

Appendix B

Responses to Comments Received on the Notice of Preparation

The City circulated a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for a 30-day period that ended on May 31, 2018. During the NOP circulation period, the City held scoping meetings in the project area on May 17 and 21, 2018, at which the City requested attendees to provide input regarding the scope and content of the studies to be included in the EIR.

In response to the scoping process, the City received 53 written comments, all of which are responded to in this section. A copy of each comment is contained in Appendix C.

The reader will note that some responses to comments are limited to acknowledging the comment. This response is made where the comment pertains to issues other than environmental impacts under CEQA. For example, if a comment expresses an opinion about the merits of the project itself, the response is to note and acknowledge that comment for the record.

Note: Comments are listed and responded to in alphabetical order.
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1. Olivia Amorim

Comment 1.1: I'm sending concerns regarding the Charcot Extension Project.

- Safety - More traffic means more cars traveled in this area. It's already bad enough with the oil rigs and tankers blasting very fast on our roads (Oakland and Fox), now to allow even more passing through.
- The extension/overpass is right next to the 5/6th grade pod which is dangerous if there is an accident. What happens if cars collide and come through or into the school? What barrier is there to prevent this from EVER happening? If even just once, that's way too many.
- Construction - IF this project happens, can they do construction during off peak hours, or after 3pm? The congestion and huge inconvenience of noise, pollution, debris, etc will just add more unfavorable conditions for all.
- Environment - we don't want the gas and smog to fill the school area for children to breathe with the tankers, trucks and cars that will be constantly passing through. Have JD Power and Assoc. take this into account when doing the environmental studies. I also believe they should physically stand outside to truly observe all of the congestion, traffic and children that already occur around the school. Adding to it with this project will make things 1000X worse.
- Property Value - the value of our homes will now go down. What a sore spot to live near a busy, noisy overpass/road. Not many would feel safe in raising a family or sending their children to school in this area.
- Additional traffic will now be coming in from surrounding cities - from Milpitas, other areas of San Jose and Santa Clara. We DON'T want this here!!!!

I, and everyone that I know in this area and at the school oppose this project. It doesn't make common sense to continue with it. These are children we are talking about - the next generation. There's already a shortage of good schools as it is - please preserve the environment for this one.

Response 1.1: This comment states the opinion that the project should not be constructed for the reasons enumerated above. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

For the portions of this comment that have traffic and air quality-related questions, please see Sections 3.17 and 3.3, respectively.

2. Name: Stacy Amorim

Comment 2.1: I'm the parent of 2 children who attend Orchard School and have participated in the meetings that have been held for the Charcot Extension Project. My husband, family, and neighbors have many concerns.

- Pollution, noise and congestion during time of construction - along with the noise and congestion that will still occur after the project is done.
- When conducting environmental studies, these people should actually stand outside to witness how fast cars go, how many children and people cross and use these streets and observe how congested it already is. Forget using software programs - being there live to experience is a whole other thing. You may not live there or have children who attend school here, but WE do and pay our taxes to the city like everyone else - but not in support of projects like this!
- Safety - More traffic means more cars traveled in this area. It's already bad enough with the oil rigs and tankers blasting very fast on our roads (Oakland and Fox), now to allow even more passing through? This is just unsafe, period.
- Speed limit - he said no more than 35mph but the week before he said 40mph.
- The extension/overpass is right next to the 5/6th grade pod which is dangerous if there is an accident. What happens if cars collide and come through or into the school? What barrier is there to prevent this from EVER happening? If even just once, that's way too many.
- This will bring our property value down - who wants to live near a busy, noisy overpass/road, or feel safe in raising a family or sending their children to school in this area?
- Yes, this was approved in 1994, but much has changed since then. I (and many) just don't understand or agree with how this project is still actually viable given that there's a full-fledged school here with 900 students, not to mention other common residents nearby.

We ask that you please reconsider and stop the project.

Response 2.1: This comment states the opinion that the project should not be constructed for the reasons enumerated above. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on

the project. No further response is required as the comment does not raise any environmental issues.

3. Name: Eloisa Borlaza

Comment 3.1: Here are my concerns about this project: Rock Ave and Silkwood Ln are small streets. They became even smaller since residents of the community and the mobile homes park on both sides of the streets. They are also busy streets since employees of companies behind Silkwood Ln pass through these streets to go to work. With this project, more people will pass through these streets to get to Charcot Ave via Silkwood Ln. How are you going to mitigate the potential congestion on Rock Ave and Silkwood Ln?

Response 3.1: For a discussion of cut-through traffic, please see Section 3.17, *Transportation*.

Comment 3.2: Residences in the neighborhood especially those along Silkwood Ln are now more vulnerable to more crime since the street is very open and easily accessible to more people. This project will jeopardize the safety of our residents/our children.

Response 3.2: The City is not aware of any study that establishes a correlation between roadway construction and crime rates. In any event, this is a social impact that is not covered under CEQA.

Comment 3.3: How will you mitigate the pollution and the noise that the traffic will introduce? Noise on 880 is bad enough and now we will add more noise because of the main road that is going to be built right next to the houses on Silkwood Ln.

Response 3.3: Please see Section 3.3, *Air Quality*, and Section 3.13, *Noise*.

Comment 3.4: How will you ensure the homeless people will not live along the sides of Silkwood Ln / Charcot / Oakland Rd stretch?

Response 3.4: This is a City-wide issue that is unrelated to the proposed project.

Comment 3.5: Did you consider how this Charcot extension will affect the prices of the houses along Silkwood Ln and the rest of the community?

Response 3.5: Economic impacts are not impacts under CEQA.

Comment 3.6: If there was really a desperate need to build this Charcot extension, was building it on Fox Ln/Oakland Rd even considered? If yes, why was this idea turned down? Fox Ln is more business area and a little bit farther from the residences.

Response 3.6: Please see Section 7, *Alternatives*, for a discussion of the Fox Lane Alignment Alternative.

Comment 3.7: We are paying ridiculously high property taxes with our hard-earned money to fund city projects and yet we will be the ones suffering from this project. This project may be beneficial to other people not living in the community but is really disadvantageous to us in the community because of safety, air and noise pollution.

Response 3.7: This comment states the opinion that the project should not be constructed because of safety, noise, and air pollution impacts. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

4. Name: Martin & Aileen Bruce

Comment 4.1: How will this project protect our kids if there is an accident? Who will be responsible?

Response 4.1: The project will be constructed in compliance with current safety codes and criteria and will include features to enhance pedestrian/bicycle safety (e.g., separated bike lanes, wider sidewalks, and a pedestrian crossing signal). It is not possible to determine responsibility for an accident before the accident occurs.

5. Name: Thuy Bui

Comment 5.1: I don't agree to build a bridge that takes over the space of Orchard school.

Response 5.1: This comment states the opinion that the project should not utilize land that is part of Orchard School. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

6. Caltrans District 4

Comment 6.1: Provide information regarding the location of overcrossing structural columns across the I-880 freeway. The placement of overcrossing structural columns, near state facilities such as ramps and freeway segments, should consider (provide enough room for) future widening of said State facilities.

Response 6.1: City staff and the project's engineering team have been actively engaged with Caltrans District 4 staff on this project. The City will continue to work with Caltrans on all aspects of the bridge design and work in the I-880 right-of-way.

7. Name: Jose Campos

Comment 7.1: With Oakland Road now having to accommodate 2 turning lanes and more cars coming from the Charcot extension, has the additional traffic for this school been considered? This will leave only one access to drop off and pick up students from Orchard School.

Response 7.1: Yes, the traffic analysis shows the changes in traffic volumes due to the project on nearby roadways including Oakland Road. See Section 3.17, *Transportation*. With the project in place, the official vehicular drop-off and pick-up for the school will remain on Fox Lane. The portion of Silk Wood Lane adjacent to Orchard School is not a designated drop-off and pick-up location and is signed as a “No Stopping Any Time” zone.

8. Name: Jing Chen

Comment 8.1: It is really a bad idea to implement this extension project as the neighborhood that this project will be implemented has narrow streets! I cannot imagine how I can live there when the street is 100% full of cars.

Response 8.1: This comment states the opinion that the project should not be approved as the neighborhood has narrow streets. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

9. Name: Jeremie Dalton

Comment 9.1: What is the increased exposure and health impacts on the children at Orchard
Traffic – noise
Traffic – accidents risk
Traffic – pollution

Response 9.1: The air quality and noise impacts of the project at Orchard School are discussed in Section 3.3, *Air Quality*, and Section 3.13, *Noise*, respectively. Accident risks involving pedestrians cannot be accurately calculated because of the large number of variables involved. That said, the project has substantial pedestrian/bicycle safety features built into its design including separated bike lanes, wider sidewalks, and a pedestrian signal on Charcot at Silk Wood. In addition, in accordance with State law, the speed limit on all roads around the school, including Oakland Road and Charcot Avenue, will be 25 mph whenever children are present.

10. Name: Bet Danabar

Comment 10.1: We wanted to share our concerns about the Charcot Avenue extension project that will have a direct negative impact to our community & Orchard school. There are major safety concerns with the proposed extension because it directly cuts through our Orchard School & neighborhood where parents & children walk daily.

The two-lane street will be filled with commuters trying to avoid the current traffic that is in Brokaw Ave & Montague. Our streets cannot handle these volumes of traffic & cars which puts our school & neighborhood children in danger. Please help us keep our community safe for our children. Thank you for your time & attention to this urgent matter.

Response 10.1: This comment states the opinion that the project should not be constructed for the reasons enumerated above. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

11. Name: Melody Dejesus

Comment 11.1: Speeding will become an issue an issue. Drivers have already been seen driving faster than 25 mph on Oakland Road, near Orchard School, during peak drop off and pick up hours; 7:30 am - 3:30 pm. Speeding and inconsiderate drivers are also an issue on Fox Road, next to Orchard School. Speed bumps are needed to protect students and parents.

Response 11.1: Speeding and other violations are an enforcement issue. The City's Department of Transportation has a neighborhood traffic calming program that works with residents throughout the City to address the problems described in this comment.

12. Lineete Fuerst

Comment 12.1: As a sales specialist for an industrial supplier, I understand the need for more connectivity in our community. However, despite this being an industrial area, there are families living here, working nearby, and children who need an education. There needs to be a balance between what the immediate community needs and what the City of San Jose as a whole needs.

My biggest concern is that if the extension is built as is, there will be a huge loss to the school. The meeting informed us that the school would only lose 10 feet. However, that 10 feet is the difference between whether time and resources will be diverted away from the classroom to the reconstruction of the playground and such. The soft and hard costs could be spent on programs to benefit the children (i.e. programming, music, classroom supplies). Having the District's focus be on the reconstruction of the property will have long-term consequences on every child. This is an unnecessary waste of the community's resources on all fronts.

This superfluous use of resources is exacerbated by the fact that the only part where there are 4 lanes is right next to the school. I understand the desire for 2 lanes leaving Charcot AVE and onto Oakland RD. However, I do not get why there needs to be 2 lanes turning left onto Charcot AVE from Oakland RD. More lanes encourage people to move faster despite the speed limits. If we can just have 1 lane turning left to save the school from reconstruction, then why not? Why are we not trying to save the resources of the education system for the education of our children? Honestly, I would be okay if it was 2 lanes all the way through if it meant not taking land from Orchard Elementary School.

On top of how the road will affect the school once it is built, there is also the concern of safety during the construction. How will 2 to 3 years of exposure to the chemicals for the road effect the children as they are going through stages of rapid growth? How will the City of San Jose protect kids as young as 4 and as old as 14 from hours of exposure each day for years? There should be something in place to address this.

Then there is the safety of how the children will get to and from school from the apartments and mobile home park. During construction, how are they expected to walk around it without walking in the opposite direction first? In addition, the traffic on Oakland RD is dangerously fast. Who will monitor the safety of the students if they do cross Oakland RD to go around the construction?

Response 12.1: This comment states the opinion that the project will have multiple impacts on the health and safety of school children and that it should not be constructed if it requires right-of-way from Orchard School because of the impacts thereof. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

13. Name: Yoko Fujita

Comment 13.1: I am concerned about the safety from east to west, drivers tend to get more speed after the bridge over the I-880 due to the downward road and there will be school kids. Besides, there will be four lanes in only school area. Drivers might accelerate more to get through the traffic light and might not pay attention to kids around there. How fast do you think about the speed limit? Especially in the school area? Absolutely 25mph!! Or even less!! Right, because there will be school children. Why do you want four lanes there? It's a T-section. I think it's OK for two lanes, one for each direction. Please think the project over again. Do we really need it!!!

Response 13.1: Pursuant to state law, the speed on Charcot Avenue adjacent to the school will be limited to 25 mph whenever children are present. The four lanes on Charcot Avenue at Oakland Road are needed to accommodate the demand associated with turns at this intersection.

14. Name: Mike Huang

Comment 14.1: To alleviate traffic condition on Brokaw these is an alternative to the Charcot bridge. Please look at the joint of Gish / Old Bayshore expansion and the possibility of using a right lane on ramp from Brokaw west bound to 880 N instead of using left turn. This will eliminate a red light stop and keep 3 lanes straight. This will allow better traffic flow, minimize Milpitas traffic reroute southward and have no impact to the school, students and residents surrounding Charcot.

Response 14.1: This comment recommends an alternative roadway improvement to alleviate congestion along Brokaw Road. The suggested alternative serves to improve access to I-880 via a new ramp and improvements at Gish Road. However, improved access to I-880 is not the intent of the proposed Charcot Avenue extension. Rather, the extension aims to improve local access, generally the area surrounded by Montague Expressway, Oakland Road, and Brokaw Road, from the east and west sides of I-880. The extension will not provide access to I-880 and will have minimal effect on travel routes to and from I-880 in the area.

15. Denise Huynh

Comment 15.1: Comment: Please re-assess the current situation and put Orchard School (from K-8th grades) and nearby residents into your plan before proceeding with the Charcot overpass project. My main concerns for this project is the increase of traffic will pose dangers for the students, parents, teachers, staffs and other pedestrians, quality of life, income disadvantage, air quality, health issue, noise pollution and learning issue.

My worry is that during rush hours, if Silk Wood Lane is converted into the Charcot overpass, the increase of traffic various with types of vehicles--big delivery trucks, oil tanker truck, cars and other vehicles—will pose dangers to the parents and their children who are crossing the roads on Oakland Road, Fox Road, and Silk Wood Lane during drop off time for school due to heavy traffic, careless drivers or drivers who take short cuts.

Currently parking on the streets are already big problems. To drop off or pick up kids, parents need to arrive at school 20-30 minutes prior to school starts or ends. If the Silk Wood Lane is converted for Charcot overpass, parents would have to park further away from the school, which means they will need to come 40-50 minutes earlier. This is extra time to make sure their children safety. It may be okay for parents who stay home to take care of their kids, but what about the working parents or single parent family who has only one income? It would mean they have to adjust their work hours and maybe reduce some of their work hours to drop off and pick up their kids. This implicitly affect their lives for 9 years while their children attend Orchard School (from K-8th grades). You are talking about 450+ families because there are 900 students with an average of 2 kids per family. It is 10 months of regular school year plus 1 ½ months of summer school stressful over dropping off their kids to school and picking up their kids from school. The Charcot Overpass will affect the San Jose residents' quality of life and affect their economic situations. While the overpass will inadvertently help the Milpitas residents to improve their quality of life because this will create better access for most Milpitas residents. In addition, parents have to worry about their children's safety while they are at recess playing on the playground and at the grass area close to the street due to heavy traffic and potential accident that crash onto the school areas. They have to worry about the air quality which affects their children's long-term health while attending school from all the vehicles passing throughout the day. They have to worry about the noise pollution which affects the children's concentration while attending classes and not learnings.

I am against the project and would prefer NOT to have the overpass build. From the City of San Jose spoke person, the project was to benefit the pedestrians and the bike riders. Then the overpass should build for just that NO cars and NO Trucks access, but only for the purpose of pedestrians and bike riders.

Response 15.1: This comment states the opinion that the project should not be constructed for the reasons enumerated above. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

16. Name: Chris Johnson

Comment 16.1: Are 11-foot lanes compatible with complete streets and U2 policy? Are you doing a ped count during school year?

Response 16.1: Final lane widths along the proposed extension have yet to be determined. Travel lanes on the draft plans are presently shown at 11 feet, which is consistent with the City's Complete Streets Design Standards and Guidelines for a roadway of this type.

Pedestrian counts have been completed as part of the collection of commute peak hour traffic volumes counts during the 7-9 am and 4-6 pm periods; see Section 3.17, *Transportation*.

17. Name: Vicky Keo-Toth

Comment 17.1: The traffic around the school is already congested. People cut through McKay Drive and Oakland Road, just to get to 880, to include this will bring more traffic to the area. The school already has parking buses, during school hours (drop off / pick up). Silkwood Lane is often used as parking, what will be done to help accommodate the parking issue (especially since you will be taking away additional parking that parents use to pick up / drop off their kids?)

Response 17.1: With the project in place, the official vehicular drop-off and pick-up for the school will remain on Fox Lane. The project will not take away any parking from this area. The portion of Silk Wood Lane adjacent to Orchard School is not a designated drop-off and pick-up location and is signed as a "No Stopping Any Time" zone.

18. Kinder Morgan

Comment 18.1: This is in response to the above Notice received April 30, 2018, regarding the referenced project in the City of San Jose, Santa Clara County, California. Based on the information provided, Kinder Morgan has no facilities within the specified project area and therefore has no conflict with the proposed project.

On the attached Geospatial map, the Noticing Radius is shown in yellow highlighter and the project area is shown in green highlighter. The attached Geospatial with measurement map shows the area in feet between Charcot Avenue and our LS-16 pipeline as 1,568 feet. [Refer to Appendix C for the referenced map.]

Response 18.1: Thank you for providing this information.

19. Anson Ko

Comment 19.1: Instead of making an extension using the Silk Wood Ln from Charcot, please use Fox Ln as an extension because it is already a commercial street. It may cost more but for long term,

safety, crime, pollution, all taken into consideration. Most important is if you use Fox Ln, you get my vote on the next term.

Response 19.1: This comment states the opinion that the Fox Lane Alternative Alignment should be selected instead of Silk Wood Lane. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

20. Michael Lam

Comment 20.1: I'd like the environment impact report (EIR) of Charcot Avenue Extension Project to address the following:

school boundary impact: the report should detail exact changes to school property boundaries with to-scale image overlay of such changes. A general statement of size changes will not be sufficient.

Response 20.1: Please see the figures in Section 2.2, *Project Description*, which overlay the project footprint onto the school property.

Comment 20.2: finished air quality impact: the projected number of related ailment increase due to the extended roadway for school staff, students and for nearby residents, with classification of severity for short term and long term effects.

Construction air quality impact: the projected number of related ailment increase due to the construction of the project for school staff, students and for nearby residents, with classification of severity for short term and long term effects.

Response 20.2: The short-term and long-term air quality impacts of the project are described in Section 3.3, *Air Quality*.

Comment 20.3: finished noise impact: the projected noise pollution due to the extended roadway for school and nearby residents.

Construction noise impact: the projected noise pollution due to the construction of the project for school and nearby residents.

Response 20.3: The short-term and long-term noise impacts of the project are described in Section 3.13, *Noise*.

Comment 20.4: finished safety impact: the projected number of related injuries from traffic accidents due to the extended roadway for school staff, students and for nearby residents, with classification of severity for short term and long-term effects.

Construction safety impact: the projected number of related injuries from traffic accidents due to the extended roadway for school staff, students and for nearby residents, with classification of severity for short term and long-term effects.

Response 20.4: Because of the numerous variables that would be involved, it is not possible to accurately quantify the number of future accidents and injuries from such events due to this or any other roadway project. Such an exercise would be speculation, which is excluded under CEQA.

Comment 20.5: finished traffic impact: the projected traffic flow statistics due to the extended roadway, including streets within the nearby residential areas, with projection to longer term traffic flow caused by future development effected by the new roadway.

Response 20.5: The long-term traffic impacts of the project are described in Section 3.17, *Transportation*.

Comment 20.6: Construction traffic impact: the projected traffic flow statistics due to the construction of the project, including streets within the nearby residential areas.

Response 20.6: A Construction Management Plan will be developed prior to the start of construction. The Plan will provide details regarding the timing, staging, and durations of construction activities, including lane closures and/or detours, if applicable. The Plan will include contact information for persons to communicate problems with the City and Contractor.

Comment 20.7: finished school program impact: the projected impact to school programs, including the competitiveness of the related programs and unstructured recreational use, for the finished project. Construction school program impact: the projected impact to school programs, including the competitiveness of the related programs and unstructured recreational use, during construction of the project.

Response 20.7: Based on the analyses contained in this EIR, there is no reason to conclude that the construction of the project would result in a demonstrable degradation of the school's programs and their competitiveness. Where environmental impacts are identified, the project includes measures that will avoid or minimize the impact.

21. Name: Son Lam

Comment 21.1: Please stop building and planning. It's not safety and healthy for children in Orchard School. It will destroy the environment of children in Orchard School.

Response 21.1: This comment states the opinion that building and planning should stop as it is not safe or healthy for children attending Orchard School. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

22. Name: Hock Lim

Comment 22.1: Can you comment on additional traffic connecting Charcot using this extension coming from 87 (the other end of Charcot).

Response 22.1: Yes. The information about project-related changes in traffic volumes along all segments of Charcot Avenue is contained in Section 3.17, *Transportation*

23. Jingxian Lin

Comment 23.1: This project will mean a smaller school, more traffic, more pollution and more noise. It will separate the school from the neighborhood and put our children at risk. We cannot solve our traffic problems on the back of our children. Please stop this project and save our kids!

Response 23.1: This comment states the opinion that the project should not be constructed because of its impact on Orchard School. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

24. Linda Locke

Comment 24.1: My name is Linda Locke and I am the president of the Berryessa Citizens Advisory Council. Our Organization has been continuously active since 1973. We promote the increase quality of life in our area, and the City as a whole. We are part of San Jose Council District 4. We are deeply concerned about the East - West traffic over 880. How does the City and VTA justify cutting across the area of Orchard School where children play near Silkwood Lane? How does the City allow a school to be BUILT when they have agreed to develop a plan to widen Charcot Road? How does the City and VTA justify making children and families cross this ROAD over 880? How many safety precautions can possibly be made? How does the City and VTA think this improves the quality of life for the people of our City? We will all be affected.

Response 24.1: The City does not have approval authority over the location for a new public school. The decision to construct the school at this location was made by Orchard School District's Board of Trustees. Prior to that decision, the City advised the Board against building the school at this location due to its proximity to existing and planned roadways (Oakland Road and Charcot Avenue) and industrial businesses.

The Charcot Avenue extension has been planned in the Envision San José 2020 General Plan (approved in 1994) as a transportation improvement in the North San José Area and included as part of the Envision San José 2040 General Plan roadway network to improve transportation connectivity in the area. The purpose of extending Charcot Avenue is to improve connectivity by providing a safe multi-modal facility with east-west connection in the North San José Area. In general, the proposed project would have beneficial impacts on the level of service for existing roadways in

the project area because it would provide an alternate east-west corridor for vehicles, as well as for pedestrians and bicyclists.

25. Victoria Long

Comment 25.1: The extension would be dangerous for the school children crossing the road. You will get the traffic coming through the street at a high speed from all direction including Milpitas. Currently, Parents are dropping off and picking up the children on this road. Already, you see crazy drivers coming from Old Oakland coming through this road to turn right on Silkwood to cut through the neighborhood to get to Supermicro on Rock Ave. I have caught many times where they almost run over the children.

Do you know that there are only 2 exits for the residents to get out of their properties between Rock and Silkwood- The 2 exits are only Rock Ave and Silkwood Rd What happen in case of emergency where there are hundreds of residents trying to get out and we can only turn right into Charcot from Silkwood Ave?

Furthermore, the new residents from the home being built in Milpitas will be coming down Montague Expressway, turn into Rock and cut through the neighborhood to get to Charcot causing congestion, pollution, traffic, speeding in a residential neighborhood and to get to Supermicro. Are we doing this extension for the convenience of Milpitas Residents?

This 4 lane traffic to result in high speed, high pollution, not to mention big tanker trucks, or gasoline tanker trucks coming through the neighborhood.

Response 25.1: This comment states the opinion that the project should not be constructed for the reasons enumerated above. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

Comment 25.2: QUESTION- with your plans to improve, why are you not considering the health, safety of the residents along this street? Your plan does not include a higher retaining wall for the properties along Silkwood. What happen when you have a high speed car or tanker speeding into our wood fence?

Response 25.2: The project includes a new soundwall along Charcot Avenue adjacent to the Silk Wood Lane residential properties. Please see Section 3.13, *Noise*, for details.

26. Rozina Mahdere

Comment 26.1: By cutting the road to the school playground makes it small and not safe for our children.

Response 26.1: This comment states the opinion that the project should not utilize land that is part of the Orchard School playground. The comment is noted for the

record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

27. Name: Erin McCarthy

Comment 27.1: Cost to the school should be studied/ health hazards of building and the number of cars (pollution) and that impact on students health during and after construction. Traffic analysis will it really improve, 35 mph is too fast.

Response 27.1: Projected noise levels and emissions of pollutants are quantified in Sections 3.13 and 3.3, respectively for both the construction and operational phases of the project. The results are evaluated against standards that have been adopted for the purpose of avoiding unacceptable health risks to adjacent land uses including residences and the school. The benefits of the project with regard to traffic are discussed in Section 3.17, *Transportation*.

Comment 27.2: How many children and families will be impacted during and after construction? Please keep in mind that the district is more than 150 years old. How close will the road be to playing children or classrooms? What is the pedestrian plan during construction?

Response 27.2: It is difficult to quantify the number of persons who will be impacted during construction because the word “impacted” is not defined and could include everything from ongoing elevated noise levels to an annoyance associated with waiting for a construction vehicle to pass. This statement notwithstanding, where a construction impact can be quantified and evaluated against an adopted standard (e.g., noise and air emissions), the EIR contains those analyses. A Construction Management Plan will be developed and implemented to ensure the safety of all persons that will be affected by construction.

Comment 27.3: We have had 2 car crashes onto the field (through the wire fence) in the last year. How do we avoid that? How many trees will be cut down? Will they be replaced (multiplies)? EIR should not be completed by an entity that fiscally benefits from the construction.

Response 27.3: It is not possible to eliminate the possibility that a vehicle will crash into an adjacent land use. The City can, however, incorporate features and/or operational controls (e.g., reduced speed limits) into a project that will minimize that potential. At this location, the traffic lane will be separated from the playing field by a sidewalk and a bike lane, the latter including a 2-foot barrier. Also, please note that the project will be constructing a 6-foot soundwall along Charcot Avenue adjacent to the school’s playing field. See Section 3.13, *Noise*, for details.

Tree removal and tree replacement ratios are discussed in Section 3.1, *Aesthetics*, and Section 3.4, *Biology*. The firm that has prepared this EIR, receives payment from the City for such services, irrespective of whether the project is approved or denied. The firm will not benefit financially if the project proceeds to construction.

28. Marilou Mutuc

Comment 28.1: I'm a resident at the Hampton Park neighborhood by Rock Ave. I also have a child going to Orchard School. My family's main concern is the safety of our children and loss of one entry to the school. If the other gate by Silkwood Lane will still be available if this project is realized, I can't imagine children going through the soon-to-be very busy street. This gate is being used by most parents who dropped their children off and also when picking them up.

Response 28.1: The project includes pedestrian improvements, including a pedestrian signal, on Charcot at Silk Wood to improve access to the playground gate. The school's drop-off and pick-up facilities are located on Fox Lane. Silk Wood Lane is not a designated drop-off and pick-up location and is signed as a "No Stopping Any Time" zone.

Comment 28.2: Another thing is the loss of some play space for the children at school. I believe the road will be widened. Fox Lane, the other street, is also busy now, so this means the school will be in the middle of 2 very busy streets.

Response 28.2: The anticipated impact to the play space will be a strip of land roughly 10 feet in width along the school's northerly boundary.

Comment 28.3: Last one is about the usage of our private streets at Hampton Park to go to the Silkwood Lane route. I wonder if there's a rule to prevent public usage of private streets in this case.

Response 28.3: The City has no jurisdiction over private streets. Any restrictions on such streets would need to be worked out between private residents and their HOA.

29. Name: Ramya Nerabetla

Comment 29.1: As many orchard school parents and the neighborhood residents voiced their concerns I strongly oppose a need for this project in this area for the following reasons.

- **School Playground is the only thing we have:** Generally residential areas are supposed to be very peaceful with the communities itself surrounded by schools, parks and minimal streets to curb heavy traffic. However, if you scan through the map around the Charcot -Silk wood area, there are absolutely No parks. For the kids and parents living in that area, the school playground is their only last resort available. The charcot-silk wood project will shatter everything and make it a nightmare for the following reasons
- **Snatching the basic right of having a playground:** Unlike small towns in busy cities like San Jose where lot of commercial developments keep coming every day, a school ground is incredibly precious for the kids. That is the only place kids can be themselves and not confined to 4 walls. Taking away a portion of this basic necessity for improving traffic conditions is pointless. Choosing to shrink the kid's playground to solve an issue of the learnt/well educated isn't convincing! It will affect not only the existing students but also all the future students going to that school.

- **Polluted air:** With such busy traffic the school kids will be directly breathing polluted air all along. Over time, it could have a very adverse impact that cannot be corrected later. This project will put the kids at direct risk.
- **Noise** With a ton of traffic being introduced the teachers and the kids will have to raise their voice for daily conversations in-order to be audible.
- **Safety:** I would request your team to visit the area on Silk wood during school drop off hours. (7-8:30 am) It's a very busy place with a lot of parents dropping off their kids. Knowing that kids run around, the residents in that neighborhood are very cautious while they pass through. With a busy street this situation will completely change. There will be a lot of congestion and No safety what so ever. Safety will be a big concern for both the kids and the residents in that neighborhood.
- **Disrupt peace in the neighborhood:** The continuous noise, pollution and traffic will disrupt the existing environment in the neighborhood. No one will enjoy getting out of their house. With busy traffic/noise/pollution it will become very unsafe and no longer peaceful for them to take a small stroll around. Currently, the silk wood neighborhood is already surrounded by a lot of traffic on 3 sides. (Oakland rd, 880 and rock ave for super micro traffic). Making Silk wood lane busy as well will completely make us surrounded by traffic/noise and pollution on ALL SIDES. No place to play / walk/ relax outside, the general atmosphere around the area will change.
- **Not the best place to solve the bigger problem:** I understand the city need to solve the Traffic problem to accommodate the growing population and cars passing by on Montague and Brokaw, but Silk wood is not the best place to solve this! Montague is an expressway that runs across San Jose-Santa Clara and Sunnyvale. In few regions like Santa Clara and Sunnyvale that see much more residents and a lot more cars passing through, Montague is the only major expressway and is wide enough to accommodate everyone. Similarly, it would make more sense to expand the existing Brokaw and Montague for a better and larger impact rather than taking away the school land and building a small pass through via a residential area. Please use our Tax money efficiently. Invest in developing trails / parks and bike lanes rather than making the existing situation worse.
- It would be smarter and well appreciated if the transportation department finds to solve this traffic problem via other means instead of convincing the school and residents that it will be OK and that it is hard to mend the general plan. Kindly give it some serious thought and have our voices heard at the City council.

Response 29.1: This comment states the opinion that the project should not be constructed for the reasons enumerated above. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

30. Name: Hai Ngo

Comment 30.1: First of all, thank you for reading my comment about the street plan around Orchard Elementary School. After the scoping meeting, I do understand that the Charcot Ave extension was approved first. However, this street was approved because the school wasn't there. I think it is fair to say that: if school was one of the premises in approving process for this street,

having this street would not be approved. Now, the school is here, so the original plan for this street must be changed to fit for the environment where many children will be potentially in danger. As the last comment, from the stand point of view of an engineering, he or she will try to fix any existing problem, no matter what we tried, having so many cars, trucks or vehicles around kids is a dangerous thing to do. I hope you, as the reader to my comment, will consider cancel of this street plan because it is no longer fit our society and environment. Thank you.

Response 30.1: This comment acknowledges the fact that the Charcot Avenue Extension was approved before the school was approved. However, since the school has been built, the comment expresses the opinion that the project should not be constructed and should be removed from the General Plan. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

31. Name: Kieu Nguyen

Comment 31.1: Please don't take away a piece of land from Orchard School that my children attend because they need the space to play to regain physical and mental health to be productive. Also, I would like to ask to protect the environment and ensure that all the children around the school is safe.

Response 31.1: This comment states the opinion that the project should not utilize land that is part of Orchard School. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

32. Name: Thao Nguyen

Comment 32.1: This proposed project will create an unsafe environment for our children. I am very concerned about this.

Response 32.1: This comment states the opinion that the project will create an unsafe environment for children. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

33. Name: Son Nguyen

Comment 33.1: City next to consider alternative route thru Fox Lane. City needs to compare environment impacts (noise, air quality, traffic, etc). between Fox Lane & Silkwood Lane to see if the extension can be moved to Fox Lane.

Response 33.1: Please see Section 7, *Alternatives*, for a discussion of the Fox Lane alternative alignment.

Comment 33.2: Is there any plan to minimize traffic thru the neighborhood if Charcot extension is built? Some drivers may want to drive thru the neighborhood to get to Oakland instead of driving thru Silkwood Lane.

Response 33.2: Please see Section 3.17, *Transportation*, for a discussion of cut-through traffic.

Comment 33.3: If Charcot ext. is built is there a plan to replace the wooden wall on Silkwood Lane with more sound-proof wall?

Response 33.3: Yes. Please see Section 3.13, *Noise*, for a discussion of new soundwalls included as part of the project.

Comment 33.4: Silkwood lane will be widened up to four lanes. This will certainly bring much more noise and pollution to the neighborhood. I kind of understand that Silkwood lane needs to be 4 lanes to accommodate the 6-lane Oakland Rd. However, why Silkwood Lane can't be like Fox lane (which is only 2 lanes)? Also, how much traffic flow can be improved as the Charcot end only has 2 lanes?

Response 33.4: The Charcot Avenue extension will be a 2-lane facility except at its intersection with Oakland Road. The "extra" lanes on Charcot Avenue at Oakland Road are needed to accommodate the demand associated with turns at this intersection. Note that if Fox Lane were the chosen alignment, the lane requirements at the Fox Lane/Oakland Road intersection would be similar because the traffic demand on Fox Lane would be roughly the same as the traffic demand on Charcot Avenue.

Comment 33.5: Commuters may try to short cut to the "extended" Charcot Lane via Rock Ave and Silkwood Lane (i.e: instead of going to Charcot directly via Silkwood Lane). This will bring more traffic thru the neighborhood. Is there a consideration for some kind of blockage to minimize/cut this potential traffic flow thru the neighborhood?

Response 33.5: Please see Section 3.17, *Transportation*, for a discussion of cut-through traffic.

Comment 33.6: Current houses along the Silkwood Lane may need to be protected by some sound-proof walls. Currently, they only have wooden fences.

Response 33.6: Yes. Please see Section 3.13, *Noise*, for a discussion of new soundwalls included as part of the project.

Comment 33.7: Is there a plan to restrict speed limit and kinds of traffic that can travel on the "extended" Charcot Lane? This is a school zone in which lots of kids try to get to Orchard school via Silkwood Lane.

Response 33.7: In accordance with State law, the speed limit on all roads around the school, including Oakland Road and Charcot Avenue, will be 25 mph whenever children are present. There are no plans to prohibit certain types of traffic (e.g., trucks) on Charcot Avenue.

Comment 33.8: How far are the foots of elevated bridge to the neighborhood? If they are too close, it can bring more noise, pollution and potentially accidents to the neighborhood.

Response 33.8: The east end of the proposed bridge over I-880 would be approximately 750 feet west of the Silk Wood neighborhood.

Comment 33.9: Is there detailed research to see how much traffic flow can be improved with the Charcot extension?

Response 33.9: Yes. There is a detailed traffic analysis in Section 3.17, *Transportation*, which analyzes traffic conditions with and without the Charcot extension.

34. Orchard School Parent Teacher Association (PTA)

Comment 34.1: Comments on community outreach:

- Please in future provide On-Site Notice-Billboards
- Mailings should go to all households in the area bordered by I-880, Montague, Lundy, Brokaw
- Information in Spanish and Vietnamese should be included

Response 34.1: On-site notices are not used for a linear public improvement project such as the Charcot Extension. Mailings will continue to be sent to property owners within 1,000 feet of the proposed alignment of the Charcot Extension. Future mailers will include Spanish and Vietnamese translations.

Comment 34.2: Alternatives to examine: 1) No-Project Alternative; 2) Bike- and pedestrian-only overpass; 3) Relocating the overpass south of Brokaw from Ridder park to Junction next to Lowe's Home Improvement (this could be continued to Zanker Rd and Skyport Dr); 4) Road widening on Brokaw Rd. incl. reassessing the timing of traffic lights there (see also VTA document http://vtaorgcontent.s3-us-west1.amazonaws.com/Site_Content/EnvisionSV%20Projects%20Not%20Modeled.xlsx, page 3, #52); 5) Alignment with only 2 lanes throughout (incl. only one left turn lane from Oakland into Charcot); 6) Inclusion of additional traffic calming measures next to school (e.g. installing speed bumps along the side of the school, not allowing truck traffic, full traffic light on Silkwood/Charcot, traffic guards on Silkwood/Charcot & Oakland/Charcot, 10-foot lanes instead of 11-foot; and 7) Moving the school to a different location.

Response 34.2: The first five alternatives listed in this comment are evaluated in Section 7, *Alternatives*. Alternative #6 in this comment is not an alternative but,

rather, consists of suggested traffic calming measures that could be added to the project. These measures are evaluated as follows:

Speed Bumps: Speed bumps (or road humps) may be used on low speed, low volume residential roadways with adverse speed conditions, as defined by San José's Traffic Calming Council Policy. Charcot would not be eligible for road humps, per Council Policy, as it is not a local, residential roadway.

10-Foot Wide Lanes: A 10-foot wide traffic lane would narrow the project's footprint. However, 10-foot wide lanes are not allowed, per Caltrans design standards, which require a minimum of 11-foot wide lanes. Therefore, a width of 10 feet for the lanes would not be feasible.

Truck Ban: The City's ban on select trucks over a certain tonnage is only applicable for residential streets and is not intended for Charcot Avenue. Charcot will serve as a direct connector to numerous industrial and commercial businesses west of I-880. As such, a sign prohibiting trucks on this roadway would not be effective, as it would not legally ban local trucks from using it to access area businesses. There are no plans to ban trucks on Charcot Avenue as existing businesses along the Charcot corridor require trucks to support their daily operations.

Crossing Guards: The Adult Crossing Guard (ACG) program is managed by San Jose Police Department (SJPD) on existing roadways. A formal request for an adult crossing guard would have to be made by the school to the SJPD. The Department of Transportation (DOT) assists SJPD by conducting the required studies to assess if traffic conditions at a location warrant an adult crossing guard.

Full Traffic Signal at Silk Wood Lane/Charcot Avenue Intersection: A Signal Warrant Analysis was undertaken for this intersection under "with project" conditions. The analysis determined that a traffic signal is not warranted; see Table 5 in Appendix K for details. Note that a HAWK signal is proposed as part of the project for this location. Similar to a full traffic signal, the "red" phase of the HAWK signal requires vehicles to stop for pedestrians.

Alternative #7 is not feasible under CEQA because 1) it does not address any of the project's objectives and 2) the City has no ability to move the school because that decision is the responsibility of a different entity, the Orchard School District.

Comment 34.3: Describe traffic impact during construction and upon completion. Do an impact analysis according to Transportation Impact Policy. Will this project increase neighborhood cut-through traffic especially by trucks?

Response 34.3: The analysis in Section 3.17, *Transportation*, addresses these issues.

Comment 34.4: Describe impact on Vision Zero San José.

Response 34.4: Vision Zero is a City initiative whose goal is the elimination of traffic-related deaths. The proposed project is being designed to comply with the latest design and safety criteria. The project includes additional features such as separated bike lanes, wider sidewalks, and pedestrian traffic signals, all of which are intended to reduce accidents, thereby furthering the goals of the Vision Zero program.

Comment 34.5: Please provide a breakdown of the VMT analysis for the complete overpass as well as by transportation mode (biking, walking, car and separately for trucks).

- Throughout traffic analysis provide specific data on and impact from truck traffic.
- Impact on intersections locally (1mi radius) as well as regionally especially Montague/Oakland, Brokaw/Oakland, Montague/McCarthy, Montague/Trimble, Brokaw/Ridder Park, Murphy/Ringwood, Murphy/Lundy, Ringwood/Trade Zone, Trade Zone/Montague, Trimble/Junction, Charcot/Zanker, Charcot/1st, O’Toole/Brokaw, 880/Montague, 880/Brokaw.
- Expected amount of total traffic on Charcot by the hour and breakdown for truck traffic specifically?

Response 34.5: The above items are discussed in Section 3.17, *Transportation*.

Comment 34.6: Describe the amount of expected traffic turning into Charcot from Oakland that will make two turn lanes necessary.

Response 34.6: With the extension in place, the projected number of vehicles that will turn left from Oakland Road to Charcot Avenue in year 2025 will be as follows: 567 vehicles during the AM peak-hour and 260 vehicles in the PM peak-hour. In year 2040, these volumes will be 554 and 568 during the AM and PM peak-hours, respectively.

Comment 34.7: Describe planned speed limits along Charcot from Highway 87 to Oakland Rd as well as expected actual average speeds based on experience from similarly designed roads (i.e. down ramp with wide lanes). When describing car speed along Charcot from Highway 87 to Oakland Rd take into consideration that according to “North San José Urban Design Guidelines” Charcot from 1st to Paragon is planned as a Parkway a street that “has a more lush, vegetated character created through a combination of planted medians, generous landscaping along their street and building edges, and two lanes of traffic moving at relatively slow speeds.”

Response 34.7: As is standard practice, upon completion of the extension, the City will undertake a speed study to reevaluate speed limits along the entire length of Charcot Avenue. The speed limit on any segment will not, however, be set higher than 35 mph.

Comment 34.8: Impact on drop-off, pick-up and parking situation at the school especially Fox Ln but also Event Center on Oakland Rd and in Silkwood Ln neighborhood (more people parking further into the neighborhood and towards Rock Ave)

Response 34.8: The Charcot Avenue extension will not affect the school's access, drop-off/pick-up area, or parking supply. Any existing issues related to parking shortages at the school would be unaffected by the project and would be addressed by the School District.

Comment 34.9: Impact on surrounding residential areas, especially: a) Silkwood Ln between Rock Ave and Charcot; and b) Wayne Ave, McKay Dr, Ringwood Ave (traffic from Charcot cutting through these streets instead of going to Montague or Brokaw on Oakland).

Response 34.9: The issue of cut-through traffic is addressed in Section 3.17, *Transportation*.

Comment 34.10: Impact on traffic on Charcot overpass during construction of other planned projects in the area (e.g. Montague-Trimble-Flyover, Montague-McCarthy intersection, Brokaw widening) if they are done after overpass is constructed.

Response 34.10: There is no schedule or construction staging plans for those projects, so it would be speculative to try to estimate how much traffic – if any – would choose to use Charcot during their construction.

Comment 34.11: Impact on access to industrial businesses on Oakland especially for trucks entering those businesses.

Response 34.11: The project will not alter or close any access points for industrial businesses on Oakland Road.

Comment 34.12: Impact on Paragon Dr from taking away right turn from O'Toole to Charcot.

Response 34.12: Please see Section 3.17, *Transportation*.

Comment 34.13: Impact on railroad running through Oakland Rd from increased traffic on Oakland.

Response 34.13: There will be no impact on the railroad because, regardless of the volume of traffic on Oakland Road, trains proceed unimpeded at the crossing with protective crossing arms and flashing lights.

Comment 34.14:

- How will traffic from Fedex shipping Center on 710 Dado St, San Jose, CA 95131, USPS facility on Lundy, Amazon shipping center on 196 Montague Expy use the Charcot overpass?
- Impact from traffic coming from and going to Highway 87 (was Charcot part of the EIR for any Highway 87 expansions)?
- Impact from future traffic towards/coming from Berryessa BART Station and the potential Apple Campus
- Impact from nearby truck fueling station

Response 34.14: Vehicles to/from the listed destinations will utilize Charcot Avenue if it is a logical and convenient route for them to travel on. The City's traffic demand forecasting model accounts for all of these land uses. The model also accounts for both the existing roadway network as well as planned changes to the network. See Section 3.17 for a description of the traffic model.

Comment 34.15: Impact of 11-foot lanes instead of 10-foot lanes.

Response 34.15: As compared to 10-foot lanes, the 11-foot lanes result in a wider footprint for the roadway. This, in turn, affects the amount of right-of-way needed at certain locations.

Comment 34.16: Impact on Fox Ln from possibly needed reconfiguration of SuperMicro Loading Dock (trucks seem to currently access that loading dock through Rock and SuperMicro property but would then be diverted to Fox Ln).

Response 34.16: Per the conditions of approval in 2011 for the SuperMicro facility (Site Development Permit #HA89-039-01), the existing loading docks are a temporary facility and will be removed when the Charcot Extension is constructed. It is unknown if and where SuperMicro would replace the docks, but such a proposal would be subject to review and analysis by the City.

Comment 34.17: Are any changes planned to Oakland/Montague and Oakland/Brokaw intersections in the context of this project?

Response 34.17: No changes to these intersections are planned as part of the Charcot Avenue extension project.

Comment 34.18: Impact of large number of pedestrians crossing Charcot between 7:50 and 8:30 on the of traffic flow on Charcot.

Response 34.18: If pedestrians activate the "walk" portion of the signal cycle, traffic is held until that phase is completed. At most intersections, activating the "walk" cycle results in an increase in traffic delay, as compared to when the "walk" signal is not activated.

Comment 34.19: Did any of the previous studies incorporate the recent, plentiful (especially housing) developments in Milpitas?

Response 34.19: Yes, the travel demand model used in traffic analyses incorporates all existing and planned development in the area based on the adopted general plans of the local jurisdictions.

Comment 34.20: Will right turn from Silkwood Ln onto Charcot be possible during peak hours when traffic could be expected to be so dense that a car or truck, though allowed to turn, will not be able to actually make the turn – the right turn at this intersection especially by truck traffic also seems very dangerous to pedestrians crossing the street.

Response 34.20: Such turns will be accommodated during gaps in traffic flow. The upstream traffic signal at Oakland Road will create those gaps as it cycles through various phases.

Comment 34.21: Impact bike and pedestrian

- Describe impact on bike and pedestrians impact during construction and upon completion along all streets that will see increased traffic.
- Impact on walkability to school from the North (impact from overpass/Charcot directly as well as additional traffic on Silkwood Ln and Rock Ave) including studying the average number of people entering the school from the North.

Response 34.21: Impacts on bicyclists and pedestrians are described in Section 3.17, *Transportation*.

Comment 34.22: Impact of increased traffic on Oakland Rd on walkability to school from the South.

Response 34.22: Irrespective of traffic volumes, pedestrians will continue to use the existing sidewalks along Oakland Road.

Comment 34.23: Describe timing of planned traffic signal on Charcot given the population crossing it will to a significant part be children and elderly and impact of that on traffic flow on Charcot.

Response 34.23: The signal's timing will be set to allow sufficient time for all pedestrians to safely cross the roadway.

Comment 34.24: Impact on walkways to school during construction especially for students coming from North of the school.

Response 34.24: A Construction Management Plan will be developed and implemented to ensure the safety of all persons that will be affected by construction.

Comment 34.25: Left turn safety for bicycles on Oakland Rd (turning into and from Charcot).

Response 34.25: As with most intersections, bicyclists will have the ability to utilize the turning lanes or they can choose to utilize the crosswalks.

Comment 34.26: Bicycle and Pedestrian access to overpass on O'Toole.

Response 34.26: The overpass will include both sidewalks and separated bike lanes.

Comment 34.27: Impact on bus stops on Oakland Rd.

Response 34.27: Existing bus stops will remain. If any modifications are needed on Oakland Road near Charcot Avenue, the City will coordinate with VTA to ensure that the stops remain adequate.

Comment 34.28: Will there be crossing guards on Silkwood/Charcot and on Oakland/Charcot?

Response 34.28: Once the Charcot Extension has been completed, a request can be made to the City and Police Department for crossing guards at these locations. If the studies warrant a need, crossing guards may be placed at these locations.

Comment 34.29: Please consider standard signal at Charcot /Silkwood Ln

Response 34.29: The projected traffic volumes at this intersection do not warrant the installation of a full traffic signal. Further, no left-turns to or from Silk Wood Lane will be allowed.

Comment 34.30: What school population do you expect to walk to school on the overpass and Charcot from westward direction?

Response 34.30: Unlike traffic, the model does not provide projections of pedestrians. However, it seems unlikely that students would utilize the overpass since there are no residential areas located on the west side of I-880.

Comment 34.31: Consider people illegally stopping on Charcot to pick-up or drop-off students.

Response 34.31: Illegal stopping on streets that are posted “No Stopping” is an enforcement issue. The San Jose Police Department’s traffic unit regularly works with neighborhoods and schools to address such situations when they are requested to do so.

Comment 34.32: Impact on Bike Plan 2020.

Response 34.32: In Bike Plan 2020, bike lanes are identified for construction on Charcot Avenue between Orchard Parkway on the west and O’Toole Avenue on the east. These lanes have been constructed. The proposed bike lanes on the Charcot Avenue extension will connect to the existing bike lanes on Charcot Avenue, as well as to the existing bike lanes on Oakland Road. Bike Plan 2020 also contains “Complete Street” policies that stress the importance of designing city streets to accommodate all users including bicyclists and pedestrians. The design of the proposed extension of Charcot Avenue includes separated bike lanes, wider sidewalks, and a pedestrian signal at Silk Wood Lane, all of which are consistent with the policies in Bike Plan 2020.

Comment 34.33: Impact on General Plan 2040 policies such as:

- CD-3.2 Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the

design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.

- TR-2.7 Give priority to pedestrian improvement projects that: improve pedestrian safety; improve pedestrian access to and within the Urban Villages and other growth areas; and that improve access to parks, schools, and transit facilities.

Response 34.33: As described in Section 2.2, Project Description, a key component of the proposed project is the numerous features that are specifically designed to improve accessibility and safety for bicyclists and pedestrians. Therefore, the project is consistent with these general plan policies.

Comment 34.34: Air Quality/Pollution

- Describe pollution impact during construction and upon completion along all streets that will see increased traffic.
- Describe not only general air conditions including pollution in the Bay Area but do site specific analysis including: a) Impact outside as well as in the classrooms close to the road; b) primary wind direction; and c) seasonal effects.
- Please measure and consider especially the existing impacts of nearby pollution sources: Kinder Morgan San Jose Terminal, I-880, Train tracks, Truck fueling stations, Industrial area, as well as of increased traffic (especially from trucks).
- Consider impact given that students at the school are coming from a particularly vulnerable population.
- Consider impact given that the school has been identified as Area of Concern by BAAQMD.
- Identify impact on homes on Silkwood and other roads in the area that will see increased traffic.
- Impact of taking away trees on school grounds on pollution levels.
- Consider that the baseball field and playground is used for vigorous activity.
- Describe impact on plan Climate Smart San José.
- Describe potential mitigation measures during construction and upon completion

Response 34.34: The short-term and long-term air quality impacts of the project are addressed in Section 3.3, *Air Quality*. The analysis follows the guidelines and procedures established by BAAQMD and takes the school and its population of children into account.

Comment 34.35: Impact on General Plan 2040 policy such as EC-6.7: Do not approve land uses and development that use hazardous materials that could impact existing residences, schools, day care facilities, community or recreation centers, senior residences, or other sensitive receptors if accidentally released without the incorporation of adequate mitigation or separation buffers between uses.

Response 34.35: The project does not involve the construction of a development that would manufacture, utilize or store hazardous materials, the release of which could have the potential to affect the school and/or nearby residents.

Comment 34.36: Safety: Describe safety impact during construction and upon completion along all streets that will see increased traffic (especially Oakland, Fox, Charcot, Silkwood).

Response 34.36: A Construction Management Plan will be developed and implemented to ensure the safety of all persons that will be affected by construction. Regarding the long-term safety impacts, the project is not constructing or modifying any substandard facility that would lead to unacceptable safety risks. Note also that the traffic on Charcot Avenue adjacent to the school would be separated from the play area by a bike lane, sidewalk, and a soundwall, all of which would minimize the chance of an errant vehicle coming onto the property.

Comment 34.37: Describe setback of class rooms bordering Charcot.

Response 34.37: The classroom building for grades 4-6 is the one that will be the closest to Charcot Avenue. Based on preliminary plans, the northerly end of that building is estimated to be approximately 50 feet from the outside edge of the eastbound traffic lane on Charcot Avenue.

Comment 34.38: Consider safety of children playing on playground in case of accidents on Charcot (car crashing into school grounds as has happened before on Oakland Rd).

Response 34.38: It is not possible to eliminate the possibility that a vehicle will crash into an adjacent land use. The City can, however, incorporate features and/or operational controls (e.g., reduced speed limits) into a project that will minimize that potential. At this location, the traffic lane will be separated from the playing field by a sidewalk and a bike lane, the latter including a 2-foot barrier. Also, please note that the project will be constructing a 6-foot soundwall along Charcot Avenue adjacent to the school's playing field. See Section 3.13, *Noise*, for details.

Comment 34.39: Consider possible blocking of escape routes for school in case of disasters (e.g. chemical carrying train exploding on Oakland Rd crossing). Consider safety procedures in case of accident of truck carrying dangerous goods (gas etc.) on Charcot.

Response 34.39: The project would not block any escape routes such as along Oakland Road or Fox Lane. The extension would have the benefit of providing a third escape route option, namely westerly along Charcot Avenue. Under existing conditions, numerous trucks, including those carrying hazardous cargo, pass directly adjacent to the school each day on Oakland Road, which is a 6-lane major arterial. Each truck must comply with safety procedures. The fact that some of these trucks might use the Charcot Avenue extension would not change any safety procedures.

Comment 34.40: Impact on behavior of homelessness population nearby. Risk of junk and drug paraphernalia on and around school grounds. Risk of more frequent school lockdown situations (see recent lockdown). Pan handing during drop-off/pickup. Risk of suicides close to school on the overpass.

Response 34.40: The situations listed in this comment are not environmental impacts under CEQA. Instead, they are social issues that occur at numerous locations throughout the regions due to reasons unrelated to this project.

Comment 34.41: Look at if the school is designed as shelter in place and if the project would have any impact on that.

Response 34.41: The school's shelter-in-place procedures would not change if the project is constructed.

Comment 34.42: During heavy rains, how will water from Overpass be drained? Could it flow down to Silkwood Lane and adversely cause flooding to our playground? What safety measures will be done to prevent that?

Response 34.42: Drainage for the overpass will be designed and sized to handle runoff within the Project per City of San Jose Standards. The runoff will be contained in proposed roadway drainage systems within the City right-of-way.

Comment 34.43: Describe Street/Road Lighting plans - how many street lamps do you plan to install? Will there be road reflectors installed?

Response 34.43: Lighting will be provided as part of the Project. The roadway, pedestrian and intersection lighting for will be designed to City of San Jose standards. Roadway striping will consist of a combination of reflective pavement markers and paint.

Comment 34.44: Will the overpass be earthquake proof?

Response 34.44: The overpass will be designed to comply with the latest design and seismic safety criteria.

Comment 34.45: Please analyze relevant police reports from the area for at least the past 5 years (e.g. accident and crash data on Oakland Rd, illegal street racing in the area).

Response 34.45: The situations described in this comment are unrelated to, and would not be affected by, the extension of Charcot Avenue.

Comment 34.46: State and Federal regulation regarding School - Please consider State and Federal regulation especially regarding school site selection, minimum size of schools such as <https://www.cde.ca.gov/ls/fa/sf/schoolsiteguide.asp#Roadways>.

Response 34.46: The California Department of Education's *School Site Selection and Approval Guide* states that schools should not be sited near major roadways if impacts "adversely affect the educational program." The analyses in this EIR have determined that noise and air pollution levels will not exceed applicable thresholds.

Comment 34.47: Consider impact of project on land use on school grounds beyond right-of-way – Children can't play too close to the borders of the school/street.

Response 34.47: Children playing at the school's playfields will be prevented from accidentally running into the street by fencing and a soundwall.

Comment 34.48: Noise

- Describe noise impact during construction and upon completion along all streets that will see increased traffic.
- Describe impact to the school from (increased) traffic along Charcot, Oakland Road and Fox Ln.
- Consider noise level guidelines specific to schools.
- Evaluate noise level impact to classrooms next to the road.
- Impact of taking away existing trees on school grounds on noise levels.
- Please identify the quietest place for students to be at recess? What is the expected minimum noise level anywhere in the recess area?
- Describe potential mitigation measures during construction and upon completion.

Response 34.48: The short-term and long-term noise impacts of the project are described in Section 3.13, *Noise*. Mitigation measures are also identified, where warranted. Note that the removal of trees at the northerly boundary of the school site will not affect noise levels because the trees do not form a densely-vegetated barrier that would attenuate noise.

Comment 34.49: Biologically: Impact on trees along the baseball field. Are they part of the original orchard at this site? Describe impact of pollution on vegetation (e.g. in yards at Silkwood Ln neighborhood)

Response 34.49: The tree removal impacts of the project are described in Section 3.1, *Aesthetics*, and Section 3.4, *Biology*. The trees along the baseball field are not part of the original orchard. As evaluated in Section 3.3, *Air Quality*, emission levels associated with the project will not exceed applicable standards.

Comment 34.50: Public Services: Are there plans to expand Public Services in the area in the context of this project?

Response 34.50: There are no plans to expand public services in the context of the project.

Comment 34.51: Timing of the project: Consider delaying the overpass after other planned improvements on Montague have been finished (Trimble Flyover, McCarthy Intersection) and especially all Phase 1 improvements from the North San José Area Development Policy

Response 34.51: The timing and sequencing of all these projects are not known and will largely be affected by factors such as the availability of funding. Further, the City has no jurisdiction on Montague Expressway; improvements on that facility (e.g.,

the Trimble Flyover) will be undertaken by the County. Given these unknowns, the City cannot commit to delaying the Charcot Avenue extension until after the other Phase 1 improvements have been completed.

Comment 34.52: Consider moving playground structure first and with minimal impact on the school (e.g. during summer months) instead of after completion of overpass.

Response 34.52: If the project is approved, the City will work closely with the school's administration for the purpose of developing schedules that will minimize disruption to the school to the greatest extent practical.

Comment 34.53: Impact on homeowners: Describe the estimated loss in value to the homeowners near the project.

Response 34.53: Due to the presence of multiple factors that vary from home to home, it is not possible to accurately quantify the impact of the project on the value of a residence located in the vicinity. Some factors (e.g., noise and higher traffic volumes) can have a negative effect on home values. In other instances, improved roadway access is touted as a positive and can increase value. In any event, changes in economic value due to a project are not environmental impacts under CEQA.

Comment 34.54: Equity: Consider that the neighborhood has been identified as a Community of Concern in the Bay Area Plan 2040 by the MTC.

(http://2040.planbayarea.org/sites/default/files/2017-07/Equity_Report_PBA%202040%207-2017.pdf) and designated a "disadvantaged community" by CalEPA for the purpose of SB 535 (<https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30> & <http://oehha.maps.arcgis.com/apps/View/index.html?appid=c3e4e4e1d115468390cf61d9db83efc4>)

Response 34.54: The purpose of identifying Communities of Concern (CoCs) in the *Plan Bay Area 2040* is to highlight areas that are at greater risk than non-CoCs locations for problems associated with lack of adequate access to jobs, housing, and transportation. MTC defined CoCs as those "census tracts that have a concentration of both minority and low-income residents, or that have a concentration of low-income residents and any three or more of the following six disadvantage factors: persons with limited English proficiency, zero-vehicle households, seniors aged 75 years and over, persons with one or more disability, single-parent families, and renters paying more than 50 percent of their household income on housing." (Plan Bay Area, page 2-3.) According to the maps contained in *Plan Bay Area 2040*, a portion of the project area on the east side of I-880 is a CoC.

The proposed project would improve transportation facilities for motorists, bicyclists, and pedestrians in the area, which includes locations designated as a CoC.

Comment 34.55: Previous EIRs: Could you include any EIRs for projects in the area that included impacts from Charcot (e.g. school, Hampton Parks neighborhood, Silkwood homes, expansion of highway 87, shipping centers)?

Response 34.55: Since being added to the General Plan in 1994, all traffic analyses for projects in the greater North San Jose area and environs have included the Charcot Avenue Extension as part of the planned roadway network. Examples include the 2004 EIR for the condos located on the northside of Silk Wood Lane, the 2015 EIR for the Super Micro Project, the 2007 EIR for the San Jose Flea Market Project, the 2018 EIR for the BART Project, and various revisions to the North San Jose Development Area.

Comment 34.56: Right-of-Way: Why did the city not request for more right-of-way for the overpass from the developers of the homes on Silkwood Ln in 2005 instead of now wanting to purchase the right-of-way from the school?

Response 34.56: At the time the Silk Wood residences were reviewed and approved, the cross-section of Charcot did not envision the Complete Streets criteria and the need for additional turning lanes was not known.

Comment 34.57: Will the city require additional right-of-way during construction to store e.g. materials, heavy machinery? What impacts will that have in terms of e.g. safety, exercise space and pollution impact for the children at the school?

Response 34.57: The City does not plan to store equipment or materials on the school property during construction.

Comment 34.58: Mitigation measures: Moving the playground and reconstructing the field / building soundproof walls: who will pay for the cost associated?

Response 34.58: The Project will pay the cost of soundwalls and other project-required mitigation. The costs and extent of mitigation at the playfield would be determined during the right-of-way acquisition process by the City working with the School District.

35. Name: Mandy Peng

Comment 35.1: Children's safety and health is the priority. Really makes no sense to build a road through mainly school and residential areas, it's not the right plan to build this bridge and it's going to NOWHERE. Thank you all for thinking to stop this project seriously.

Response 35.1: This comment states the opinion that the project should not be approved as it would be constructed in school and residential areas and it wouldn't go anywhere. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

36. Name: PS Business Parks

Comment 36.1: This letter is written and submitted within the NOP response deadline of May 24, 2018 on behalf of PS Business Parks concerning the impacts of the proposed Charcot Avenue Extension Project (File No. PP18-044). The intent of this letter is to outline the specific concerns and impacts we would like studied in the City of San Jose's Environmental Impact Report (EIR) as it relates to our industrial properties commonly known as Charcot I and Charcot II. We formally request the following areas to be included in the EIR scope.

Aesthetics: What effect visually will our customers see post project completion, and how will that effect our rents and occupancy? The project proposes a retaining wall that rises to 18 feet on the western portion of Charcot Ave. Will our customer's identity be harmed due to the fact that the proposed overpass will yield less of an opportunity for traffic to see the signage of our customers? Along with the proposed retaining walls, the project proposes relocating approximately 157 trees to our property along Charcot Ave. This area is already well shaded. Would the additional trees plus the 18ft retaining wall make the areas of Charcot Ave west of O'Toole excessively shaded normal business hours? If the 157 trees were relocated to our property, what is the expected annual cost for maintaining and watering the trees?

Response 36.1: The retaining walls will have aesthetic treatments, which may include vines, attractive concrete textures, etc. Trees may also be planted at the property owner's request. A visual rendering will be part of the technical studies for the environmental document.

The issue of any potential effect on rents and occupancy is not an environmental impact under CEQA.

Signage located on O'Toole Ave will remain visible along O'Toole Ave and I-880. Signage located on Charcot Ave between Paragon Dr and O'Toole Ave will be relocated to a location that will be visible from Charcot Ave as coordinated with the property owner.

The Project does not propose to relocate the 157 trees onto private property. However, if the property owners are interested, trees can be planted on private property to replace the existing trees removed.

Comment 36.2: Traffic Patterns and Circulation: Southbound traffic on O'Toole Ave will not have westerly access to Charcot Ave. Does the city have an alternative proposal to create western access to Charcot Ave from O'Toole Ave? Due to the lack of ingress/egress on Charcot Avenue, how will non-tenant traffic patterns impact our customer's daily operations and parking? It seems logical that vehicles will seek a short cut to the Paragon Ave and Charcot Ave intersection by driving through our parking lots. What will be the maximum vehicle clearance for vehicles traveling North/South on O'Toole Ave un the proposed overpass? The current proposal strips our property and tenants of efficient ingress/egress along Charcot Ave. What alternatives does the City of San Jose propose that would keep these access points open?

Response 36.2: Westerly access to Charcot Avenue from southbound O'Toole Ave will be provided via the use of Paragon Drive. This should not affect daily operations or parking.

There is no anticipated non-tenant traffic expected to use private property for circulation.

The minimum vertical clearance of 15' will be provided along O'Toole Avenue, which provides clearance for vehicles permitted on roadways.

The driveways along Charcot cannot be maintained due to change in vertical profile at the existing driveway locations. One driveway to the south of the Charcot Extension will be closed and existing access to the southern Charcot Business Park will be maintained via the driveway at the intersection of Charcot Avenue and Paragon Drive, the driveway along Charcot Avenue west of the project and the two driveways at O'Toole Avenue. Two driveways to the north of the Charcot Extension will be closed and existing access will be maintained via the two driveways at O'Toole Avenue and the three driveways at Paragon Drive.

Comment 36.3: What is the current estimated foot traffic (pedestrians and bicyclist) along the western portion of Charcot Ave and O'Toole Ave? What is the foot traffic expected to be upon project completion? Currently Charcot Ave west of O'Toole receives very little pedestrian traffic. Would the City propose an alternate plan showing only walkways or a bike path rather than both? What is the daily vehicle traffic count along the completed Charcot Ave overpass projected to be upon project completion? Why does the current sidewalk design does not give pedestrians traveling southbound along O'Toole access to the Southside of Charcot Ave?

Response 36.3: Data on current and future bike/pedestrian traffic volumes are contained in Section 3.17, *Transportation*. The City's Complete Streets policy is to design safe mobility for all users, including pedestrians, bicyclists, motorists and transit users.

Section 3.17 also includes tables that show both existing and projected average daily traffic (ADT) volumes on Charcot Avenue and other nearby roadways. The projections include ADT volumes both with and without the proposed extension. The proposed design retains the current sidewalk circulation from Charcot Avenue to O'Toole Avenue south of Charcot. Additionally, the Project improves the pedestrian circulation along eastbound Charcot Avenue by adding new sidewalk connecting Paragon Drive to O'Toole Avenue.

Comment 36.4: Utilities and Service Systems: How will the proposed relocation of utility services affect our properties and tenants? Would the proposed relocation leave our tenants without power during normal operating hours? How does the City plan to mitigate this? Does the City have a plan to expand the storm drains capacity? Charcot Ave west of O'Toole Ave has a history of flooding during heavy rains. Will storm water from hardscape be entering an already sometimes overloaded storm drain and creek system? Does the city have a plan for installing new street lights along Charcot Ave?

Response 36.4: Existing utilities along Charcot Avenue will be relocated outside of retaining walls. Where easements are needed, they will be acquired. The proposed utility work would be coordinated with the utility providers who will work with and provide property owners with advance notices for any required shut-downs.

New storm drain facilities will be designed to accommodate the Project runoff in accordance with City of San Jose standards. The Project proposes new street lighting along Charcot Avenue.

Comment 36.5: Land and Parking: How much land on a SF basis does the City intend to take both temporarily through easements and permanently through right of way? How many parking stalls will be temporarily and permanently removed from our sites? Will the reduced parking stall count cause us to be in violation of zoning ordinances for minimum parking requirements? What buffer if any will remain between the overpass and our parking lots and buildings?

Response 36.5: Please see Section 2, *Project Information & Description*, for the right-of-way and easement needs of the project. The project's impact on parking stalls is described in Section 3.11, *Land Use*.

Comment 36.6: Noise: Our leases represent quiet enjoyment to our customers. What short term and long-term acoustic changes in this area should we understand, and how would our customers be compensated?

Response 36.6: Noise impacts are described in Section 3.13, *Noise*. As described in that section, noise levels would not exceed applicable thresholds at the PS Business Parks. Therefore, no mitigation is warranted.

Comment 36.7: Alternatives: Propose a design that leaves ingress/egress points along Charcot Ave open. Propose a design that grants pedestrians traveling Southbound on O'Toole Ave access to cross Charcot Ave and continue Southbound. Propose a design that mitigates the impact to our tenant's normal daily operations.

Response 36.7: The driveways along Charcot Avenue cannot be maintained due to the change in vertical profile at the existing driveway locations. If the existing access points along Charcot Avenue were to be maintained, it would require the Charcot Extension to be lowered, which in turn would mean that the vertical clearance at O'Toole Avenue cannot be maintained, thus closing O'Toole Avenue at the Charcot Extension. The closing of O'Toole Avenue would not be acceptable from an access and circulation perspective.

There are no sidewalks along either side of Charcot Avenue under existing conditions. Similarly, there are no sidewalks along either side of O'Toole Avenue north of Charcot under existing conditions. The project would improve access for pedestrians by constructing sidewalks on both sides of Charcot between O'Toole and Paragon, as well as on the west side of O'Toole between Charcot and the first driveway to the north. Pedestrians traveling southbound on O'Toole would be able to

use the new westside sidewalk, would cross under Charcot, and would continue southbound using the existing westside sidewalk along O'Toole.

37. Name: Rupa

Comment 37.1: Engineers think twice about our safety for our future “Engineers, Doctors, and Scientists” Prevent Milpitas / San Jose traffic entering from Rock Avenue on to this new Silkwood – Charcot Lane. To prove your talent / skills don’t put kids in danger.

Response 37.1: The issue of cut-through traffic is addressed in Section 3.17, *Transportation*.

38. Name: Deena Said

Comment 38.1: I am writing to express my vehement opposition to the Charcot Expansion Project. This Project is poisonous to the children at Orchard School (where my son will be attending in a few years’ time), to the residents of the Hampton Park neighborhood, and to the homeowners like myself whose homes back up to the proposed project. This project will effectively destroy quiet enjoyment of our property and will introduce additional pollution that will impact the children of Orchard School and will personally impact my son who will no longer be able to play freely in his backyard. A busy four-lane road will be the background noise to our son’s room. I welcome solutions to alleviate traffic, but not at the expense of homeowners and innocent school children. This project was first introduced in 1994, and this neighborhood did not come to be until the latter half of the 2000’s. This is irresponsible and unfair to the homeowners in this neighborhood. Noise pollution, car pollution, and interference with enjoyment of our land is something that must be considered. We are now in 2018, and a project that is 24 years old should no longer be considered for this neighborhood. It would have made sense back when Super Micro was the only tenant in the area, but this is no longer feasible given the residential neighborhood and school. I would appreciate a thoughtful response back to ensure that my concerns have been heard. This is the second home I own in San Jose, and one that I was hoping to stay in for some time. If this project comes to fruition, this will completely upend my family and our future plans.

Response 38.1: This comment states the opinion that the project should not be constructed because it is located adjacent to a school and a residential neighborhood. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

39. Santa Clara Valley Transportation Authority

Comment 39.1: Santa Clara Valley Transportation Authority (VTA) staff has reviewed the NOP for a 0.6-mile long, 2-lane extension of Charcot Avenue from Paragon Drive to Oakland Road, and associated intersection improvements in the North San José area. We have the following comments regarding the scope and content of the EIR:

Pedestrian and Bicycle Accommodations: The DEIR analysis of Pedestrian and Bicycle Accommodations should address the completeness of the pedestrian and bicycle network around the project corridor, and connectivity to key destinations, e.g., Orchard Elementary School, retail on Oakland Road, and employment sites on the west side of I-880.

Response 39.1: As stated in the NOP, the incorporation of bicycle and pedestrian features into the design are a key component and objective of the project. The provision of Class 4 bike lanes will provide an important east-west connection across I-880, with direct connections to other existing and planned bicycle facilities.

Comment 39.2: Transportation Analysis: The DEIR analysis should provide a multimodal approach to transportation analysis, including meaningful analyses of impacts and mitigation measures for pedestrian, bicycle, and transit modes in addition to automobiles. VTA recommends the use of other multimodal performance indicators such as non-auto mode shares, transit boardings, and pedestrian and bicycle quality of service measures, in addition to vehicle-miles traveled.

Response 39.2: The analysis in Section 3.17, *Transportation*, describes the impact of the project on multiple modes of transportation. It is important to note that, unlike a typical development project (e.g., residential, commercial, industrial, etc.) that generates travel demand, this objective of this project is to construct facilities that *accommodate* all forms of transportation. Consistent with the Complete Streets policies, the project includes vehicular, bicycle, and pedestrian improvements.

Comment 39.3: Effects on the Transit Network: The DEIR analysis should address any potential effects on the transit network associated with the project. VTA recommends studying how the project could influence use of the facility by VTA for routing, service planning, circulation and connectivity between core stops or transfer hubs.

Response 39.3: The extension of Charcot Avenue will provide an additional east-west route in the greater North San Jose area, which will reduce traffic volumes on parallel routes. For example, volumes on Montague Expressway, which is utilized by VTA Express Bus 321, will decrease. This would improve travel times for the bus.

Comment 39.4: Transit Passenger Facilities: VTA recommends the City coordinate with VTA on the potential improvements to the two existing bus stops at the intersection of Oakland Road & Silkwood Lane. A new signalized intersection may impact the existing configuration of the bus stops. VTA Bus Stop & Passenger Facilities Standards are available upon request and any other bus stop questions can be sent to bus.stop@vta.org.

Response 39.4: The City will coordinate with VTA regarding any potential modifications to these bus stops on Oakland Road.

40. Name: Hazel Sarmiento

Comment 40.1: As a parent I'm not agree to this Charcot Ave extension project.

Response 40.1: This commentor, a parent, is opposed to the project. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

41. Name: Dr. Renee Schell

Comment 41.1: I am especially concerned about the future air quality of my school. Asthma rates are high here and additional cars in close proximity mean more pollution. I work here and breathe here. Please do not increase pollution for me and my students. Also – student safety during construction. How will students cross the Charcot extension while it is being constructed?

Response 41.1: The air quality impacts of the project at Orchard School are described in Section 3.3, *Air Quality*. A Construction Management Plan will be developed and implemented to ensure the safety of all persons that will be affected by construction.

Comment 41.2: Commuter from Milpitas will cut through from Oakland Road to 880. Traffic increase will be significant, like people driving down Lincoln Avenue from Almaden Expwy to 280. What will you do to prevent this increase in traffic?

Response 41.2: The Charcot Avenue extension will not include any connections to I-880. Therefore, the increase in traffic that will occur on Charcot Avenue would not be related to the situation described in this comment. The Charcot extension will generally provide local access to properties located between Oakland Road and Zanker Road as well as connection to SR 87. Brokaw Road and Montague Expressway will continue to be the most direct routes for travel between Milpitas and areas west of I-880 that are not located along the Charcot extension.

42. Bi Song

Comment 42.1: The extension project will take away some 20,000 square feet of Orchard's campus, make it unsafe for students walking to and from school and force these children to breathe polluted air. Our kids are more valuable and more important than a roadway. I am strongly against this plan!

Response 42.1: This comment states the opinion that the project should not be constructed because of its impact on Orchard School. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

43. Jennie Susanto

Comment 43.1: We would like to voice our concerns on the proposed Charcot Extension project:

I believe this was an old plan back many years ago to create an extension of the road to Silkwood Ln - where there was not many residential areas built. I have been living in this area for 10 yrs now and

the area has developed with many young families and children walking and playing on the streets in the evening, as well as school children walking to and from school from the nearby mobile homes.

There are tremendous concerns and issues on this project: Safety - with the heavy pedestrians and children walking to school and around the neighborhood, this is the ultimate concern. The last thing we need is an accident in a residential area with incoming traffic of people rushing to get to and from work.

Orchard School - Pollution exposed to these children with the extension built next to their school fields. We are encouraging children to be healthy, to run and be on the outside where they can enjoy safe and healthy fresh air- but the pollution on the traffic of cars passing by right next to school will cause them more harm than good.

Traffic - Brokaw road and Montague Expwy served us well around the area and there is no reason to build another road extension into a home neighborhood district. I am not sure why we would need an extension as I used those roads all the time to get home.

Pollution - both air and noise for the residential areas with the traffic diverting from Montague and Brokaw.

I hope all of you can kindly reconsider on this project and the implications and effects on the health and safety of the children that goes to Orchard school, and the families around the neighborhood. Trying to solve a traffic solution in expense of safety and health environment is not the way to go.

Response 43.1: This comment states the opinion that the project should not be constructed for the reasons enumerated above. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

44. Name: Judy Tang

Comment 44.1: Subject: Regarding parking and safety of students. Orchard Elementary is started from childcare to K-8 so parents need to pick up students at the classroom from Pre-K, K, 1st, 2nd and 3rd, which mean 50% of these school students need parent to park their cars and pick them up in front of classrooms. How the city can provide available parking and safety for kids to get in front of school?

Response 44.1: The Charcot Avenue extension will not affect the school's access, drop-off/pick-up area, or parking supply. Any existing issues related to school access and parking would be addressed by the School District and are unrelated to the project.

45. Name: Loc Tran

Comment 45.1: First are my concerns/comments: The first thought came to my mind is the safety of my children when I learned about the Charcot Extension project. I have two daughters, the oldest will finish her Kindergarten soon. My second daughter will attend Orchard Elementary after next year. We live near this school, I walked my daughter to/from school every day using the school's back gate at Silk Wood Lane. It is possible this scenario may have already come up, but it may be worth to mention it here. With Charcot Extension, and even with all the precautions in place such as school zone, traffic lights, speed limit, the possibility of street crossing traffic accident(s) will be there, whereas will never occur without it. Children are carefree, at any one instance, they may forget all about traffic safety rules they have learned, they may just cross the street without looking for incoming traffics, potential traffic accident. The potential risk of traffic accidents could and will happen to these Elementary school students (and parents), is that an acceptable trade-off for additional traffic flow across I-880. Please consider the safety of these children in arriving to your conclusion. I hope the comments above will be taken into consideration by the San Jose City Council members in making their final decision whether to go ahead with the Charcot Extension project.

Response 45.1: This comment expresses the concern that despite the pedestrian safety features included in the project, there would still be an increased risk and questions whether that increased risk is an acceptable trade-off for improved traffic flow. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

Comment 45.2: Second are my questions: Current Silk Wood Lane basically have non-existent pass thru traffics. With Charcot Extension, that will add pass thru traffic to Silk Wood Lane from the other side of I-880. Even stop light, school zone designation, and speed limit, how can you guarantee these pass thru traffics will NEVER cause accident (worse with loss of lives) with these pedestrians (school kids and parents)?

Response 45.2: It is not possible to build anything where there is a zero chance that a future accident would never occur. Instead, projects are designed to comply with the most current design and safety codes, which is the case with the Charcot Avenue extension.

Comment 45.3: With Charcot Extension, traffic lights, speed limit, and school zone designation, like any other road in the US, there will be speeders. How do you solve the safety issue regarding speeders? Silk Wood Lane currently have sparse residential traffic. The intended goal to achieve with Charcot Extension is to add pass thru traffics from the other side of I-880. That promotes an increase in the amount of traffics on Silk Wood Lane along Orchard Elementary school. How do you solve the increase polluted air emitted and the noises generated from these vehicles for the students attending Orchard Elementary?

Response 45.3: Speed control typically involves a mix of solutions, some of which are design-related (e.g., signals, speed limits, signage, etc.) and some of which are enforcement-related. The City actively works with schools throughout the area to address this problem wherever it occurs.

Comment 45.4: Currently, parents depend on Silk Wood Lane alongside of Orchard Elementary to park their cars in order to walk their kids to the class room to drop them off and pick them up. How do you solve the parking needs on Silk Wood Lane after this new Charcot Extension is in place?

Response 45.4: With the project in place, the official vehicular drop-off and pick-up for the school will remain on Fox Lane. The project will not take away any parking from that area. The portion of Silk Wood Lane adjacent to Orchard School is not a designated drop-off and pick-up location and is signed as a “No Stopping Any Time” zone.

Comment 45.5: Charcot Extension make it possible to go from Oakland Road to Rock Avenue to Silk Wood Lane and go over to the other side of I-880. This result in an increase of non-local (people not live there) traffics on Rock Avenue and Silk Wood Lane. And worst are the speeders going through the residential neighborhood. This extension will benefit those people from Milpitas to be able to go the other side of I-880 via Rock Avenue, Silk Wood Lane/Tiger Lily Lane, and Charcot Extension. Thus, avoid using the crowded Montague Expressway and Brokaw Road at the expense of the people lived in the neighborhood in term of safety, noise, traffic congestion and polluted air.

Hope do you solve this increase traffic load in the residential streets, from the safety, noise, traffic congestion and polluted air standard points? Will a permanent barricade install on Silk Wood Lane where it meets Charcot Extension to prevent traffics from using Rock Avenue and other residential streets to reach Charcot Extension and continue to go to the other side of I-880? Making Silk Wood Lane a dead-end street at the interface to Charcot Extension. This will result in only local residential and Super Micro traffics use Rock Avenue entry from Oakland Road.

Response 45.5: For a discussion of cut-through traffic, please See Section 3.17, *Transportation*.

46. Bet Tungol

Comment 46.1: We wanted to share our concerns about the Charcot Avenue extension project that will have a direct negative impact to our community & Orchard school.

There are major safety concerns with the proposed extension because it directly cuts through our Orchard School & neighborhood where parents & children walk daily. The two lane street will be filled with commuters trying to avoid the current traffic that is in Brokaw Ave & Montague. Our streets cannot handle these volumes of traffic & cars which puts our school & neighborhood children in danger.

Please help us keep our community safe for our children. Thank you for your time & attention to this urgent matter.

Response 46.1: This comment states the opinion that the project should not be constructed for the reasons enumerated above. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on

the project. No further response is required as the comment does not raise any environmental issues.

47. Name: Kalyan Vanam

Comment 47.1: Can you please add Fox Lane to analyses to the EIR along with Silkwood Lane. How long does this project take and what is the pay out to the residential community. During EIR please analyses traffic on 880, Oakland, Ridder Park as they are very close to both school and residential area. Please also analyze the traffic, air quality impact and noise impact for residents on Silkwood Lane from cut through traffic. Will these be having commercial vehicles on this new road and how will you control these near the school.

Response 47.1: The changes in traffic volumes due to the project on the area's roadways, as well as the issue of cut-through traffic, are addressed in Section 3.17, *Transportation*. Noise impacts are addressed in Section 3.13, *Noise*, and air quality impacts are addressed in Section 3.3, *Air Quality*. The Charcot Avenue extension is proposed to be open to all vehicles including commercial vehicles. Pursuant to state law, the speed on Charcot Avenue adjacent to the school will be limited to 25 mph whenever children are present.

48. Name: Virginia Varela-Campos

Comment 48.1: Are 4 lanes behind a school really necessary? Yet, only 2 lanes would be on the opposite end where there are no school children. Why is it that Oakland Road needs to receive more cars?

Response 48.1: The Charcot Avenue extension will be a 2-lane facility except at its intersection with Oakland Road. The four lanes on Charcot Avenue at Oakland Road are needed to accommodate the demand associated with turns at this intersection. Oakland Road receives more cars than smaller streets toward the west end of Charcot simply because Oakland Road is a large 6-lane arterial. By definition, larger streets accommodate more traffic and therefore they "attract" more cars, as compared to smaller streets.

Comment 48.2: How can you assure the neighborhood residents that this new access will not make this now safe neighborhood into an unsafe neighborhood?

Response 48.2: The comment does not define what aspect of safety might be compromised by the project. However, regarding the purpose of the project, which is to enhance the movement of pedestrians, bicyclists, and motorists through the area, the City will be building the project in compliance with all current design and safety criteria, including pedestrian and bicyclist enhancements such as separated bike lanes, wider sidewalks, and a pedestrian signal.

Comment 48.3: Parking and loading zones are already an issue for Orchard School and with this new project you will be taking away the only other option we have other than the few spots in the front of the school on Fox. How will you replace or accommodate this issue for the school?

Response 48.3: With the project in place, the official vehicular drop-off, pick-up, and parking for the school will remain on Fox Lane. The portion of Silk Wood Lane adjacent to Orchard School is not a designated drop-off and pick-up location and is signed as a “No Stopping Any Time” zone.

Comment 48.4: Are we focused on reducing traffic? Well why don't we focus on getting more cars off the road and encourage more walking or biking. Has a pedestrian bridge over 880 been considered instead of a 4-lane road?

Response 48.4: Please see Section 7, *Alternatives*, for a discussion of a Bike/Ped Bridge Only alternative.

Comment 48.5: Will our school children now have to worry about getting hit by a speeding car trying to race to catch their train at the new Milpitas Bart station?

Response 48.5: In accordance with State law, the speed limit on all roads around the school, including Oakland Road and Charcot Avenue, will be 25 mph whenever children are present.

Comment 48.6: What is in the plan to help protect the students from distraction or interference of their education? The students will have to deal with noise, pollution and traffic.

Response 48.6: The effect of the project on Orchard School regarding these issues is addressed in the following sections: Section 3.3, *Air Quality*; Section 3.13, *Noise*; and Section 3.17, *Transportation*.

49. Name: Amilia Wang

Comment 49.1: There are over 200+ people from the neighborhood walking to Orchard School each way in the morning and afternoons. I have personally conducted the observation on May 9, 2018. I am extremely concerned about the safety of the pedestrians crossing this 4 lane intersection. How effective and safe will the crossing signals be? Will the motorists be able to clearly see the signals and stop their vehicle at the cross walk? The plan of the overpass from 1994 was before the building of community nearby. Did the original plan include the consideration or the awareness of the number of pedestrians walking on Silkwood Lane to go to school? The plan is not sound and does not benefit the immediate community of the neighborhood. The residents have expressed that we do not want this project as it will not solve the traffic issues identified over 25 years ago. There should be more studies conducted on current travel patterns and taking into consideration of widening either Montague or Brokaw Road. More studies should be done on the environment impact of the air quality the overpass will bring to the neighborhood and area.

Response 49.1: When the project was added to the General Plan in 1994, the area was agricultural/industrial and there was no school or residences. As described in Section 2, the need for the project was subsequently reaffirmed on several occasions. The analyses contained in this EIR are designed to provide decision-makers and the public with current data and facts regarding the project.

50. Name: Audrey Wee

Comment 50.1: My family and I live in the Orchard School district in San Jose. My daughter who is currently in grade 1 attends Orchard School and my son will also be attending kindergarten this fall at the school. I am writing to express my concerns with regards to the Charcot extension plan right by the school. My main concern as a parent is the safety for my kids and also for the other students and staff at the school.

When will construction begin? Are there plans to implement stoplights to prevent vehicles from speeding in a school zone area? I am also very concern about the potential noise and environmental pollution cause by the construction by the school. My son has asthma and severe allergies and with an increase of dust and air pollution, I am concerned how that will affect his health along with the other students who have similar health issues. Also, I am concerned about the construction noise level that could cause distractions during school hours. I wouldn't want any kids to have to listen to a jack hammer going off in the background while they are in class trying to learn.

There are many students who live within walking distance near the school. With the heavy flow of traffic coming in I am concern about how this can affect their safety and also potentially cause heavier traffic congestion.

I am writing to express all these concerns that my community and I have over the Charcot extension project. I appreciate your time and your help with these concerns that I have raised. I am hoping that the government would reconsider this plan

Response 50.1: The project includes a new traffic signal at the Charcot Avenue/Oakland Road intersection and a pedestrian stoplight at the Charcot Avenue/Silk Wood Lane intersection. For additional bike/pedestrian features, see Section 2. Noise and air quality impacts, both during and after construction, are addressed in Sections 3.13 and 3.3, respectively.

51. Name: Cecile Weiyuneng

Comment 51.1: SAFETY – How many cars do you expect to be on this road? How many trucks do you expect? Will you forbidden trucks that transport dangerous materials considering the road will be very, very closely to a school? What do you plan to have cars reducing speed arriving close by the school, we all know a RED light does not stop a car? How do you manage the safety of children during the construction? How do you manage the drop-off of kids, we already have parking issues, we can imagine really dangerous situation with cars stopping in front of the school? Will you have reduce speed 25 miles/hour on Silkwood Lane and Fox Lane? Do you plan walls to protect the classroom near the road?

Response 51.1: Please see Section 3.17, *Transportation*, which shows the projected traffic and truck volumes on Charcot Avenue. There are no plans to ban trucks on Charcot Avenue. Pursuant to state law, speeds on all roads adjacent to the school will be limited to 25 mph whenever children are present. A Construction Management Plan will be developed and implemented to ensure the safety of all persons that will

be affected by construction. The school's drop-off and pick-up facilities on Fox Lane will not be affected by the project. A soundwall is proposed adjacent to the school's field along Charcot Avenue because the analysis concluded that noise levels will exceed applicable standards; see Section 3.13, *Noise*, for details. No other walls are contemplated at the school.

Comment 51.2: ENVIRONMENT – Do you plan anti-noise walls nearby school classrooms? How will you measure pollution impact? Why this project didn't be re-access when the school was built, this is a no-sense! Why this project doesn't take into account parking issues? This is to allow more cars to move, but how do we park? Why San Jose City doesn't invest more on bike lanes and public transportation?

Response 51.2: A soundwall is proposed adjacent to the school's field along Charcot Avenue; see Section 3.13, *Noise*, for details. No other walls are contemplated at the school. Projected air pollution levels are shown in Section 3.3, *Air Quality*. The project is not removing parking in the vicinity of the school. The City's General Plan contains policies and strategies for improving all modes of transportation, including transit, bicyclists, pedestrians, and highways.

Comment 51.3: If this project was existing before the school why did you let the school be built here; education/transportation...these are city projects, don't you have any body coordinating to see if a project makes sense? Maybe you need to think on a new way of working at city level. Living in the district we have no choice than to send our kids here, we don't want to be scared sending them to school.

Response 51.3: The City does not have approval authority for a public school. That decision is made by the school district, which in this case was the Board of Trustees of the Orchard School District. Prior to that decision, the City conveyed to the school district its opposition to construction of a school at this site due to its location in an industrial area and its location adjacent to two major roadways, Charcot Avenue and Oakland Road.

Comment 51.4: I am really concerned about the safety of our kids, the road is really close by the classroom, and this traffic will be high at commute time (same time that kids coming at school). Will you help the school rebuilding the playground so that our kids have a nice playground during their school years? I don't get the point when the council member says "it is a project voted in 1996, we cannot change anything", of course we can!!! In 1996 this situation was totally different, why don't you re--access the complete project? It is false that you will reduce traffic jam by adding roads, the more roads we have the more cars we have. Be inspired by Denmark that have invest in Bike lanes and have seen the car traffic line reduced.

Response 51.4: Regarding any rebuilding of the playground, that would be determined during the right-of-way acquisition process by the City working with the School District. The remainder of this comment states the opinion that the City should reassess the need for the project. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the

project. No further response is required as the comment does not raise any environmental issues.

52. Name: Owen Wu

Comment 52.1: It is a bad idea to build Charcot Ave extension in the middle of school and residential area. Very dangerous for the kids and parents. Noise and dust will be unbearable for the school and residents. The project was proposed before the school and residential area was in place and constructed, things have grown and changed over the last 25 years in this area. I highly recommend “Remove” this project from the general plan.

Response 52.1: This comment states the opinion that the project should not be constructed because it is in a school and residential area and therefore should be removed from the General Plan. The comment is noted for the record and will be considered by the City Council as part of its decision-making process on the project. No further response is required as the comment does not raise any environmental issues.

53. Name: Elizabeth Ybanez

Comment 53.1: What can we do as residents/parents/students affected by this project for City of San Jose to listen to our concerns and maybe be on our side and cancel this project.

Response 53.1: Upon completion of the CEQA process, the City Council will consider the Project at a future council meeting. Members of the public are encouraged to attend that meeting to express their views and concerns to the Mayor and City Council.