First Amendment to the
Draft Environmental Impact Report

Santana West Redevelopment Project

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

September 2016

PREFACE

This document, together with the Draft Environmental Impact Report (Draft EIR), constitutes the Final Environmental Impact Report (FEIR) for the Santana West Redevelopment project. The Draft EIR was circulated to affected public agencies and interested parties for a 45-day review period from June 24, 2016 to August 8, 2016. This volume consists of comments received by the City of San José (City), the Lead Agency on the Draft EIR, during the public review period, responses to those comments, and revisions to the text of the Draft EIR.

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

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

(a) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the project which will mitigate or avoid the significant effect on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities of highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

In accordance with CEQA and the CEQA Guidelines, the FEIR will be made available to the public prior to consideration of the Environmental Impact Report. All documents referenced in this FEIR

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

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SECTION 1.0 LIST OF AGENCIES AND ORGANIZATIONS TO WHOM NOTICE OF THE DRAFT EIR WAS SENT

State Agencies

California Air Resources Board
California Department of Transportation (District 4)
California Department of Fish and Wildlife (Region 3)
California Department of Housing and Community Development
Native American Heritage Commission
California Office of Historic Preservation
Regional Water Quality Control Board
San Francisco Bay Conservation and Development Commission
California Department of Toxic Substances Control

Regional Agencies

Association of Bay Area Governments
Bay Area Air Quality Management District
Santa Clara Valley Transportation Authority (VTA)
Santa Clara Valley Water District

Local, Public, and Quasi-Public Agencies

City of Campbell
City of Cupertino
City of Milpitas
City of Morgan Hill
City of Saratoga
City of Santa Clara
City of Sunnyvale
Santa Clara County Planning Department
Santa Clara County Roads & Airports Department
Town of Los Gatos
Campbell Union High School District
San José Unified School District
San José Water Company
Pacific Gas and Electric Company

Organizations

California Native Plant Society – Santa Clara Valley Chapter
Greenbelt Alliance
Preservation Action Council of San José (e-mail)
Santa Clara Valley Audubon Society
Sierra Club – Loma Prieta Chapter
SPUR (e-mail)
Winchester Advisory Group (e-mail)

SECTION 2.0 LIST OF COMMENT LETTERS RECEIVED ON THE DRAFT EIR

State Agencies

A.	California Department of Transportation	August 4, 2016

Regional Agencies

B.	Santa Clara Valley Transportation Authority	August 8, 2016

Organizations and Individuals

C.	Matthew Sutton	June 25, 2016
D.	Bruce Branan	June 28, 2016
E.	Bruce Branan	July 1, 2016
F.	Greg Salerno	July 1, 2016
G.	Marius Frohlichman	July 2, 2016
H.	Joseph DePage	July 19, 2016
I.	Michael Sands	July 25, 2016
J.	John Dowling	July 26, 2016
K.	Preservation Action Council of San José	August 2, 2016
L.	Christopher Garcia	August 4, 2016
M.	Daphna Woolfe	August 4, 2016
N.	Mike Hensley	August 4, 2016
O.	Doug Handerson	August 6, 2016
P.	Chris Scanlan	August 7, 2016
Q.	David Canavese	August 8, 2016
R.	Davlyn Jones	August 8, 2016
S.	Kirk Vartan	August 8, 2016
T.	Richard Canavese	August 8, 2016
U.	San José Historic Landmarks Commission	August 8, 2016
V.	Westwind Enterprises, LTD.	August 8, 2016
W.	Winchester Mystery House, LLC	August 8, 2016

SECTION 3.0 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

The following section includes all the comments on the Draft EIR that were received by the City in letters and emails during the 45-day review period. The comments are organized under headings containing the source of the letter and the date submitted. The specific comments from each of the letters or emails are presented as "Comment" with each response to that specific comment directly following. Each of the letters submitted to the City of San José are attached in their entirety in Section 5.0 of this document.

CEQA Guidelines Section 15086 requires that a local lead agency consult with and request comments on the Draft EIR prepared for a project of this type from responsible agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, adjacent cities and counties, and transportation planning agencies. Section 1.0 of this document lists all of the recipients of the Draft EIR.

Two comment letters were received from public agencies, neither of whom are Responsible Agencies under CEQA for the proposed project.

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

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

The CEQA Guidelines state that the lead agency shall evaluate comments on the environmental issues received from persons who reviewed the DEIR and shall prepare a written response to those comments. The lead agency is also required to provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report. This FEIR contains written responses to all comments made on the Draft EIR received during the advertised 45-day review period. Copies of this FEIR have been supplied to all persons and agencies that submitted comments.

A. RESPONSE TO COMMENTS FROM CALIFORNIA DEPARTMENT OF TRANSPORTATION, August 4, 2016:

Comment A1: Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans new mission signals a modernization of our approach to evaluating and mitigating impacts to the State Transportation Network (STN). We aim to reduce vehicle miles traveled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Draft Environmental Impact Report (DEIR). Please also refer to the previous comment letter, dated November 18, 2015, on this project and incorporated herein. Additional comments may be forthcoming.

Project Understanding

The proposed project is an 11.8-acre project site located at the southwest corner of Winchester Boulevard and Olin Avenue in the northwest quadrant of the Interstate (I-) 280/Winchester Boulevard intersection. The project site is in a Priority Development Area and currently developed with three movie theaters (Century 21, 22, and 23), a restaurant, and a large surface parking lot. The movie theaters were closed in March 2014 and have remained vacant since that time. The City Council designated one of the three theater buildings, Century 21, as a City Landmark on June 10, 2014, and has been determined to be eligible for listing on the National Register of Historic Places and the California Register of Historic Resources. The project site is adjacent to the historic Winchester Mystery House. The project proposes to demolish the other two movie theaters and restaurant and rezone the project site to allow for construction of up to 970,000 square feet of office space and 29,000 square feet of retail space.

In addition to the Santana West development, the DEIR evaluates implementation of a Transportation Development Policy (TDP) to fund potential interchange improvements at I-280, Winchester Boulevard, and Moorpark Avenue to address area traffic impacts. The TDP will include the potential implementation of traffic impact fees that will be applicable to the Santana West project and future developments in the area within San José that add trips to the I-280, Winchester Boulevard, and Moorpark Avenue interchange.

Response A1: The commenter has correctly summarized the proposed project.

Comment A2: ***Lead Agency***

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

Response A2: All required information regarding the project mitigation will be provided in the Mitigation Monitoring or Reporting Program consistent with CEQA requirements. Please note that while the DEIR discusses the proposed TDP to contribute funding to a possible future Caltrans/Santa Clara Valley Transportation Authority (VTA) ramp project, it did not identify any project-specific improvements to State highways, meaning the

design/implementation remains to be determined by Caltrans/VTA acting as the lead agency under CEQA in a separate EIR process.

Comment A3: ***Traffic Impacts***

1. Mitigation: Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City. Mitigation may include contributions to the Santa Clara Valley Transportation Authority's (VTA) voluntary contribution program, and should support the use of transit and active transportation modes.
   A. Mixed-Flow Lanes: The DEIR concludes the proposed project would have a significant traffic impact on the mixed-flow lanes of twenty-one freeway segments and high-occupancy vehicle (HOV) lanes of two freeway segments. However, it also states that there is no identified improvement project toward which the proposed project can pay fair share fees as mitigation. The following express lane projects have been identified in the MTC's Regional Transportation Plan (RTP) Plan Bay Area 2013, which should be considered as potential mitigation projects:

      - State Route (SR) 17 Express Lanes between I-280 and SR 85 (RTP ID#240469).
      - I-880 Express Lanes: US 101 to I-280 (RTP ID# 240517)
      - I-280 Express Lanes: Leland Avenue to Magdalena Avenue (RTP ID# 240513)

Response A3: The City of San José recognizes and will consider Caltrans' volunteer contribution programs and is working with the project applicant at this time. Nevertheless, the mitigation for freeway impacts is increased capacity in the form of additional mainline or auxiliary lanes. The addition of express lanes on the freeway segments identified above would not increase capacity of the freeway segments impacted by the proposed project. Furthermore, express lanes could encourage more people to drive, thereby increasing Vehicle Miles Traveled (VMT), by providing a mechanism to allow non-carpool vehicles to utilize HOV lanes

The cost of implementing a capacity enhancing improvement on a freeway segment is beyond the ability of any one development project to finance. At this time, Caltrans does not have an approved project with CEQA clearance and a fair-share funding mechanism that would add lanes to any of the aforementioned freeway segments that would allow the City to require the proposed project to participate in.

Comment A4: B. Winchester Boulevard and I-280 northbound (NB) on-ramp/Tish Way: The Tish Way NB I-280 on-ramp should be widened, in addition to the proposed mitigation measure considered for this intersection. The additional storage capacity on this on-ramp will reduce the demand on mainline NB I-280. The VTA is currently conducting the I-280 Corridor Study and is also conducting a study at Winchester Boulevard, specifically.

Response A4: Although this project impacts the intersection of Winchester Boulevard and Tisch Way, the on-ramp improvement would require widening the bridge across I-280 and implementation of a second left-turn onto the on-ramp. An improvement of this magnitude would require fair share contributions from multiple projects. Should the VTA corridor study or the VTA's I-280 Winchester Boulevard study recommend this on-ramp as part of a

proposed project, however, future development in the Valley Fair/Santana Row Urban Village Plan will support this effort.

Comment A5: C. Southbound (SB) I-280/Winchester Boulevard/Moorpark Avenue Intersection: Please provide mitigation for this intersection. The PM peak hour shows that this off-ramp backs up onto the SB I-280 mainline. The added 124 left turn trips from the proposed project will further impact this ramp. The project should widen the off-ramp to add more storage to contain this queue on the off-ramp.

Response A5: A Level of Service analysis was performed at this intersection which did not result in an identified impact per the City's Transportation Impact Policy, Council Policy 5-3. Should the VTA corridor study or the VTA's I-280 Winchester Boulevard study recommend this on-ramp as part of a proposed project, however, future development of the Valley Fair/Santana Row Urban Village Plan will support this effort.

Comment A6: D. Increasing VMT: Mitigation for increasing VMT should be identified. The project's primary and secondary effects on pedestrians, bicycles, disabled travelers and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigation VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained. Please describe any such mitigation and safety countermeasures that would be needed to improve access to transit facilities and reduce traffic impacts to the STN.

Response A6: At this time, the City of San José has no adopted policy which establishes a quantifiable threshold for increases in VMT. The City's Transportation Policy (Council Policy 5-3), which measures congestion at signalized intersections, is the City standard for determining traffic impacts under CEQA. As such, no impact can be identified and no mitigation is required. The project will implement a Transportation Demand Management (TDM) Plan as described on page 22-23 of the DEIR. The TDM Plan will be prepared and reviewed for adequacy prior to approval of Planned Development Permits for the development of new office or retail uses on the site.

Comment A7: 2. The TDP
A. Responsible Agencies: The implementation of the TDP will require Caltrans' approval and inclusion in VTA's Envision Silicon Valley Transportation Plan, so the VTA and Caltrans should be identified in the DEIR and TDP as Responsible Agencies. The DEIR (p. 19) states there is no responsible agency for this project and under Section 4.2.2.8 Interstate 280 – Winchester/Moorpark Transportation Development Policy (p. 82) the City won't design or construct the new I-280 off-ramp.

Response A7: It is assumed that Caltrans intended to reference the potential future off-ramp. The City of San José is not proposing a new off-ramp and does not have jurisdiction to do so. The City of San José is only proposing a Transportation Development Policy, which would provide a funding mechanism to allow the City to assist Caltrans and VTA in implementing the future off-ramp project, should it be ultimately approved as explained in Section 4.2.2.8 (page 82) of the DEIR.

Caltrans has no jurisdiction over San José City land use authority and does not qualify as a responsible agency for the proposed project.

Comment A8: B. I-280/Winchester Boulevard Off-Ramp: The TDP should discuss viable alternatives if the new I-280/Winchester Boulevard off-ramp is deemed infeasible. The two alternatives for the off-ramp developed in Caltrans Project Study Report (2010) were determined to be unviable. Other alternatives should be proposed, since there exists a chance that the new off-ramp will not be approved or built due to design standards, right-of-way (ROW), and circulation concerns. Please confirm all streets are accessible by the public under Local Access (p. 49), as there was concern over streets owned by private entities in the previous effort to identify feasible alternatives for the new off-ramp.

Response A8: Please refer to Response A7.

The study provided in the DEIR and TIA is to assess the impacts and benefits of a possible future freeway off-ramp. It is not intended for implementation of any physical improvements and does not propose a specific project design.

Comment A9: 3. I-280 Directional Convention: Please correct the DEIR and TIA to refer to I-280 ramps and freeway segments as NB and SB, instead of eastbound (EB) and westbound (WB) (i.e., the directional convention for I-280 is north/south). For example, in the Executive Summary (p. vii), Intersection #25 is referred to as "Winchester Blvd & I-280 WB on-ramp/Tisch/Tisch Way" and in DEIR Table 4.2-11 (p. 83) "Winchester Blvd and I-280 EB on-ramp".

Response A9: Please refer to pages 58-60 and 63-65 of this First Amendment for the proposed text amendments.

Comment A10: 4. Turning movement traffic per study intersection under Existing, Project Only, Existing + Project, Background, 2035 Cumulative, 2035 + Project Conditions. As a Responsible Agency under CEQA for the STN, Caltrans reiterates its recommendation in the previous comment letter that the City use 2035 for the cumulative traffic impact analysis of the STN and mitigation for the impacts clearly stated in the TIA and DEIR.

Response A10: The methodology used for the analysis of cumulative impacts is at the discretion of the Lead Agency. Caltrans' recommendations to use 2035 for the cumulative traffic impact analysis of the STN is acknowledged. As noted above, Caltrans is not a Responsible Agency for purposes of the proposed TDP, the decision to approve and implement the TDP rests with the City alone. Caltrans/VTA will ultimately be the lead agency for the design and implementation of the on-ramp, should they decide to advance to the point of preparing an EIR. The fees collected by the City under the TDP could help improve the financial feasibility of the on-ramp and indicate the City's conceptual support for the on-ramp.

Comment A11: 5. The project site's building potential as identified in the General Plan. The project must be consistent with the Circulation Element of the General Plan, the Congestion Management Agency's Congestion Management Plan, and the MTC's RTP.

Response A11: As discussed in Section 4.1 of the DEIR, the project is consistent with the Envision San José 2040 General Plan land use designation and the development assumptions for the project site. As such, the project is consistent with the Circulation Element of the General Plan, the Santa Clara County Congestion Management Agency's Congestion Management Plan, and the Metropolitan Transportation Commissions (MTC's) Regional Transportation Plan (RTP).

Comment A12: 6. The level-of-service (LOS) methodology (p. 53) is "TRAFFIX", not "TRAFFIC", so please make this correction.

7. Table 4-11 (p.83): Please clarify that nine of the studied intersections show decreases in delay "for at least one peak hour."

8. Table 6.0-1 (p. 125): Please correct "LOS G" to "LOS F" for intersections #52 and #53, since LOS "G" does not exist.

Response A12: It is assumed that the commenters table reference on page 83 was intended to refer to Table 4.2-11. It is also assumed that the commenters page reference to Table 6.0-1 was intended to refer to page 215 as there is no Table 6.0-1 on page 125. Based on these assumptions, please refer to page 60 of this First Amendment for the proposed text amendments.

Comment A13: ***Vehicle Trip Reduction***
Transportation Demand Management (TDM) programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. The project should set trip reduction goals and if the project does not achieve the goals, Caltrans recommends the DEIR also include "next steps" to achieving the goals.

Suggested TDM strategies include incorporating into the project all the possible TDM measures description in the TIA (pp. 97-99). Also, working with the VTA to decrease headway times and improve way-finding on bus lines to provide a better connection between the project, the Diridon Station, and regional destinations and providing:

- Membership in a transportation management association.
- Ten percent vehicle parking reduction.
- Carpool and vanpool ride-matching support.
- Fix-it bicycle repair station(s).
- Kick-off commuter event at full occupancy.
- Emergency Ride Home program.

In the DEIR Section 4.2.3.3 Parking, the project proposes to provide 2,545 parking spaces, which is 156 spaces below what is required by the City even after applicable parking reduction benefits. Caltrans supports these reductions in parking supply to encourage active transportation and transit, thereby reducing VMT and impacts to the STN. These smart growth approaches are consistent with the MTC's RTP/SCS goals and would meet Caltrans Strategic Management Plan.

Response A13: Caltrans' recommendations for trip reduction measures are acknowledged. Specific TDM measures for the proposed project will be determined as part of the Planned Development Permit process.

Comment A14: ***Cultural Resources***
The DEIR must include documentation of a current archaeological record search from the Northwest Information Center of the California Historic Resources Information System, if construction activities are proposed within State right-of-way (ROW). Current records searches must be no more than five years old. Caltrans requires the records search and a cultural resource study by a qualified, professional archaeologist, to ensure compliance with CEQA, Section 5024.5 of the California Public Resources Code and Volume 2 of Caltrans' Standard Environmental Reference (http://ser.dot.ca.gov). These requirements, including applicable mitigation, must be fulfilled before an encroachment permit can be issues for project-related work in State ROW. Work subject to these requirements includes, but is not limited to: lane widening, channelization, auxiliary lanes, and/or modification of existing features such as slopes, drainage features, curbs, sidewalks and driveways within or adjacent to State ROW.

Response A14: The project does not propose any work within a State ROW. This comment is acknowledged.

Comment A15: Assembly Bill (AB) 52 went into effect last year and updated CEQA to clarify requirements for consultation with Native American tribes. Caltrans recommends this project review AB 52 guidelines and consult with intersected parties. The DEIR's 1992 study of a different parcel does not comply with the requirements of CEQA. Caltrans recommends a record search and survey by a professional archaeologist, as it will rectify this issues and the numerous incorrect statements within the DEIR cultural resources background/prehistory section. Historic-era ranches, ranchos and World War II era sites are also part of the archaeological record and should be included in the archaeological study of the parcel and State ROW.

Response A15: Assembly Bill 52 requires tribes to notify local jurisdictions that they want to be consulted regarding projects in specific geographic areas. The City of San José has received no such request from any tribe regarding the project site or the surrounding area. Tribal contacts obtained from the California Native American Heritage Commission were sent the Notice of Availability of the DEIR. The City did not receive any response or inquiries from these contracts in response to the Notice of Availability.

The City respectfully disagrees with Caltrans that there are incorrect statements within the DEIR within the background/prehistory section or that the use of previous studies does not comply with CEQA. As is specifically outlined on pages 173-174 of the DEIR, the project site and immediate area are not within known prehistoric occupation areas and no development or previous studies in the area have found evidence of prehistoric settlements. During the mission period, occupation in the area now known as San José was focused within the downtown area. After the turn of the century, the project site was utilized as farmland until development occurred after World War II. This is an accurate summary of the historic development of the project site. The likelihood of findings subsurface prehistoric and historic resources is discussed on page 182 of the DEIR and standard permit conditions,

consistent with City policy, have been identified to address any as yet unrecorded artifacts that may be found during project construction.

Comment A16: In reference to the DEIR evaluation of the Cumulative Impacts (p. 222), the "combined loss of structures [is] a less than significant cumulative impact" is not a full consideration of the impacts to the Century 21's setting resulting from the destruction of the surrounding buildings. The Historic Evaluation & Assessment's exposition of the alternative (pp.34-39), the potential impacts, and the possible mitigation, is a more thorough, complete, and useful evaluation. For consistency, Caltrans recommends that the DEIR and Historic Evaluation & Assessment be brought into alignment with one another. For the Cumulative Impacts finding, as of June 2016, the two domes theaters in Sacramento and the one in Napa have been demolished. The theater in Newark will most likely be demolished by 2017. Please reevaluate the removal of these theaters within the cumulative impacts analysis, as the listed theater that will be removed for the current project would likely be the last theater of its type in California and likely a significant cumulative impact.

Response A16: As stated on page 222 of the DEIR, none of the remaining Vincent G. Raney deigned dome theaters, including the ones noted by Caltrans, are historically significant, as they are less than 50 years old. While they may share an architectural style with the Century 21 Theater, the demolition of those domes, combined with the demolition of the Century 22 and 23 buildings (which are not historic) does not equate to a significant cumulative impact on historic structures.

Comment A17: ***Traffic Control Plan***
A Caltrans-approved Traffic Control Plan (TCP) is required to avoid project-related impacts to the STN, if it is anticipated that vehicular, bicycle, and pedestrian traffic will be impacted during the construction of the proposed project requiring traffic restriction and detours. The TCP must also comply with the requirements of corresponding jurisdictions. In addition, pedestrian access through the construction zone must be in accordance with the Americans with Disabilities Act (ADA) regulations (see Caltrans' *Temporary Pedestrian Facilities Handbook* for maintaining pedestrian access and meeting ADA requirements during construction at: www.dot.ca.gov/hq/construc/safety/Temporary_Pedestrian_facilities_Handbook.pdf.) (see also Caltrans' Traffic Operations Policy Directive 11-01 "Accommodating Bicyclists in Temporary Traffic Control Zones" at: www.dot.ca.gov/hq/traffops/policy/11-01.pdf). All curb ramps and pedestrian facilities located within the limited of the project area required to be brought up to current ADA standards as part of this project.

Response A17: With all development projects in San Jose, the Department of Public Works will require traffic control plans, designated haul routes, and other construction safety measures. The City typically conforms to Caltrans guidelines for construction traffic control.

B. RESPONSE TO COMMENTS FROM SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, August 8, 2016:

Comment B1: Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR (DEIR) for 970,000 square feet of office space and 29,000 square feet of retail space, on the west side of Winchester Boulevard and potential implementation of a Transportation Development Policy for the I-280 -Winchester/Moorpark interchange. We have the following comments.

Land Use

VTA supports the proposed land use intensification on this site, strategically located on the regional transportation network and served by the VTA Local Bus Line 23 and Limited Line 323 along Stevens Creek Boulevard, and VTA Local Bus Line 60 along South Winchester Boulevard. As part of the current Next Network Program, VTA will implement near-term transit network improvements in 2017 coinciding with the opening of Berryessa BART, including the Rapid 523 enhanced bus service (an early deliverable of the Stevens Creek Boulevard Bus Rapid Transit (BRT) Project), with the closest planned stop less than a quarter mile away from the project site at Stevens Creek Boulevard and South Winchester Boulevard. Additionally, early Next Network concepts developed in Spring 2016 suggest that Local Bus Line 60 could be extended to provide additional connections, in response to growing transportation demand along the Winchester Corridor.

VTA supports increasing office and retail uses in close proximity to the mix of uses already built in a pedestrian-friendly design at Santana Row. The project will contribute to the "synergy" of uses in the area that will result in a greater percentage of trips accomplished by walking and a lower percentage of driving trips during the day.

Stevens Creek Boulevard and Winchester Boulevard are identified as Corridors in VTA's Community Design & Transpo1iation (CDT) Program Cores, Corridors and Station Areas framework, which shows VTA and local jurisdiction priorities for suppo1iing concentrated development in the County. The CDT Program was developed through an extensive community outreach strategy in partnership with VTA Member Agencies, and was endorsed by all 15 Santa Clara County cities and the county.

Response B1: VTA's support of the proposed project is acknowledged.

Comment B2: I-280/Winchester/Moorpark Transportation Development Policy

The DEIR/TIA notes that the "the EIR will evaluate implementation of a Transportation Development Policy (TDP) to fund potential interchange improvements at Interstate 280, Winchester Boulevard, and Moorpark Avenue to address area traffic impacts." (p. 22) VTA supports the City's evaluation of a TDP for the interchange improvements, and supports the City's intent to develop a potential City of San José Area Development Policy that could identify a broad range of improvements for the Santana Row/Valley Fair/Winchester Boulevard Urban Village areas. This could include improvements to offset the effects of increased auto congestion on transit travel times on Stevens Creek Boulevard and Winchester Boulevard, such as transit priority measures and/or contributions to VTA's Rapid 523 project (see further comments below).

Response B2: VTA's support of the proposed TDP is acknowledged.

Comment B3: Congestion Impacts on Transit Travel Times

In VTA's comments on the project's Notice of Preparation (NOP) and Transportation Impact Analysis (TIA) Form, VIA requested that the DEIR/TIA address any potential impacts from increased motor vehicle traffic and congestion associated with the project on transit travel times, particularly in the Stevens Creek Boulevard corridor. VTA recommended a cumulative analysis, taking into account the effects of the proposed project along with other approved and pending projects in the vicinity, such as the Valley Fair Expansion, Santana Row Expansion and 350 Winchester Boulevard Mixed Use projects. Such an analysis was not included in the DEIR/TIA. An analysis of the effects of the project on transit vehicle delay is required per the 2014 *VTA Transportation Impact Analysis (TIA) Guidelines* (Section 9.2 - Transit), and thus should be addressed in the EIR Transportation analysis and discussion on consistency with the applicable Congestion Management Program.

Although the DEIR/TIA does not include an analysis of congestion impacts on transit vehicle delay, the DEIR/TIA finds that increasing congestion will result in significant Auto Level of Service impacts at the intersections of Stevens Creek Boulevard with Winchester Boulevard and Monroe Street, based on City standards. At the Stevens Creek/Winchester intersection, the project would increase the average delay on all approaches by nearly 24 seconds compared to background conditions (DEIR p. 76). Since both of these intersections are frequently used by transit vehicles (the Stevens Creek/Winchester intersection sees 24 buses per hour in the peak period, between VIA Routes 23, 323 and 60), it can be deduced that transit vehicles will also be impacted by project-induced congestion at these intersections.

Both the Stevens Creek/Winchester and Stevens Creek/Monroe intersections are currently Protected Intersections, per City policy. The DEIR notes that, "If a development project has significant traffic impacts at a designated Protected Intersection, the project may be approved if offsetting Transportation System Improvements are provided to other parts of the Citywide transportation system or that enhance non-auto modes of travel in the community near the Protected Intersection in furtherance of the General Plan goals and policies." (p. 67) The DEIR notes "potential improvements within the project area and adjacent neighborhoods" including traffic calming, and streetscape/pedestrian/transit operations improvements. (p. 68)

VTA supports the idea of designating Protected Intersections to encourage development in locations conducive to walking, bicycling and transit in order to reduce vehicle miles traveled and greenhouse gas emissions. However, increased congestion at this intersection could result in delay to transit vehicles on Stevens Creek Boulevard, including the Local 23, Limited 323 and future Bus Rapid Transit (BRT) service, which could degrade schedule reliability and increase operating costs. As noted above, VTA is planning to implement Rapid 523 enhanced bus service as a near term improvement and early deliverable of the Stevens Creek Boulevard BRT Project. VTA recommends that the City include improvements to transit access and circulation among the Transportation System Improvements identified per the Protected Intersection Policy, such as Transit Signal Priority (TSP) for Local Line 23 along Stevens Creek Boulevard, transit stop improvements along Stevens Creek Boulevard and Winchester Boulevard in the project vicinity, pedestrian circulation improvements to transit stops, and wayfinding signage to direct pedestrians to transit stops. VTA requests to be involved as the City works with the developer and neighborhood residents through the Protected Intersection process to identify Transportation System Improvements following the approval of the project.

Response B3: While the VTA's Guidelines require analysis of transit delay, these guidelines are acknowledged by VTA as being separate from the CEQA Guidelines, they serve a different purpose then CEQA, and nothing in CEQA specifically requires an analysis of transit vehicle delay.

Per the City's Transportation Impact Policy, the list of potential offsetting improvements for projects adding trips to Protected Intersections are determined during the Planned Development Permit stage and will be selected based on neighborhood outreach and input. If the City, through consultation with the community, determines that transit improvements would be an effective offsetting improvement, the City will work with VTA to identify and implement those improvements.

Comment B4: CMP Intersection Impacts and Multimodal Improvement Plan
The DEIR and TIA indicate the proposed project would have a significant impact on two CMP intersections (DEIR p. 24). One of these impacted CMP intersections is Stevens Creek/Winchester Boulevard intersection, where the "cumulative volumes would cause the intersection to degrade from LOS D under background conditions to LOS F under cumulative plus project conditions" (DEIR p. 216), which would exceed the CMP Auto Level of Service standard. The DEIR does not identify any mitigation measures for this impact, stating that "Pursuant to the City's Transportation Impact Policy, in lieu of physical improvements to the Winchester Boulevard/Stevens Creek Boulevard and Monroe Street/Stevens Creek Boulevard intersections, the project applicant shall construct offsetting improvements to other parts of the Citywide transportation system in the vicinity of the project site" (DEIR p. 218).

VTA notes that the designation of Stevens Creek/Winchester as a Protected Intersection affects how this impact is considered according to City policy, but it does not change the fact that this would be considered an impact per the CMP Auto Level of Service Standard. As a result, VTA requests that the City prepare an area-wide Multimodal Improvement Plan to address the project's impacts on CMP transportation facilities, which serve the broader area and region. The California CMP statute requires Member Agencies to prepare Multimodal Improvement Plans for CMP facilities located within their jurisdictions that exceed, or are expected to exceed, the CMP traffic.

The preparation of a Multimodal Improvement Plan (MIP) can be an opportunity to implement multimodal (non-automotive) transportation improvements as offsetting measures, when mitigations to meet the LOS standard are either infeasible or undesirable. The Multimodal Improvement Plan contains a list of actions to help offset the vehicular LOS impacts, and an implementation plan with specific responsibilities and a schedule. These off-setting improvements can include improvements to transit, bicycle, and/or pedestrian facilities, as well as Transportation Demand Management (TDM) Programs. A MIP is well-aligned with the City and Project Developer's proposal to create the I-280/Winchester Boulevard Interchange Area Transportation Development Policy, as well as the City's intent to develop a potential City of San José Area Development Policy that could identify a broad range of improvements for the Santana Row/Valley Fair/Winchester Boulevard Urban Village areas.

VTA can assist the City in identifying off-setting improvements and would be happy to discuss alternatives to physical improvements at CMP intersections in the City of San José. For further

information on Multimodal Improvement Plans (previously "Deficiency Plans"), please see VTA's Deficiency Plan Requirements located online at: http://www.vta.org/cmp/technicalguidelines.

> **Response B4:** The City of San José uses the City's Transportation Impact Policy, not the CMP, as the basis of determining if an impact to an intersection is significant. The City's Transportation Impact Policy was established prior to establishment of the CMP in 1991. The City chose not to replace the Transportation Impact Policy with the CMP thresholds because the City's standard is LOS D or better and the CMP standard is LOS E or better. Currently, at CMP intersections, development projects apply both City standards and CMP standards in their traffic analysis, but only use the City's standard as the CEQA threshold. Intersections that do not meet the CMP standards with the addition of project traffic are considered to be out of conformance with the CMP guidelines, but are not considered a significant CEQA impact. As stated in the DEIR, the City staff welcomes VTA's assistance in identifying off-setting improvements as part of this project and will address CMP intersection conformance with the comprehensive Urban Village Plan and area wide traffic study.

Comment B5: Freeway Impacts and Voluntary Contributions to Regional Improvements
The TIA identifies 21 freeway segment impacts but does not identify a mitigation measure (pg. 58). VTA acknowledges that the City and VTA are working on the planning and project development for improvements at I-280/Winchester Boulevard. Other regional transportation improvement initiatives within the vicinity have also begun, such as the I-280 Corridor Study and I-280/Wolfe Interchange Improvement Project. VTA recommends that the City require the project to contribute toward future project development phases (e.g., environmental clearance, design and/or construction).

> **Response B5:** The City of San José has provided voluntary contributions to the VTA's I-280/Winchester Blvd. Improvements Project study and, within this EIR, the City is also proposing to establish a TDP to help fund improvements to the I-280/Winchester Boulevard interchange. At this time, however, there is no approved project with CEQA clearance and a funding mechanism that would add capacity to any of the impacted freeway segments. The City of San José recognizes VTA's voluntary contribution programs and is working with the project applicant at this time.

Comment B6: Pedestrian and Bicycle Accommodations
Given the increased pedestrian volumes associated with the project, VIA recommends that the City work with the Project Developer to provide exceptional pedestrian accommodations on all project roadways, particularly on Winchester Boulevard, Olin Avenue, and Olsen Drive. The existing project frontages contain attached sidewalks with no landscaped buffer between the sidewalk and the street. VTA recommends buffer strips with tree wells at consistent intervals along the Winchester Boulevard and Olin Avenue project frontages, and on the south side of Olsen Drive. Resources on pedestrian quality of service, such as the Highway Capacity Manual 2010 Pedestrian Level of Service methodology, indicate that such accommodations improve pedestrian perceptions of comfort and safety on a roadway.

The comers of S Winchester Blvd/Olin Ave and S Winchester Blvd/Olsen Dr adjacent to the project site have wide turning radii which encourages higher auto speeds and reduces pedestrian comfort and safety. VTA recommends squaring off these comers or otherwise reducing the speed of right turns at

these locations to facilitate pedestrian access to the site. In addition, VTA recommends that the City work with the project applicant to install the missing crosswalks on the both side of S Winchester Blvd/Olin Ave and the south side of S Winchester Blvd/Olsen Dr.

VTA notes that the DEIR/TIA states that the development will provided 253 bicycle parking spaces per the City of San José bicycle parking standards, as well as five showers for employees. VTA recommends that these amounts be included as Conditions of Approval for the project. VTA supports bicycling as an important transportation mode and thus recommends inclusion of conveniently located bicycle parking for the project. Bicycle parking facilities can include bicycle lockers or secure indoor parking for all-day storage and bicycle racks for short-term parking. VTA's Bicycle Technical Guidelines provide guidance for estimating supply, siting and design for bicycle parking facilities. This document may be downloaded from http://www.vta.org/projects-and-programs/planning/bikes-bicycle-technical-guidelines-btg.

> **Response B6:** A comprehensive plan for multi-modal transportation options in the immediate project area will be developed by the City as part of the Urban Village Plan. VTA's recommendations are acknowledged.

Comment B7: Transportation Demand Management/Trip Reduction
The DEIR notes that the project "would include a transportation demand management (TDM) plan to reduce overall traffic trips to and from the site" and provides a list of TDM examples that could be utilized (pp. 22-23). However, the DEIR and TIA do not identify the specific TDM measures to be implemented, a trip reduction goal, or how trips would be monitored. VTA recommends that the TDM program specify the TDM measures that will be required, include a vehicle trip reduction target, and third-party monitoring of trip generation upon project completion and a Lead Agency enforcement/penalty structure.

> **Response B7:** Please refer to Response A12.

Comment B8: Roadway Connectivity
The DEIR notes that, "As proposed, the project would vacate the Olsen Drive and reconfigure internal roadways, thereby modifying the existing access to the adjacent Winchester Ranch Mobile Home Park" (p. 229) but also includes project alternative described as Redesign Alternative No. 1, which would create a new connection to Cali Drive from the reconfigured Olsen Drive. VTA supports this alternative because it preserves connectivity for vehicles, pedestrians and bicyclists in the vicinity of the project site. VTA also encourages the City and Project Developer to preserve connectivity to Prune Way.

> **Response B8:** VTA's support of Redesign Alternative No. 1 as it pertains to roadway access to adjacent parcels is acknowledged.

C. RESPONSE TO COMMENTS FROM MATTHEW SUTTON, June 25, 2016:

Comment C1: My name is Matthew Sutton, and I am one of the people involved in the "Save the Domes" movement regarding the Century Theaters. I was going over the EIR (file number PDC14-068) and I have a couple of questions…

First, regarding the marquee, the report states:
"Consistency: The project does not propose to retain the existing roadway sign for the Century Theaters. The sign was not part of the original Century 21 Theater construction. The sign was added during expansion of the site and has been modified over the years. The sign, by itself, is a good example of mid-century roadway signage, but does not appear to be individually significant. As a result, the project is consistent with Policy LU-13.9.

The base marquee is original to the 21. Enclosed is a photo of the original marquee, showcasing the film that was first shown at the Century 21. If you look at the photo of the "current" marquee, you can see the original was added to in order to reflect the addition of the 22 and 23 domed theaters. Whether or not that helps in keeping the sign I do not know, as it has been altered. But factually the base is original to the 21's opening.

> **Response C1:** The commenter's information regarding the marquee sign is acknowledged. While the information provided is not consistent with the data collected by the City's historic consultant (the consultant determined the date of construction for the sign to be 1966), the date of construction is secondary to the overall historic significance of the sign due to the substantive modifications that have occurred to the original design of the sign.
>
> The display portion of the original sign is intact, but the original theater name and star-bursts on the top were replaced with additional theater signs. New theater name signs were added immediately adjacent to the sign, inconsistent with the original design. Furthermore, based on the photos provided, it appears that either the original display board was placed lower on the base or the base was replaced at one time as the supporting legs of the sign are taller and slimmer in the original picture. It is reasonable to assume that a new base was added to keep the sign at the proper height and to support the additional weight of the expanded sign. Lastly the materials of the display board have been changed over time. For all these reasons, the theater sign is not a significant historic resource.

Comment C2: The other question I have is in the wordage about the Century 21's historic status. The wording of the report states "The building has also been determined to be eligible for listing on the National Register of Historic Places and the California Register of Historic Resources." While it was deemed eligible for the National List (and would be on the list, had the property owners not objected) it's my understanding that is it [sic] actually on the California Register of Historic Resources. The wordage makes it seem as though it were "eligible" at both National and State levels.

I thank you for your time and appreciate your consideration in the matter.

> **Response C2:** The quote from the DEIR referenced above is a general notation regarding the Century 21 Theater building in the project description (page 20). The discussion of

significant of the structure is provided in Section 4.11.1.4 of the DEIR (pages 176-177). The DEIR specifically states:

> "The Century 21 Theater was previously evaluated in 2013 and was nominated for listing on the NRHP. The property was found to be eligible for listing in the NRHP, but ultimately the property was not listed due to the property owners objection. Subsequently, the State listed the structure on the CRHR (2014) and the City designated the structure as a City Landmark in June 2014 (designation HL14-212)."

As is evident from the detailed description in the Cultural Resources section of the DEIR, the structure was accurately described as a City Landmark and as a listed structure in the California Register of Historic Resources. As noted in Section 4.11.2.3 of the DEIR (page 184), under CEQA a structure is considered a significant resource under CEQA if it is found to be eligible for inclusion on either a National, State, or local register. As a result, whether the structure is listed or eligible for listing, exterior modification or demolition of the Century 21 Theater would be a significant impact.

D. RESPONSE TO COMMENTS FROM BRUCE BRANAN, June 28, 2016:

Comment D1: Please forget rezoning!!! Traffic is a pain in the ass!

Response D1: The commenter has provided no specific comment related to the environmental analysis in the DEIR. The commenter's concerns about traffic are acknowledged.

E. RESPONSE TO COMMENTS FROM BRUCE BRANAN, July 1, 2016:

Comment E1: We don't want it, bucco! Leave well enough alone! Traffic and immigrants are way out of hand! Go to Alviso, NOW!!!

> **Response E1:** The commenter has provided no specific comment related to the environmental analysis in the DEIR. The commenter's concerns are acknowledged.

F. RESPONSE TO COMMENTS FROM GREG SALERNO, July 1, 2016:

Comment F1: Please save the Flames Restaurant. Please save the whole Century 21 theater, although my first preference would be to tear it down completely and save the Century 23 Theater across the street from it instead, and use it for community theater, live concerts, shows, and conference.

> **Response F1:** The commenter has provided no specific comment related to the environmental analysis in the DEIR. The commenter's opinions regarding the Flames Restaurant and Century 21 and 23 Theaters are acknowledged.

G. RESPONSE TO COMMENTS FROM MARIUS FROHLICHMAN, July 2, 2016:

Comment G1: Please ask all your coworkers in the planning department to lock [sic] over the previous failed efforts to build a Downtown in San José.

All the failures come from the single decision to build only commercial and retail buildings without any residential. Now San José is reversing the policy and I know that a lot of residential buildings are built or planned to be build [sic] in SJ Downtown.

Please do not make the same mistake for the Santana West. By excluding residential buildings you will make the area being desolated at evenings. By combing [sic] commercial, retail and residential it will assure a very prosperous site.

> **Response G1:** The commenter has provided no specific comment related to the environmental analysis in the DEIR. The commenter's concerns about balanced growth in the project area are acknowledged.
>
> The project would be phased over a six-year period as noted in the DEIR. If, prior to completion of all development phases, the Valley Fair/Santana Row Urban Village Plan is approved and it is determined the residential is supportable on the project site, a modification to the project approval could be proposed. If the proposed commercial project is approved, any changes to the project approval, including changes in the land uses of future phases (such as the addition to residential uses), would require subsequent environmental review.

H. RESPONSE TO COMMENTS FROM JOSEPH DEPAGE, July 19, 2016

Comment H1: It would be a shame if we tore down every single unique piece of iconic architecture in San José just to expand our collection of boring, ultra-safe shopping malls. Please don't allow them to strip the 21 dome.

> **Response H1:** The commenter has provided no specific comment related to the environmental analysis in the DEIR. The commenter's concerns regarding retention of the Century 21 Theater are acknowledged.

I. RESPONSE TO COMMENTS FROM MICHAEL SANDS, July 25, 2016

Comment I1: David, I am writing to express my concern about the proposal to strip the outer layers off the Century 21 building, leaving only a metal skeleton. This proposal is transparently inconsistent with generally accepted principals of preservation and re-use of historic structures. I believe Federal Realty has always wanted to tear all three domes down and this proposal effectively accomplishes this while keeping only a token aspect of the original building in the name of "preservation".

I would personally like to see the Century 21 re-used as a mixed-use entertainment venue – perhaps as a state of the art movie theater with the giant screen that can also host other kinds of entertainment events such as concerts, seminars, comedy, etc. I do not want to see the Century 21 re-used as a storage building or for any other absurd or inappropriate purpose.

Do you know the current status of plans for the Century 21? I would appreciate any information.

> **Response I1:** The commenter has provided no specific comment related to the adequacy of the environmental analysis in the DEIR. The commenter's concerns about removing the Century 21 Theater exterior and the request that the building be reused as an entertainment venue/movie theater are acknowledged. The DEIR disclosed that the proposed demolition of the exterior of the Century 21 Theater would result in a significant and unavoidable impact. The possibility of adaptive re-use of the Century 21 Theater as either a mini-storage facility or as an entertainment venue is part of the alternatives analysis in the DEIR. Although specific re-use beyond these alternatives has not been identified at this time, an analysis of any future adaptive re-use with exterior changes to the building would require a Planned Development Permit and would be analyzed under CEQA.

J. RESPONSE TO COMMENTS FROM JOHN DOWLING, July 26, 2016

Comment J1: Appendix A, page viii and Page 65 last paragraph
New off-ramp from NB I280 to Winchester Blvd.

In the Draft EIR this off-ramp calls for closing Tisch Way [Appendix A, page viii; Page 65 last paragraph]. The same design proposed in the Draft EIR for the "Improvements to SR17/I280/I880…" dated Nov 2010, stated that Tisch Way would remain a two way street (without on-street parking). [www.dot.ca.gov/dist4/…/docs/chapter_1.pdf, page 32, 1.31.3c)].

Why the change? The off ramp should allow Tisch Way to remain open in both directions. This leave the Tisch Way-Monroe Ave. bypass available to take traffic away from the Stevens Creek/Winchester intersection. The choice in the Draft EIR would force all traffic through the Stevens Creek/Winchester intersection.

The traffic study should be re-done with the Tisch Way-Monroe Ave. bypass intact to see what impact the bypass would have for traffic patterns.

> **Response J1:** As explained on page 82 of the DEIR and page vii of Appendix A, the DEIR for the proposed Santana West project includes analysis of the City of San José initiated Transportation Development Policy (TDP), but is not proposing a specific design for the off-ramp from I-280 to Winchester Boulevard. The future ramp project is under the jurisdiction of Caltrans and VTA and the final design would be determined by these agencies as part of their planning process. They will also be required to complete a separate Environmental Impact Report to address the potential impacts of their final design. The analysis in the Santana West DEIR is intended only to estimate the overall effects of a future off-ramp on area wide traffic to determine a funding mechanism for the proposed TDP.

Comment J2: Appendix A, Pg 13, VTA Services
Last line in paragraph titled "VTA bus service" the D-EIR says: "however, the nearest route 323 stops are located at Kiely Boulevard and Bascom Avenue." The VTA Limited 323 stops in front of 300 Santana Row (east bound) and in front of the Safeway store (west bound), before Winchester BLVD. These are shown in Fig 3 (page 14), but not in the text. Kiely and Bascom are time points, but not the closest stops of the 323 to the project.

> **Response J2:** The commenter is correct that the text on page 13 of Appendix A is incorrect. Figure 3 of Appendix A is, however, correct in showing the current locations of the bus stops. The information is also correctly stated on page 50 and Figure 4.2-1 of the DEIR. Please refer to page 63 for the proposed text amendment.

Comment J3: D-EIR page 13, Table SUM-1, Alt C, D, E, F and H. Century 21 Theater. The current proposal for the Century 21 Theater building would remove it as a historic landmark at all levels. Preserve the Theater building as the landmark it is and find a new use without destroying its integrity as a building (Alt E and F).

> **Response J3:** The commenter's opinion regarding reuse of the Century 21 building is acknowledged. The possibility of adaptive re-use of the Century 21 Theater as either a mini-

storage facility or as an entertainment venue is part of the alternatives analysis in the DEIR. Although specific re-use beyond these alternatives has not been identified at this time, an analysis of any future adaptive re-use with exterior changes to the building will require a Planned Development Permit and will be analyzed under CEQA.

K. RESPONSE TO COMMENTS FROM PRESERVATION ACTION COUNCIL OF SAN JOSÉ, August 2, 2016

Comment K1: The Preservation Action Council of San José (PAC-SJ) was founded in 1990 and is dedicated to preserving and promoting the continued use of historically significant resources in San José, and to encourage quality new design. We appreciate the opportunity to comment on the Santana West DEIR.

This site offers a unique setting of three historic structures in close proximity – the Winchester Mystery House, Flames/Bob's Big Boy Restaurant, and Century 21. A collective of historic resource like this does not exist anywhere else in this part of San José and there are very few places in the entire city that have the distinction of having several historic buildings in a setting like this. The opportunity to incorporate this "historic village" into a development that will provide jobs and hopefully entertainment options should not be missed.

The Flames Restaurant building, the former Bob's Big Boy Restaurant, is a remarkably well-preserved and exceedingly rare example of the prototype that Armet & Davis created for Bob Wian and his Big Boy restaurants in 1958. This may be the only 1958 Bob's prototype building left in Northern California and perhaps the most intact example in all of California. Creative solutions for restoring and reusing this building should be explored.

The Century 21 Theater must be retained in a manner that will guarantee retention of its historic designation. While the open-space proposal is creative, a proposal that causes the building to lose its historic designation should not be further explored. If open space is desired it should be accommodated elsewhere on site and not compromise the integrity of a historic landmark.

> **Response K1:** The commenter's opinions regarding preservation of the Century 21 Theater and Flames Restaurant buildings are acknowledged. The DEIR disclosed the applicant's proposed alterations/removal of the two buildings would result in significant and unavoidable impacts. Mitigation measures MM CUL-1.1 through MM CUL-2.2 require documentation of both structures per Historic American Building Survey (HABS) standards, provide opportunities for relocation and/or salvage of the Flames Restaurant building, opportunities for salvage of the exterior materials of the Century 21 Theater if the exterior is removed, and the installation of a permanent historic exhibit.

Comment K2: Although traffic impacts are not part of our mission we do have concerns regarding potential negative impacts to the area. Traffic congestion will make it more difficult for people to get to the site and visit the restored and reused historic Century 21 building. Appropriate traffic levels must be maintained so that whatever form of transit people use they will be able to comfortably access this site.

> **Response K2:** A full assessment of the project's traffic impacts is provided in the DEIR along with necessary mitigation measures. PAC-SJ's concern about increased traffic in the project area is acknowledged.

L. RESPONSE TO COMMENTS FROM CHRISTOPHER GARCIA, August 4, 2016

Comment L1: The proposal for the de-nuding of the Century 21, as well as the destruction of the Century 22 and the Flames Restaurant that represents one of San José's few remaining pieces of Googie architecture, is a terrible slap in the face to anyone who has been steeped in the South Bay Arts community. The Century 21 is not only one of the finest movie theatres ever to grace the City of San José, but it is the inspiration for a major art work from the legendary Jeremy Blake that is now in the San Francisco Museum of Modern Art, as well as the former home to the RetroDome, which provided some of the finest screening experiences I have ever witnessed.

I have spent much of the last seventeen years working with artists in San José, as a part of the Cinequest Film Festival shorts programming team, producing a documentary about the former Cactus Club and the music scene that grew around it, and assisting with events in the science fiction arts community that brought San José its first Hugo Award winner ever. Every artist of the area I've spoken to, no matter how long they've been here, have all said the same thing – They wished there were more local arts spaces.

The Century 21 in particular, especially if a deal could be secured with the RetroDome to return to the space, would provide a signature San José experience space, with theatre and cinema mingling. If the Flames were preserved, the idea of a Historic district would be another mark for the city. Santana Row, across the street, provides the sort of spaces that this proposal seems to be interesting in fulfilling, while any use the preserves [sic] these buildings, and puts them to good public use, would provide experiences unavailable in any other part of the city.

I've been priced out of San José for several years. But lived in the city many times. My Mother worked for the library system for 20+ years; my uncle ran several branches over the years. My San José roots are deep, and it always pains me to see more and more of what once made San José a unique city slip away. Preserving these structures would be a step in the right direction, a sign that the City of San José recognizes it has a history and that history should be preserved while allowing for change and respectful growth.

I hope any proposal that does not preserve the Century 21, AS A PERFORMING/CINEMA space, and the Flames restaurant, is rejected outright. I would hope the City of San José would show its commitment to both its own history and its arts community by requiring these spaces to remain.

> **Response L1:** The commenter has provided no specific comment related to the adequacy of the environmental analysis in the DEIR. The commenter's opinions regarding preservation of the Century 21 Theater as a performing arts space/cinema and preservation of the Flames Restaurant building are acknowledged.
>
> Based on the Historic Buildings Evaluation prepared for the project, the Century 22 and 23 Theaters are do not qualify as historic resources. Century 22 was deemed ineligible because subsequent modifications, including the addition of two new dome theater buildings, resulted in significant material changes to the original form and massing of the building. Century 23 was deemed ineligible because it is less than 50 years old and is not considered an exceptional example of the work of the architect Vincent Raney.

M. RESPONSE TO COMMENTS FROM DAPHNA WOOLFE, August 4, 2016

Comment M1: This letter is in response to the DEIR for the Santana West project. Our neighborhood, Winchester Orchard (WONA), has several concerns about the project.

First, with regard to the traffic impact and the two protected intersections, it was stated that traffic mitigation fees will be collected to be used as "the project will construct offsetting improvements to other parts of the citywide transportation system to improve system-wide roadway capacity or to enhance non- auto travel modes in furtherance of the General Plan goals and policies." We find this unacceptable, as all fees should be used within the given area to help the flow of cars, bikes, and pedestrians. A great deal of emphasis has been placed on the new off-ramp from 280 north to Winchester Blvd. via Tisch Ave. We feel that this is an outdated proposal. It would be much better for the area to alleviate the issues at the Saratoga off-ramps, thereby decreasing the need for people to exit at Winchester. Also, the traffic impact money should be used as the beginning investment in a freeway cap for this area, which would ultimately unite the two sides of Winchester Ave. The current overpass is simply too narrow for the current amount of cars and adds to the issues at the adjacent intersections. As this area has become a destination for 25 million people a year, the old plans and policies need to be scrapped in favor of a comprehensive vision that will help move people safely and effectively from one place to another. Simply adding more cars to the protected intersections and bringing more cars into the area with a new off ramp, just does not make sense. Ultimately, this affects the safety of the area, as grid-lock prevents emergency vehicles from reaching people in a timely manner. So, it is imperative that all traffic impact fees collected from development in this area, stay here.

> **Response M1:** Please note that there are two types of traffic fees discussed in the DEIR: 1) offsetting improvements required based on trips added to existing protected intersection and on the city's Transportation Impact Policy, and 2) the proposed Transportation Development Fee. In both cases, the types of offsetting improvements and fees can only be assessed and utilized as outlined in the respective policies.
>
> The language referenced above (from page 67 of the DEIR) states a portion of the actual adopted City policy for protected intersections. Implementation of the policy as it pertains to the proposed project and the Winchester Boulevard/Stevens Creek Boulevard and Monroe Street/Stevens Creek Boulevard intersections is clearly outlined on pages 74, 80, 218, 219 of the DEIR. Specifically, the DEIR states:
>
> "These intersections have been identified by the City of San José as protected intersections. Therefore, in lieu of physical improvements to these intersections, <u>the project applicant shall construct offsetting improvements to other parts of the citywide transportation system in the vicinity of the project site</u> (emphasis added). The final improvements required will be identified by the City of San José based on the traffic impact fees paid by the project. Offsetting improvements shall be required to be implemented prior to issuance of occupancy permits for the project site. Pursuant to the City's policy, the implementation of offsetting improvements would provide project benefits that outweigh the project's significant impacts."

Regarding the use of development fees for a freeway cap, the City has no policy that would allow for the payment of development fees for this purpose. Furthermore, the payment of fees in this case would have no nexus to the impact of increased traffic to the project area and would not mitigate for this impact.

As discussed in Section 5.2, emergency response times for Fire Station 10 (located on South Monroe Street) are better than the City's performance standards, even with recent development that has occurred in the project area. Furthermore, the data shows that there is little to no variation in response times throughout the year. Meaning that even as traffic volumes increase during the holidays, the response times remain consistent. This is due to the fact that the Fire Department has the ability to preempt traffic signals to speed response times. There is no evidence to suggest that the development of planned growth in the project area, including the proposed project, would hinder emergency response times.

Comment M2: In addition, we are also concerned with the three residential streets most impacted by the development, Spar, Hanson, and Maplewood Ave. Which reconfigurations of Spar and Hanson are part of the DEIR, the impacts to Maplewood Ave. are not mentioned at all. The results of the potential changes to Spar and Hanson will most certainly be a significant amount of traffic on Maplewood Ave. How will this be mitigated, especially in light of the VTA declaring that Maplewood is now an alternative bus route? Presently cars cannot use Maplewood when VTA sends their buses down this narrow street.

Response M2: The DEIR addressed possible operation issues on the nearby residential streets that could result from the project. As stated on page 83, this is not an analysis required under the City's Transportation Impact Policy and CEQA, but is intended to inform the public and decision makers. The analysis found that the traffic volumes on each of the aforementioned roadways would continue to be within the volume range deemed acceptable by the City of San Jose for residential streets. It was determined however, the traffic speeds could increase on Maplewood Avenue. Page 87 of the DEIR lists possible options for traffic calming on these roadways, along with Olin Avenue; however, these measures are not proposed by the project at this time, but could be required by the City as conditions of approval. If the project is approved, these measures could be considered as part of the protected intersection offsetting improvement plans.

With regard to the VTA utilizing Maplewood Avenue as an alternative route, please note that Maplewood Avenue is 35 feet wide. Currently in other residential areas of the City, VTA has standard bus routes on residential roadways that are 35 feet wide with parking on both sides. There is no reason that use of this road as an alternative route would preclude the use of the roadway by local residents. Furthermore, the addition of occasional buses would not equate to a significant increase in traffic volumes or require mitigation.

Comment M3: Seamless and safe pedestrian access should be established between both sides of Winchester Ave. This can be accomplished with a pedestrian bridge or four-way diagonal crossing at all intersections.

Response M3: As discussed in Section 4.2 of the DEIR, there are sidewalks and signalized crosswalks throughout the project area that would provide adequate pedestrian access to

services, transit, etc. for future site users. The Transportation Impact Analysis found no need for pedestrian improvements in the project area.

Regarding the suggestion of a pedestrian bridge, please note that there is no right-of-way available on Winchester Avenue to accommodate a pedestrian bridge. Regarding four-way diagonal crosswalks at the local intersections, the City will take this under consideration during the determination of appropriate offsetting improvements at the Planned Development Permit stage. It should be noted, however, that these types of crosswalks add delay time to traffic signals and could further impact vehicle travel times through the project area.

Comment M4: In order to create a cohesive project that would embrace the two historic structures, the need to close Olsen at the entrance of the Winchester Ranch Mobile Home Park is clearly in order. We support the new entrance with a service road behind the Century 21 Theater, as long as the developers use current noise dampening technologies in the surrounding building and pavement structures. This would also encourage more pedestrian access within the area, which is the ultimate goal in creating a cohesive project.

Response M4: The commenter's support of the closure of Olsen Avenue is acknowledged.

Comment M5: In the section of the DEIR, which discussed the impacts during demolition and construction of the site, there is significant attention given to the potential impacts on the two historic buildings on and adjacent to the site. However, no consideration is given to the impacts on the homes adjacent to the site. For example,

MM NOI-3.1: The use of vibration-generating construction equipment, such as impact compactors and larger dozers shall be prohibited within 60 feet of the Winchester Mystery House and Century 21 Theater.

The vibrations created are of concern with regard to these structures. Surely, the same vibrations have the potential to create significant damage to the surrounding residences. The six houses on Maplewood Ave., directly behind the project, have experienced significant vibration effects just from the sound created by the movie theaters. Sound studies were done and can be provided, to show these impacts.

Response M5: As discussed on pages 125 and 128-129 of the DEIR, the City of San José has different thresholds for construction vibration impacts for historic structures and contemporary structures of conventional construction. Specifically, a vibration limit of 0.2 inches/second is used for contemporary buildings and 0.08 increase/second is used for historic structures.

The analysis of vibration impacts is provided on page 128 of the DEIR. The analysis determined that the nearest off-site contemporary buildings to the project site would experience construction vibration levels below the 0.20 inches/second criteria established by the City. Therefore, no construction vibration impacts to adjacent residences are anticipated.

Comment M6: While Federal Realty demonstrated their unique vision with the original buildings in Santana Row, the subsequent structures have not followed this original model. Within Santana

Rows' existing footprint they are entitled to build taller commercial buildings which require a different type of building material and thereby the designs may not fit with the original architectural style. With regard to Santana West, the new buildings will be bordered by residential neighborhoods and two historic structures. We therefore ask that they be required to follow the requirements set forth in the 2040 General Plan.
Policy CD-1.1: Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the **proper transition** between areas with different types of land uses.

> **CD-4.4** In non-growth areas, design new development and subdivisions to reflect the character of predominant existing development of the same type in the surrounding area through the regulation of lot size, street frontage, height, building scale, siting/setbacks, and building orientation.
>
> **CD-4.5** For new development in transition areas between identified Growth Areas and non-growth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher- intensity areas and that reduces potential shade, shadow, massing, viewshed, or other land use compatibility concerns.
>
> **CD-4.9** For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
>
> **CD-7.1** Support intensive development and uses within Urban Villages, while ensuring an appropriate interface with lower-intensity development in surrounding areas and the protection of appropriate historic resources.
>
> (The following would only be in effect if Federal Realty chooses to switch to residential buildings in phase II of the project)
>
> **CD-7.9** Build new residential development within Urban Village areas at a minimum of four stories in height with the exception that a single row of 2-3 story development, such as townhouses, should be used when building new residential development immediately adjacent to single-family residential sites that have a Residential Neighborhood designation.
>
> **Response M6:** Comments on the architecture and design of the project are noted. The architecture and design of the project has not yet been finalized. If the project is approved, the architectural design of the buildings will be determined in coordination with City Staff during the Planned Development Permit process.
>
> Please note that Policy CD-4.4 and CD-4.5 are not relevant to the proposed project because the project site is not located in a non-growth area or transitional area. The project's consistency with Policy CD-4.9 is addressed on page 26 of the DEIR. Policy CD-7.1 is relevant to City decision-making but not to any required design aspect of the project and was,

therefore, not included in the policy discussion. With regard to Policy CD-7.9, the proposed project is consistent with the building height and setback requirements established in the General Plan and the zoning code.

Comment M7: Our major concern is the shadows cast by the new buildings, especially on the residences on Spar and Hanson. People living on these streets will have the sun blocked from their homes at various times of the year. Not only is this not visually appealing, it undermines the ability of the residences to get or maintain solar panels for their homes. It also, essentially "walls off" the existing neighborhoods from the development, instead of integrating and transitioning the two. Appropriate height, setbacks, and green space should be used to help mitigate these issues.

Response M7: Section 4.1.2.4 (pages 44-45 and Figure 4.1-2) of the DEIR provide a detailed shade and shadow study for the proposed project and found that the project would increase shadows north and west of the project site in the winter months. Specifically, the analysis stated:

> "In the winter morning hours, the proposed buildings would shade the residential properties adjacent to the western property line and some of the properties on the north side of Olin Avenue. In the winter afternoon hours, the proposed development would also shade some of the residential properties on the north side of Olin Avenue. The proposed building F would shade the northwest corner of the Winchester Mystery House property in the winter afternoon hours, but at no time would the Winchester Mystery House itself be shaded.
>
> Neither the off-site residences nor the office buildings that would be shaded by the project have solar panels. As a result, implementation of the proposed project will not restrict solar access for existing panel systems.
>
> The CEQA Guidelines do not provide a quantifiable threshold by which to assess the level of impact resulting from increased shading. As a result, it is the discretion of the Lead Agency (the City of San José) to determine the impact threshold. Currently, for CEQA purposes, the City of San José only has an adopted threshold of significance for shade and shadow in the vicinity of public parks in the Downtown area. No thresholds for increased shade and shadow apply to other areas of the City, including private open space. Furthermore, the courts have determined that "California landowners do not have a right of access to air, light and view over adjoining property."[1]
>
> As of January 2016, there were no existing solar collectors seen on the roofs of the adjacent residential properties that would be shaded by the project. The California Solar Rights Act (AB 3250, 1978) and the Solar Shade Act (AB 2321, 1978) protect existing solar panels and solar easements from trees and shrubs planted after installation of the solar panels but provide no guarantee of solar access as it pertains to new building construction."

[1] *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal. App. 4th 492

For all these reasons, the DEIR concluded that the increase in shading resulting from the project, where the building heights are consistent with the General Plan, would have a less than significant impact. As discussed in the response to Comment M6, above, the final design of the buildings will be determined at the Planned Development Permit stage. The proposed rezoning includes development standards that require a 20 foot setback along the western property line adjacent to the single-family homes along Maplewood Avenue and a reduced maximum height limit along the western portion of the project site.

N. RESPONSE TO COMMENTS FROM MIKE HENSLEY, August 4, 2016

Comment N1: My comments are in regard to the "Santana West" project, file number PFC14-068.

I strongly object to the idea that the former Century 21 theatre would be stripped down to the skeleton and left as open space. The residents of San José and its government have made it amply clear that this building should be preserved in it's historical state as a movie theatre.
In comments leading up to its historical designation, the developers behind "Santana West" also made it amply clear that they would never allow the theatre to be used to show movies, again. Their draft proposal, therefore, is insulting to the people of San José. It is essentially the developer, Federal Realty, making an obscene gesture at the people and saying "Fine, you want to keep the structure, here it is…but we're making sure you can never have your theatre back, again. How do you like that?"

This also flies in the face of the goals of historic preservation. Would we be ok with the Winchester Mystery House being stripped down to framework, or Hayes Mansion? Again, the people of San José and its council have clearly said that they want the Century 21 building preserved and used as a movie theatre. Tenants are available and willing to move into the location to restore and operate it, but Federal Realty appears to be doing all they can to try and say that the site is not viable as a movie theatre. This notion has been repeatedly de-bunked, yet Federal Realty continues to say it because keeping the theatre does not suit their needs. Federal Realty has not made any good faith efforts to retain the theatre, at at all [sic]. Rather, they have used every opportunity they can to get rid of it so they can increase their rentable square footage elsewhere.

> **Response N1:** The commenter has provided no specific comment related to the environmental analysis in the DEIR. The commenter's concerns about the reuse of the Century 21 Theater are acknowledged.

Comment N2: Further, the fact that Federal Realty has had to use the former Century Theatres' parking lot as overflow parking for the current "Santana Row" (even during non-holiday periods) shows incredibly bad traffic planning for the current location. Parking and transportation plans for that current site are, to be blunt, colossal failures which have only been allowed to compound over time as the site has been allowed to expand. Allowing Federal Realty to build more high-density commercial property at "Santana West" without not only figuring out their parking and traffic issues at "Santana Row", but *amply* planning for transportation and parking needs both in and around the former Century Theatres site would not only be an environmental issue, but would also put undue burden on the people of the City of San José (who would then be forced to shoulder the costs of infrastructure upgrades that Federal Realty should have paid for, as we already had to with the 880/Stevens Creek interchange). This transportation & parking planning needs to be more than simply thinking everyone should take the bus, as well. The people who own houses around the complex and those who use the streets gain nothing from the very high rent that Federal Realty will realize from the site. They should not be further penalize by lack of infrastructure investment on the part of the developers. Think this is an overreaction? Try driving down Stevens' Creek from I-880 any evening and see how much congestion there is. Try parking there on any given Friday or Saturday night (and this is *with* this extra parking across the street that will go away with new development).

Without the necessary parking/traffic improvements to both the current Santana Row and the planned Santana West expansion, and without good faith efforts to make the Century 21 Theatre an operating movie theatre again, Federal Realty's Santana West plans should be rejected.

Response N2: The use of the Century Theater site for overflow parking has been necessary because of current construction projects on previous surface parking lots within Santana Row. Both the office building under construction on Winchester Boulevard and future development under the recently approved expansion project will significantly increase parking supply on the Santana Row site as outlined in the Final EIR for that site which was approved in 2015.

The Santana West DEIR fully addressed the transportation impacts of the proposed project in Section 4.2. Traffic fees will be required as a condition of project approval consistent with City policy.

The City of San José is not responsible for improvements to local freeways and, with regards to the I-880/Stevens Creek Boulevard interchange project, did not have an adopted policy to collect traffic fees to assist Caltrans with implementation of that project. As outlined in the project description and in Section 4.2 of the DEIR, the City is proposing a transportation development policy to provide a mechanism to collect development fees to support Caltrans proposal to construct an off-ramp from I-280 to Winchester Boulevard.

O. RESPONSE TO COMMENTS FROM DOUG HANDERSON, August 6, 2016

Comment O1: The following are my key concerns about the Draft EIR for the proposed Santana West development at the I-280 – Winchester/Moorpark Transportation Development Policy (File No.: PDC14-068), as well as the accompanying Transportation/Traffic Study and related documents:

1) Not-yet Analyzed Additional Traffic Impacts on the Spar/Hanson/Maplewood Single Family Residential Neighborhood

I support the traffic diversion conceptual recommendation from City of San José Department of Transportation staff for the Olin Avenue intersections with the existing Spar and Hanson Avenues. For details of the recommendation, please see the end of my email, where I have included part of an August 4, 2016 email to me (and attached graphic od two EIR-proposed cul-de-sac type closures) from Zahi Khattab, P.E., Principal Engineer for the City of San José Department of Transportation.

This recommendation is based on the Draft EIR/Transportation/Traffic analysis.

Implementation of this recommendation would limit vehicles on Hanson to traffic from the Winchester Ranch Mobile Home Park (or future redevelopment) and traffic from Maplewood Avenue. Ingress and egress for the Santana West development would be from Winchester Avenue only, primarily via Olsen Avenue and secondarily via Olin Avenue.

> **Response O1:** The commenter's support of the possible options for traffic calming near the project site and the closure of Olsen Avenue is acknowledged.

Comment O2: However, there remains the potential for additional traffic impacts on Hanson and Maplewood Avenues via the connect of the proposed north/south two-lane (private?) street along the western edge of the Santana West development to Olin Avenue. This north/south (private) street is being represented as only a connection to the Winchester Ranch Mobile Home Park (or future redevelopment on that site).

These additional vehicle traffic impacts not yet studied in the environmental documents could result from the potential for the now-labeled pedestrian/bike/emergency-vehicle-only area south of the historic Century Theater building (at the new western end of Olsen Avenue) being changed to a vehicular street. This vehicular street option is reserved for the Santana West development, according to the Draft documents.

The residents and property owners of the Winchester Ranch Mobile Home Park are directly impacted by the City's decision regarding this pedestrian/bike/emergency-vehicle only area and whether vehicle traffic is restricted from reaching the Mobile Home Park property (potential future redevelopment) directly from Winchester Boulevard via Olsen Avenue south of the historic Century Theater.

Conversion of this proposed trail/emergency access area to a street would provide direct vehicle access from Olsen Avenue to the new north/south two-lane (private?) street along the western edge of the Santana West development. This connection of the two streets would enable Santana West generated traffic to use the new north/south street connection to Olin. It would also enable overflow

traffic from northbound Winchester Boulevard, including the new overflow northbound traffic from the I-280 off-ramp already identified in the Draft EIR documents, to travel west on Olsen from Winchester, turn right on the new two-lane (private?) street and connect with Olin Avenue. This combined new traffic flow onto Hanson and Maplewood Avenues via Olin has not yet been considered by the EIR nor the related Transportation/Traffic documents.

To avoid this much-more-intensely-significant impact on the single family residential neighborhood north of Santa West, the City should combine the Federal Realty/Santana West-funded two new cul-de-sac improvements on Olin at Spar and Hanson, with a condition of approval on the Santana West development that the now-identified pedestrian/bike path/emergency-vehicle-only area south of the historic Century Theater never be converted to a vehicular street, ***unless*** the new north/south (private?) street along the western edge of the Santana West development be restricted to emergency vehicles only.

If the new north/south (private?) street along the west edge of Santana West is limited to emergency vehicles only, it should be fenced off with emergency-access-only gates to prevent homeless encampments in this area.

Please note that no sidewalks nor adequate improved right-of-way to accommodate bikeways are proposed along the new north/south (private?) street connection to Olin. Direct pedestrian access from the west side of Santana West and the Winchester Ranch Mobile Home Park property to the existing transit stop on eastbound Stevens Creek Boulevard near Maplewood Avenue would most safely and easily be accomplished via a pedestrian gate at the south end of Maplewood.

> **Response O2:** The analysis in the DEIR is based on the proposed site plan for the project which includes the termination of Olsen Drive at the Century 21 Theater building and a new access road for the adjacent mobile home park along the western boundary of the project site. The traffic analysis was based on the proposed site plan. Section 7.0 of the DEIR addresses potential alternative designs to the project, including variations on the internal roadway configuration. There is no alternative design which converts the proposed pedestrian/bicycle access south of the Century 21 Theater to an automobile accessible street. The City cannot approve any variation of the site plan that has not been analyzed as part of the DEIR, without first completing supplemental environmental analysis in the future.
>
> The proposed access road along the western boundary of the project site would be a private road which is not regulated by the City of San José. It should be noted that the proposed pedestrian/bicycle path south of the Century 21 Theater connects to the central internal access road which provides sidewalks on both sides of the roadway and access to both Olin Avenue and Winchester Boulevard via Olsen Drive.

Comment O3: 2) Draft EIR Traffic Intersection Analyses Does Not Include Intersection of Hanson Avenue with Stevens Creek Boulevard

At a minimum, the currently-identified increased traffic on Hanson Avenue between Olin Avenue and Stevens Creek Boulevard will most probably necessitate some king [sic] of traffic signal/turn-lane/median improvements at the Hanson/Stevens Creek intersection. However, this intersection has not yet been studied nor necessary improvements identified.

Any such Traffic Intersection Analysis for Hanson/Stevens Creek should also include the potential cumulative impacts identified in my Concern #1 discussed above, *if* the option is retained for possible conversion to a vehicular street of the pedestrian/bike/emergency-vehicle-only area south of the historic Century Theater *and* the new north/south (private?) street on the west edge of Santana West is not restricted to emergency vehicle access only.

> **Response O3:** While Hanson Avenue provides direct access to Stevens Creek Boulevard, it is not a signalized intersection that is subject to the City's Transportation Impact Policy. Stevens Creek Boulevard is a six-lane roadway with a center median where it intersects with Hanson Avenue. While there is a break in the median stripping to allow left-turns, there are no roadway markings requiring traffic to provide unobstructed access to Stevens Creek Boulevard from Hanson Avenue. As explained on page 52 of the DEIR, study intersections are identified based on the methodology established by the Santa Clara County Congestion Management Plan. Specifically, signalized intersections are selected for study if project traffic would add at least 10 trips per lane per hour during one or more peak hours.
>
> The DEIR addressed possible operation issues on the nearby residential streets that could result from the project. The analysis found that the traffic volumes on each of the aforementioned roadways would continue to be within the volume range deemed acceptable by the City of San José for residential streets. The need for improvements such as a traffic signal/turn-lane/median improvements at the Hanson Avenue/Stevens Creek Boulevard intersection was not identified.

Comment O4: 3) Draft EIR Has Not Identified Nor Address Significant Adverse Impacts on Traffic Circulation and Emergency Vehicle Access Resulting From the Closure of Tisch Way east of Winchester Boulevard, (Closure Assumed by Draft EIR/Traffic Documents to be Necessary to Accommodate new I-280 off-ramp to Winchester)

The Transportation/Traffic Study and related EIR sections do not adequately identify nor propose how to resolve/mitigate the **significant impacts** resulting from closing off the connection of Tisch Way to Winchester Boulevard, in order to accommodate the new I-280 off-ramp to Winchester.

The DEIR includes a stated assumption that, to accomplish the I-280 off-ramp, Tisch will be closed off easterly of Winchester Boulevard. The document states that Tisch will be "a bulb". You have to read the Transportation section very closely as this seems to be mentioned as an assumption in just one paragraph of the document.

Closing the Tisch/Winchester connection will prompt the need to relocate or supplement our closest City of San José Fire Station on Monroe at a new location west of Winchester (the station currently has only two connections to the Winchester Orchard Neighborhood and future Santana West development - via Stevens Creek and via Tisch).

Also, important to discuss is that, with the closure of Tisch, to access northbound/westbound I-280 from Winchester, the drivers from Santana Row itself and Santana Row's previously-approved but not-yet-built half million square feet of commercial/office space south of Santana Row near Tisch, as well as the drivers from the existing tall office buildings on Tisch, will have to back-track north on

private streets in Santana Row and exit west from Santana Row at Olsen onto southbound Winchester.

This additional traffic southbound on Winchester Boulevard will then try to queue up with the already backed-up traffic in the single lane in front of the Winchester Mystery House on Winchester leading to the existing I-280 northbound/westbound on-ramp.

The homes and businesses along Monroe south of Stevens Creek Boulevard will have only one primary public street (Monroe) for ingress/egress from Winchester Boulevard and Stevens Creek Boulevard. Existing residents and businesses along Monroe Street south of Stevens Creek Boulevard will add to the already-overloaded Stevens Creek Boulevard traffic in order to head west or north.

> **Response O4:** As explained on page 82 of the DEIR and page vii of Appendix A, the DEIR for the proposed Santana West project includes analysis of the City of San José initiated Transportation Development Policy (TDP), but is not proposing a specific design for the off-ramp from I-280 to Winchester Boulevard. The future ramp project is under the jurisdiction of Caltrans and VTA and the final design would be determined by these agencies as part of their planning process. They will also be required to complete a separate Environmental Impact Report to address the potential impacts of their final design. The analysis is the Santana West DEIR is intended only to estimate the overall effects of a future off-ramp on area wide traffic to determine a funding mechanism for the proposed TDP. Based on input from Caltrans, it is unlikely that the preferred design for the off-ramp would include the closure of Tisch Way.

Comment O5: 4) Support for Retention of Existing Resident-Only-Permit Parking Program and Retention of Existing Rolled Curbs

The residents of Spar, Hanson and Maplewood Avenues appreciate that the Draft EIR and related documents identify the retention and continuation of the long-time, existing Resident-Only-Permit-Parking program on those single family residential streets.

I do not see the necessity nor do I support the replacement of the existing rolled curbs on Spar and Hanson Avenues.

If the rolled curbs are replaced, I respectfully request that street driveway openings along the Hanson Avenue side of my property (320 Spar Avenue at the northeast corner of Hanson and Spar) be retained to match my existing onsite paved driveways connecting to the City's public sidewalk and street.

The Permit-Parking program area ends on Hanson at my north property line, beyond which are located commercial businesses along Stevens Creek Boulevard.

> **Response O5:** Please note that the DEIR and Transportation Impact Analysis do not discuss the existing street parking permit program beyond identifying where the permit program is in effect on the roadway segments studied. The parking permit program currently in place is controlled by the City of San José. The Santana West project does not propose, not does the

City see a need for, alteration of the permit parking program. No private development project would be able to modify or cancel a residential permit parking program.

The commenter's opinions regarding the rolled curbs currently in place on the residential streets adjacent to the project site is acknowledged.

P. RESPONSE TO COMMENTS FROM CHRIS SCANLAN, August 7, 2016

Comment P1: This letter is in response to the DEIR for the Santana West Project (File No. PDC14-068). As a resident that resides in the direct affected area of this Project I have several concerns that need to be addressed.

1) It wasn't mentioned about additional traffic impacts that will be made in the direct surrounding neighborhoods i.e. Hanson, Spar, and Maplewood, which are all single family residential homes.

   Response P1: An analysis of the effects of the project on the surrounding residential roadways is provided in Section 4.2.3.1 (pages 83-88) of the DEIR.

Comment P2: 2) I did not see any mention of retaining the permit parking that is in place on these streets.

Response P2: The street parking permit program currently in place is controlled by the City of San José. The Santana West project does not propose, not does the City see a need for, alteration of the permit parking program. No private development project would be able to modify or cancel a residential permit parking program.

Comment P3: 3) The DEIR did not include the intersections of Hanson Ave. and Stevens Creek nor did it include Maplewood and Stevens Creek.

Response P3: As discussed in Response O-3, while both Hanson Avenue and Maplewood Avenue provide direct access to Stevens Creek Boulevard, these are not signalized intersections. As explained on page 52 of the DEIR, study intersections are identified based on the methodology established by the Santa Clara County Congestion Management Plan. Specifically, signalized intersections are selected for study if project traffic would add at least 10 trips per lane per hour during one or more peak hours.

Comment P4: There are also policies that are out lined in the general plan that need to be addressed with this project as well.

CD-4.4 In non-growth areas, design new development and subdivisions to reflect the character of predominant existing development of the same type in the surrounding area through the regulation of lot size, street frontage, height, building scale, siting/setbacks, and building orientation.

CD-4.5 For new development in transition areas between identified Growth Areas and non-growth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher- intensity areas and that reduces potential shade, shadow, massing, viewshed, or other land use compatibility concerns.

CD-4.9 For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

CD-7.1 Support intensive development and uses within Urban Villages, while ensuring an appropriate interface with lower-intensity development in surrounding areas and the protection of appropriate historic resources.

> **Response P4:** Please note that Policy CD-4.4 and CD-4.5 are not relevant to the proposed project because the project site is not located in a non-growth area or transitional area. The project's consistency with Policy CD-4.9 is addressed on page 26 of the DEIR. Policy CD-7.1 is relevant to City decision-making but not to any required design aspect of the project and was, therefore, not included in the policy discussion.

Comment P5: Lastly I am writing in support of the private Drive that is proposed that runs north to south along the western edge of the Santana West Project. That Drive is needed to give the residents at the Winchester Ranch their own private access that is un inhibited by the massive traffic that will be caused the development [sic] in Santana West.

> **Response P5:** The commenter's support of the proposed private drive is acknowledged.

Q. RESPONSE TO COMMENTS FROM DAVID CANAVESE, August 8, 2016

Comment Q1: I'd like to tell the Department of Planning and the City Council that as a lifelong San José resident, I strongly believe that the Century 21 [and the nearby Flames Restaurant (formerly Bob's Big Boy)] should be preserved and re-used creatively.

The historic Century 21 is the first and most iconic of 23 domed theaters built in the western U.S. by Vincent Raney – and someday likely the last standing (20 have either already been demolished or are in danger, including the other two theaters on this lot). Stripping it of its character, or putting it to use as something that doesn't serve its distinct character would do a disservice both to the residents of the area and the Santana Row West project.

Federal Realty met with the operators of the Stargazers Theater in Colorado Springs, and claims that their business model (bringing in touring musical acts and renting out for events) is barely solvent. I'd counter that not only is San José is [sic] an entirely different market – one with a recently-booming live music scene – but the success of such a venue is completely dependent on execution and flexibility. If the Century 21 were remodeled with an eye towards restoring and enhancing its original beauty, it could be a destination and an anchor business for the area. When the San José Rep closed (a failure of creativity and flexibility in arts management), restaurants and businesses surrounding it began to shutter as well.

Small arts and culture venues aren't always financial losers, but they may not be the richest renters, either. Does that mean it's not worth it to a city (or a shopping district) to have them? Look at the cycle repeated in cities like San Francisco, Austin, and even beginning in San José: artists, musicians, and culture creators colonize an area and foster a funky-cool boho vibe. Wealthy citizens patronize and move to the area because there are cool things to do and see. Rents rise, and the creative types are priced out and flushed into other areas to restart the pattern elsewhere.

If San Francisco didn't have its culture, tech workers wouldn't be clamoring to live there instead of Silicon Valley, where they work. San Francisco is currently in the midst of part three of the cycle, losing its culture creators due to lack of affordable housing. San José has an opportunity in two parts – find creative solutions for artists, musicians, writers, dancers, filmmakers and other creatives to afford housing in our city, and preserve performance venues – as performance venues – like the Century 21 and the former Rep's Hammer Theater.

> **Response Q1:** The commenter has provided no specific comment related to the adequacy of the environmental analysis in the DEIR. The commenter's opinions about the reuse of the Century 21 Theater are acknowledged. The possibility of adaptive re-use of the Century 21 Theater as either a mini-storage facility or as an entertainment venue is part of the alternatives analysis in the DEIR. Although specific re-use beyond these alternatives has not been identified at this time, an analysis of any future adaptive re-use with exterior changes to the building will require a Planned Development Permit and will be analyzed under CEQA.

R. RESPONSE TO COMMENTS FROM DAVLYN JONES, August 8, 2016

Comment R1: You have received a response to the Santana West EIR from Kirk Vartan and I agree and support his statements and questions. I am a member of the Winchester Neighborhood Action Coalition (WNAC), a San José City Housing Community Development Commissioner (HCDC), and a Community member of the Winchester Ranch Community Mobile Home Park which is considered to be part of the Winchester Urban Village currently being planned by the City of San José.

Federal Realty is developing a plan for office buildings, a hotel, a supermarket, a park and as of last week at the Heritage Meeting at San José City Hall, they will be restoring the Century 23 Theater, a heritage site.

At least that is what we residents at the mobile home park have been told by Federal Realty since the property was leased from the Owner of the Winchester Mystery House by them.

They have also told us that they consider our park and its Senior residents to be neighbors for their planned Santana West development.

The EIR does not mention our park of course, and it does not actually mention how the urban village plan is to be a part of their plan for the site where we would all be incorporated.

Land use and our living environment is of primary concern to all the residents of the area as we see development based on office buildings, hotels and other retails buildings, stark, tall and extremely business-oriented, where neighboring residences, the Winchester Mystery House and our secluded Community Senior park are over-whelmed culturally and environmentally. Cannot Federal Realty plan on having a melding of both business and a green environment we need for the air we breathe? I would like to see that mentioned in the Federal Realty plan.

Hopefully, San José and the VTA can establish monitored, easy and efficient transportation solutions to traffic streets for the areas of Winchester and Stevens Creek boulevard. I would like to see in the Plan how the residents of Santana West, our park and the homes surrounding this area can live in the best of both worlds – an urban village that is planned, environmentally and culturally integrated with safe, reliable, and controlled transportation for our joint community population's use.

> **Response R1:** Please note that the project would retain the Century 21 Theater, which is a designed historic resource. The project does not propose to retain the Century 23 Theater, which is not eligible as a historic resource.
>
> The effects of the proposed project on the surrounding land uses and the larger project area are fully addressed in the DEIR, particularly in the land use, transportation, noise, and air quality sections. The commenter's concerns regarding the project are acknowledged.

S. RESPONSE TO COMMENTS FROM KIRK VARTAN, August 8, 2016

Comment S1: The following are additional comments about the EIR and the general approach to this property.

I read on page 16 under Project Objectives:
"Create a flexible long-term master plan strategy that will allow for commercial uses during the project's initial phases, and potentially allow for complementary land uses in later phases should favorable policy and market conditions exist."

How is a Signature Project that was presented in the past on this site being reviewed? What examination is being done for more than just an office park? Analyzing only one million sqft of office and a supermarket is very short sighted in this process. Since it is very possible that a residential and even neighborhood retail solution should be considered long term, what is being done now to look at this? Will Federal Realty need to initiate another EIR to add residential? Retail?

> **Response S1:** While the project applicant initially proposed a mixed-use project, it was ultimately decided to proceed with a project consistent with the General Plan land use designation of *Neighborhood/Community Commercial* as the project is proceeding ahead of an adopted Urban Village Plan.
>
> The project would be phased over a six-year period as noted in the DEIR. If, prior to completion of all development phases, the Urban Village Plan is approved and it is determined the residential is supportable on the project site, a modification to the project approval could be proposed. If the proposed commercial project is approved, any changes to the project approval, including changes in the land uses of future phases, would require subsequent environmental review.

Comment S2: On page 40 of the Draft EIR, the document states: "The concentration of development in the Urban Villages is intended to 1) support and encourage increased transit use, 2) protect open space and hillsides, 3) reduce greenhouse gas emissions, 4) promote economic development, and 5) building more health communities."

Since this is the largest open piece of land in the area, it is important to look at the impact it can have long term. Approving and analyzing an office only project or a reduced sized project seems inappropriate given where the City wants to go and the priorities it has. Focusing on "jobs only" at the expense of the long term vision for the area is a mistake (in my opinion) and one I hope you can be looked at [sic] in the context of the long term vision of for the area.

> **Response S2:** Proceeding with a commercial development on the project site would not hinder the City from achieving the goals of the General Plan and the Santana Row/Valley Fair Urban Village. With few exceptions, mixed-use projects favor residential development over employment based land uses like office and retail. As all Urban Villages are comprised of numerous parcels of land, having one large property dedicated to jobs within the balanced growth of an Urban Village is consistent with the City's development goals.

Comment S3: My main comment is one of reviewing a mixed use for this site. Originally, Federal Realty proposed a "Signature Project" on this site, but there were not any meetings about this nor was there any real City attention placed on it. It sat for a year and finally the developer, Federal Realty, decided to abandon this idea, and instead, propose a commercial only plan that is allowed. While I am sure this is a great thing for San José to see due to the jobs opportunities, it does not look like the best use for this site long term for the area. Santana Row/Valley Fair are a regional draw for the county. People come from all over the country to visit this area when they are in town, as well as millions of local visitor visits a year. I asked that this EIR review a mixed use solution for this site and allow the area to embrace what is possible, but I am disappointed to see a lack of enthusiasm in supporting this. I would really like to see how a vision for this area can happen and developers like Federal Realty can help implement these things.

This area has been identified but the [sic] VTA as the County's second largest downtown and businesses like Federal Realty can help create a destination that is pedestrian friendly given the latitude to envision the area.

> **Response S3:** The commenter has provided no specific comment related to the adequacy of the environmental analysis in the DEIR. The commenter's opinions regarding the development of the site are acknowledged.

Comment S4: There is a really big disconnect between reality today vs. data being used in the analysis of documents like this. This EIR attempts to provide "background" and "existing" conditions on traffic at intersections, but it is not based on current data. It is very frustrating to review a document that cites data from 2010, when we were in the middle of a recession. The project is in the middle of an area that has upwards of 25 million visitors a day, not including residents and workers. How can this document analysis be accurate with traffic data that is over six years old? How are we, the general public, supposed to have any faith in the local agencies that are providing guidance and estimations and assuring us that the number crunching and reviews that are being done are even close to accurate? Or valid?

For example, of page 63, the following explanation is listed:

"LOS for key freeway segments in the AM and PM Peak Hours was calculated based on the traffic volumes obtained from VTA's 2010 Monitoring and Conformance Report."

> **Response S4:** As discussed in Section 4.2.1.5 of the DEIR and shown in Appendix A of the Transportation Impact Analysis, new traffic counts were completed in October 2015 for all study intersections to account for the completed interchange at I-280/I-880 and Stevens Creek Boulevard and for the recently completed development in the area. The existing conditions analysis was based on the new traffic data. The background conditions were based on the new traffic counts plus all approved but not yet constructed projects in the project area.
>
> As specifically stated in footnote 8 on page 55 of the DEIR:
> "Compared to the two most recent traffic studies completed in the project area, the LOS and/or delay at some study intersections are shown to have improved. The Santana Row Planned Development Rezoning EIR and the Reserve Residential Project EIR were based on

2013 traffic counts which could not be updated at the time the analyses were done due to construction of the new interchange at I-880 and Stevens Creek Boulevard. Since the interchange was completed prior to initiation of the traffic study for the proposed project, new counts were completed in October 2015. As a result of the interchange, some traffic movements have improved relative to the previous conditions and some intersections have shown an improvement in LOS and/or delay. This also carries through the background conditions."

The reference to the VTA's *2010 Monitoring and Conformance Report* is a typo. As noted on page 21 of the Transportation Impact Analysis (Appendix A of the DEIR), "Traffic volumes for the study freeway segments were obtained from the 2014 CMP Annual Monitoring Report, which contains the most recent data collected for freeway segments located in Santa Clara County." Please refer to page 58 of this First Amendment for the proposed text amendment.

As described above, all data utilized is recent and reflective of current traffic conditions.

Comment S5: How can we insure that the fees generated here stay in the area, since the impacts are happening here. Rather than invest in an exit ramp for 280N only, why not invest part of the monies focused on an exit ramp and invest them in a feasibility study for a freeway cap. The exit ramp can be incorporated into a freeway cap and would help pay for the funding for something of this magnitude. What many in the community feel is the VTA and the City of San José are not really looking at the long term visions for the area. This area has a lot of growth and is a destination for 25-30 million people visits a year. What is the City of San José doing to invest in this asset? How are they investing in the success that is already proven? Westfield is investing $900Million over the next 24-36 months in their property and Federal Realty will probably be investing even more than that. This is over $2Billion in private investments. What is the City of San José doing to help support this investment in the City? How is San José helping support these massive investments? I would suggest you can support them by allowing and supporting and even encouraging Federal Realty to explore a real mixed use solution on Santana West. Federal Realty tried this before and it fell on deaf ears. Now, everyone is listening and paying attention. Maybe now is the time to explore what the EIR impact would be for a mixed use solution.

Response S5: It is assumed that the commenter is referring to the fees that would be generated by the proposed Transportation Development Policy (TDP). The policy has been specifically proposed to provide a funding mechanism for a potential future off-ramp from I-280 to Winchester Boulevard. If the policy is approved, the fees could only be used for that purpose.

Please refer to Response S1 regarding mixed-use development.

Comment S6: On page 42, "This district is also intended to support intensive pedestrian-oriented commercial activity and development consistent with general plan urban design policies." How is this accomplished with 1Million sqft of office space? Federal Realty is already entitled for 750,000sqft of Class-A commercial space across the street. Why is the only solution for this new area commercial? How is that balancing the needs of the area? Why isn't residential being looked at here, blended with commercial?

Response S6: Please see Responses S1 and S2 above for an explanation of why a mixed-use/residential option was not pursued. The project proposes 970,000 square feet of office space (some of which could also be utilized as a hotel) and 29,000 square feet of retail space for a grocery store. These uses complement the existing commercial activity in the Santana Row/Valley Fair area because additional office and retail employees can access retail, restaurants, services, and amenities by walking.

Within the same paragraph on page 42 of the DEIR it states that, "The CP zoning designation is intended to support pedestrian-oriented retail activity at a scale compatible with surrounding residential neighborhoods. This district is designed to support the goals and policies of the general plan related to Neighborhood Business Districts. The CP Commercial Pedestrian District also encourages mixed residential/commercial development where appropriate, and is designed to support the commercial goals and policies of the General Plan in relation to Urban Villages."

The DEIR then states that, "The type of development supported by this district includes Neighborhood Business Districts, neighborhood centers, multi-tenant commercial development along city connector and main streets as designated in the general plan, and small corner commercial establishments. New development should orient buildings towards public streets and transit facilities and include features to provide an enhanced pedestrian environment."

As proposed, the project is consistent with the intent of the CP zone district. The project site has a somewhat narrow street frontage along Winchester Boulevard relative to the overall size of the site. This frontage would be the location of the retail space, which would be built to the sidewalk with no setbacks to create a more pedestrian oriented building.

Comment S7: Section 4.2 talks about traffic and impacts (and 6.1.2.2 talks about cumulative LOS impacts and traffic data). Can you please provide the data and dates that this data was gathered? Please provide the exact details as to:

1. What was the methodology for the base data
-What data was used
-When was the data originally collected
-What exact dates/times were used to gather and validate the data (please list all dates and times)
-Was any of the base data derived from prior assumptions (meaning not actual data but assumed to be valid)
-Of the past projections, have they ever been verified? How accurate were the projections?

Response S7: Please refer to Response S4. All the data sheets provided in Appendix A of the Transportation Impact Assessment show the dates and times of the traffic counts.

Comment S8: -Santana Row is now over 14 years old. Valley Fair (with its many expansions) is over 30 years old. We have lots of data (or should have lots of data). Can the City please take some time to actually review the original entitlements and the EIR traffic studies to determine how

accurate the numbers are? Did the entitlements expect that 25 million visitors would come through the area every year? If so, can you please point it out to me?
-One of my biggest concerns is we are basing all future projections on traffic patterns and volumes on data that I don't have a lot of faith is valid. Maybe it is. I'd like to know how 25 million visitors is accounted for.

Response S8: The Traffic Impact Analysis (TIA) prepared for the DEIR used updated data based on current conditions, not data from the original Town & Country Village (Santana Row) EIR. The current morning and evening weekday peak hour traffic volumes for the project area used in the TIA were obtained from the VTA's Congestion Management Plan Annual Monitoring Report, data from previously prepared traffic studies in the area (such as those for the Santana Row Expansion project), and manual traffic counts that occurred in October 2015. The near term traffic analysis includes an evaluation of traffic conditions based on traffic data that is typically collected every two years except when there are field conditions that render the data inconsistent. In this case, the I-880/Stevens Creek Boulevard interchange was under construction for a period of approximately five years. Data collection during that period would have be altered based on shifting travel patterns and construction-related delay. For that reason, data prior to construction of the interchange would be used as the baseline for the traffic analysis.

The City's General Plan far term transportation Cube Model is, however, updated annually with any land use change and includes all development growth within San Jose and surrounding communities' forecasted traffic conditions for future growth. This model is calibrated and validated with the VTA's County-wide transportation model which is validated with the Metropolitan Transportation Commission model. This ensures a consistent forecast for future traffic and accounts for area traffic volumes.

Data from the VTA, other recently approved traffic reports, and manual counts account for existing traffic conditions during the weekday morning and evening peak hours, which includes visitors to Santana Row and Valley Fair in addition to residents and employees working in the area.

Comment S9: 2. What part of the analysis is assumptions
-how much of the projections are assumptions
-what assumptions are being used

Response S9: As previously discussed and as explained in the DEIR, the existing traffic volumes are based on recent counts of the study intersections. Background traffic is estimated by adding all approved but not yet constructed projects (which have traffic traveling through the study intersections) on top of the existing traffic volumes. The traffic volumes of proposed and approved projects are based on trip generation rates developed for specific land uses by the Institute of Transportation Engineers (ITE) as explained on page 49 of the Transportation Impact Analysis. Cumulative traffic volumes are background traffic plus pending and reasonably foreseeable future projects and General Plan build out. Again, cumulative traffic volumes are based on trip generation rates developed for specific land uses.

Comment S10: Can you please verify all past "assumptions" as I mentioned in the request above. There is lots of data and lots of pages of information, but I would like to understand the data assumptions and when they were validated.

> **Response S10:** It is unclear what the commenter means by past assumptions. All data is collected through standardized practices and trip generation rates are based on observed rates established by the ITE, which are derived from multiple studies of actual operating land uses throughout the Country.

Comment S11: On page 91, the report states: "If a new off-ramp is constructed at I-280 and Winchester Boulevard, the queues under background plus project conditions would change. The northbound AM Peak Hour queue would decrease from 600 feet to 350 feet and the PM Peak Hour queue would decrease from 575 feet to 375 feet. As a result, the queue would no longer exceed the capacity of the lane in the peak hours."

My main concern is: "If". What is the point of stating what might be if the solution is not tied to the necessary result? If these is an issue with a part of the design or a traffic concern, you can't expect a mitigation to be based on a "if this is done, then it will be fine." What if it doesn't get done?

> **Response S11:** The statement referenced above is in regarding the Queuing – Intersection Operations analysis prepared for the proposed project, specifically for the I-880 Northbound Off-Ramp/Stevens Creek Boulevard intersection. As stated on page 88 of the DEIR, "Operations at nearby intersections were evaluated under project conditions to assess whether the project would create a safety impact and for informational purposes. From a CEQA standpoint, there are no thresholds specific to queuing (emphasis added). There is, however, a threshold which states that the project would have a significant impact if the project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections). It is important to note that lengthening a left-turn queue does not in itself create a safety impact (emphasis added)."
>
> As stated on page 91, the queue in the northbound left-turn lanes at this intersection is not exceeded under existing, existing plus project, or background conditions. The queue would, however, be exceeded under background plus project conditions. In the AM Peak Hour the queue would exceed the lane capacity by 50 feet (two cars) and in the PM Peak Hour the lane capacity would be exceeded by 25 feet (one car). Because there is no threshold, this is not considered an impact under a CEQA. Furthermore, because the additional cars would not hinder the functionality of the roadway, this is not considered an operational impact by the City.
>
> Additional analysis concluded that if the future I-280 off-ramp to Winchester Boulevard was constructed, the background plus project queues would be reduced. Again, this is provided for information purposes and helps to provide decision-makers with all the relevant information necessary to make a decision on the proposed transportation development policy. Furthermore, the future off-ramp is not intended or proposed as mitigation for the increase in vehicle queues at this intersection.

Comment S12: One of the biggest opportunities we have in this area is to continue to build it up as a regional destination. Everything we do going forward should support this effort. I hope you will incorporate the goal and desire to provide a more balanced approach to the area and to allow Federal Realty to explore additional uses on the site, maybe in the later phases of the development. Please allow for the opportunity to expand the concept put forth to build what is needed as the years progress.

> **Response S12:** The commenter has provided no specific comment related to the adequacy of the environmental analysis in the DEIR. The commenter's opinions are acknowledged.

T. RESPONSE TO COMMENTS FROM RICHARD CANAVESE, August 8, 2016

Comment T1: There are many possibilities for re-using the Century 21 dome. A single large auditorium is tough to make work in today's movie theater market. That's why a company like The Alamo Drafthouse could thrive in a venue like the 21. In an era when movie theaters are moving back towards "experience" film watching to complete with improving home theater systems – with served seating, dining & drinks in the theater, and zero cell phone tolerance (with higher ticket prices), the dome could be (like it once was) a destination movie house in the heart of Silicon Valley.

If the exterior was once again clad in its original retro-futuristic starburst pattern, shown with its now-missing glowing lights running up the dome, and luxuriated in the center of a beautifully-landscaped open green space next door to the Winchester Mystery House, it wouldn't be difficult to imagine wedding couples eager to rent the space for receptions or to use it as a backdrop for wedding photos. Patrons attending a theater performance in the dome might peruse an art show in the lobby-turned-gallery.

If Federal Realty really can't imagine a financially solvent use for this uniquely-designed structure, perhaps it should turn to the artists, writers, musicians, Burning Man builders, technology innovators, or so many other creative people who call the South Bay home. We've got talent here, and we should use it.

> **Response T1:** The commenter has provided no specific comment related to the adequacy of the environmental analysis in the DEIR. The commenter's opinions about the reuse of the Century 21 Theater are acknowledged. The possibility of adaptive re-use of the Century 21 Theater as either a mini-storage facility or as an entertainment venue is part of the alternatives analysis in the DEIR. Although specific re-use beyond these alternatives has not been identified at this time, an analysis of any future adaptive re-use with exterior changes to the building will require a Planned Development Permit and will be analyzed under CEQA.

U. RESPONSE TO COMMENTS FROM SAN JOSÉ HISTORIC LANDMARKS COMMISSION, August 8, 2016

Comment U1: The City of San José Historic Landmarks Commission (Commission) discussed the Santana West Development Project and I-80/Winchester/Moorpark Transportation Development Policy and associated Draft Environmental Impact Report (File # PDC14-068) at its August 3, 2016 meeting. In a 5-0-1 decision (Hirst absent), the Commission voted to forward this comment letter, signed by the Chair, to the Director of Planning, Building and Code Enforcement.

The Commission offers the following comments regarding the Santana West Development Project:

1. The Commission emphatically opposes the proposal to remove the exterior walls of the Century 21 Theater and reuse the frame as open space. Reuse of the Century 21 building frame as open space would destroy the integrity of the building and is contrary to the Historic Preservation Goals and Policies of the Envision San José 2040 General Plan that emphasize the importance of preservation of the City's irreplaceable historic resources. The Commission notes that the community at large has demonstrated great affection for the Century 21 Theater, as evidenced by the members of the public who attended the Commission's meeting to testify in support of full preservation of the building.

2. It is most appropriate to reuse the Century 21 Theater building in a manner similar to its historic use to protect the integrity of the historic resource. The building should be rehabilitated and reused as an entertainment venue, ideally one for film. The Commission notes that a number of members of the public who spoke before the Commission identified a need for a performing arts venue in the area. Partnerships with performing arts organizers should be explored for rehabilitation and reuse of the building.

3. The Commission is concerned regarding the potential loss of the perception of open space surrounding the Winchester Mystery House after the construction of the proposed large buildings within its immediate vicinity. The project should be designed to maintain the perception of open space surrounding the Mystery House, including retention of the mature trees on the project site that add to the perception of open space.

4. All efforts must be taken to preserve the Flames Restaurant/Bob's Big Boy. Additional analysis is necessary to determine if the building can either be incorporated into the project in its current location, relocated on-site, or relocated elsewhere it so that [sic] it is not demolished. As part of project implementation an appropriate alternative to demolition that preserve the historic integrity of the building should be taken.

Response U1: The Historic Landmark's Commission comments in support of retaining the Century 21 Theater as an entertainment venue and support for preservation of the Flames Restaurant building are noted. The City concluded that the loss of perceived open space around the Winchester Mystery House is a less than significant impact because the new buildings would not impose on the view of the Winchester House from Winchester Boulevard compared to existing condition. Signage and vegetation already obscure views of the Winchester House from Winchester Boulevard north of Olsen Drive, and existing trees on the Winchester House site and proposed landscaping along Olsen Drive will dominate the

backdrop of the Winchester House south of Olsen Drive. Furthermore, the final design of the building will be reviewed at the Planned Development Permit stage to ensure exterior materials are compatible and complimentary to the Winchester House.

The alternatives analysis addresses the feasibility of maintaining the Flames Restaurant in its current location or along the Winchester Boulevard frontage. As discussed in Alternative G in Section 7.0 of the DEIR, the original intent of the building was as a roadside restaurant. Relocation within the interior of the site was not considered because it would not be compatible with the original setting of the building and could diminish the viability of any future business that could occupy the building. Mitigation Measure CUL-1.1 includes measures that would allow for relocation of the Flames Restaurant to a suitable off-site location. The San Jose Historic Landmarks Commission's comments on the proposed development are acknowledged.

V. RESPONSE TO COMMENTS FROM WESTWIND ENTERPRISES, LTD, August 8, 2016

Comment V1: I am writing to you on behalf of my family, the Raney's and the Farris's, as longtime property owners of both the Santana West (formerly Century Theaters) and Winchester Mystery House sites.

In summary, we have reviewed the Draft Environmental Impact Report (DEIR) for the Santana West Project and are supportive of Federal Realty's proposed master plan to allow up to 970,000 square feet of office space and 29,000 square feet of commercial/retail use.

We are also supportive of the proposed re-alignment ("straightening") of Olsen Drive as shown in the conceptual site plan, which would, in turn allow the existing Winchester Mystery House parking area to be expanded and efficiently reconfigured immediately south of the roadway. These revisions will be very beneficial to the continued success of Winchester Mystery House operations and in support of San José's most significant historic resource.

In addition, the potential building massing and setbacks of the commercial buildings as conceptually proposed by Federal Realty do not, in our opinion, have any negative effect on the view of the Winchester Mystery House from either Winchester boulevard or Olsen Drive. We feel that the proposed development will enhance the existing area, providing critical daytime jobs and a more-pedestrian-oriented Winchester Boulevard in further keeping with the area's evolving Urban Village Plans.

Last, as you may recall, the public record indicates that our families (which, to be clear, includes the family of the architect) disagree with efforts to place landmark historic status on the vacated Century 21 Theater and, as our position on this matter has not changed, we have withheld our consent to list the structure in the National Register of Historic Places after the structure was determined to be eligible. We mention this here merely to emphasize that we believe there to be greater community benefit available, as in the form of new public open space, than will likely ever result from retention of an uneconomic, windowless structure situated far from Winchester Boulevard.

Response V1: The commenter's support for the project is acknowledged.

W. RESPONSE TO COMMENTS FROM WINCHESTER MYSTERY HOUSE, LLC, August 8, 2016

Comment W1: I'm writing to you on behalf of Winchester Mystery House, as the General Manager for the facility and representing one of the area's foremost tourist attractions and historic landmarks.

In summary, we have reviewed the Draft Environmental Impact Report (DEIR) for the Santana West Project and are supportive of Federal Realty's proposed master plan to allow up to 970,000 square feet of office space and 29,000 square feet of commercial/retail use.

We are also supportive of the proposed re-alignment ("straightening") of Olsen Drive as shown in the conceptual site plan, which would, in turn, allow the existing parking area for Winchester Mystery House to be expanded and efficiently reconfigured immediately south of the roadway. These revisions will be very beneficial to the continued successful operation of Winchester Mystery House.

In addition, the potential building massing and setbacks of the commercial buildings as conceptually proposed by Federal Realty do not, in our opinion, have any negative effect on the view of the Winchester Mystery House from either Winchester boulevard or Olsen Drive. We feel that the proposed development will enhance the existing area, providing critical daytime jobs and result in a more-pedestrian-oriented Winchester Boulevard in further keeping with the area's evolving Urban Village Plans.

Response W1: The commenter's support for the project is acknowledged.

SECTION 4.0 REVISIONS TO THE TEXT OF THE DRAFT EIR

The following section contains revisions/additions to the text of the *Draft Environmental Impact Report, Santana West Redevelopment Project*, dated June 2016. Revised or new language is underlined. All deletions are shown ~~with a line through the text.~~

Page 40 Section 4.1.1.3, Existing Land Use Designation and Zoning, the first and second paragraphs will be **REVISED** as follows:

The project site is designated *Neighborhood/Community Commercial* by the Envision San José 2040 General Plan and is located within ~~a designed~~ the Valley Fair/Santana Row Urban Village. The project site is zoned *CG – General Commercial*, consistent with the General Plan.

The ~~Urban Village~~ *Neighborhood Community Commercial* land use designation allows for ~~a wide variety of commercial, residential, and institutional land uses with building density of up to 10.0 floor area ratio (FAR) and residential densities up to 250 dwelling units per acre (DU/AC). The Neighborhood/Community Commercial designation applies supports~~ a broad range of commercial activity, including neighborhood serving retail and services and commercial/professional office development. Under this designation, the General Plan allows for a building density of up to ~~2.0~~ 3.5 Floor Area Ratio (FAR) and building heights of one to four stories, or up to 120 feet in height within a designated Urban Village. Note: After issuance of the Notice of Availability for the DEIR, the City Council adopted Resolution No. 77877 on June 28, 2016 to increase the maximum FAR for the *Neighborhood Community Commercial* land use designation from 2.0 to 3.5 FAR.

Page 43 Section 4.1.2.2, Land Use Conflicts; the third paragraph under Land Use Impacts will be **REVISED** as follows:

While the project proposes to vacate an existing roadway between Winchester Boulevard and the mobile home park to the ~~east~~ west of the project site, the project would provide alternative access to allow residences of the mobile home park to still access Winchester Boulevard. In addition, new pedestrian/bicycle access through the project site from the adjacent residential area is proposed. As a result, the proposed project would not physically divide an established community. **(Less Than Significant Impact)**

Page 53 Section 4.2.1.4, Methodology; the last paragraph of the section will be **REVISED** as follows:

Consistent with City Council Policy 5-3, the City of San José LOS methodology is ~~TRAFFIC~~ TRAFFIX, which is based on the 2000 *Highway Capacity Manual* (HCM) method for signalized intersections.

Page 56 Section 4.2.1.5, Existing Intersection Operations; Table 4.2-3 will be **REVISED** as follows:

Table 4.2-3: Study Intersections Level of Service – Existing Conditions

No.	Intersection	Peak Hour	Delay	LOS
25	Winchester Boulevard and I-280 ~~Westbound~~ Northbound on-ramp/Tisch Way (SJ)	AM PM	25.6 34.6	C C
27	I-280 ~~Eastbound~~ Southbound off-ramp and Moorpark Avenue (SJ, CMP)	AM PM	11.1 12.9	B B

Page 61 Section 4.2.1.6, Background Intersection Operations; Table 4.2-4 will be **REVISED** as follows:

Table 4.2-4: Study Intersections Level of Service – Background Conditions

No.	Intersection	Peak Hour	Existing		Background	
			Delay	LOS	Delay	LOS
25	Winchester Boulevard and I-280 ~~Westbound~~ Northbound on-ramp/Tisch Way (SJ)	AM PM	25.6 34.6	C C	32.7 52.5	C D
27	I-280 ~~Eastbound~~ Southbound off-ramp and Moorpark Avenue (SJ, CMP)	AM PM	11.1 12.9	B B	11.8 13.5	B B

Page 63 Section 4.2.1.6, Existing Freeway Operations; the first paragraph after Table 4.2-5 will be **REVISED** as follows:

LOS for key freeway segments in the AM and PM Peak Hours was calculated based on the traffic volumes obtained from ~~VTA's 2010 Monitoring and Conformance Report~~ the 2014 CMP Annual Monitoring Report. Freeways are State controlled and CMP-monitored facilities and, as a result, the minimal acceptable level of service is LOS E.

Page 70 Section 4.2.2.3, Existing Plus Project Intersection Operations; the following will be **ADDED** to the list of City of Santa Clara Intersections that currently operate at an unacceptable LOS (consistent with Table 4.2-8):

- No. 53 – San Tomas Expressway and El Camino Real (AM Peak Hour)

Page 72 Section 4.2.2.3, Existing Plus Project Intersection Operations; Table 4.2-8 will be **REVISED** as follows:

Table 4.2-8: Study Intersections Level of Service – Existing Plus Project Conditions						
No.	**Intersection**	**Peak Hour**	**Existing**		**Existing Plus Project**	
			Delay	**LOS**	**Delay**	**LOS**
25	Winchester Boulevard and I-280 ~~Westbound~~ Northbound on-ramp/Tisch Way (SJ)	AM PM	25.6 34.6	C C	36.6 41.1	D D
27	I-280 ~~Eastbound~~ Southbound off-ramp and Moorpark Avenue (SJ, CMP)	AM PM	11.1 12.9	B B	11.6 13.0	B B

Page 77 Section 4.2.2.5, Background Plus Project Intersection Operations; Table 4.2-10 will be **REVISED** as follows:

Table 4.2-10: Signalized Study Intersections Level of Service – Background Plus Project Conditions								
No.	**Intersection**	**Peak Hour**	**Background**		**Background Plus Project**			
			Delay	**LOS**	**Delay**	**LOS**	**Δ in Critical Delay**	**Δ in Critical V/C**
25	Winchester Boulevard and I-280 ~~Westbound~~ Northbound on-ramp/Tisch Way (SJ)	AM PM	32.7 52.5	C D	52.6 **69.2**	D **E**	33.4 **19.5**	0.165 **0.075**
27	I-280 ~~Eastbound~~ Southbound off-ramp and Moorpark Avenue (SJ, CMP)	AM PM	11.8 13.5	B B	12.2 13.6	B B	0.1 0.0	0.030 0.007

Page 80 Section 4.2.2.6, Existing Plus Project Freeway Segment Operations; the list under Mixed-Flow Lane Segment Impacts will be **REVISED** as follows:

- ~~Eastbound~~ Southbound I-280, between I-880 and Meridian Avenue (PM Peak Hour)
- ~~Eastbound~~ Southbound I-280, between Meridian Avenue and Bird Avenue (PM Peak Hour)
- ~~Eastbound~~ Southbound I-280, between Bird Avenue and SR 87 (PM Peak Hour)
- ~~Eastbound~~ Southbound I-280, between SR 87 and Tenth Street (PM Peak Hour)
- ~~Westbound~~ Northbound I-280, between US 101 and McLaughlin Avenue (AM Peak Hour)
- ~~Westbound~~ Northbound I-280, between McLaughlin Avenue and Tenth Street (AM Peak Hour)
- ~~Westbound~~ Northbound I-280, between Tenth Street and SR 87 (AM Peak Hour)
- ~~Westbound~~ Northbound I-280, between SR 87 and Bird Avenue (AM Peak Hour)
- ~~Westbound~~ Northbound I-280, between Bird Avenue and Meridian Avenue (AM Peak Hour)
- ~~Westbound~~ Northbound I-280, between Meridian Avenue and I-880 (AM Peak Hour)

Page 81 Section 4.2.2.6, Existing Plus Project Freeway Segment Operations; the list under HOV Lane Segment Impacts will be **REVISED** as follows:

- ~~Eastbound~~ Southbound I-280, between I-880 and Meridian Avenue (PM Peak Hour)
- ~~Westbound~~ Northbound I-280, between Meridian Avenue and I-880 (AM Peak Hour)

Page 83 Section 4.2.2.8, Interstate 280 – Winchester/Moorpark Transportation Development Policy; the last paragraph of the section will be **REVISED** as follows:

The above table shows the traffic delay with and without the implementation of the new off-ramp and indicates that seven of the nine intersections studied with the proposed ramp show decreases in the overall intersection delay in at least one peak hour.

Page 132 Section 4.5.6, Conclusion; the following underlined text will be **ADDED:**

Even with compliance with City code requirements, construction noise impacts would be significant and unavoidable. **(Significant Unavoidable Impact)**

The increase in ambient noise levels on Olin Avenue associated with new traffic trips would be significant and unavoidable. **(Significant Unavoidable Impact)**

Page 214 Section 6.1.2.2, Cumulative Intersection Level of Service Impacts; Table 6.0-1 will be **REVISED** as follows:

Table 6.0-1: Intersection Level of Service – Cumulative Conditions

No.	Intersection	Peak Hour	Background		Cumulative		Cumulative Plus Project			
			Delay	LOS	Delay	LOS	Delay	LOS	Δ in Critical Delay	Δ in Critical V/C
25	Winchester Boulevard and I-280 ~~Westbound~~ Northbound on-ramp/Tisch Way	AM PM	32.7 52.5	C D	34.2 **56.7**	C **E**	56.3 **75.1**	**E** **E**	**43.0** **29.1**	**0.197** **0.103**
27	I-280 ~~Eastbound~~ Southbound off-ramp and Moorpark Avenue	AM PM	11.8 13.5	B B	11.8 13.6	B B	12.3 13.7	B B	0.2 0.1	0.037 0.019

Page 215 Section 6.1.2.2, Cumulative Intersection Level of Service Impacts; Table 6.0-1 will be **REVISED** as follows:

Table 6.0-1: Intersection Level of Service – Cumulative Conditions										
No.	**Intersection**	**Peak Hour**	**Background**		**Cumulative**		**Cumulative Plus Project**			
			Delay	**LOS**	**Delay**	**LOS**	**Delay**	**LOS**	**Δ in Critical Delay**	**Δ in Critical V/C**
52	San Tomas Expressway and Benton Street	AM	**175.5**	**F**	**187.6**	**F**	**187.2**	**~~G~~ F**	**0.5**	**0.001**
		PM	**140.1**	**F**	**146.7**	**F**	**146.8**	**~~G~~ F**	**0.8**	**0.004**
53	San Tomas Expressway and El Camino Real	AM	**173.1**	**F**	**182.2**	**F**	**182.0**	**~~G~~ F**	**0.2**	**0.000**
		PM	**126.5**	**F**	**132.8**	**F**	**133.3**	**~~G~~ F**	**1.1**	**0.002**

Page 227 Section 7.0, Project Alternatives; A. No Project Alternative, the first paragraph under the No Project – Neighborhood Community Commercial Redevelopment Alternative will be **REVISED** as follows:

The project site is currently designated *Neighborhood Community Commercial* in the 2040 General Plan and is zoned CG – General Commercial. The existing commercial buildings on-site total approximately 90,000 square feet on a 12.99 acre site, for an FAR of approximately 0.16, and reflect a low-intensity use of the site, well below the minimum development standards of the current *Neighborhood Community Commercial* land use designation, which calls for a broad range of commercial development up to ~~2.0~~ 3.5 FAR (Note: After issuance of the Notice of Availability for the DEIR, the City Council adopted Resolution No. 77877 on June 28, 2016 to increase the maximum FAR for the *Neighborhood Community Commercial* land use designation from 2.0 to 3.5 FAR). Because the current development is at a lower intensity than development envisioned in the General Plan and is located within an Urban Village intended to accommodate future growth, it is reasonable to assume that if the proposed project were not approved, an alternative development would be proposed in the future with higher intensity office and retail.

Page 232 Section 7.0, Project Alternatives; E. Century 21 Theater Reuse Alternative No. 1, the first paragraph will be **REVISED** as follows:

As proposed, the project would remove the exterior building materials from the Century 21 Theater and maintain the substructure in its current location as an open space pavilion. The use of the metal substructure of the Century 21 Theater as an open space pavilion does not meet the Secretary of the Interior Standards for reuse of historic structures. Under the Reuse Alternative, the Century 21 Theater would be rehabilitated consistent with Secretary of the Interior Standards74 and used as a mini-storage facility. All other development parameters of this alternative would be the same as the proposed project, including total square footage, building heights, and site layout. The development capacity for mini-storage would be within the total development capacity of 999,000 square feet of office and commercial uses allowed under the Planned Development Zoning.

Page 233 Section 7.0, Project Alternatives; F. Century 21 Theater Reuse Alternative No. 2, the first paragraph will be **REVISED** as follows:

As proposed, the project would remove the exterior building materials from the Century 21 Theater and maintain the substructure in its current location as an open space pavilion. The use of the metal substructure of the Century 21 Theater as an open space pavilion does not meet the Secretary of the Interior Standards for reuse of historic structures. Under the Reuse Alternative 2, the Century 21 Theater would be rehabilitated consistent with Secretary of the Interior Standards and used as an entertainment venue, such as a night club. All other development parameters of this alternative would be the same as the proposed project, including total square footage, building heights, and site layout. The venue would operate on nights and weekends, after standard business hours, and would be subject to the City's operation regulations and would be required to obtain a Planned Development Permit. Regulations include, but are not limited to, hours of operation, noise, beverage, service, security, parking, and traffic circulation. The development capacity for the entertainment venue would be within the total development capacity of 999,000 square feet of office and commercial uses allowed under the Planned Development Zoning.

Page 235 Section 7.0, Project Alternatives; G. Flames Restaurant Reuse Alternative, the second paragraph will be **REVISED** as follows:

The restaurant building is 6,800 square feet. Accounting for minimal setbacks between the restaurant and the new buildings on-site, it is estimated that the restaurant would require at least 7,000 square feet of area. These setbacks are, however, less than what would be required by the building code for fire safety and building access. To account for preservation of the restaurant building, the total square footage of office and retail development on-site would either be reduced a minimum of 63,000 square feet (assumes a 7,000 square feet reduction per floor within the nine-story structure) or the development capacity would be accommodated elsewhere on-site by increasing the height on one or more of the proposed buildings.

Page 238 Section 7.0, Project Alternatives; I. Environmentally Superior Alternative, the first paragraph will be **REVISED** as follows:

The CEQA Guidelines (Section 15126.6) state that an EIR shall identify an environmentally superior alternative. Based on the above discussion, the environmentally superior alternative is the Reduced Development and ~~Century 21~~ Historic Buildings Reuse Alternative because one of the project's significant unavoidable historic building impacts, one intersection impact and all freeway impacts, and the operational noise impact would be avoided, and no new significant impacts would result. The Reduced Development and ~~Century 21~~ Historic Buildings Reuse Alternative would achieve all but one of the objectives of the proposed project.

Page 239 Section 8.0, Significant Unavoidable Impacts; following underlined text will be **ADDED:**

1. Implementation of the proposed project would impact the Winchester Boulevard/Tisch Way intersection under background plus project conditions.

2. Implementation of the proposed project will increase traffic volumes on 21 freeway segments by more than one percent that already operate at LOS F.

3. Even with compliance with City code requirements, construction noise would occur for more than 12 months.

4. The increase in ambient noise levels on Olin Avenue associated with new traffic trips would exceed City standards.

5. The construction of Phase I of the proposed project would likely occur at the same time as the proposed 350 Winchester Boulevard development, located approximately 350 feet northeast of the project site. Both projects are anticipated to begin construction in the spring of 2017 and have a two-year time frame.

6. Implementation of the proposed project would result in the modification of the Century 21 Theater.

7. Implementation of the proposed project would result in the demolition of the Flames Restaurant.

Appendix A:

Page 5 The list of study freeway segments will be **REVISED** as follows:

12. ~~Eastbound~~ Southbound I-280, between SR 85 and De Anza Boulevard
13. ~~Eastbound~~ Southbound I-280, between De Anza Boulevard and Wolfe Road
14. ~~Eastbound~~ Southbound I-280, between Wolfe Road and Lawrence Expressway
15. ~~Eastbound~~ Southbound I-280, between Lawrence Expressway and Saratoga Avenue
16. ~~Eastbound~~ Southbound I-280, between Saratoga Avenue and Winchester Boulevard
17. ~~Eastbound~~ Southbound I-280, between Winchester Boulevard and I-880
18. ~~Eastbound~~ Southbound I-280, between I-880 and Meridian Avenue
19. ~~Eastbound~~ Southbound I-280, between Meridian Avenue and Bird Avenue
20. ~~Eastbound~~ Southbound I-280, between Bird Avenue and SR 87
21. ~~Eastbound~~ Southbound I-280, between SR 87 and Tenth Street
22. ~~Eastbound~~ Southbound I-280, between Tenth Street and McLaughlin Avenue
23. ~~Eastbound~~ Southbound I-280, between McLaughlin Avenue and US 101
24. ~~Westbound~~ Northbound I-280, between US 101 and McLaughlin Avenue
25. ~~Westbound~~ Northbound I-280, between McLaughlin Avenue and Tenth Street
26. ~~Westbound~~ Northbound I-280, between Tenth Street and SR 87
27. ~~Westbound~~ Northbound I-280, between SR 87 and Bird Avenue
28. ~~Westbound~~ Northbound I-280, between Bird Avenue and Meridian Avenue
29. ~~Westbound~~ Northbound I-280, between Meridian Avenue and I-880
30. ~~Westbound~~ Northbound I-280, between I-880 and Winchester Boulevard

31. ~~Westbound~~ Northbound I-280, between Winchester Boulevard and Saratoga Avenue
32. ~~Westbound~~ Northbound I-280, between Saratoga Avenue and Lawrence Expressway
33. ~~Westbound~~ Northbound I-280, between Lawrence Expressway and Wolfe Road
34. ~~Westbound~~ Northbound I-280, between Wolfe Road and De Anza Boulevard
35. ~~Westbound~~ Northbound I-280, between De Anza Boulevard and SR 85

Page 13 Existing Transit Service; the paragraph under VTA Bus Service will be **REVISED** as follows:

The Valley Fair Transit Center is located at Valley Fair shopping mall, along Forest Avenue, within ¾ of a mile of the project site. The Valley Fair Transit Center is served by two bus lines (lines 23 and 60). The 23 line provides service between DeAnza College and the Alum Rock Transit Center via Stevens Creek Boulevard, with 10-15-minute headways during commute hours. The 60 line provides service between the Winchester Transit Center and Great America via Winchester Boulevard, with 15-20-minute headways during commute hours. The nearest bus stop locations to the project site are located at the Olin Avenue and Olsen Drive intersections with Winchester Boulevard and are served by the 60 line. Other bus lines in the vicinity of the project site include the 25 line that provides service between the Alum Rock Transit Center and De Anza College, with 10-20-minute headways during commute hours. Limited Stop Express Route 323 operates along Stevens Creek Boulevard with a bus stop just east of the Stevens Creek Boulevard/Santana Row intersection and on the north side of Steven Creek Boulevard, adjacent to the westernmost driveway of the Valley Fair mall. ~~However, the nearest route 323 stops are located at Kiely Boulevard and Bascom Avenue.~~

Page 21 The list of mixed-flow lane segments at unacceptable LOS F will be **REVISED** as follows:

12. ~~Eastbound~~ Southbound I-280, between SR 85 and De Anza Boulevard
13. ~~Eastbound~~ Southbound I-280, between De Anza Boulevard and Wolfe Road
14. ~~Eastbound~~ Southbound I-280, between Wolfe Road and Lawrence Expressway
15. ~~Eastbound~~ Southbound I-280, between Lawrence Expressway and Saratoga Avenue
16. ~~Eastbound~~ Southbound I-280, between Saratoga Avenue and Winchester Boulevard
17. ~~Eastbound~~ Southbound I-280, between Winchester Boulevard and I-880
18. ~~Eastbound~~ Southbound I-280, between I-880 and Meridian Avenue
19. ~~Eastbound~~ Southbound I-280, between Meridian Avenue and Bird Avenue
20. ~~Eastbound~~ Southbound I-280, between Bird Avenue and SR 87
21. ~~Eastbound~~ Southbound I-280, between SR 87 and Tenth Street

Page 28 The list of HOV lane segments at unacceptable LOS F will be **REVISED** as follows:

17. ~~Eastbound~~ Southbound I-280, between Winchester Boulevard and I-880
18. ~~Eastbound~~ Southbound I-280, between I-880 and Meridian Avenue

29. ~~Westbound~~ Northbound I-280, between Meridian Avenue and I-880
30. ~~Westbound~~ Northbound I-280, between I-880 and Winchester Boulevard
32. ~~Westbound~~ Northbound I-280, between Saratoga Avenue and Lawrence Expressway

Page 63 The list of mixed-flow lane segment impacts will be **REVISED** as follows:

18. ~~Eastbound~~ Southbound I-280, between I-880 and Meridian Avenue
19. ~~Eastbound~~ Southbound I-280, between Meridian Avenue and Bird Avenue
20. ~~Eastbound~~ Southbound I-280, between Bird Avenue and SR 87
21. ~~Eastbound~~ Southbound I-280, between SR 87 and Tenth Street
24. ~~Westbound~~ Northbound I-280, between US 101 and McLaughlin Avenue
25. ~~Westbound~~ Northbound I-280, between McLaughlin Avenue and Tenth Street
26. ~~Westbound~~ Northbound I-280, between Tenth Street and SR 87
27. ~~Westbound~~ Northbound I-280, between SR 87 and Bird Avenue
28. ~~Westbound~~ Northbound I-280, between Bird Avenue and Meridian Avenue
29. ~~Westbound~~ Northbound I-280, between Meridian Avenue and I-880

Page 63 The list of HOV lane segment impacts will be **REVISED** as follows:

18. ~~Eastbound~~ Southbound I-280, between I-880 and Meridian Avenue
29. ~~Westbound~~ Northbound I-280, between Meridian Avenue and I-880

Page 96 The first paragraph under heading I-880 Southbound On-Ramp from Stevens Creek Boulevard will be **REVISED** as follows:

Based on field observations, the longest vehicle queue that developed on the I-880 southbound on-ramp was five vehicles in length. The maximum vehicle queues that were measured in the field occurred only once during the observation period and never backed up past the I-880/southbound I-280 ~~eastbound~~ southbound split. In fact, vehicle queues of between zero and three vehicles occurred much more frequently on the metered on-ramp. This inherent variability is characteristic of vehicle queues that occur at metered ramps during the PM peak hour, and is in contrast to the standing vehicle queues that typically develop at metered ramps during the AM peak hour of traffic.

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Mr. David Keyon
Planning Division
City of San Jose
200 E. Santa Clara Street, Tower 3
San Jose, CA 95113

Dear Mr. Keyon:

Santana West and the I-280 Winchester/Moorpark Transportation Development Policy – Draft Environmental Impact Report

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans new mission signals a modernization of our approach to evaluating and mitigating impacts to the State Transportation Network (STN). We aim to reduce vehicle miles traveled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Draft Environmental Impact Report (DEIR). Please also refer to the previous comment letter, dated November 18, 2015, on this project and incorporated herein. Additional comments may be forthcoming.

Project Understanding

The proposed project is an 11.8-acre project site located at the southwest corner of Winchester Boulevard and Olin Avenue in the northwest quadrant of the Interstate (I-) 280/Winchester Boulevard intersection. The project site is in a Priority Development Area and currently developed with three movie theaters (Century 21, 22, and 23), a restaurant, and a large surface parking lot. The movie theaters were closed in March 2014 and have remained vacant since that time. The City Council designated one of the three theater buildings, Century 21, as a City Landmark on June 10, 2014, and has been determined to be eligible for listing on the National Register of Historic Places and the California Register of Historic Resources. The project site is adjacent to the historic Winchester Mystery House. The project proposes to demolish the other two movie theaters and restaurant and rezone the project site to allow for construction of up to 970,000 square feet of office space and 29,000 square feet of retail space.

In addition to the Santana West development, the DEIR evaluates implementation of a Transportation Development Policy (TDP) to fund potential interchange improvements at I-280, Winchester Boulevard, and Moorpark Avenue to address area traffic impacts. The TDP will include the potential implementation of traffic impact fees that will be applicable to the Santana West project and future developments in the area within San Jose that add trips to the I-280, Winchester Boulevard, and Moorpark Avenue interchange.

Lead Agency

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

Traffic Impacts

1. Mitigation: Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City. Mitigation may include contributions to the Santa Clara Valley Transportation Authority's (VTA) voluntary contribution program, and should support the use of transit and active transportation modes.
   A. Mixed-Flow Lanes: The DEIR concludes the proposed project would have a significant traffic impact on the mixed-flow lanes of twenty-one freeway segments and high-occupancy vehicle (HOV) lanes of two freeway segments. However, it also states that there is no identified improvement project toward which the proposed project can pay fair share fees as mitigation. The following express lane projects have been identified in the MTC's Regional Transportation Plan (RTP) Plan Bay Area 2013, which should be considered as potential mitigation projects:

      - State Route (SR) 17 Express Lanes between I-280 and SR 85 (RTP ID# 240469).
      - I-880 Express Lanes: US 101 to I-280 (RTP ID# 240517).
      - I-280 Express Lanes: Leland Avenue to Magdalena Avenue (RTP ID# 240513).

   B. Winchester Boulevard and I-280 northbound (NB) on-ramp/Tish Way: The Tish Way NB I-280 on-ramp should be widened, in addition to the proposed mitigation measure considered for this intersection. The additional storage capacity on this on-ramp will reduce the demand on mainline NB I-280. The VTA is currently conducting the I-280 Corridor Study and is also conducting a study at Winchester Boulevard, specifically.

   C. Southbound (SB) I-280/Winchester Boulevard/Moorpark Avenue Intersection: Please provide mitigation for this intersection. The PM peak hour shows that this off-ramp backs up onto the SB I-280 mainline. The added 124 left turn trips from the proposed project will further impact this ramp. The project should widen the off-ramp to add more storage to contain this queue on the off-ramp.

D. Increasing VMT: Mitigation for increasing VMT should be identified. The project's primary and secondary effects on pedestrians, bicycles, disabled travelers and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained. Please describe any such mitigation and safety countermeasures that would be needed to improve access to transit facilities and reduce traffic impacts to the STN.

2. The TDP
   A. Responsible Agencies: The implementation of the TDP will require Caltrans' approval and inclusion in VTA's Envision Silicon Valley Transportation Plan, so the VTA and Caltrans should be identified in the DEIR and TDP as Responsible Agencies. The DEIR (p. 19) states there is no responsible agency for this project and under Section 4.2.2.8 Interstate 280 – Winchester/Moorpark Transportation Development Policy (p. 82) the City won't design or construct the new I-280 off-ramp.

   B. I-280/Winchester Boulevard Off-Ramp: The TDP should discuss viable alternatives if the new I-280/Winchester Boulevard off-ramp is deemed infeasible. The two alternatives for the off-ramp developed in Caltrans Project Study Report (2010) were determined to be unviable. Other alternatives should be proposed, since there exists a chance that the new off-ramp will not be approved or built due to design standards, right-of-way (ROW), and circulation concerns. Please confirm all streets are accessible by the public under Local Access (p. 49), as there was concern over streets owned by private entities in the previous effort to identify feasible alternatives for the new off-ramp.

3. I-280 Directional Convention: Please correct the DEIR and TIA to refer to I-280 ramps and freeway segments as NB and SB, instead of eastbound (EB) and westbound (WB) (i.e., the directional convention for I-280 is north/south). For example, in the Executive Summary (p. vii), Intersection #25 is referred to as "Winchester Blvd & I-280 WB on-ramp/Tisch/Tisch Way" and in DEIR Table 4.2-11 (p. 83) "Winchester Blvd and I-280 EB on-ramp."

4. Turning movement traffic per study intersection under Existing, Project Only, Existing + Project, Background, 2035 Cumulative, 2035 Cumulative + Project Conditions. As a Responsible Agency under CEQA for the STN, Caltrans reiterates its recommendation in the previous comment letter that the City use 2035 for the cumulative traffic impact analysis of the STN and mitigation for the impacts be clearly stated in the TIA and DEIR.

5. The project site's building potential as identified in the General Plan. The project must be consistent with the Circulation Element of the General Plan, the Congestion Management Agency's Congestion Management Plan, and the MTC's RTP.

6. The level-of-service (LOS) methodology (p. 53) is "TRAFFIX", not "TRAFFIC", so please make this correction.

7. Table 4.-11 (p. 83): Please clarify that nine of the studied intersections show decreases in delay "for at least one peak hour."

8. Table 6.0-1 (p. 215): Please correct "LOS G" to "LOS F" for intersections #52 and #53, since LOS "G" does not exist.

Vehicle Trip Reduction

Transportation Demand Management (TDM) programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. The project should set trip reduction goals and if the project does not achieve the goals, Caltrans recommends the DEIR also include "next steps" to achieving the goals.

Suggested TDM strategies include incorporating into the project all the possible TDM measures described in the TIA (pp. 97-99). Also, work with the VTA to decrease headway times and improve way-finding on bus lines to provide a better connection between the project, the Diridon Station, and regional destinations and providing:

- Membership in a transportation management association.
- Ten percent vehicle parking reduction.
- Carpool and vanpool ride-matching support.
- Fix-it bicycle repair station(s).
- Kick-off commuter event at full occupancy.
- Emergency Ride Home program.

In the DEIR Section 4.2.3.3 Parking, the project proposes to provide 2,545 parking spaces, which is 156 spaces below what is required by the City even after applicable parking reduction benefits. Caltrans supports these reductions in parking supply to encourage active transportation and transit, thereby reducing VMT and impacts to the STN. These smart growth approaches are consistent with the MTC's RTP/SCS goals and would meet Caltrans Strategic Management Plan.

Cultural Resources

The DEIR must include documentation of a current archaeological record search from the Northwest Information Center of the California Historical Resources Information System, if construction activities are proposed within State ROW. Current record searches must be no more than five years old. Caltrans requires the records search and a cultural resource study by a qualified, professional archaeologist, to ensure compliance with CEQA, Section 5024.5 of the California Public Resources Code and Volume 2 of Caltrans' Standard Environmental Reference (http://ser.dot.ca.gov). These requirements, including applicable mitigation, must be fulfilled before an encroachment permit can be issued for project-related work in State ROW. Work subject to these requirements includes, but is not limited to: lane widening, channelization, auxiliary lanes, and/or modification of existing features such as slopes, drainage features, curbs, sidewalks and driveways within or adjacent to State ROW.

Assembly Bill (AB) 52 went into effect last year and updated CEQA to clarify requirements for consultation with Native American tribes. Caltrans recommends this project review AB 52 guidelines and consult with interested parties. The DEIR's 1992 study of a different parcel does not comply with requirements of CEQA. Caltrans recommends a record search and survey by a professional archaeologist, as it will rectify this issue and the numerous incorrect statements within the DEIR cultural resource background/prehistory section. Historic-era ranches, ranchos and World War II era sites are also part of the archaeological record and should be included in the archaeological study of the parcel and State ROW.

In reference to the DEIR evaluation of the Cumulative Impacts (p. 222), the "combined loss of structures [is] a less than significant cumulative impact" is not a full consideration of the impacts to the Century 21's setting resulting from the destruction of surrounding buildings. The Historic Evaluation & Assessment's exposition of the alternatives (pp. 34-39), the potential impacts, and the possible mitigation, is a more thorough, complete, and useful evaluation. For consistency, Caltrans recommends that the DEIR and the Historic Evaluation & Assessment be brought into alignment with one another. For the Cumulative Impacts finding, as of June 2016, the two domed theaters in Sacramento and the one in Napa have been demolished. The theater in Newark will most likely be demolished by 2017. Please reevaluate the removal of these theaters within the cumulative impacts analysis, as the listed theater that will be removed for the current project would likely be the last theater of its type in California and likely a significant cumulative impact.

Traffic Control Plan

A Caltrans-approved Traffic Control Plan (TCP) is required to avoid project-related impacts to the STN, if it is anticipated that vehicular, bicycle, and pedestrian traffic will be impacted during the construction of the proposed project requiring traffic restrictions and detours. The TCP must also comply with the requirements of corresponding jurisdictions. In addition, pedestrian access through the construction zone must be in accordance with the Americans with Disabilities Act (ADA) regulations (see Caltrans' *Temporary Pedestrian Facilities Handbook* for maintaining pedestrian access and meeting ADA requirements during construction at: www.dot.ca.gov/hq/construc/safety/Temporary_Pedestrian_Facilities_Handbook.pdf) (see also Caltrans' Traffic Operations Policy Directive 11-01 "Accommodating Bicyclists in Temporary Traffic Control Zones" at: www.dot.ca.gov/hq/traffops/policy/11-01.pdf). All curb ramps and pedestrian facilities located within the limits of the project are required to be brought up to current ADA standards as part of this project.

For further TCP assistance, please contact the Caltrans District 4 Office of Traffic Management Operations at (510) 286-4579. Further traffic management information is available at the following website:
www.dot.ca.gov/hq/traffops/trafmgmt/tmp_lcs/index.htm.

Should you have any questions regarding this letter, please contact Brian Ashurst at (510) 286-5505 or brian.ashurst@dot.ca.gov.

Sincerely,

PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

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

SANTA CLARA
Valley Transportation Authority

August 8, 2016

City of San Jose
Department of Planning and Building
200 East Santa Clara Street
San Jose, CA 95113

Attention: David Keyon

Subject: City File No. PDC14-068 / Santana West Development Project and I-280-Winchester/Moorpark Transportation Development Policy

Dear Mr. Keyon:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR (DEIR) for 970,000 square feet of office space and 29,000 square feet of retail space, on the west side of Winchester Boulevard and potential implementation of a Transportation Development Policy for the I-280 –Winchester/Moorpark interchange. We have the following comments.

Land Use

VTA supports the proposed land use intensification on this site, strategically located on the regional transportation network and served by the VTA Local Bus Line 23 and Limited Line 323 along Stevens Creek Boulevard, and VTA Local Bus Line 60 along South Winchester Boulevard. As part of the current Next Network Program, VTA will implement near-term transit network improvements in 2017 coinciding with the opening of Berryessa BART, including the Rapid 523 enhanced bus service (an early deliverable of the Stevens Creek Boulevard Bus Rapid Transit (BRT) Project), with the closest planned stop less than a quarter mile away from the project site at Stevens Creek Boulevard and South Winchester Boulevard. Additionally, early Next Network concepts developed in Spring 2016 suggest that Local Bus Line 60 could be extended to provide additional connections, in response to growing transportation demand along the Winchester Corridor.

VTA supports increasing office and retail uses in close proximity to the mix of uses already built in a pedestrian-friendly design at Santana Row. The project will contribute to the "synergy" of uses in the area that will result in a greater percentage of trips accomplished by walking and a lower percentage of driving trips during the day.

Stevens Creek Boulevard and Winchester Boulevard are identified as Corridors in VTA's Community Design & Transportation (CDT) Program Cores, Corridors and Station Areas framework, which shows VTA and local jurisdiction priorities for supporting concentrated development in the County. The CDT Program was developed through an extensive community

outreach strategy in partnership with VTA Member Agencies, and was endorsed by all 15 Santa Clara County cities and the county.

I-280/Winchester/Moorpark Transportation Development Policy

The DEIR/TIA notes that the "the EIR will evaluate implementation of a Transportation Development Policy (TDP) to fund potential interchange improvements at Interstate 280, Winchester Boulevard, and Moorpark Avenue to address area traffic impacts." (p. 22) VTA supports the City's evaluation of a TDP for the interchange improvements, and supports the City's intent to develop a potential City of San Jose Area Development Policy that could identify a broad range of improvements for the Santana Row/Valley Fair/Winchester Boulevard Urban Village areas. This could include improvements to offset the effects of increased auto congestion on transit travel times on Stevens Creek Boulevard and Winchester Boulevard, such as transit priority measures and/or contributions to VTA's Rapid 523 project (see further comments below).

Congestion Impacts on Transit Travel Times

In VTA's comments on the project's Notice of Preparation (NOP) and Transportation Impact Analysis (TIA) Form, VTA requested that the DEIR/TIA address any potential impacts from increased motor vehicle traffic and congestion associated with the project on transit travel times, particularly in the Stevens Creek Boulevard corridor. VTA recommended a cumulative analysis, taking into account the effects of the proposed project along with other approved and pending projects in the vicinity, such as the Valley Fair Expansion, Santana Row Expansion and 350 Winchester Boulevard Mixed Use projects. Such an analysis was not included in the DEIR/TIA. An analysis of the effects of the project on transit vehicle delay is required per the 2014 *VTA Transportation Impact Analysis (TIA) Guidelines* (Section 9.2 – Transit), and thus should be addressed in the EIR Transportation analysis and discussion on consistency with the applicable Congestion Management Program.

Although the DEIR/TIA does not include an analysis of congestion impacts on transit vehicle delay, the DEIR/TIA finds that increasing congestion will result in significant Auto Level of Service impacts at the intersections of Stevens Creek Boulevard with Winchester Boulevard and Monroe Street, based on City standards. At the Stevens Creek/Winchester intersection, the project would increase the average delay on all approaches by nearly 24 seconds compared to background conditions (DEIR p. 76). Since both of these intersections are frequently used by transit vehicles (the Stevens Creek/Winchester intersection sees 24 buses per hour in the peak period, between VTA Routes 23, 323 and 60), it can be deduced that transit vehicles will also be impacted by project-induced congestion at these intersections.

Both the Stevens Creek/Winchester and Stevens Creek/Monroe intersections are currently Protected Intersections, per City policy. The DEIR notes that, "If a development project has

significant traffic impacts at a designated Protected Intersection, the project may be approved if offsetting Transportation System Improvements are provided to other parts of the Citywide transportation system or that enhance non-auto modes of travel in the community near the Protected Intersection in furtherance of the General Plan goals and policies." (p. 67) The DEIR notes "potential improvements within the project area and adjacent neighborhoods" including traffic calming, and streetscape/pedestrian/transit operations improvements. (p. 68)

VTA supports the idea of designating Protected Intersections to encourage development in locations conducive to walking, bicycling and transit in order to reduce vehicle miles traveled and greenhouse gas emissions. However, increased congestion at this intersection could result in delay to transit vehicles on Stevens Creek Boulevard, including the Local 23, Limited 323 and future Bus Rapid Transit (BRT) service, which could degrade schedule reliability and increase operating costs. As noted above, VTA is planning to implement Rapid 523 enhanced bus service as a near term improvement and early deliverable of the Stevens Creek Boulevard BRT Project. VTA recommends that the City include improvements to transit access and circulation among the Transportation System Improvements identified per the Protected Intersection Policy, such as Transit Signal Priority (TSP) for Local Line 23 along Stevens Creek Boulevard, transit stop improvements along Stevens Creek Boulevard and Winchester Boulevard in the project vicinity, pedestrian circulation improvements to transit stops, and wayfinding signage to direct pedestrians to transit stops. VTA requests to be involved as the City works with the developer and neighborhood residents through the Protected Intersection process to identify Transportation System Improvements following the approval of the project.

<u>CMP Intersection Impacts and Multimodal Improvement Plan</u>
The DEIR and TIA indicate the proposed project would have a significant impact on two CMP intersections (DEIR p. 24). One of these impacted CMP intersections is Stevens Creek/Winchester Boulevard intersection, where the "cumulative volumes would cause the intersection to degrade from LOS D under background conditions to LOS F under cumulative plus project conditions" (DEIR p. 216), which would exceed the CMP Auto Level of Service standard. The DEIR does not identify any mitigation measures for this impact, stating that "Pursuant to the City's Transportation Impact Policy, in lieu of physical improvements to the Winchester Boulevard/Stevens Creek Boulevard and Monroe Street/Stevens Creek Boulevard intersections, the project applicant shall construct offsetting improvements to other parts of the Citywide transportation system in the vicinity of the project site" (DEIR p. 218).

VTA notes that the designation of Stevens Creek/Winchester as a Protected Intersection affects how this impact is considered according to City policy, but it does not change the fact that this would be considered an impact per the CMP Auto Level of Service Standard. As a result, VTA requests that the City prepare an area-wide Multimodal Improvement Plan to address the project's impacts on CMP transportation facilities, which serve the broader area and region. The

California CMP statute requires Member Agencies to prepare Multimodal Improvement Plans for CMP facilities located within their jurisdictions that exceed, or are expected to exceed, the CMP traffic.

The preparation of a Multimodal Improvement Plan (MIP) can be an opportunity to implement multimodal (non-automotive) transportation improvements as offsetting measures, when mitigations to meet the LOS standard are either infeasible or undesirable. The Multimodal Improvement Plan contains a list of actions to help offset the vehicular LOS impacts, and an implementation plan with specific responsibilities and a schedule. These off-setting improvements can include improvements to transit, bicycle, and/or pedestrian facilities, as well as Transportation Demand Management (TDM) Programs. A MIP is well-aligned with the City and Project Developer's proposal to create the I-280/Winchester Boulevard Interchange Area Transportation Development Policy, as well as the City's intent to develop a potential City of San Jose Area Development Policy that could identify a broad range of improvements for the Santana Row/Valley Fair/Winchester Boulevard Urban Village areas.

VTA can assist the City in identifying off-setting improvements and would be happy to discuss alternatives to physical improvements at CMP intersections in the City of San Jose. For further information on Multimodal Improvement Plans (previously "Deficiency Plans"), please see VTA's Deficiency Plan Requirements located online at: http://www.vta.org/cmp/technical-guidelines.

Freeway Impacts and Voluntary Contributions to Regional Improvements

The TIA identifies 21 freeway segment impacts but does not identify a mitigation measure (pg. 58). VTA acknowledges that the City and VTA are working on the planning and project development for improvements at I-280/Winchester Boulevard. Other regional transportation improvement initiatives within the vicinity have also begun, such as the I-280 Corridor Study and I-280/Wolfe Interchange Improvement Project. VTA recommends that the City require the project to contribute toward future project development phases (e.g., environmental clearance, design and/or construction).

Pedestrian and Bicycle Accommodations

Given the increased pedestrian volumes associated with the project, VTA recommends that the City work with the Project Developer to provide exceptional pedestrian accommodations on all project roadways, particularly on Winchester Boulevard, Olin Avenue, and Olsen Drive. The existing project frontages contain attached sidewalks with no landscaped buffer between the sidewalk and the street. VTA recommends buffer strips with tree wells at consistent intervals along the Winchester Boulevard and Olin Avenue project frontages, and on the south side of Olsen Drive. Resources on pedestrian quality of service, such as the Highway Capacity Manual

2010 Pedestrian Level of Service methodology, indicate that such accommodations improve pedestrian perceptions of comfort and safety on a roadway.

The corners of S Winchester Blvd/Olin Ave and S Winchester Blvd/Olsen Dr adjacent to the project site have wide turning radii which encourages higher auto speeds and reduces pedestrian comfort and safety. VTA recommends squaring off these corners or otherwise reducing the speed of right turns at these locations to facilitate pedestrian access to the site. In addition, VTA recommends that the City work with the project applicant to install the missing crosswalks on the north side of S Winchester Blvd/Olin Ave and the south side of S Winchester Blvd/Olsen Dr.

VTA notes that the DEIR/TIA states that the development will provided 253 bicycle parking spaces per the City of San Jose bicycle parking standards, as well as five showers for employees. VTA recommends that these amounts be included as Conditions of Approval for the project. VTA supports bicycling as an important transportation mode and thus recommends inclusion of conveniently located bicycle parking for the project. Bicycle parking facilities can include bicycle lockers or secure indoor parking for all-day storage and bicycle racks for short-term parking. VTA's Bicycle Technical Guidelines provide guidance for estimating supply, siting and design for bicycle parking facilities. This document may be downloaded from http://www.vta.org/projects-and-programs/planning/bikes-bicycle-technical-guidelines-btg.

Transportation Demand Management/Trip Reduction

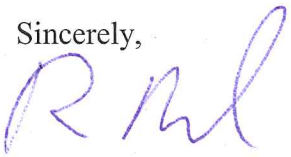
The DEIR notes that the project "would include a transportation demand management (TDM) plan to reduce overall traffic trips to and from the site" and provides a list of TDM examples that could be utilized (pp. 22-23). However, the DEIR and TIA do not identify the specific TDM measures to be implemented, a trip reduction goal, or how trips would be monitored. VTA recommends that the TDM program specify the TDM measures that will be required, include a vehicle trip reduction target, and third-party monitoring of trip generation upon project completion and a Lead Agency enforcement/penalty structure.

Roadway Connectivity

The DEIR notes that, "As proposed, the project would vacate the Olsen Drive and reconfigure internal roadways, thereby modifying the existing access to the adjacent Winchester Ranch Mobile Home Park" (p. 229) but also includes project alternative described as Redesign Alternative No. 1, which would create a new connection to Cali Drive from the reconfigured Olsen Drive. VTA supports this alternative because it preserves connectivity for vehicles, pedestrians and bicyclists in the vicinity of the project site. VTA also encourages the City and Project Developer to preserve connectivity to Prune Way.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,



Roy Molseed
Senior Environmental Planner

cc: Michael Liw, San Jose Development Services
Patricia Maurice, Caltrans
Brian Brandert, Caltrans

SJ1421

Re: Questions regarding the EIR for the Century Theater site

Matthew Sutton

Sat 6/25/2016 5:14 AM

To: Keyon, David <david.keyon@sanjoseca.gov>;

2 attachments (562 KB)

ca-sanjose-century21-09scan-syufy-1964-02.1398057423.jpg; marquee1.jpg;

Please excuse this email if it has been sent to you twice, as I had the email address incorrect when I originally sent it

Hello--

My name is Matthew Sutton, and I am one of the people involved in the "Save the Domes" movement regarding the Century Theaters. I was going over the EIR (file number PDC14-068)and I have a couple of questions...

First, regarding the marquee , the report states :
"s. Consistency: The project does not propose to retain the existing roadway sign for the Century Theaters. The sign was not part of the original Century 21 Theater construction. The sign was added during expansion of the site and has been modified over the years. The sign, by itself, is a good example of mid-century roadway signage, but does not appear to be individually significant. As a result, the project is consistent with Policy LU-13.9. "

The base marquee is original to the 21. Enclosed is a photo of the original marquee, showcasing the film that was the first shown at the Century 21. If you look at the photo of the "current" marquee, you can see the original was added to in order to reflect the addition of the 22 and 23 domed theaters. Whether or not that helps in keeping the sign I do not know, as it had been altered. But factually the base is original to the 21's opening.

The other question I have is in the wordage about the Century 21's historic status. The wording of the report states "The building has also been determined to be eligible for listing on the National Register of Historic Places and the California Register of Historic Resources. " While it was deemed eligible for the National List (and would be on the list, had the property owners not objected) it's my understanding that is it actually on the California Register of Historic Resources. The wordage makes it seems as though it were "eligible" at both National and State levels.

I thank you for your time and appreciate your consideration in the matter.

Matthew Sutton

Century 21
CINERAMA
Presents
STANLEY KRAMER'S
ITS A
MAD, MAD, MAD WORLD
WITH MILTON BERLE ETHEL MERMAN

CENTURY 21
THEATRES CLOSING AFTER MARCH 30
THANKS FOR 50 YEARS OF SUPPORT
SUNDAY EVE
LEGO MOVIE
RAIDERS OF THE LOST ARK
CENTURY 22
300 RISE OF AN EMPIRE R
DIVERGENT PG-13
NEED FOR SPEED PG-13
CENTURY 23
MR PEABODY PG
MUPPETS PG
THEATRE PARKING ONLY

THEATER STAYS !!!!!!!!!!!! "HISTORIC"

Bruce Branan

Tue 6/28/2016 7:27 AM

To: Keyon, David <david.keyon@sanjoseca.gov>;

PLEASE FORGET REZONING !!!
TRAFFIC IS A PAIN IN THE ASS!

) demolition of the two non-historic theater buildings on-site (Century 22 and 23) and an eligible historic restaurant (Flames); ii) construction of up to 970,000 square feet of office space and 29,000 square feet of retail space; and iii) the demolition of the Century 21 Theater building, a City Landmark, with retention of the underlying metal substructure for use as an outdoor pavilion within publically accessible private outdoor open space; all on a 12.99 gross acre site. The project also includes a study of the potential implementation of a Transportation Development Policy for the I-280 -Winchester/Moorpark interchange. **Location:** 3161, 3162, and 3164 Olsen Drive and 449 S. Winchester Boulevard (APNs 303-40-010, -15, -16, and -21). **File No.:** PDC14-068. **Council District:** 1

Bruce Branan.

Kabosh on the rezoning !!!

Bruce Branan

Fri 7/1/2016 5:54 PM

Inbox

To: Keyon, David <david.keyon@sanjoseca.gov>;

A Draft Environmental Impact Report (DEIR) for the **Santana West Development Project and I-280 - Winchester/Moorpark Transportation Development Policy** is available for public review and comment. The project consists of a Planned Development Rezoning of four parcels from the CG Commercial General to the CP(PD) Planned Development Zone District to allow a phased development that includes the following: i) demolition of the two non-historic theater buildings on-site (Century 22 and 23) and an eligible historic restaurant (Flames); ii) construction of up to 970,000 square feet of office space and 29,000 square feet of retail space; and iii) the demolition of the Century 21 Theater building, a City Landmark, with retention of the underlying metal substructure for use as an outdoor pavilion within publically accessible private outdoor open space; all on a 12.99 gross acre site. The project also includes a study of the potential implementation of a Transportation Development Policy for the I-280 -Winchester/Moorpark interchange. **Location:** 3161, 3162, and 3164 Olsen Drive and 449 S. Winchester Boulevard (APNs 303-40-010, -15, -16, and -21). **File No.:** PDC14-068. **Council District:** 1.

We don’t want it, bucco! Leave well enough alone!
Traffic and immigrants are way out of hand!
Go to Alviso, NOW!!!

Santana Row West

Lovenwork

Fri 7/1/2016 8:44 PM

To: Keyon, David <david.keyon@sanjoseca.gov>;

Please save the Flames Restaurant. Please save the whole Century 21 theater, although my first preference would be to tear it down completely and save the Century 23 Theater across the street from it instead,
and use it for community theater, live concerts, shows, and conference.
Regards,
Greg Salerno
390 Spar Avenue, Suite 205
San Jose, CA 95117
408-243-4776

Sent from my iPhone

Santana West mistake

Sat 7/2/2016 10:56 AM

To: Keyon, David <david.keyon@sanjoseca.gov>;

Hi David,

Please ask all your coworkers in the planning department to lock over the previous failed efforts to build a Downtown in San Jose.

All the failures come from the single decision to build only commercial and retail buildings without any residential. Now San Jose is reversing the policy and I know that a lot of residential buildings are built or planned to be build in SJ Downtown.

Please do not make the same mistake for the Santana West. By excluding residential buildings you will make the area being desolated at evenings. By combing commercial, retail and residential it will assure a very prosperous site.

Please do not hesitate to contact me with any comment.

best regards
marius

Marius Frohlichman
2824 Hemlock Av.
San Jose, CA 95128
cell: 1-408-761-0207

Santana West

Joseph DePage

Tue 7/19/2016 3:56 PM

To: Keyon, David <david.keyon@sanjoseca.gov>;

Hello David,

It would be a shame if we tore down every single unique piece of iconic architecture in San Jose just to expand our collection of boring, ultra-safe shopping malls. Please don't allow them to strip the 21 dome.

Thanks!

Joe DePage

Century 21

Michael S.

Mon 7/25/2016 10:25 PM

To: Keyon, David <david.keyon@sanjoseca.gov>;

David, I am writing to express my concern about the proposal to strip the outer layers off the Century 21 building, leaving only a metal skeleton. This proposal is transparently inconsistent with generally accepted principles of preservation and re-use of historic structures. I believe Federal Realty has always wanted to tear all three domes down and this proposal effectively accomplishes this while keeping only a token aspect of the original building in the name of "preservation".

I would personally like to see the Century 21 re-used as a mixed-use entertainment venue - perhaps as a state of the art movie theater with the giant screen that can also host other kinds of entertainment events such as concerts, seminars, comedy, etc. I do not want to see the Century 21 re-used as a storage building or for any other absurd or inappropriate purpose.

Do you know the current status of plans for the Century 21? I would appreciate any information.

Thank you, Michael Sands

D-EIR for Santana West PDC14-068

John Dowling

Tue 7/26/2016 8:42 AM

To: Keyon, David <david.keyon@sanjoseca.gov>;

David Keyon

re: Draft EIR for Santana West PDC14-068

Appendix A, page viii and Page 65 last paragraph

New off-ramp from NB I280 to Winchester Blvd.

In the Draft EIR this off-ramp calls for closing Tisch Way[Appendix A, page viii; Page 65 last paragraph]. The same design proposed in the Draft EIR for the "Improvements to SR17/I280/I880 … " dated Nov 2010, stated that Tisch Way would remain a two way street (without on-street parking). [*www.dot.ca.gov/dist4/.../docs/chapter_1.pdf* , page 32, 1.3.1.3.c)].

Why the change? The off ramp should allow Tisch Way to remain open in both directions. This leaves the Tisch Way- Monroe Ave. bypass available to take traffic away from the Stevens Creek/Winchester intersection. The choice in the Draft EIR would force all traffic through the Stevens Creek / Winchester intersection.

The traffic study should be re-done with the Tisch Way - Monroe Ave. bypass intact to see what impact the bypass would have for traffic patterns.

Appendix A, Pg 13, VTA Services

Last line in paragraph titled "VTA bus service" the D-EIR says: "However, the nearest route 323 stops are located at Kiely Boulevard and Bascom Avenue." The VTA Limited 323 stops in front of 300 Santana Row (east bound) and in front of the Safeway store (west bound), before Winchester BLVD. These are shown in Fig 3 (page 14), but not in the text. Keily and Bascom are time points, but not the closest stops of the 323 to the project.

D-EIR page 13, Table SUM-1, Alt C, D, E, F and H. Century 21 Theater. The current proposal for the Century 21 Theater building would remove it as a historical landmark at all levels. Preserve the Theater building as the landmark it is and find a new use without destroying its integrity as a building (Alt E and F).

Regards,
--
John R. Dowling

PRESERVATION ACTION COUNCIL OF SAN JOSE

Dedicated to Preserving San Jose's Architectural Heritage

August 2, 2016

Via Email – david.keyon@sanjoseca.gov, john.tu@sanjoseca.gov
David Keyon
Department of Planning, Building, and Code Enforcement
200 E Santa Clara Street -- 5th Floor
San Jose CA 95113

Re: File No. PDC14-068

Dear David:

The Preservation Action Council of San Jose (PAC-SJ) was founded in 1990 and is dedicated to preserving and promoting the continued use of historically significant resources in San Jose, and to encouraging quality new design. We appreciate the opportunity to comment on the Santana West DEIR.

This site offers a unique setting of three historic structures in close proximity – the Winchester Mystery House, Flames/Bob's Big Boy Restaurant, and Century 21. A collection of historic resources like this does not exist anywhere else in this part of San Jose and there are very few places in the entire city that have the distinction of having several historic buildings in a setting like this. The opportunity to incorporate this "historic village" into a development that will provide jobs and hopefully entertainment options should not be missed.

The Flames Restaurant building, the former Bob's Big Boy Restaurant, is a remarkably well-preserved and exceedingly rare example of the prototype that Armet & Davis created for Bob Wian and his Big Boy restaurants in 1958. This may be the only 1958 Bob's prototype building left in Northern California and perhaps the most intact example in all of California. Creative solutions for restoring and reusing this building should be explored.

The Century 21 Theater must be retained in a manner that will guarantee retention of its historic designation. While the open-space proposal is creative, a proposal that causes the building to lose its historic designation should not be further explored. If open space is desired it should be accommodated elsewhere on site and not compromise the integrity of a historic landmark.

Although traffic impacts are not part of our mission we do have concerns regarding potential negative impacts to the area. Traffic congestion will make it more difficult for people to get to the site and visit the restored and reused historic Century 21 building. Appropriate traffic levels must be maintained so that whatever form of transit people use they will be able to comfortably access this site.

Thank you for the opportunity to comment.

Sincerely,

Brian K. Grayson
Executive Director

Keyon, David

From: Chris Garcia
Sent: Thursday, August 04, 2016 2:10 PM
To: Keyon, David
Subject: The Century 21 - File No.: PDC14-068

The proposal for the de-nuding of the Century 21, as well as the destruction of the Century 22 and the Flames Restaurant that represents one of San Jose's few remaining pieces of Googie architecture, is a terrible slap in the face to anyone who has been steeped in the South Bay Arts community. The Century 21 is not only one of the finest movie theatres ever to grace the City of San Jose, but it is the inspiration for a major art work from the legendary Jeremy Blake that is now in the San Francisco Museum of Modern Art, as well as the former home to the RetroDome, which provided some of the finest screening experiences I have ever witnessed.

I've spent much of the last seventeen years working with artists in San Jose, as a part of the Cinequest Film Festival shorts programming team, producing a documentary about the former Cactus Club and the music scene that grew around it, and assisting with events in the science fiction arts community that brought San Jose its first Hugo Award winner ever. Every artist of the area I've spoken to, no matter how long they've been here, have all said the same thing - They wished there were more local arts spaces.

The Century 21 in particular, especially if a deal could be secured with the Retrodome to return to the space, would provide a signature San Jose experience space, with theatre and cinema mingling. If the Flames were preserved, the idea of a Historic district would be another mark for the city. Santana Row, across the street, provides the sort of spaces that this proposal seems to be interesting in fulfilling, while any use the preserves these buildings, and puts them to good public use, would provide experiences unavailable in any other part of the city.

I've been priced out of San Jose for several years, but lived in the city many times. My Mother worked for the library system for 20+ years; my uncle ran several branches over the years. My San Jose roots are deep, and it always pains me to see more and more of what once made San Jose a unique city slip away. Preserving these structures would be a step in the right direction, a sign that the City of San Jose recognises it has a history and that history should be preserved while allowing for change and respectful growth.

I hope any proposal that does not preserve the Century 21, AS A PERFORMING/CINEMA space, and the Flames restaurant, is rejected outright. I would hope the City of San Jose would show its commitment to both its own history and its arts communities by requiring these spaces to remain.

Thanks
Christopher J Garcia
13700 Bear Creek Rd.
Boulder Creek, CA
408 203 2778

August 4th, 2016

Dear Mr. Keyon,

This letter is in response to the DEIR for the Santana West project. Our neighborhood, Winchester Orchard (WONA), has several concerns about the project.

First, with regard to the traffic impact and the two protected intersections, it was stated that traffic mitigation fees will be collected to be used as “the project will construct offsetting improvements to other parts of the citywide transportation system to improve system-wide roadway capacity or to enhance non- auto travel modes in furtherance of the General Plan goals and policies.” We find this unacceptable, as all fees should be used within the given area to help the flow of cars, bikes, and pedestrians. A great deal of emphasis has been placed on the new off-ramp from 280 North to Winchester Blvd. via Tisch Ave. We feel that this is an outdated proposal. It would be much better for the area to alleviate the issues at the Saratoga off-ramps, thereby decreasing the need for people to exit at Winchester. Also, the traffic impact money should be used as the beginning investment in a freeway cap for this area, which would ultimately unite the two sides of Winchester Ave. The current overpass is simply too narrow for the current amount of cars and adds to the issues at the adjacent intersections. As this area has become a destination for 25 million people a year, the old plans and policies need to be scrapped in favor of a comprehensive vision that will help move people safely and effectively from one place to another. Simply adding more cars to the protected intersections and bringing more cars into the area with a new off ramp, just does not make sense. Ultimately, this affects the safety of the area, as grid–lock prevents emergency vehicles from reaching people in a timely manner. So, it is imperative that all traffic impact fees collected from development in this area, stay here.

In addition, we are also concerned with the three residential streets most impacted by the development, Spar, Hanson, and Maplewood Ave. While reconfigurations of Spar and Hanson are a part of the DEIR, the impacts to Maplewood Ave. are not mentioned at all. The result of the potential changes to Spar and Hanson will most certainly be a significant amount of traffic on Maplewood Ave. How will this be mitigated, especially in light of VTA declaring that Maplewood is now an alternative bus route? Presently, cars cannot use Maplewood when VTA sends their buses down this narrow street.

Seamless and safe pedestrian access should be established between both sides of Winchester Ave. This can be accomplished with a pedestrian bridge or four-way, diagonal crossing at all intersections.

In order to create a cohesive project that would embrace the two historic structures, the need to close Olsen at the entrance of the Winchester Ranch Mobile Home Park is clearly in order. We support the new entrance with a service road behind the Century 21 Theater, as long as the developers use current noise dampening technologies in the surrounding buildings and pavement structure. This would also encourage more

pedestrian access within the area, which is the ultimate goal in creating a cohesive project.

In the section of the DEIR, which discusses the impacts during demolition and of construction of the site, there is significant attention given to the potential impacts on the two historic buildings on and adjacent to the site. However, no consideration is given to the impacts on the homes adjacent to the site. For example,

MM NOI-3.1: The use of vibration-generating construction equipment, such as impact compactors and larger dozers shall be prohibited within 60 feet of the Winchester Mystery House and Century 21 Theater.

The vibrations created are of concern with regard to these structures. Surely, the same vibrations have the potential to create significant damage to the surrounding residences. The six houses on Maplewood Ave., directly behind the project, have experienced significant vibration effects just from the sound created by the movie theaters. Sound studies were done and can be provided, to show these impacts.

While Federal Realty demonstrated their unique vision with the original buildings in Santana Row, the subsequent structures have not followed this original model. Within Santana Rows' existing footprint they are entitled to build taller commercial buildings which require a different type of building material and thereby the designs may not fit with the original architectural style. With regard to Santana West, the new buildings will be bordered by residential neighborhoods and two historic structures. We therefore ask that they be required to follow the requirements set forth in the 2040 General Plan.

Policy CD-1.1: Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the **proper transition** between areas with different types of land uses.

> **CD-4.4** In non-growth areas, design new development and subdivisions to reflect the character of predominant existing development of the same type in the surrounding area through the regulation of lot size, street frontage, height, building scale, siting/setbacks, and building orientation.
>
> **CD-4.5** For new development in transition areas between identified Growth Areas and non-growth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher- intensity areas and that reduces potential shade, shadow, massing, viewshed, or other land use compatibility concerns.
>
> **CD-4.9** For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding

neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

CD-7.1 Support intensive development and uses within Urban Villages, while ensuring an appropriate interface with lower-intensity development in surrounding areas and the protection of appropriate historic resources.

(The following would only be in effect if Federal Realty chooses to switch to residential buildings in phase II of the project)

CD-7.9 Build new residential development within Urban Village areas at a minimum of four stories in height with the exception that a single row of 2-3 story development, such as townhouses, should be used when building new residential development immediately adjacent to single-family residential sites that have a Residential Neighborhood designation.

Our major concern is the shadows cast by the new buildings, especially on the residences on Spar and Hanson. People living on these streets will have the sun blocked from their homes at various times of the year. Not only is this not visually appealing, it undermines the ability of the residences to get or maintain solar panels for their homes. It also, essentially “walls off” the existing neighborhoods from the development, instead of integrating and transitioning the two. Appropriate height, setbacks, and green space should be used to help mitigate these issues.

Thank you for your consideration.

Sincerely,

Daphna Woolfe

President

WONA

Keyon, David

From: on behalf of Michael Hensley
Sent: Thursday, August 04, 2016 7:19 PM
To: Keyon, David
Subject: file #PDC14-068 comments

Hello,

My comments are in regard to the "Santana West" project, file number PFC14-068,

I strongly object to the idea that the former Century 21 theatre would be stripped-down to its skeleton and left as open space. The residents of San Jose and its government have made it amply clear that this building should be preserved in it's historical state as a movie theatre.

In comments leading up to its historical designation, the developers behind "Santana West" also made it amply clear that they would never allow the theatre to be used to show movies, again. Their draft proposal, therefore, is insulting to the people of San Jose. It is essentially the developer, Federal Realty, making an obscene gesture at the people and saying "Fine, you want to keep the structure, here it is...but we're making sure you can never have your theatre back, again. How do you like that?"

This also flies in the face of the goals of historic preservation. Would we be ok with the Winchester Mystery House being stripped down to framework, or Hayes Mansion? Again, the people of San Jose and its council have clearly said that they want the Century 21 building preserved and used as a movie theatre. Tenants are available and willing to move into the location to restore and operate it, but Federal Realty appears to be doing all they can to try and say that the site is not viable as a movie theatre. This notion has been repeatedly de-bunked, yet Federal Realty continues to say it because keeping the theatre does not suit their needs. Federal Realty has not made any good faith efforts to retain the theatre, at at all. Rather, they have used every opportunity they can to get rid of it so they can increase their rentable square footage elsewhere.

Further, the fact that Federal Realty has had to use the former Century Theatres' parking lot as overflow parking for the current "Santana Row" (even during non-holiday periods) shows incredibly bad traffic planning for the current location. Parking and transportation plans for that current site are, to be blunt, colossal failures which have only been allowed to compound over time as the site has been allowed to expand. Allowing Federal Realty to build more high-density commercial property at "Santana West" without not only figuring out their parking and traffic issues at "Santana Row", but *amply* planning for transportation and parking needs both in and around the former Century Theatres site would not only be an environmental issue, but would also put undue burden on the people of the City of San Jose (who would then be forced to shoulder the costs of infrastructure upgrades that Federal Realty should have paid for, as we already had to with the 880/Stevens Creek interchange). This transportation & parking planning needs to be more than simply thinking everyone should take the bus, as well. The people who own houses around the complex and those who use the streets gain nothing from the very high rent that Federal Realty will realize from the site. They should not be further penalized by lack of infrastructure investment on the part of the developers. Think this is an overreaction? Try driving down Stevens' Creek from I-880 any evening and see how much congestion there is. Try parking there on any given Friday or Saturday night (and this is *with* this extra parking across the street that will go away with new development)

Without the necessary parking/traffic improvements to both the current Santana Row and the planned Santana West expansion, and without good faith efforts to make the Century 21 Theatre an operating movie theatre again, Federal Realty's Santana West plans should be rejected.

Respectfully submitted,
-Mike Hensley
native & lifelong resident of West San Jose

Keyon, David

From:	Doug Handerson
Sent:	Saturday, August 06, 2016 6:57 PM
To:	Keyon, David
Cc:	Tu, John; Xavier, Lesley; Mack, Karen; District1; Ferguson, Jerad; Pressman, Christina; woolfe.daphna; Chris Scanlan; Chris Giangrecco; Vanoosten, Matthew; Khattab, Zahi
Subject:	Comments on the Draft EIR for Santana West/I-280 - Winchester/Moorpark Transportation Development Policy (File No.: PDC14-068)
Attachments:	Concept Closures - Spar Olin Hanson.pdf

August 6, 2016

Dear Mr. Keyon,

The following are my key concerns about the Draft EIR for the proposed Santana West development and the I-280 - Winchester/Moorpark Transportation Development Policy (File No.: PDC14-068), as well as the accompanying Transportation/Traffic Study and related documents:

1) Not-yet Analyzed Additional Traffic Impacts on the Spar/Hanson/Maplewood Single Family Residential Neighborhood

I support the traffic diversion conceptual recommendation from City of San Jose Department of Transportation staff for the Olin Avenue intersections with the existing Spar and Hanson Avenues. For details of that recommendation, please see the end of my email, where I have included part of an August 4, 2016 email to me (and attached graphic of two EIR-proposed cul-de-sac type closures) from Zahi Khattab, P.E., Principal Engineer for the City of San Jose Department of Transportation.

This recommendation is based on the Draft EIR/Transportation/Traffic analysis.

Implementation of this recommendation would limit vehicles on Hanson to traffic from the Winchester Ranch Mobile Home Park (or future redevelopment) and traffic from Maplewood Avenue. Ingress and egress for the Santana West development would be from Winchester Avenue only, primarily via Olsen Avenue and secondarily via Olin Avenue.

However, there remains the potential for additional traffic impacts on Hanson and Maplewood Avenues via the connection of the proposed north/south two-lane (private?) street along the western edge of the Santana West development to Olin Avenue. This north/south (private) street is being represented as only a connection to the Winchester Ranch Mobile Home Park (or future redevelopment on that site).

These additional vehicle traffic impacts not yet studied in the environmental documents could result from the potential for the now-labeled pedestrian/bike/emergency-vehicle-only area south of the historic Century Theater building (at the new western end of Olsen Avenue) being changed to a vehicular street. This vehicular street option is reserved for the Santana West development, according to the Draft documents.

The residents and property owners of the Winchester Ranch Mobile Home Park are directly impacted by the City's decision regarding this pedestrian/bike/emergency-vehicle-only area and whether vehicle traffic is restricted from reaching the Mobile Home Park property (potential future redevelopment) directly from Winchester Boulevard via Olsen Avenue south of the historic Century Theater.

Conversion of this proposed trail/emergency access area to a street would provide direct vehicle access from Olsen Avenue to the new north/south two-lane (private?) street along the western edge of the Santana West development. This connection of the two streets would enable Santana West-generated traffic to use the new north/south street connection to Olin. It would also enable overflow traffic from northbound Winchester Boulevard, including the new overflow northbound traffic from the I-280 off-ramp already identified in the Draft EIR documents, to travel west on Olsen from Winchester, turn right on the new two-lane (private?) street and connect with Olin Avenue. This combined new traffic flow onto Hanson and Maplewood Avenues via Olin has not yet been considered by the EIR nor the related Transportation/Traffic documents.

To avoid this much-more-intensely-significant impact on the single family residential neighborhood north of Santa West, the City should combine the Federal Realty/Santana West-funded two new cul-de-sac improvements on Olin at Spar and Hanson, with a condition of approval on the Santana West development that the now-identified pedestrian/bike path/emergency-vehicle-only area south of the historic Century Theater never be converted to a vehicular street, ***unless*** the new north/south (private?) street along the western edge of the Santana West development be restricted to emergency vehicles only.

If the new north/south (private?) street along the west edge of Santana West is limited to emergency vehicles only, it should be fenced off with emergency-access-only gates to prevent homeless encampments in this area.

Please note that no sidewalks nor adequate improved right-of-way to accommodate bikeways are proposed along the new north/south (private?) street connection to Olin. Direct pedestrian access from the west side of Santana West and the Winchester Ranch Mobile Home Park property to the existing transit stop on eastbound Stevens Creek Boulevard near Maplewood Avenue would most safely and easily be accomplished via a pedestrian gate at the south end of Maplewood.

2) Draft EIR Traffic Intersection Analyses Does Not Include Intersection of Hanson Avenue with Stevens Creek Boulevard

At a minimum, the currently-identified increased traffic on Hanson Avenue between Olin Avenue and Stevens Creek Boulevard will most probably necessitate some king of traffic signal/turn-lane/median improvements at the Hanson/Stevens Creek intersection. However, this intersection has not yet been studied nor necessary improvements identified.

Any such Traffic Intersection Analysis for Hanson/Stevens Creek should also include the potential cumulative impacts identified in my Concern #1 discussed above, *if* the option is retained for possible conversion to a vehicular street of the pedestrian/bike/emergency-vehicle-only area south of the historic Century Theater *and* the new north/south (private?) street on the west edge of Santana West is not restricted to emergency vehicle access only.

3) Draft EIR Has Not Identified Nor Address Significant Adverse Impacts on Traffic Circulation and Emergency Vehicle Access Resulting From the Closure of Tisch Way east of Winchester Boulevard, (Closure Assumed by Draft EIR/Traffic Documents to be Necessary to Accommodate new I-280 off-ramp to Winchester)

The Transportation/Traffic Study and related EIR sections do not adequately identify nor propose how to resolve/mitigate the **significant impacts** resulting from closing off the connection of Tisch Way to Winchester Boulevard, in order to accommodate the new I-280 off-ramp to Winchester.

The DEIR includes a stated assumption that, to accomplish the I-280 off-ramp, Tisch will be closed off easterly of Winchester Boulevard. The document states that Tisch will be "a bulb". You have to read the Transportation section very closely as this seems to be mentioned as an assumption in just one paragraph of the document.

Closing the Tisch/Winchester connection will prompt the need to relocate or supplement our closest City of San Jose Fire Station on Monroe at a new location west of Winchester (the station currently has only two connections to the Winchester Orchard Neighborhood and future Santana West development - via Stevens Creek and via Tisch).

Also, important to discuss is that, with the closure of Tisch, to access northbound/westbound I-280 from Winchester, the drivers from Santana Row itself and Santana Row's previously-approved but not-yet-built half million square feet of commercial/office space south of Santana Row near Tisch, as well as the drivers from the existing tall office buildings on Tisch, will have to back-track north on private streets in Santana Row and exit west from Santana Row at Olsen onto southbound Winchester.

This additional traffic southbound on Winchester Boulevard will then try to queue up with the already-backed-up traffic in the single lane in front of the Winchester Mystery House on Winchester leading to the existing I-280 northbound/westbound on-ramp.

The homes and businesses along Monroe south of Stevens Creek Boulevard will have only one primary public street (Monroe) for ingress/egress from Winchester Boulevard and Stevens Creek Boulevard. Existing residents and businesses along Monroe Street south of Stevens Creek Boulevard will add to the already-overloaded Stevens Creek Boulevard traffic in order to head west or north.

4) Support for Retention of Existing Resident-Only-Permit Parking Program and Retention of Existing Rolled Curbs

The residents of Spar, Hanson and Maplewood Avenues appreciate that the Draft EIR and related documents identify the retention and continuation of the long-time, existing Resident-Only-Permit-Parking program on those single family residential streets.

I do not see the necessity nor do I support the replacement of the existing rolled curbs on Spar and Hanson Avenues.

If the rolled curbs are replaced, I respectfully request that street driveway openings along the Hanson Avenue side of my property (320 Spar Avenue at the northeast corner of Hanson and Spar) be retained to match my existing onsite paved driveways connecting to the City's public sidewalk and street.

The Permit-Parking program area ends on Hanson at my north property line, beyond which are located commercial businesses along Stevens Creek Boulevard.

Thank you for your continued support and professional assistance.

Respectfully,

Douglas V. Handerson
Homeowner
320 Spar Avenue
San Jose, CA 95117
(Appointed District One Member of Stevens Creek Urban Village Advisory Group)

----- Forwarded Message -----
From: "Khattab, Zahi" <Zahi.Khattab@sanjoseca.gov>
To: '
Cc: "Ferguson, Jerad" <Jerad.Ferguson@sanjoseca.gov>; "Pressman, Christina" <Christina.Pressman@sanjoseca.gov>
Sent: Thursday, August 4, 2016 5:44 PM
Subject: Re: Please Preserve My Home's Access to Stevens Creek Blvd. Via Hanson Avenue

Dear Mr. Handerson,

Thank you for your email inquiry and expressed concern about access to Hanson Avenue via Stevens Creek Blvd.

As you mentioned, the draft environmental document for the Santana West development project put forth recommendations to address access/circulation and cut through traffic generated by the proposed project. As part of the private development review process, those recommendations will be reviewed carefully by city staff in the departments of Planning, Public Works, and Transportation, and will be disclosed to the community before conditioned to the developer.

Partial or full closure of Hanson at Stevens Creek is not on the table. Also, your expressed concern of partial or full closure of Hanson at Spar, is not being considered either. Current conceptual recommendation by city staff would be to implement a cul-de-sac type closure at two key locations; 1- the south end of Spar Ave. at Olin, and 2- Olin Ave. at Hanson along the east leg of the intersection (see attached). Both of those permanent closures would be designed to allow pedestrians, bicycles, and emergency vehicle access. This pattern will allow access to the four commercial properties along the north side of Olin Ave., between Winchester and Hanson, as well as to the Santana West development frontage along the south side of Olin, through the intersection of Winchester and Olin. The Hanson/Olin/Maplewood "U" access route with connection up to Stevens Creek Blvd. will remain. See attached diagram. This concept will be shared with the community as part of the development process.

I hope this clarifies the intent of the access/circulation moving forward as relates to the Santana West development.

Thank you for your continued input and support.

Zahi Khattab, P.E.
Principal Engineer
City of San Jose - Transportation
zahi.khattab@sanjoseca.gov
(408) 975-3252

STEVENS CREEK BLVD
MAPLEWOOD AVE
HANSON AVE
SPAR AVE
WINCHESTER BLVD
OLIN AVE
PROPOSED
PERMANENT
CLOSURE

August 7, 2016

Dear Mr. Kenyon,

This letter is in response to the DEIR for the Santana West Project (File No. : PDC14-068). As a resident that resides in the direct affected area of this Project I have several concerns that need to be addressed.

1) It wasn't mentioned about additional traffic impacts that will be made in the direct surrounding neighborhoods i.e. Hanson, Spar, and Maplewood, which are all single family residential homes.
2) I did not see any mention of retaining the permit parking that is in place on these streets.
3) The DEIR did not include the intersections of Hanson Ave. and Stevens Creek nor did it include Maplewood and Stevens Creek.

There are also policies that are out lined in the general plan that need to be addressed with this project as well.

CD-4.4 In non-growth areas, design new development and subdivisions to reflect the character of predominant existing development of the same type in the surrounding area through the regulation of lot size, street frontage, height, building scale, siting/setbacks, and building orientation.

CD-4.5 For new development in transition areas between identified Growth Areas and non-growth areas, use a combination of building setbacks, building step-backs, materials, building orientation, landscaping, and other design techniques to provide a consistent streetscape that buffers lower-intensity areas from higher- intensity areas and that reduces potential shade, shadow, massing, viewshed, or other land use compatibility concerns.

CD-4.9 For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

CD-7.1 Support intensive development and uses within Urban Villages, while ensuring an appropriate interface with lower-intensity development in surrounding areas and the protection of appropriate historic resources.

Lastly I am writing in support Of the private Drive that is proposed that runs north to south along the western edge of the Santana West Project. That Drive is needed to give the residents at the Winchester Ranch their own private access that is un inhibited by the massive traffic that will be caused the development in Santana West.

Thank you for your time,

Chris Scanlan

Homeowner 414 Maplewood Ave.

Keyon, David

From: David Canavese
Sent: Monday, August 08, 2016 4:38 PM
To: Keyon, David
Subject: PDC14-068 Santana West Draft EIR public comment (Century 21)

Dear Mr. Keyon,

I'd like to tell the Department of Planning and the City Council that as a lifelong San Jose resident, I strongly believe that the Century 21 (and the nearby Flames Restaurant (formerly Bob's Big Boy) should be preserved and re-used creatively.

The historic Century 21 is the first and most iconic of 23 domed theaters built in the western U.S. by Vincent Raney -- and someday likely the last standing (20 have either already been demolished or are in danger, including the other two theaters on this lot). Stripping it of its character, or putting it to use as something that doesn't serve its distinct character would do a disservice both to the residents of the area and the Santana Row West project.

Federal Realty met with the operators of the Stargazers Theater in Colorado Springs, and claims that their business model (bringing in touring musical acts and renting out for events) is barely solvent. I'd counter that not only is San Jose is an entirely different market -- one with a recently-booming live music scene -- but the success of such a venture is completely dependent on execution and flexibility. If the Century 21 were remodeled with an eye towards restoring and enhancing its original beauty, it could be a destination and an anchor business for the area. When the San Jose Rep closed (a failure of creativity and flexibility in arts management), restaurants and businesses surrounding it began to shutter as well.

Small arts and culture venues aren't always financial losers, but they may not be the richest renters, either. Does that mean it's not worth it to a city (or a shopping district) to have them? Look at the cycle repeated in cities like San Francisco, Austin, and even beginning in downtown San Jose: artists, musicians, and culture creators colonize an area and foster a funky-cool boho vibe. Wealthy citizens patronize and move to the area because there are cool things to do and see. Rents rise, and the creative types are priced out and flushed into other areas to restart the pattern elsewhere.

If San Francisco didn't have its culture, tech workers wouldn't be clamoring to live there instead of Silicon Valley, where they work. San Francisco is currently in the midst of part three of the cycle, losing its culture creators due to lack of affordable housing. San Jose has an opportunity in two parts -- find creative solutions for artists, musicians, writers, dancers, filmmakers and other creatives to afford housing in our city, and preserve performance venues -- as performance venues -- like the Century 21 and the former Rep's Hammer Theater.

Respectfully,
David Canavese

Keyon, David

From: Davlyn Jones
Sent: Tuesday, August 09, 2016 12:10 AM
To: Keyon, David
Cc: Kirk Vartan
Subject: Santana West Draft EIR Feedback

You have received a response to the Santana West EIR from Kirk Vartan and I agree and support his statements and questions.

I am a member of the Winchester Neighborhood Action Coalition (WNAC), a San Jose City Housing Community Development Commissioner (HCDC), and a Community member of the Winchester Ranch Community Mobile Home Park which is considered to be part of the Winchester Urban Village currently being planned by the City of San Jose.

Federal Realty is developing a plan for office buildings, a hotel, a supermarket, a park and as of last week at the Heritage Meeting at San Jose City Hall, they will be restoring the Century 23 Theater, a heritage sight.

At least that is what we residents at the mobile home park have been told by Federal Realty since the property was leased from the Owner of the Winchester Mystery House by them.

They have also told us that they consider our park and its Senior residents to be neighbors for their planned Santana West development.

The EIR does not mention our park of course, and it does not actually mention how the urban village plan is to be a part of their plan for the site where we would all be incorporated.

Land use and our living environment is of primary concern to all the residents of the area as we see development based on office buildings,

hotels and other retail buildings, stark, tall and extremely business-oriented, where neighboring residences, the Winchester Mystery House and our secluded Community Senior park are over-whelmed culturally and environmentally. Cannot Federal Realty plan on having a melding of both business and a green environment we need for the air we breathe? I would like to see that mentioned in the Federal Realty plan.

Hopefully, San Jose and the VTA can establish monitored, easy and efficient transportation solutions to traffic streets for the areas of Winchester and Stevens Creek boulevard. I would like to see in the Plan how residents of Santana West, our park and the homes surrounding this area can live in the best of both worlds - an urban village that is planned, environmentally and culturally integrated with safe, reliable, and controlled transportation for our joint community population's use.

Thank you, Davlyn Jones

Davlyn Jones
San Jose, CA

Keyon, David

From: Kirk Vartan
Sent: Monday, August 08, 2016 3:59 PM
To: Keyon, David
Cc: Winchesternac Info
Subject: Santana West Draft EIR feedback - PDC14-068

Dear Mr. Keyon,

The following are additional comments about the EIR and the general approach to this property.

I read on page 16 under Project Objectives:
"Create a flexible long-term masterplan strategy that will allow for commercial uses during the project's initial phases, and potentially allow for complementary land uses in later phases should favorable policy and market conditions exist."

How is a Signature Project that was presented in the past on this site being reviewed? What examination is being done for more than just an office park? Analyzing only one million sqft of office and a supermarket is very short sighted in this process. Since it is very possible that a residential and even neighborhood retail solution should be considered long term, what is being done now to look a this? Will Federal Realty need to initiate another EIR to add residential? Retail?

On page 40 of the Draft EIR, the document states: "The concentration of development in the Urban Villages is intended to 1) support and encourage increased transit use, 2) protect open space and hillsides, 3) reduce greenhouse gases, 4) promote economic development, and 5) build more healthy communities."

Since this is the largest open piece of land in the area, it is important to look at the impact it can have long term. Approving and analyzing an office only project or a reduced sized project seems inappropriate given where the City wants to go and the priorities it has. Focusing on "jobs only" at the expense of the long term vision for the area is a mistake (n my opinion) and one I hope you can be looked at in the context of the long term vision for the area.

My main comment is one of reviewing a mixed use for this site. Originally, Federal Realty proposed a "Signature Project" on this site, but there were not any meetings about this nor was there any real City attention placed on it. It sat for a year and finally the developer, Federal Realty, decided to abandon this idea, and instead, propose a commercial only plan that is allowed. While I am sure this is a great thing for San Jose to see due to the jobs opportunities, it does not look like the best use for this site long term for the area. Santana Row/Valley Fair are a regional draw for the county. People come from all over the country to visit this area when they are in town, as well as millions of local visitor visits a year. I asked that this EIR review a mixed use solution for this site and allow the area to embrace what is possible, but I am disappointed to see a lack of enthusiasm in supporting this. I would really like to see how a vision for this area can happen and developers like Federal Realty can help implement these things.

This area has been identified but the VTA as the County's second largest downtown and businesses like Federal Realty can help create a destination that is pedestrian friendly given the latitude to envision the area.

There is a really big disconnect between reality today vs. the data being used in the analysis of documents like this. This EIR attempts to provide "background" and "existing" conditions on traffic at intersections, but it is not based on current data. It is very frustrating to review a document that cites data from 2010, when we were in the middle of a recession. This project is in the middle of an area that has upwards of 25 million visitors a day, not including residents and workers. How can this document analysis be accurate with traffic data that is over six years old? How are we, the general public, supposed to have any faith in the local agencies that are providing guidance and estimations and assuring us that the number crunching and reviews that are being done are even close to accurate? Or valid?

For example, of page 63, the following explanation is listed:

"LOS for key freeway segments in the AM and PM Peak Hours was calculated based on the traffic volumes obtained from VTA's 2010 Monitoring and Conformance Report."

How can we insure that the fees generated here stay in the area, since the impacts are happening here. Rather than invest in an exit ramp for 280N only, why not invest part of the monies focused on an exit ramp and invest them in a feasibility study for a freeway cap. The exit ramp can be incorporated into a freeway cap and would help pay for the funding for something of this magnitude. What many in the community feel is the VTA and the City of San Jose are not really looking at the long term visions for the area. This area has a lot of growth and is a destination for 25-30 million people visits a year. What is the City of San Jose doing to invest in this asset? How are they investing in the success that is already proven? Westfield is investing $900Million over the next 24-36 months in their property and Federal Realty will probably be investing even more than that. That is over $2Billion in private investments. What is the City of San Jose doing to help support this investment in the City? How is San Jose helping support these massive investments? I would suggest you can support them by allowing and supporting and even encouraging Federal Realty to explore a real mixed use solution on Santana West. Federal Realty tried this before and it fell of deaf ears. Now, everyone is listening and paying attention. Maybe now is the time to explore what the EIR impact would be for a mixed use solution.

On page 42, "This district is also intended to support intensive pedestrian-oriented commercial activity and development consistent with general plan urban design policies." How is this accomplished with 1Million sqft of office space? Federal Realty is already entitled for 750,000sqft of Class-A commercial space across the street. Why is the only solution for this new area commercial? How is that balancing the needs of the area? Why isn't residential being looked at here, blended with commercial?

Section 4.2 talks about traffic and impacts (and 6.1.2.2 talks about cumulative LOS impacts and traffic data). Can you please provide the data and the dates that this data was gathered? Please provide the exact details as to:

1. What was the methodology for the base data
- What data was used
- When was the data originally collected
- What exact dates/times were used to gather and validate the data (please list all dates and times)
- Was any of the base data derived from prior assumptions (meaning not actual data but assumed to be valid)
- Of the past projections, have they ever been verified? How accurate were the projections?
— Santana Row is now over 14 years old. Valley Fair (with its many expansions) is over 30 years old. We have lots of data (or should have lots of data). Can the City please take some time to actually review the original entitlements and the EIR traffic studies to determine how accurate the numbers are? Did the entitlements expect that 25 million visitors would come through the area every year? If so, can you please point it out to me?
— One of my biggest concerns is we are basing all future projections on traffic patterns and volumes on data that I don't have a lot of faith is valid. Maybe it is. If it is, I'd like to know how 25 million visitors is accounted for.

2. What part of the analysis is assumption
- how much of the projections are assumptions
- what assumptions are being used

Can you please verify all past "assumptions" as I mentioned in the request above. There is lots of data and lots of pages of information, but I would like to understand the data assumptions and when they were validated.

On page 91, the report states: "If a new off-ramp is constructed at I-280 and Winchester Boulevard, the queues under background plus project conditions would change. The northbound AM Peak Hour queue would decrease from 600 feet

to 350 feet and the PM Peak Hour queue would decrease from 575 feet to 375 feet. As a result, the queue would no longer exceed the capacity of the lane in the peak hours."

My main comment is: "If". What is the point of stating what might be if the solution is not tied to the necessary result? If there is an issue with a part of the design or a traffic concern, you can't expect a mitigation to be based on a "if this is done, then it will be fine." What if it doesn't get done?

One of the biggest opportunities we have in this area is to continue to build it up as a regional destination. Everything we do going forward should support that effort. I hope you will incorporate the goal and desire to provide a more balanced approach to the area and to allow Federal Reality to explore additional uses on the site, maybe in the later phases of the development. Please allow for the opportunity to expand the concept put forth to build what is needed as the years progress.

Thank you,

Kirk Vartan
District 6

Keyon, David

From: Elizabeth Canavese
Sent: Monday, August 08, 2016 1:22 PM
To: Keyon, David
Subject: PDC14-068 Santana West public comment submission Re: Century 21

Dear Mr. Keyon,

There are many possibilities for re-using the Century 21 dome. A single large auditorium is tough to make work in today's movie theater market. That's why a company like The Alamo Drafthouse could thrive in a venue like the 21. In an era when movie theaters are moving back towards "experience" film watching to compete with improving home theater systems--with reserved seating, dining & drinks in the theater, and zero cell phone tolerance (with higher ticket prices), the dome could be (like it once was) a destination movie house in the heart of Silicon Valley.

If the exterior was once again clad in its original retro-futuristic starburst pattern, shone with its now-missing glowing lights running up the dome, and luxuriated in the center of a beautifully-landscaped open green space next door to the Winchester Mystery House, it wouldn't be difficult to imagine wedding couples eager to rent the space for receptions or to use it as a backdrop for wedding photos. Patrons attending a theater performance in the dome might peruse an art show in the lobby-turned-gallery.

If Federal Realty really can't imagine a financially solvent use for this uniquely-designed structure, perhaps it should turn to the artists, writers, musicians, Burning Man builders, technology innovators, or so many other creative people who call the South Bay home. We've got talent here, and we should use it.

Sincerely,
Richard Canavese

August 8, 2016

David Keyon
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95112

RE: Santana West Development Project and I-280/Winchester/Moorpark Transportation Development Policy (File # PDC14-068)

Dear Mr. Keyon:

The City of San Jose Historic Landmarks Commission (Commission) discussed the Santana West Development Project and I-280/Winchester/Moorpark Transportation Development Policy and associated Draft Environmental Impact Report (File # PDC14-068) at its August 3, 2016 meeting. In a 5-0-1 decision (Hirst absent), the Commission voted to forward this comment letter, signed by the Chair, to the Director of Planning, Building and Code Enforcement.

The Commission offers the following comments regarding the Santana West Development Project:

1. The Commission emphatically opposes the proposal to remove the exterior walls of the Century 21 Theater and reuse the frame as open space. Reuse of the Century 21 building frame as open space would destroy the integrity of the building and is contrary to the Historic Preservation Goals and Policies of the Envision San Jose 2040 General Plan that emphasize the importance of preservation of the City's irreplaceable historic resources. The Commission notes that the community at large has demonstrated great affection for the Century 21 Theater, as evidenced by the members of the public who attended the Commission's meeting to testify in support of full preservation of the building.

2. It is most appropriate to reuse the Century 21 Theater building in a manner similar to its historic use to protect the integrity of the historic resource. The building should be rehabilitated and reused as an entertainment venue, ideally one for film. The Commission notes that a number of members of the public who spoke before the Commission identified a need for a performing arts venue in the area. Partnerships with performing arts organizations should be explored for rehabilitation and reuse of the building.

3. The Commission is concerned regarding the potential loss of the perception of open space surrounding the Winchester House after the construction of the proposed large buildings within its immediate vicinity. The project should be designed to maintain the

perception of open space surrounding the Mystery House, including retention of the mature trees on the project site that add to the perception of open space.

4. All efforts must be taken to preserve the Flames Restaurant/Bob's Big Boy. Additional analysis is necessary to determine if the building can either be incorporated into the project in its current location, relocated on-site, or relocated elsewhere it so that it is not demolished. As part of project implementation an appropriate alternative to demolition that preserves the historic integrity of the building should be taken.

Thank you for the opportunity to comment on the Santana West Development Project.

Sincerely,

Edward Saum
Chair
City of San Jose Historic Landmarks Commission City of San Jose Historic Landmark's Commission

WESTWIND ENTERPRISES | WESTWIND ENTERPRISES, LTD.

August 8, 2016

Mr. David Keyon
City of San Jose Planning Division, 3rd Floor Tower
200 East Santa Clara Street
San Jose, CA 95113

Subject: Santana West - Draft Environmental Impact Report (DEIR) and Planned Development Rezoning (File No. PDC14-068)

Dear Mr. Keyon:

I am writing to you on behalf of my family, the Raney's and the Farris's, as longtime property owners of both the Santana West (former Century Theaters) and Winchester Mystery House sites.

In summary, we have reviewed the Draft Environmental Impact Report (DEIR) for the Santana West Project and are supportive of Federal Realty's proposed master plan to allow up to 970,000 square feet of office space and 29,000 square feet of commercial/retail use.

We are also supportive of the proposed re-alignment ("straightening") of Olsen Drive as shown in the conceptual site plan, which would in turn allow the existing Winchester Mystery House parking area to be expanded and efficiently reconfigured immediately south of the roadway. These revisions will be very beneficial to the continued success of Winchester Mystery House operations and in support of San Jose's most significant historic resource.

In addition, the potential building massing and setbacks of the commercial buildings as conceptually proposed by Federal Realty do not, in our opinion, have any negative effect on the view of the Winchester Mystery House from either Winchester Boulevard or Olsen Drive. We feel that the proposed development will enhance the existing area, providing critical daytime jobs and a more-pedestrian-oriented Winchester Boulevard in further keeping with the area's evolving Urban Village Plans.

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A Westwind Enterprises, Ltd. Property

Last, as you may recall, the public record indicates that our families (which, to be clear, includes the family of the architect) disagreed with efforts to place landmark historic status on the vacated Century 21 Theater and, as our position on this matter has not changed, we have withheld our consent to list the structure in the National Register of Historic Places after the structure was determined to be eligible. We mention this here merely to emphasize that we believe there to be greater community benefit available, as in the form of new public open space, than will likely ever result from retention of an uneconomic, windowless structure situated far from Winchester Boulevard.

Thank you for the opportunity to submit our Santana West Project DEIR comments.

Sincerely,

Ray K. Farris II

Ray K. Farris II
CEO
Westwind Enterprises, Ltd.

August 8, 2016

Mr. David Keyon
City of San Jose Planning Division, 3rd Floor Tower
200 East Santa Clara Street
San Jose, CA 95113

Subject: Santana West - Draft Environmental Impact Report (DEIR) and Planned Development Rezoning (File No. PDC14-068)

Dear Mr. Keyon:

I'm writing to you on behalf of Winchester Mystery House, as the General Manager for the facility and representing one of the area's foremost tourist attractions and historic landmarks.

In summary, we have reviewed the Draft Environmental Impact Report (DEIR) for the Santana West Project and are supportive of Federal Realty's proposed master plan to allow up to 970,000 square feet of office space and 29,000 square feet of commercial/retail use.

We are also supportive of the proposed re-alignment ("straightening") of Olsen Drive as shown in the conceptual site plan, which would, in turn, allow the existing parking area for Winchester Mystery House to be expanded and efficiently reconfigured immediately south of the roadway. These revisions will be very beneficial to the continued successful operation of Winchester Mystery House.

In addition, the potential building massing and setbacks of the commercial buildings as conceptually proposed by Federal Realty do not, in our opinion, have any negative effect on the view of the Winchester Mystery House from either Winchester Boulevard or Olsen Drive. We feel that the proposed development will enhance the existing area, providing critical daytime jobs and result in a more-pedestrian-oriented Winchester Boulevard in further keeping with the area's evolving Urban Village Plans.

Thank you for the opportunity to submit our Santana West Project DEIR comments.

Sincerely,

Walter Magnuson
General Manager
Winchester Mystery House, LLC