

**NOTICE OF PREPARATION OF A  
SUBSEQUENT ENVIRONMENTAL IMPACT REPORT  
TO THE LEGACY TERRACE DEVELOPMENT PLANNED DEVELOPMENT REZONING FINAL  
ENVIRONMENTAL IMPACT REPORT  
FOR THE AMERICA CENTER PHASE III PROJECT**

**Date of Distribution: September 29, 2016**

FILE NUMBER: PDC15-058 and PD15-053  
PROJECT APPLICANT: SteelWave, LLC

The project proposes modifications to the allowed amount of development within the 29.8-acre commercial office area of the America Center Development. The proposed project would bring the total approved commercial office, research and development, and incidental retail or personal service space on the site to 1,090,000 square feet, which is approximately 190,000 square feet more than what was previously approved for the site. No change to the allowed building height is proposed, it would remain at the previously approved 90 feet. The boundaries of the General Development Plan would also be modified to reflect removal of the northeastern portion (6.7 acres) of the current project area (File No. PDC15-106). Approval of the proposed project will require actions by the City of San José including the preparation and certification of a Subsequent Environmental Impact Report (SEIR) to support the entitlements.

As the Lead Agency, the City of San José will prepare the SEIR for the above-referenced project. The City needs to know the views of your agency on the scope and content of the environmental information, as is germane to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, the SEIR may be used by your agency when considering subsequent approvals related to the project. The project description, location, and potential environmental effects are described in the attached materials.

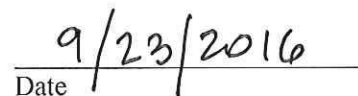
**Community/Scoping Meeting:** A Community/EIR Scoping meeting will be held on **Tuesday October 11, 2016** from 6:30pm to 8:00pm at the Aloft Hotel Santa Clara at 510 America Center Court, San Jose, CA, 95002.

According to state law, the deadline for your response is 30 days after receipt of this notice. To respond in writing, agencies should identify a contact person. Please identify a contact person, and your response to:

City of San José  
Attn: Krinjal Mathur  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San José, CA 95112  
408-535-7874  
krinjal.mathur@sanjoseca.gov

Harry Freitas  
Director of Planning, Building, and Code Enforcement

  
Deputy

  
Date

**Notice of Preparation of a  
Subsequent Environmental Impact Report  
for the City of San José  
America Center Phase III Project**

**September 29, 2016**

***Introduction***

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project that an agency may implement or approve. The EIR process is intended to provide information sufficient to evaluate a project and its potential for significant impacts on the environment; to examine methods of reducing adverse impacts; and to consider alternatives to the project.

The EIR for the proposed project will be a Subsequent EIR (SEIR) to the previously certified *Legacy Terrace Development Planned Development Rezoning Final EIR* (Legacy Terrace FEIR) certified by the City of San Jose in February of 2000<sup>1</sup>. A SEIR is prepared for projects that change substantially due to new information, a changed project description, or changed circumstances within which the project would take place. The Legacy Terrace FEIR evaluated a rezoning that allowed for the development of 900,000 square feet of commercial office/research and development (R&D) uses, a 175-room hotel, and 25,000 square feet of River Commercial uses on approximately 45.2 acres of a 70.5-acre site. The remaining approximately 25.3 acres of the site were to remain as open space within a designated open space preserve.

The proposed project would increase the total allowed commercial office/R&D space on the site by 190,000 square feet, from 900,000 to 1,090,000 square feet. Up to 10 percent of the commercial office/R&D space could be occupied by retail or personal service uses (incidental to the commercial office/R&D space). The previously approved General Development Plan for the project would also be modified to reflect changes to the boundaries of the land use areas. The increase in office/R&D square footage could result in new or substantially more severe significant impacts. This would represent a substantial change to the project per the California Environmental Quality Act (CEQA) Guidelines Section 15162(a) related to significant effects that were not previously analyzed. The SEIR provides a comprehensive subsequent analysis to that completed in the Legacy Terrace FEIR. Additionally, the SEIR will tier from the information contained in the *Envision San José 2040 General Plan Final Program EIR*, which anticipated the development of the project site, and will be utilized as it pertains to the project and site characteristics.

The SEIR for the proposed project will be prepared and processed in accordance with CEQA of 1970, as amended. In accordance with the requirements of CEQA, the SEIR will include the following:

- A summary of the project;

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<sup>1</sup> The Legacy Terrace Development evaluated in the 2000 FEIR was renamed America Center prior to completion of the first buildings within the development.

- A project description;
- A description of the existing environmental setting, environmental impacts, and mitigation measures for the project;
- Alternatives to the project as proposed; and
- Environmental consequences, including (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth inducing impacts of the proposed project; and (d) cumulative impacts.

### ***Project Location***

The America Center development is located in the Alviso community of the City of San José, north of California State Route (SR) 237 at the terminus of Great America Parkway (as shown in attached Figure 1: Regional Map and Figure 2: Vicinity Map).

### ***Project Description***

The proposed project consists of a Planned Development (PD) rezoning and Planned Development (PD) permit for the construction of a fifth office building, an associated parking structure, and amenities at the America Center site.

The America Center Phase III Project proposes modifications to the allowed amount of development under the existing PD Zoning (PDC03-24) within the Commercial Office/Research and Development (R&D) area of the America Center development. The total allowed commercial office/R&D square footage at the site would increase by 190,000 square feet, from 900,000 to 1,090,000 square feet. Up to 10 percent of the commercial office/R&D space could be occupied by retail or personal service uses (incidental to the commercial office/R&D space). No change to the allowed building height of 90 feet is proposed.

The boundaries of the PD zoning district would be modified to reflect removal of the approximately 6.7-acre River Commercial area on the northeast side of the site, which is now a separate zoning district approved as part of PDC15-016 in March 2016 (as shown in Figure 3: America Center Phase III PD Zoning Boundaries). Other adjustments to the boundaries of the land use areas in the General Development Plan are proposed to reflect minor lot line adjustments and land trades with the State of California, Santa Clara Valley Water District, and other entities. The total developable area at the America Center Development would not increase compared to that allowed under the current PD Zoning.

The project also includes a specific development; construction of an office building, parking structure, and amenity uses (personal service or retail). As mentioned previously, the site is approved for 900,000 square feet of commercial office/R&D/amenity (in the form of an on-site gym in the parking garage) development. A total of 867,762 square feet have been approved for construction as part of PD Permits that have been issued for the site; therefore, 32,238 square feet remain unbuilt from the current PD Zoning (PDC03-24).

The proposed 192,350-square-foot, six-story office building would be located northwest of the existing hotel (as shown in Figure 4: Proposed Building Five and Parking Structure) and would be

the fifth office building in the Commercial Office/R&D-zoned area of the site. A five-level parking structure with an approximately 6,000-square-foot retail/personal service (on-site amenity) space, such as a café, are also proposed. Thus an additional 160,112 square feet<sup>2</sup> is being requested for the site as part of the PD Permit. Including the existing office buildings and office buildings under construction, the commercial office/R&D uses (including amenity space) on the site within the Commercial Office/R&D area would total approximately 1,066,000 square feet.

### ***Possible Required Project Approvals***

1. Planned Development Rezoning
2. Planned Development Permit
3. Issuance of Grading, Building, and Occupancy permits.

### ***Potential Environmental Impacts of the Project***

The SEIR will identify the significant environmental effects anticipated to result from development of the project as proposed. Mitigation measures will be identified for significant impacts, as warranted. The SEIR will include the following specific environmental categories as related to the proposed project:

- **Aesthetics:** The project site is at a visually prominent location on an elevated, former landfill near SR 237 and trails in the Alviso area. The SEIR will describe the existing visual setting of the project area and the visual changes that are anticipated to occur as a result of the proposed project. The SEIR will also discuss possible light and glare impacts from the development.
- **Air Quality:** The SEIR will address the regional air quality conditions in the Bay Area and discuss the proposed project's construction and operational impacts to local and regional air quality. Mitigation measures will be identified as appropriate.
- **Biological Resources:** The project site, although partially developed with buildings and parking lots, is located in the proximity of preserved open space including, but not limited to, Salt Pond A8, San Tomas Aquino Creek, and the Guadalupe River/Alviso Slough. The SEIR will address the potential of the project to result in significant impacts to sensitive species and indirect impacts to their habitats. Potential bird-strike impacts (i.e. collision with the proposed buildings), increased predation from raptors perched on buildings, direct and indirect impacts to the open space north of developed areas, and impacts to landscape trees will also be discussed. Mitigation measures will be identified, as appropriate.
- **Cultural Resources:** The SEIR will address the potential for subsurface resources to be located on this former landfill site. Mitigation measures for possible cultural resources impacts will be identified based upon City policies, as appropriate.
- **Energy:** Implementation of the proposed project will result in an increased demand for energy on-site. The SEIR will address the increase in energy usage on-site and proposed

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<sup>2</sup> 900,000 approved as part of the zoning - 867,762 approved as part of issued PD Permits = 32,238 unbuilt; 192,350 requested as part of the proposed PD Permit - 32,238 = 160,112 square feet proposed as part of PD15-053.

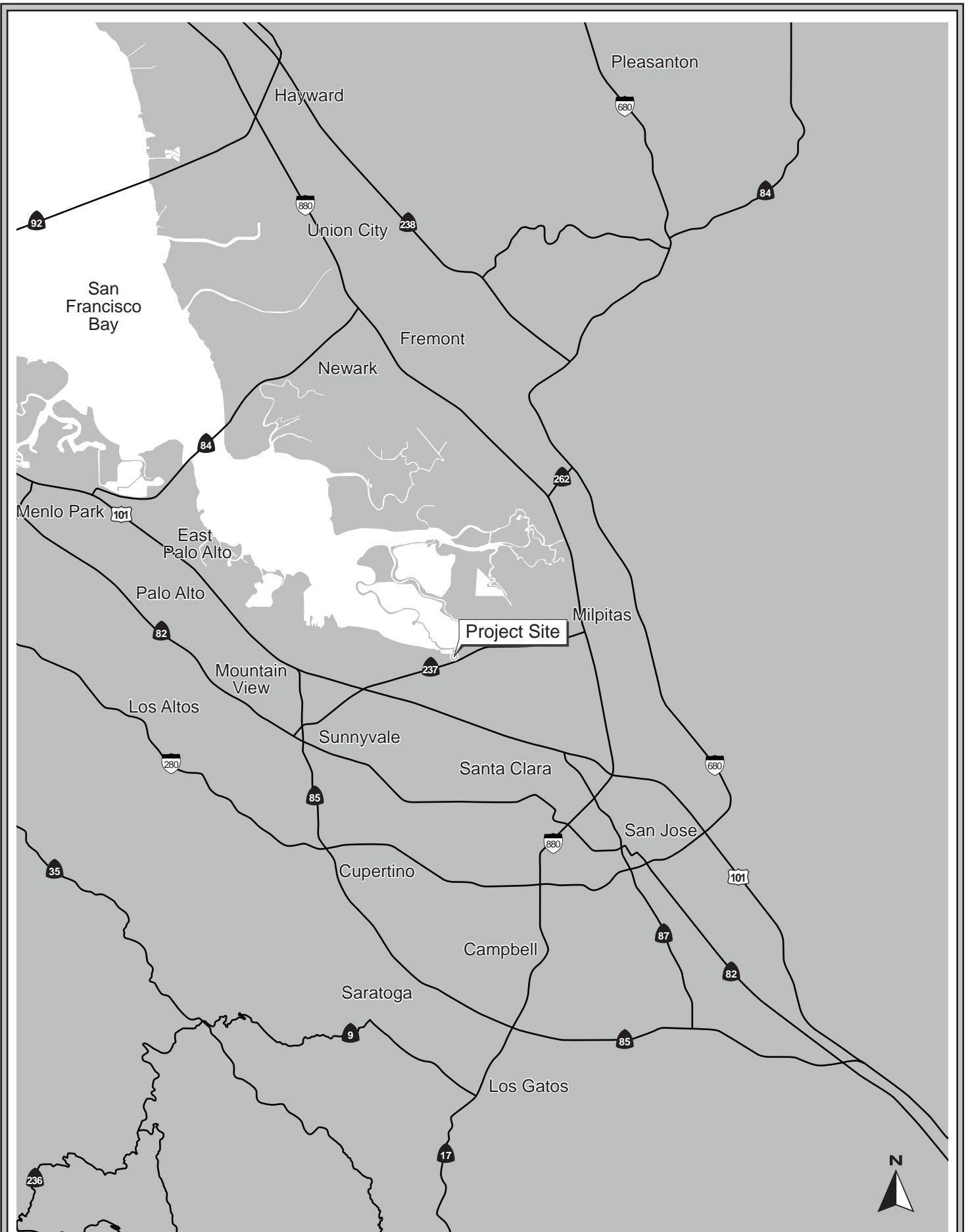
design measures to reduce energy consumption.

- **Geology and Soils:** The project site is located in the most seismically active region in the United States. The SEIR will discuss the possible geological impacts associated with seismic activity and the existing soil and former landfill conditions on the project site.
- **Greenhouse Gas Emissions:** The SEIR will address the proposed project's contribution to regional and global greenhouse gas emissions and the project's conformance with the City's Greenhouse Gas Reduction Strategy. Measures included in the project to reduce energy consumption, which in turn would reduce greenhouse gas emissions, will be discussed.
- **Hazards and Hazardous Materials:** The project site was formerly used as a solid waste landfill and materials or leachate from the landfill have the potential to present hazardous conditions for future occupants of the site. The SEIR will evaluate the potential for hazardous materials impacts based on the Postclosure Land Use Proposal for the former landfill, as well as updated technical studies and reports. Mitigation measures will be identified, as appropriate.
- **Hydrology and Water Quality:** The SEIR will assess the existing hydrologic conditions in the project area and will address the changes in hydrologic conditions and construction impacts resulting from the project. Mitigation measures will be identified, as appropriate.
- **Land Use and Planning:** The SEIR will describe the existing land uses adjacent to and within the project area. Land use impacts that would occur as a result of the proposed project will be analyzed, including the consistency of the project with the City's General Plan, Alviso Master Plan and Zoning Ordinance and compatibility of the proposed and existing land uses in the project area.
- **Noise:** The existing noise environment in the project area is primarily affected by traffic on SR 237 and aircraft overflights. Potential noise impacts from the project or to future occupants of the proposed building will be evaluated based on information in the Envision San José 2040 General Plan Final Program EIR.
- **Public Services:** Implementation of the proposed project will increase the daytime employee population of the City which will result in an increased demand on public services, including police and fire protection. The SEIR will address the availability of public facilities and service systems and the potential for the project to require the construction of new facilities.
- **Transportation and Circulation:** The SEIR will examine the existing traffic conditions in the immediate vicinity of the project site and impacts that the additional square footage being added to the site would have on the transportation system. A site access and circulation review; review of pedestrian, bicycle, and transit; and parking supply will also be evaluated. Mitigation measures will be identified as needed.
- **Utilities and Service Systems:** Implementation of the proposed project will result in an incremental increase in demand on utilities and public facilities compared to existing conditions. The SEIR will examine the impacts of the project on public services, including

utilities such as sanitary and storm drains, water supply/demand, and solid waste management.

- **Alternatives:** The SEIR will examine alternatives to the proposed project including a “No Project” alternative and one or more alternative development scenarios depending on the impacts identified. Other alternatives that may be discussed could include an alternative location, reduced scale, and an alternative site design, in addition to the “No Project” alternative required by CEQA. Alternatives discussed will be chosen based on their ability to reduce or avoid identified significant impacts of the proposed project while achieving most of the identified objectives of the project.
- **Significant Unavoidable Impacts:** The SEIR will identify those significant impacts that cannot be avoided, if the project is implemented as proposed.
- **Cumulative Impacts:** This section will address the potentially significant cumulative impacts of the project when considered with other past, present, and reasonably foreseeable future projects in the development area.

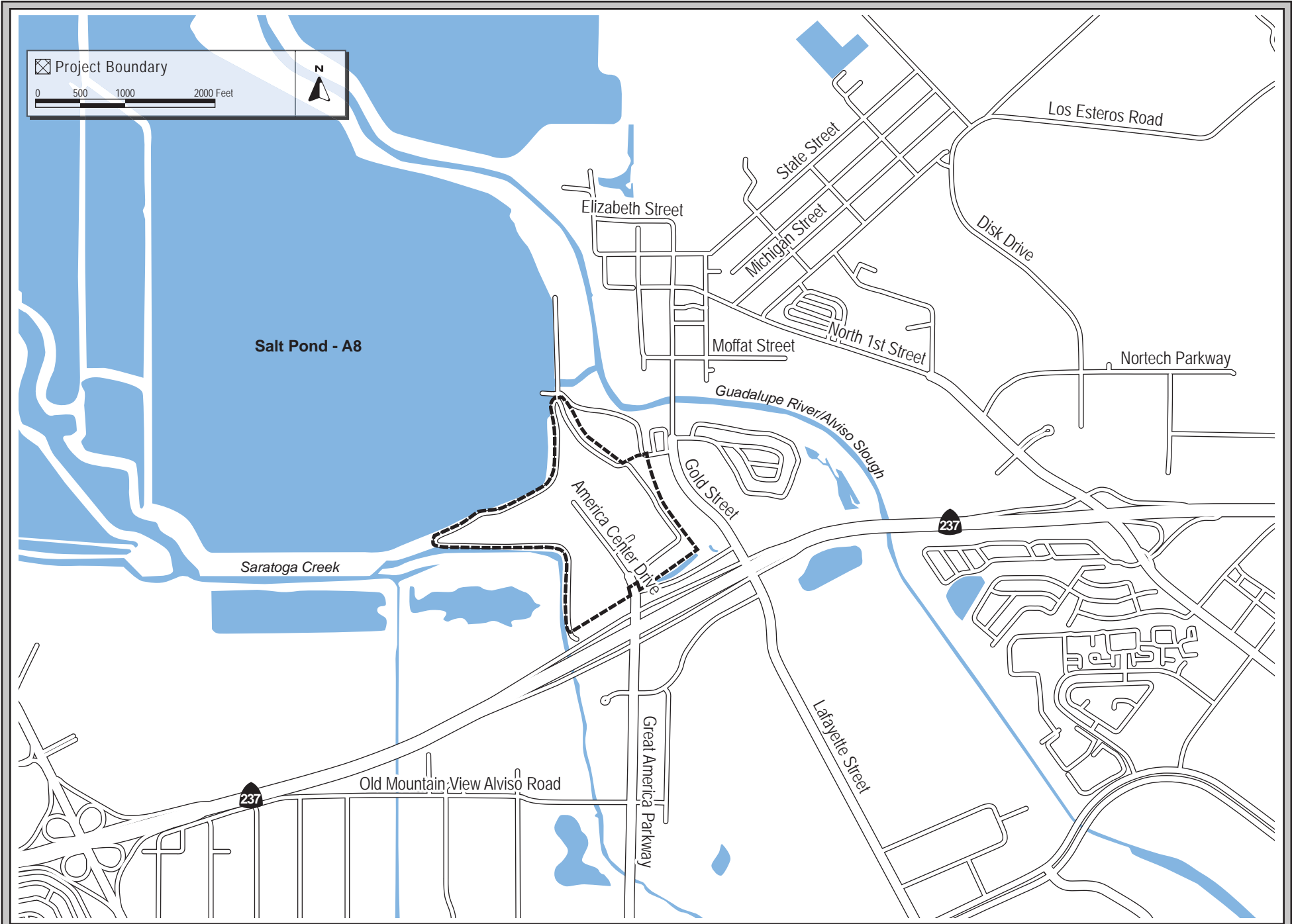
In conformance with the CEQA Guidelines, the SEIR will also include the following information: 1) consistency with local and regional plans and policies, 2) growth inducing impacts, 3) significant irreversible environmental changes, 4) references and organizations/persons consulted, and 5) SEIR authors.



REGIONAL MAP

FIGURE 1





VICINITY MAP

FIGURE 2





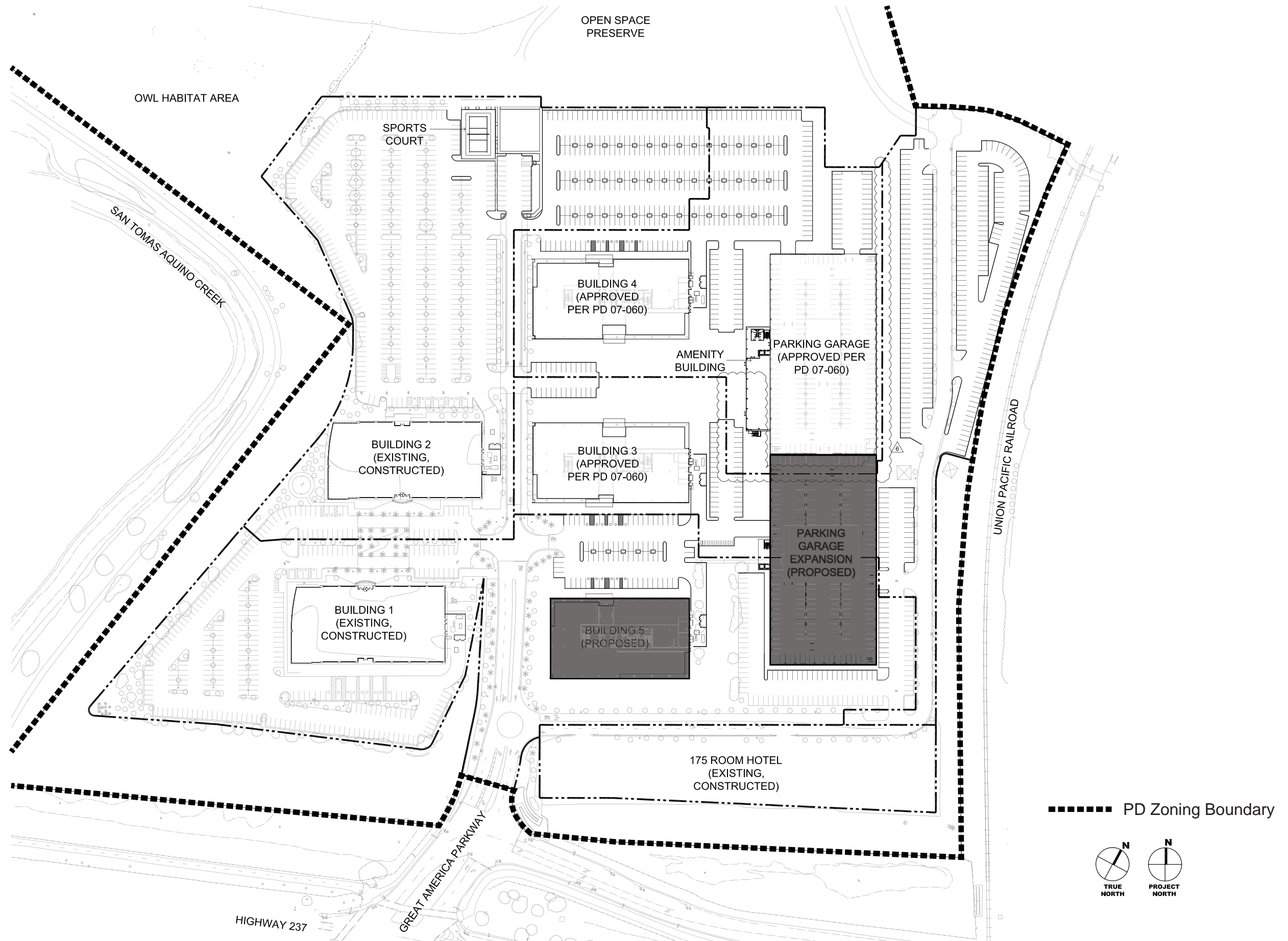
- Private Street
- ..... Land Use Area Boundary
- - - - Proposed PDC 15-058

- Commercial Office/Research & Development Area
- Commercial/Hotel Area
- Open Space Preserve and Riparian Area



AMERICA CENTER PHASE III PD ZONING BOUNDARIES

FIGURE 3



PROPOSED BUILDING 5 AND PARKING STRUCTURE

FIGURE 4

# County of Santa Clara

## Parks and Recreation Department

298 Garden Hill Drive  
Los Gatos, California 95032-7669  
(408) 355-2200 FAX 355-2290  
Reservations (408) 355-2201

[www.parkhere.org](http://www.parkhere.org)



October 4, 2016

Mr. Krinjal Mathur  
Department of Planning, Building, and Code Enforcement  
City of San Jose  
200 East Santa Clara Street, 3rd Floor Tower  
San Jose, CA 95112

**Subject:** City File No. PDC15-058 and PD15-053, Notice of Subsequent Environmental Impact Report, APNs: 015-45-011, -031, -032, -042, -044, -045, -046, -047, and -048

The Santa Clara County Parks and Recreation Department has reviewed the subject notice for modifications to the allowed amount of development within the 29.8-acre commercial office area of the America Center Development. The proposed project would bring the total approved commercial office, research and development, and incidental retail or personal service space on the site to 1,090,000 square feet, which is approximately 190,000 square feet more than what was previously approved for the site. No change to the allowed building height is proposed, it would remain at the previously approved 90 feet. The boundaries of the General Development Plan would also be modified to reflect removal of the northeastern portion (6.7 acres) of the current project area (File No. PDC15-106). We offer the following comments:

The planned but yet undeveloped San Francisco Bay Trail spans the north and west boundaries of the project site. This trail is intended for on road cycling as well as walking and jogging. The completed and paved portion of the Juan Bautista de Anza National Historical Trail runs along the southern boundary of the project site and is also planned for on road cycling, walking, and jogging. More details are needed to clarify the full potential impact of the development of this Project; however, it currently appears that approval could negatively impact the adjacent recreational and commuter trails in regard to, among other factors, aesthetics (fencing, glare, etc.), traffic, water quality and drainage, air quality, hazardous materials, and noise.

**Board of Supervisors:** Mike Wasserman, Dave Cortese, Ken Yeager, S. Joseph Simitian, Cindy Chavez

**County Executive:** Jeffrey V. Smith



We respectfully recommend that the applicant and the City work to coordinate with the Parks Department regarding this proposal as it moves forward. If you have any questions, please contact me at (408) 355-2362 or by email at [Michael.Hettenhausen@prk.sccgov.org](mailto:Michael.Hettenhausen@prk.sccgov.org).

Sincerely,

***Michael Hettenhausen***

Michael Hettenhausen  
Associate Planner

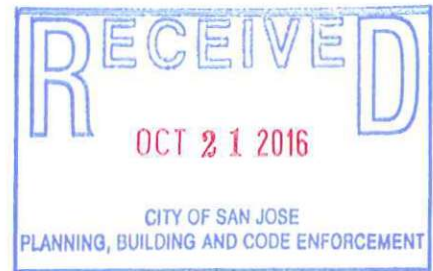
**Board of Supervisors:** Mike Wasserman, Dave Cortese, Ken Yeager, S. Joseph Simitian, Cindy Chavez

**County Executive:** Jeffrey V. Smith





City of San Jose  
200 East Santa Clara St, 3<sup>rd</sup> floor  
San Jose, Ca 95112



Re: Preparing SEIR File # PDC15-058 and PD15-053

October 19, 2016

Attn: Krinjal Mathur:

I oppose this additional development and have provided the following environmental impact comments that will affect the Alviso Community.

The former then Lincoln Property Vice President Ed Thrift is an honorable man and in the early 90's many Alviso activists supported this original development based on the promises and agreements made by Mr Thrift to the Alviso Community. Mr. Thrift retired and a non-profit foundation was established to fund many organizations to assist children, homeless, etc, when the said property was developed, sold or leased, etc. The Alviso Community has received some parcel founding from the sale of a certain land parcel by Mr. Thrift, but many of the promised benefits were not abided by.

The new legacy management administrators took over after Mr. Thrift retired and discontinued future Legacy funding of non -profit groups in the Alviso Community and stopped all communications with the Community. They also failed to continue with an established relationship and did not continue with open Community meetings to make sure the Alviso Community was notified of all development and additional development. Never once did a spoke person from this new Legacy project attend our monthly neighborhood meetings nor did they reach out to the Alviso Community residents and school children. All they did was make money from their development of Alviso land and did not put back into the Community who supported them.

Environmental Impacts - This entire development and new development has and will place many environmental impacts to the Alviso Community. Traffic, noise, pollution has increased, along with Levi Stadium sold out events. The hotels at this site have many people from Levi stadium staying there and this increase of traffic, noise, pollution has a major impact to our quality of life. Many of our Streets are not all paved, and this traffic increase has placed much wear and deterioration to our streets. The street dirt, dust, trash, is pushed into our storm drains by this increase in traffic and helps glugged up our storm drains, thus plugging up our flood pumps and assisting in potential flooding of our community. The Alviso Community is very quiet and the traffic noise level and sound travels very loud during late hours and also contributes to potential traffic accidents. Many of our Alviso residents consider walking in our Community a privilege, and enjoy jogging on the Bay trails. This increase of traffic does jeopardize their safety and will prevent many of our visitors. The Alviso Community has less smog then most, due to the Bay winds, and this traffic increase can only contribute to increase vehicle pollution. This increase in car traffic and truck distributors travel passes our Library, Gym, park, grammar school and day care center. This traffic increase warrants traffic lights and caution lighted signals throughout our Community. All this increase traffic does not all flow to Highway 237, it also travels through our residential neighborhoods make it a very serious safety concern.

The water run-off from this increase in development will only increase the volume of fresh water that will run-off into the Alviso slough, and cause less salinity, that will be harmful to native vegetation, habitant, and endangered species. This increase in additional water run-off also contributes to sea level rise and potential increase in tidal flooding.

The Alviso Community is well known for their air quality, based on the lack of industry and the famous and clean Bay winds that flow through the Alviso Community. This increase in traffic will be major factor in contributing to adding pollution, smog and reducing air quality in the Alviso Community.

The present high rise buildings and new development has an impact on the natural cool bay winds that help cool off the Alviso Community and surroundings land owners. This hinders the natural flow of our bay breeze. This also has effects the natural temperatures of the Bay waters in assisting with fish migration.

This new development also does not assist our local economy, instead the majority of hotel occupants shop on site, and do not assist the Alviso economy. This project will contribute to a decrease in our tourists due to the traffic, buildings and people congestion.

Conclusion – The Alviso Community was sold and gave support to the very beginning of this potential development, because we were informed and provided planning drawings that displayed a Community meeting room for our neighborhood meetings and sports facilities. This has not happened and once more this new legacy leadership has completely ignored the Alviso community and residents.

Sincerely



Richard P. Santos  
Alviso Activists  
P.O. Box 244  
Alviso, Ca 95002  
(408) 251-9696





**DEPARTMENT OF TRANSPORTATION**

DISTRICT 4  
P.O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 286-5528  
FAX (510) 286-5559  
TTY 711  
www.dot.ca.gov



*Serious Drought.  
Help save water!*

October 27, 2016

04-SCL-2016-00047  
SCL/237/PM R6.0  
SCH# 2016092066

Ms. Krinjal Mathur  
Department of Planning  
City of San Jose  
200 E. Santa Clara Street, Tower 3  
San Jose, CA 95113

Dear Ms. Mathur:

**America Center Phase III Project – Notice of Preparation**

Thank you for including 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 Notice of Preparation (NOP).

***Project Understanding***

The proposed project is located approximately 100 feet north on America Center Drive from State Route (SR) 237 on Rural Fringe/Undeveloped Land (Caltrans *Smart Mobility 2010: A Call to Action for the New Decade*, Project Type 5). It would increase the total allowed commercial office/research and development (R&D) square footage at the site by 190,000 square feet (sq. ft.), from 900,000 to 1,090,000 sq. ft., making this a project of regional significance requiring approval by the Metropolitan Transportation Commission (MTC).

Up to 10 percent of the commercial office/R&D space could be occupied by retail or personal service uses incidental to the commercial office/R&D space. The proposed 192,350-square-foot, six-story office building would be located northwest of the existing hotel and would be the fifth office building on the site. A five-level parking structure with an approximately 6,000-square-foot retail/personal service (on-site amenity) space, such as a café, are also proposed. Thus an additional 160,112 sq. ft. is being requested for the site as part of the permit.



***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.

***Multimodal Transportation Impact Analysis***

The environmental document should include an analysis of the multimodal travel demand expected from the proposed project. This analysis should also identify potentially significant adverse impacts from such demands and avoidance, minimization, and mitigation measures needed to address them.

Early collaboration, such as sharing the analysis for review and comment prior to the environmental document, leads to better outcomes for all stakeholders.

Given that Caltrans current guidelines are in the process of being updated, a transportation impact study scoping meeting with District staff could be used to discuss the most appropriate methodology for this analysis. At a minimum, the analysis should provide the following:

1. A vicinity map, regional location map, and site plan clearly showing project access in relation to nearby State roadways. Ingress and egress for all project components should be clearly identified. Clearly identify the State right-of-way (ROW). Project driveways, local roads and intersections, car/bike parking, and transit facilities should be mapped.
2. Project-related trip generation, distribution, and assignment including per capita use of transit, rideshare or active transportation modes such as existing and new bus service and VMT reduction factors. The assumptions and methodologies used to develop this information should be detailed in the study and utilize the latest place-based research.
3. A VMT analysis pursuant to the City's guidelines or, if the City has no guidelines, the Office of Planning and Research's Draft Guidelines. Mitigation for increasing VMT should be identified. 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. 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.
4. A schematic illustration of walking, biking and auto conditions at the project site and study area roadways, trip distribution percentages and volumes, and intersection geometrics. Potential safety issues for all road users should be identified and fully mitigated.
5. 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.

### ***Vehicle Trip Reduction***

Transportation Demand Management (TDM) programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. Suggested TDM strategies include working with the VTA to decrease headway times and improve way-finding on bus lines to provide a better connection between the project, the Great America Station, and regional destinations and providing:

- Membership in a transportation management association.
- Transit subsidies and/or EcoPasses on a permanent basis to all employees.
- Ten percent vehicle parking reduction.
- Transit and trip planning resources.
- Carpool and vanpool ride-matching support.
- Carpool and clean-fuel parking spaces.
- Secured bicycle storage facilities.
- Bicycles for employee uses to access nearby destinations.
- Showers, changing rooms and clothing lockers.
- Fix-it bicycle repair station(s).
- Transportation and commute information kiosk.
- Outdoor patios, outdoor areas, furniture, pedestrian pathways, picnic and recreational areas.
- Nearby walkable amenities.
- Kick-off commuter event at full occupancy.
- Employee transportation coordinator.
- Emergency Ride Home program.
- Bicycle route mapping resources and bicycle parking incentives, unbundling of residential parking, and providing transit passes and/or transit subsidies to residents.

Please refer to “Reforming Parking Policies to Support Smart Growth,” a MTC study funded by Caltrans, for sample parking ratios and strategies that support compact growth. Reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future traffic impacts on SR 237 and other nearby State facilities. These smart growth approaches are consistent with the MTC’s RTP/SCS goals and would meet Caltrans Strategic Management Plan.

### ***Traffic Impact Fees***

Given the project’s contribution to area traffic and its proximity to SR 237, the project should contribute fair share traffic impact fees to the SR 237 Express Lanes Project. These contributions would be used to lessen future traffic congestion and improve transit in the project vicinity.

### ***Cultural Resources***

Caltrans requires that a project’s environmental document include documentation of a current archaeological record search from the Northwest Information Center of the California Historical Resources Information System if construction activities are proposed within State ROW. Current record searches must be no more than five years old. Caltrans requires the records search, and if warranted, a cultural resource study by a qualified, professional archaeologist, and evidence of



Native American consultation to ensure compliance with CEQA, Section 5024.5 and 5097 of the California Public Resources Code, and Volume 2 of Caltrans' Standard Environmental Reference ([www.dot.ca.gov/ser/vol2/vol2.htm](http://www.dot.ca.gov/ser/vol2/vol2.htm)).

These requirements, including applicable mitigation, must be fulfilled before an encroachment permit can be issued for project-related work in State ROW. 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.

### ***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](http://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/trafficops/policy/11-01.pdf](http://www.dot.ca.gov/trafficops/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](http://www.dot.ca.gov/hq/traffops/trafmgmt/tmp_lcs/index.htm).

### ***Sea Level Rise***

The effects of sea level rise may have impacts on transportation facilities located in the project area. Executive Order (EO) S-13-08 directs State agencies to plan for potential impacts by considering a range of sea level rise scenarios for the years 2050 and 2100. Higher water levels may increase erosion rates, change environmental characteristics that affect material durability, lead to increased groundwater levels and change sediment movement along shores and at estuaries and river mouths, as well as affect soil pore pressure at dikes and levees on which transportation facilities are constructed. All these factors must be addressed through geotechnical and hydrological studies conducted in coordination with Caltrans.

### ***Encroachment Permit***

Please be advised that any work, staging, or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to

Ms. Krinjal Mathur/City of San Jose  
October 27, 2016  
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the encroachment permit process. See this website for more information:  
[www.dot.ca.gov/hq/traffops/developserv/permits](http://www.dot.ca.gov/hq/traffops/developserv/permits).

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

**Subject:** FW: America Center Phase III

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**From:** Mark Espinoza [[mailto:esp\\_ikclaw@yahoo.com](mailto:esp_ikclaw@yahoo.com)]

**Sent:** Sunday, October 30, 2016 9:55 AM

**To:** Mathur, Krinjal <[krinjal.mathur@sanjoseca.gov](mailto:krinjal.mathur@sanjoseca.gov)>

**Subject:** Fwd: America Center Phase III

**Subject: Re: America Center Phase III**

Comments to the subsequent EIR scoping period.

Please complete all current traffic impacts from this project. You must include the entire project as a whole that would be a total of approximately 6 occupied building totaling approximately 1,200,000 sq. ft.

As a result of the current level of service at Great America @ 237 intersection F, vehicles leaving your site use the Gold Street connector, next Gold Street into the Alviso. This has caused high traffic impacts to the Alviso community which has never been evaluated or studied.

Furthermore, the Gold Street bridge which was built in the early 1970's has never been upgraded or expanded to accommodate the traffic the America Center has now created and will continue to create .

There is very limited pedestrian and bicycle space available for users to safely cross. There is a pedestrian bridge scheduled in the future but nothing has materialized to date. The pedestrian bridge must be completed prior to any start of this project.

The Gold Street bridge must also be reconstructed to meet today's standards and to accommodate bicycle traffic. In addition, there must be a vehicle to pavement interaction study as to prevent roadway deterioration due to the high traffic volumes coming from the America Center Site.

The request is made that all studies used for this subsequent EIR are current and are not relying on decades old information, studies, charts, new or future projects approved or scheduled for approval etc. and Not limited to environment, traffic, air, noise, traffic.

Thank you  
Mark Espinoza

OCA  
President





October 31, 2016

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

Attention: Krinjal Mathur

Subject: City File No. PDC15-058 / America Center

Dear Ms. Mathur:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the NOP for an addition of 190,000 square feet of commercial and office development at America Center Drive, north of SR 237. We have the following comments.

Transportation Impact Analysis (TIA) Report

VTA's Congestion Management Program (CMP) requires a Transportation Impact Analysis (TIA) for any project that is expected to generate 100 or more net new peak-hour trips. Based on the information provided on the size of this project, a TIA may be required. The updated 2014 VTA *TIA Guidelines*, which can be found at <http://www.vta.org/cmp/tia-guidelines>, include updated procedures for documenting auto trip reductions, analyzing non-auto modes, and evaluating mitigation measures and improvements to address project impacts and effects on the transportation system. For any questions about the updated *TIA Guidelines*, please contact Robert Swierk of the VTA Planning and Program Development Division at 408-321-5949 or [Robert.Swierk@vta.org](mailto:Robert.Swierk@vta.org).

SEIR Project Description

VTA notes that the project site has a history of previous approvals, including rezonings, permits, and modifications. VTA encourages the City to include a table in the SEIR Project Description that clearly specifies the previous approvals, remaining developable floor area, and status of building construction in order to assist members of the public with understanding the current requested actions.

Pedestrian, Bicycle Accommodations & Access to Transit

The existing pedestrian and bicycle accommodations at the project site are minimal. The NOP site plan does not illustrate sidewalks along the project frontages, America Center Drive and America Center Court. VTA recommends that the site plan clearly indicate the internal circulation system, including how pedestrians would travel between building entrances, parking areas, and surrounding sidewalks. Additionally, VTA recommends that the City work with the



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applicant to implement pedestrian improvements, such as safe and visible pathways between parking areas, building's entrances, America Center Court, and the planned Bay Trail access in connection with a previous Legacy Terrace project.

VTA notes that America Center Court provides access to the existing ACE Green Line North Santa Clara Shuttle 823 transit stop at America Center Drive.

CMP Facilities Analysis & Mitigation Measures

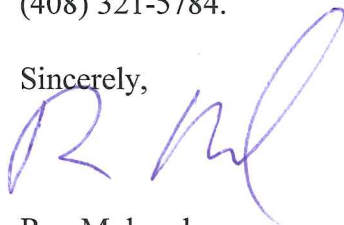
Based on the size and location of this development, there may be impacts to one or more CMP facilities, including freeway segments and CMP intersections. If the transportation analysis indicates that there will be significant impacts according to CMP criteria, VTA suggests early coordination with the appropriate agencies to identify potential mitigation measures and voluntary contribution opportunities based on the latest Valley Transportation Plan (VTP) projects in the project area.

Transportation Demand Management / Trip Reduction

The project is not located in a transit-rich area. The closest transit service to the site is the ACE Green Line North Santa Clara Shuttle 823 stop at America Center Drive, which provides access to the Great America passenger rail station during peak periods. Given the project's location, VTA recommends effective TDM measures to improve non-auto mode share including parking cash-out or parking pricing, carpool incentives, bicycle facilities/incentives, and/or public-private partnerships or employer contributions to provide improved transit service in the area (for example, shuttles to provide a more frequent connection to VTA Light Rail).

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 Ashurst, Caltrans