	Out	In	Out	Total	
Proposed Land Uses																		
Parcel 9 & 17 Office /a/	510,000 s.f.	510	11.00	5,610	14%		88%	12%	691	94	785	14%		17%	83%	133	652	785
Mixed-Used Reductions /b/				-168		3%			-21	-3	-24		13%			-17	-85	-102
			Sub-Total	5,442					670	91	761					116	567	683
Movie Theater /a/	7 screens	7	154.00	1,078	0%		0%	0%	0	0	0	12.4%		60%	40%	80	54	134
Mixed-Used Reductions /b/				-129		12%			0	0	0		12%			-10	-6	-16
			Sub-Total	949					0	0	0					70	48	118
Hotel Rooms /a/	6 rooms	6	9.00	54	8%		60%	40%	2	2	4	9%		60%	40%	3	2	5
Mixed-Used Reductions /b/				-6		12%			0	0	0		12%			0	0	0
			Sub-Total	48					2	2	4					3	2	5
47 Apartment Units	47 units	47	6.00	282	10%		35%	65%	10	18	28	10%		65%	35%	18	10	28
Mixed-Used Reductions /b/				-28		10%			-1	-2	-3		38%			-7	-4	-11
			Sub-Total	254					9	16	25					11	6	17
Total Proposed Project Trips				6,692					681	109	790					200	623	823
Existing/Approved Land Uses																		
Dudley Apartments	47 units	-47	6.00	-282	10%		35%	65%	-10	-18	-28	10%		65%	35%	-18	-10	-28
Mixed-Used Reductions /b/				28		10%			1	2	3		38%			7	4	11
			Sub-Total	-254					-9	-16	-25					-11	-6	-17
Lot 17 Approved Office	69,491 s.f.	-69.5	11.00	-764	14%		88%	12%	-94	-13	-107	14%		17%	83%	-18	-89	-107
Mixed-Used Reductions /b/				23		3%			3	0	3		13%			2	12	14
			Sub-Total	-741					-91	-13	-104					-16	-77	-93
Total Existing/Approved Project Trips				-995					-100	-29	-129					-27	-83	-110
Net Project Trips				5,698					581	80	661					173	540	713
/a/ City of San Jose Traffic Impact Analysis Handbook: Volume 1 - Methodologies and Requirements, 2009.																		
/b/ Mixed-use reductions estimated based on ITE mixed-used reduction methodology, ITE Trip Generation Handbook.																		

SECTION 5.0 COPIES OF COMMENT LETTERS RECEIVED ON THE DRAFT EIR
