

First Amendment to the Draft Environmental Impact Report

Santana Row Planned Development Rezoning

July 2015

SCH# 2013122059



PREFACE

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

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

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

- (a) The public agency makes one or more of the following findings with respect to each significant effect:
 - (1) Changes or alterations have been required in, or incorporated into, the project which will mitigate or avoid the significant effect on the environment.
 - (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities of highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

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

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

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

State Agencies

California Air Resources Board
California Department of Fish and Wildlife, Region 3
California Department of Housing and Community Development
California Department of Transportation, District 4
Department of Toxic Substances Control
Native American Heritage Commission
State Clearinghouse – Office of Planning and Research

Regional Agencies

Bay Area Air Quality Management District (BAAQMD)
California Regional Water Quality Control Board, San Francisco Bay Region II
Santa Clara Valley Transportation Authority (VTA)
Santa Clara Valley Water District

Local, Public, and Quasi-Public Agencies

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

Organizations

Greenbelt Alliance
Santa Clara Valley Audubon Society
Sierra Club – Loma Prieta Chapter
SPUR (e-mail)
Winchester Orchard Neighborhood Association (e-mail)

State Agencies

A. California Department of Transportation May 7, 2015

Regional Agencies

B. Santa Clara Valley Transportation Authority May 6, 2015

Organizations and Individuals

C. Brian Darby April 5, 2015
D. Paul Jacobs April 8, 2015
E. Alan Liu April 8, 2015
F. Lita Kurth April 11, 2015
G. Warren Gannon April 16, 2015
H. Joanne Anderson April 20, 2015
I. John Dowling April 20, 2015
J. Luca Sartori April 27, 2015
K. Malcolm Spencer May 3, 2015
L. Paola Moncini May 3, 2015
M. Winchester Orchard Neighborhood Association May 4, 2015
N. Brian Darby May 4, 2015
O. Jim Toal May 6, 2015
P. The Villas Homeowners Association May 7, 2015
Q. Andy Sartori May 7, 2015
R. Keith Vander May 7, 2015
S. Kirk Vartan May 7, 2015

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 Jose 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 may be Responsible Agencies under CEQA for the proposed project. The CEQA Guidelines require that:

A responsible agency or other public agency shall only make substantive comments regarding those activities involved in the project that are within an area of expertise of the agency or which are required to be carried out or approved by the responsible agency. Those comments shall be supported by specific documentation. [§15086(c)]

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, May 7, 2015:

Comment A-1: Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Caltrans District 4 Local Department-Intergovernmental Review (LD-IGR) Program reviews land use and plans to ensure consistency with our mission and state planning priorities of infill, conservationism, and efficient development. We have reviewed the DEIR and have the following comments to offer. Please also refer to our previous comment letters, dated February 10, 2014, and December 23, 2014, on this project. We provide these comments consistent with the State's smart mobility goals to support a vibrant economy and building communities, not sprawl.

Project Understanding

On a 42.53 gross acre site, the proposed project would include:

- Expanding the Planned Development site by 1.91 acres by incorporating four adjacent parcels on Dudley Avenue into Santana Row;
- Increasing office space capacity by 510,000 square feet;
- Increasing retail capacity by 66,641 square feet;
- The demolition of three apartment buildings on Dudley Avenue, resulting in the transfer of 47 units of residential capacity to increase total residential development capacity for future residential development elsewhere on the Santana Row site;
- Increasing the maximum number of hotel rooms from 214 to 220, to allow an increase of six additional hotel rooms within the existing Hotel Valencia; and
- The construction of a five-level parking garage with one level of below-grade and 1,275 parking spaces.

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

Comment A2: *Lead Agency*

As the lead agency, the City of San Jose (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 the DEIR did not identify any improvement to State highways.

Comment A3: *Traffic Impacts*

Caltrans is in the process of updating its *Guide for the Preparation of Traffic Impact Studies* (TIS Guide) for consistency with Senate Bill 743, but meanwhile we recommend using the Caltrans TIS Guide for determining which scenarios and methodologies to use in the analysis, available at:

http://dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf.

Regarding the DEIR and Traffic Impact Analysis (TIA):

1. The intersection analysis at Monroe Street and Stevens Creek Boulevard under the cumulative scenario shows a long queue along Stevens Creek Boulevard. This queue is impacting the upstream intersection of Interstate (I-) 880/Stevens Creek Boulevard at the off-ramp. This negative impact caused by the project on the state facility should be mitigated.

Response A3: The City does not have any adopted thresholds of significance for queuing. During the preparation of the traffic analysis for the project, the I-880/Stevens Creek Boulevard off-ramp queuing was not analyzed because the I-880 interchange project was under construction. Therefore, any collection of data and evaluation of traffic would be atypical of traditional traffic pattern established by normal commute as required in any traffic analysis. The I-880 interchange project was designed to improve the ramp conditions and includes a separate ramp which carries vehicles from the I-880 ramp directly to Monroe St. and vehicles using this lane would not use Stevens Creek Boulevard at all, therefore reducing traffic along Stevens Creek Boulevard.

The queuing information referenced in the Caltrans letter was part of LOS calculation to address the City's Level of Service Policy. For any project queuing analysis, traffic analysis software such as Synchro is used because the Traffix model queuing analysis provides an over-estimation of traffic. This is because the Traffix model does not consider the intersections along Stevens Creek Boulevard are part of a coordinated system, but instead as isolated intersections operating independently. Recent field observations in the AM peak at the off-ramp and the westbound Stevens Creek Boulevard/Monroe Street intersection indicated queues of about three to five vehicles, which is shorter than the 10 vehicle queue for existing volumes in the Traffix file referenced above. This overestimation of queuing is typical of Traffix software, necessitating the use of other more accurate methods of analysis.

With the interchange currently under construction, it would be difficult to accurately project the queue at Stevens Creek Boulevard/Monroe Street intersection. The City, however, anticipates that once the I-880 interchange project is complete, the addition of the project traffic would not result in queuing capacity issues at the Stevens Creek Boulevard/Monroe Street intersection.

Comment A4: 2. The DEIR stated that the project would have a significant impact on mixed flow lanes, on two-directional freeway segments, and High-Occupancy Vehicle (HOV) lanes on one-directional freeway segments [sic] during at least one peak hour at:

- Northbound (NB) I-880, I-280 to Stevens Creek Boulevard (Impact: AM Peak Hour)
- Southbound (SB) I-880, Bascom Avenue to Stevens Creek Boulevard (Impact: AM Peak Hour)
- Westbound (WB) I-280 HOV, Meridian Ave to I-880 (Impact: AM Peak Hour)

This project should provide mitigation measures (described below) for the impacts to these affected freeway segments.

Response A4: The mitigation for freeway impacts is increased capacity in the form of additional mainline or auxiliary 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 funding mechanism that would add lanes to any of the aforementioned freeway segments. As a result, fair share fees would not be considered mitigation and cannot be required of the project. Because the project, by itself, could not implement physical improvements to the freeway system and no program exists to allow for fair share fees to fund improvements that would add capacity to mitigate project impacts, the impact cannot be mitigated and the DEIR concluded that impacts to freeway segments are significant and unavoidable.

Comment A5: 3. Please provide the 95th percentile queuing analysis for the following intersections:

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

Project mitigation measures (described below) if the storage length is not adequate to accommodate the queue length.

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

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

Comment A6: 4. The proposed project is likely to have impacts on the operations of the following metered freeway on-ramps:

- SB I-880/Stevens Creek Boulevard diagonal on-ramp;
- NB I-880/Stevens Creek Boulevard loop on-ramp; and
- NB I-280/Winchester Boulevard diagonal on-ramp.

During the ramp metering hours, the existing on-ramp queues will likely be lengthened with the additional traffic demand by this project which may impeded onto the local streets and affect operations. Caltrans recommends the City consider providing additional storage on the on-

ramps/local streets for the freeway on-ramp traffic to avoid or minimize these impacts and consider other mitigation measures (described below).

Response A6: There are no adopted thresholds of significance for freeway on-ramps in and of themselves. Backups on freeway ramps that result in increased delays at local intersections would be reflected in the LOS analysis. There is no nexus to require mitigation for traffic delays caused by increased on-ramp queues unless it would result in the degradation of LOS below acceptable City standards which did not happen in this case. It should also be noted, that additional lanes have already been added along Stevens Creek Boulevard that provide direct access to the SB I-880/Stevens Creek Boulevard diagonal on-ramp as a result of the interchange project. The NB I-880/Stevens Creek Boulevard loop on-ramp was recently reconstructed as part of the Caltrans interchange project and cannot be built out further. There is no right-of-way available to provide additional on-ramp or on-street storage for the NB I-280/Winchester Boulevard diagonal on-ramp as the on-ramp runs directly adjacent to a mobile home park and Winchester Boulevard runs adjacent to the mobile home park and a National Register Historic Structure (Winchester Mystery House).

Comment A7: 5. Table 4.2-7 shows a large increase in generated AM (PM) net new trips at 739(789) vehicles per hour (vph). Also, the DEIR does not provide the year for Cumulative Conditions nor does it analyze potential traffic impacts under Cumulative Plus Project Conditions. Caltrans recommends the DEIR adopt 2035 as the year for Cumulative Conditions and provide turning movement traffic per study intersection under Project Only, 2035 Cumulative, and 2035 Cumulative Plus Project Conditions.

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

Comment A8: 6. Collaborate with the Santa Clara Valley Transportation Authority (VTA) on increasing headway time on existing bus service for VTA Bus Service Routes 23,60,25, and 323; consider new bus service, such as service to major transit centers such as the Diridon Station; and vehicle miles traveled (VMT) reduction factors. The assumptions and methodologies used to develop this information should be detailed in the study, utilize the latest place-based research, and be supported with appropriate documentation. Caltrans recommends the DEIR reference the Association of Bay Area Government's (ABAG) and the Metropolitan Transportation Commission's (MTC) Regional Transportation Plan *Plan Bay Area 2040* and the project's consistency with the RTP's greenhouse gas and particulate matter reduction targets, long-range integrated transportation, and land-use/housing strategy.

Response A8: The City continues to coordinate with VTA staff on current and possible future transit options for the immediate project area. The *Envision San Jose 2040 General*

Plan, not the *Plan Bay Area 2040*, guides future development and transportation impacts in the City. The project, as proposed, will enhance the City's Urban Village concept in the General Plan. Urban Villages, like Priority Development Areas (PDAs) in *Plan Bay Area*, encourage development that places jobs, housing, and services near transit and within walking distance to each other to reduce VMT and greenhouse gas emissions.

A complete greenhouse gas emissions analysis was completed for the project. As discussed in Section 4.4 of the DEIR, the full build out of Santana Row, including already built, entitled, and proposed development would not exceed the Bay Area Air Quality Management District's Greenhouse Gas Service Population threshold. Also, as noted in Section 4.4.3.1, page 87, a portion of the project site is located within a PDA as defined in *Plan Bay Area*. No additional analysis is required under CEQA.

Comment A9: 7. Mitigation for any roadway sections or intersection with increasing VMT should be identified. Since no mitigation measures were provided for the significant impacts to the state facilities, Caltrans recommends that the developer make a major contribution to the State Highway Operation and Protection (SHOPP) Program; the Program from which funding for state highway improvement projects is obtained. Mitigation may also include contributions to the regional fee program as applicable (described below), and should support the use of transit and active transportation modes. Also, the project should pay its fair share contribution to the VTA Corridor Study on I-280. There are improvement projects that will be recommended as a result of the Corridor Study.

Response A9: The City currently has no adopted thresholds of significance for increased VMT on roadway segments or through intersections. As a result, there is no nexus to require mitigation for increased VMT. It should be noted that the payment of fees for unidentified improvements or improvements that do not specifically address a project's impacts is not considered mitigation under CEQA and cannot be required. Furthermore, improvements to State highways would not reduce VMT.

The payment of fees toward the VTA Corridor Study on I-280 would not be mitigation under CEQA because there is no guarantee that improvements identified would mitigate traffic impacts, there is no funding mechanism to ensure identified improvements would be constructed, and no CEQA clearance for the possible improvements.

Comment A10: Because of the location of the project, Caltrans recommends the City consider mitigation measure options which would allow the City to ensure that direct and indirect traffic impacts, as well as contribution to cumulative traffic impacts, from the project area mitigated to the extent feasible. 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.

Response A10: The City agrees the mitigation measures that include requirements of other agencies can be enforceable. As stated above, however, the mitigation has to be fully designed, have a funding mechanism, and CEQA clearance.

Comment A11: 8. Voluntary Contribution Program: Caltrans also encourages the City to participate in VTA’s voluntary contribution program and plan for the impact of future growth on the regional transportation system. Contributions by the City funding regional transportation programs would improve the transportation system to less future traffic congestion, improve mobility by reducing time delays, and maintain reliability on major roadways throughout the San Francisco Bay Area. Reducing delays on State facilities will not only benefit the region, but also reduce any queuing on local roadways caused by highway congestion.

Response A11: This comment is acknowledged.

Comment A12: *Transportation Demand Management (TDM)*

The TDM measures should include fewer parking spaces to encourage patrons to take transit, rather than driving vehicles, in order to alleviate congestion. Also, allowing residents and retail business to share parking, free parking for condo buyers and renters, and unbundled parking for other structure costs would further alleviate congestion. Caltrans recommends that transit stops and names be included on the maps.

Response A12: Caltrans recommendations for TDM measures are acknowledged. The project already proposes a shared parking arrangement between office and retail uses. With regard to transit stops on the maps, the City assumes the commenter is referring to Figure 4.2-1 in the EIR (Transit Services). The discussion of transit services in Section 4.2.1.3 of the EIR has been revised to reflect the Route 323 bus stop at Santana Row and Stevens Creek Boulevard (See Section 4.0 of the First Amendment to the Draft EIR, below).

Comment A13: *Mitigation Reporting Guidelines*

The California Environmental Quality Act (CEQA) requires the adoption of reporting or monitoring programs when public agencies include mitigation as a conditions of project approval. Reporting or monitoring takes place after project approval to ensure implementation of the project in accordance with mitigation adopted during the CEQA review process.

Some of the information requirements detailed in the attached Guidelines for Submitting Transportation Information from a Reporting Program include the following:

- Name, address, and telephone number of the CEQA lead agency contact responsible for mitigation reporting;
- Type of mitigation, specific location, and implementation schedule for each transportation impact mitigation measure; and
- Certification section to be signed and dated by the lead agency certifying that the mitigation measures agreed upon and identified in the checklist have been implemented, and all other reporting requirements have been adhered to, in accordance with Public Resources Code Section 21081.6 and 21081.7.

Further information is available on the following website:
http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa.html

Response A13: All required information regarding the project mitigation will be provided in the Mitigation Monitoring or Reporting Program consistent with CEQA requirements.

Comment A14: *Transportation Management Plan (TMP)*

If it is determined that traffic restrictions and detours are needed on or which may affect State highways, a TMP or construction TIA may be required for approval by Caltrans prior to construction. Traffic Management Plans must be prepared in accordance with Caltrans' *TMP Guidelines*. Further information is available for download at the following web address:
http://www.dot.ca.gov/hq/traffops/trafmgmt/tmp_lcs/index.htm

Please ensure that such plans are also prepared in accordance with the TMP requirements of the corresponding jurisdictions. For further TMP assistance, please contact the Caltrans District 4 Office of Traffic Management Operations at (510) 286-4579.

Response A14: If traffic restrictions and detours are needed that affect State highways, the City will require the applicant to comply with all applicable regulations of Caltrans and other responsible agencies. The applicant will be required to obtain a haul route permit from the City's Department of Transportation prior to issuance of grading permits. The haul route permit will include conditions and truck routes for construction traffic. Furthermore, City inspectors are responsible for overseeing construction practices to minimize impacts to surrounding areas.

Comment A15: *Freeway Monument Signage*

Sign plans for any proposed freeway monument signage should be provided to Caltrans for review and, depending on proposed sign location, approval. The plans should depict the layout, roadway setback, orientation, glare intensity, and sign size. Caltrans is required by law to enforce the Outdoor Advertising Act and Regulations regarding the placement of advertising along the highways. That document is available on the internet at:
http://www.dot.ca.gov/hq/oda/download/ODA_Act_&_Regulations.pdf.

Response A15: No freeway signs are proposed as part of the project. This comment is noted.

Comment A16: *Encroachment Permit*

Please be advised that any work 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 Sallady, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 2366, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See this website for more information:
<http://www.dot.ca.gov/hq/traffops/developserv/permits>.

Response A16: The project does not propose any work or traffic controls that will encroach onto a State right-of-way. This comment is acknowledged.

**B. RESPONSE TO COMMENTS FROM SANTA CLARA VALLEY
TRANSPORTATION AUTHORITY, May 6, 2015:**

Comment B1: Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR for 510,000 square feet of office space, 55,461 square feet of retail uses, 47 residential units, and 6 hotel rooms at the southeast corner of Stevens Creek Boulevard and Winchester Boulevard. We have the following comments.

Land Use

VTA supports the proposed land use intensification of these important sites in the Stevens Creek Boulevard corridor, where VTA is planning to implement Rapid 523 enhanced bus service as a near term improvement and early deliverable of the Stevens Creek Boulevard Bus Rapid Transit (BTR) Project. The site is currently 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. Besides intensifying land uses near this key transit corridor, by increasing the proportion of office/employment uses in the existing mix of office, housing, retail, and entertainment uses 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 fewer 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 jurisdictions 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.

Response B1: It is acknowledged that VTA supports the proposed project.

Comment B2: Congestion Impacts to Transit Service

The DEIR and TIA find that increasing congestion will result in significant impacts at the intersections of Stevens Creek Boulevard with Winchester Boulevard and Monroe Street, based on City standards. Stevens Creek Boulevard/Winchester Boulevard is currently a Protected Intersection per City policy, and Stevens Creek Boulevard/Monroe Street is proposed to be Protected as part of the project approval. The DEIR notes that, “If a development project has significant traffic impacts at a designed 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. 51) The DEIR also cites Envision 2040 Policy TR-1.4: “Through the entitlement process for new development, fund needed transportation improvements for all transportation modes,” and finds the proposed project consistent with this policy because it “will be required to pay fees for off-setting improvements to alternative modes of transportation.” (p. 24)

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 stop improvements along Stevens Creek Boulevard and Winchester Boulevard in the project vicinity, pedestrian circulation improvements to transit stops, and wayfinding signage within Santana Row to direct pedestrians to transit stops. VTA would like to be involved in the process 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 B2: The City acknowledges VTA recommendations for the use of offsetting traffic fees to fund improvements to the transit system around the project site. The list of offsetting improvements are established during the Planned Development Permit stage and will be selected based on neighborhood outreach and input. If the City determines that transit improvements would be an effective use of the traffic fees, the City will work with VTA to identify and implement those improvements.

Comment B3: Transportation Demand Management/trip Reduction

The DEIR notes that the project “would be required as a Condition of Approval to implement a Transportation Demand Management (TDM) program to reduce daily traffic trips by a minimum of five percent.” (p. 158) However, the DEIR and TIA do not include any discussion of specific TDM measures or describe how the trip reduction goal would be monitored or enforced.

Response B3: The primary focus of the TDM will likely be the commercial office space which has the most options for trip reductions compared to residential and retail. Future tenants of the office buildings on-site would need to establish their own programs for trip reductions based on their business model. Programs could include ride share, telecommuting, and subsidized transit. Measures that could be implemented by the project applicant include on-site shower facilities, preferential parking spaces for car/van pools, and electric vehicle charging stations. For future residential development, the project applicant could provide subsidized transit passes and parking cash-out programs. The complete TDM program will be developed with City staff pursuant to the project Conditions of Approval for each planned development permit. City staff will also determine the program necessary to monitor and enforce the required conditions.

Comment B4: VTA notes that establishing vehicle trip reduction goals and including a Lead Agency monitoring and reinvestment mechanism in a TDM Program can be an effective strategy to reduce automobile trips, traffic impacts and vehicle miles traveled, which has been utilized by Cities in Santa Clara County. The establishment of a Transportation Management Agency (TMA) to coordinate TDM strategies among several developments in an area has also proven to be beneficial. VTA believes these strategies could help reduce automobile trips to/from Santana Row Expansion Project and other future projects within the Stevens Creek and Winchester Urban Villages.

VTA would be happy to assist the City in developing and implementing an effective TDM Program for the Santana Row Expansion and other future developments in the area. TDM measures that may be applicable to the project include:

- Parking pricing and parking cash-out programs
- Public-private partnerships or employer contributions to improved transit service to an area (for example, shuttles to Caltrain)
- Transit fare incentives such as free or discounted transit passes
- Showers and clothes lockers for bicycle commuters
- Preferentially located carpool parking
- Employee carpool matching services

Response B4: The City acknowledges VTA recommendations for the project’s TDM program and will coordinate with VTA as warranted to develop and implement a program for the proposed project and future development in the project area.

Comment B4: Freeway Analysis and Mitigation Measures

The DEIR notes that there will be Significant Impacts to one segment of I-280 and two segments of I-880 (p, 65) but does not identify a mitigation measure. It’s acknowledged that the City is working with VTA on the restart of planning and project development for improvements at the I-280/Winchester Boulevard interchange. VTA recommends that the City require the project to contribute to future project development phases (e.g., environmental clearance, design and/or construction) for improvements in the vicinity of the I-280/Winchester Boulevard interchange that materializes out of the work that is being restarted by VTA and the City.

Response B4: As stated on Page 68 of the DEIR, “There are no feasible mitigation measures available to reduce project impacts on local freeway study segments to a less than significant level as it is beyond the capacity of any one project to acquire right-of-way and add lanes to a State freeway. Furthermore, no comprehensive project to increase freeway capacity on either I-280 or I-880 has been developed by Caltrans or VTA, so there is no identified improvement projects in which to pay fair share fees.”

Under CEQA, fair share traffic fees are only considered mitigation if there is a specific identified improvement which has been fully designed and has environmental clearance. In addition, a funding mechanism must be established. The fees would then be used to implement the identified capacity enhancing improvement. There is no nexus under CEQA to require fees for a future project which has not been fully designed and received environmental clearance.

C. RESPONSE TO COMMENTS FROM BRIAN DARBY, April 5, 2015:

Comment C1: I am writing to express my concern about the expansion of Santana row [sic] as expressed in the project File No.: PDC13-050. Council District: 6. The Santana Row development has been an exceptional addition to San Jose for several reasons, it has brought a revitalization to a rather underutilized area, it purports to conform to the Urban Village concept as expressed in the Envision 2040 plan. Santana row has produced much-needed revenue in taxes and other fees that the city has collected over the years and stands to collect with this new development. Santana row has offered a variety of employment opportunities in the retail and business sector. Federal Realty has done a good job in administering this aspect of Santana row but is has been given a great deal of latitude in how it develops and changes the retail space with little oversight as to the particulars i.e. which restaurant moves in and what type of establishment or change to an establishment. I do not fully understand how this works but it seems that restaurants can change their “venue” without reapplying for permits.

Response C1: It is unclear what the commenter means by “venue”. Within the development the property owner/operator has the discretion to lease space to any business for a permitted use, which is consistent with the permit conditions. There is no need to obtain a development permit for each new business intending to occupy the site, provided it will operate per the existing development permit.

Comment C2: My concern about the new expansion is that it does not adequately address some of the local and regional concerns that are exacerbated by constant expansion along the corridor that does not have the capacity to be a “mini” downtown San Jose. The traffic along the Winchester/Stevens Creek corridor has been compromised by the continued development with little or no mitigation to the traffic needs. Winchester has never been a major thoroughfare and it certainly is not adaptive to a fully urban setting. This entire area, when first developed, was a suburban/agricultural zoning. I do not believe the concept of the urban Village [sic] has been vetted well enough to embark on major redevelopment along this and other venues in San Jose.

Response C2: The commenter’s opinion regarding the capacity of Winchester Boulevard and the Urban Village concept is acknowledged. Please note that the Urban Villages identified in the City’s adopted 2040 General Plan are areas specifically targeted for growth over the next 25 years. The effects of the 2040 General Plan, including traffic, were addressed in the General Plan Final EIR and vetted through the public planning/CEQA process.

Comment C3: Santana row has often been held up as a successful implementation of the urban Village concept yet several individuals including Councilman Constants did not consider Santana row a real “urban Village” because of the lack of connection with mass transit such as the potential Bart development and light rail. The transit that is now available is certainly not adequate to the increase in does not [sic] offer the ease of use that is spoken of in the Environmental Impact report.

Response C3: This comment is acknowledged. It is unclear from the comment above what the commenter finds inadequate about the existing transit and what is meant by the “ease of use” comment in reference to the EIR. Section 4.2.1.3 (page 38) of the DEIR outlines the

existing transit services in the project area. An analysis of transit operations is provided in Section 4.2.2.8 (page 66) of the DEIR. The DEIR concluded that the existing bus service is underutilized and that it can accommodate the estimated increase in ridership that would result from implementation of the proposed project. Urban Villages are planned along arterial roadways and are not always located near light rail stations or future BART stations.

Comment C4: The intersections of Stephen Creek [sic] and Winchester and Stevens Creek and Monroe along with Stevens Creek/280/880 interchange are extremely congested and even with the development of a new interchange for the Stevens Creek/280/880 the surface streets will see little if any traffic relief. Through the development is going to pay traffic impact fees and, if I am reading the EIR correctly will also help pay a “fair share” for a upgrade for the Stevens Creek/Monroe intersection. I believe it is unrealistic to blame Santana row or federal Realty for all the congestion that takes place along these corridors the Westfield/Valley fair shopping center development is also a major contributor to the congestion.

Response C4: This comment is acknowledged. Please note that any development project in San Jose that had an impact on a local intersection is only required to mitigate for the traffic the project generates. A new development project would not be required to mitigate for existing traffic or traffic trips from another development. The project will not be upgrading the Stevens Creek Boulevard/Monroe Street intersection.

Comment C5: My concern is that these developments do not adequately address the impact they will have on a regional/neighborhood section of San Jose. These developments along the Winchester corridor have a cumulative effect and in my opinion there seems to be little if any dialogue concerning this. Federal Realty always does a superb job on its presentation and its EIR/CEQA requirements. My frustration is more with the mechanism by which these documents are used by the city to determine the viability of the project in conjunction with other projects in a neighborhood/regional aspect. That is not the developers job that is the city’s job in my personal opinion that job has been sorely lacking. For instance when I went back to the archives to view the planning commission acceptance of the development of the office building that is now being constructed at Santana row I was taken back at the lack of inquiry on the part of the commissioners and with the even less inquiry on the part of the city Council as to concerns raised by individuals in written and spoken testimony.

Response C5: The commenter’s concerns regarding the City’s assessment of regional impacts is acknowledged. The comment does not address the DEIR, no response is required.

Comment C6: Referring to planning commission date July 25, 2012 PDC 12-009 approximately 30 minutes into the meeting with a discussion of the rezoning and approval of the development of the office complex now being constructed. It is noted that none of the regional/neighborhood concerns were addressed in either the EIR or in the subsequent discussion at the commission or Council level in my observation. There was a tacit discussion concerning the safety of the people who reside at Belmont Village Senior Living Center when going from their facility to Santana row or any other area of the neighborhood and their safety due to the increase in traffic. The representatives of the people who reside at Belmont Village also brought up the new constructions blocking their view and other quality-of-life concerns. Those concerns were basically not addressed or tacitly addressed by

the commission with one Commissioner offering the idea that people are not required to stay at Belmont and can move to another center that meets their needs. There are no other centers like Belmont which was one of the reasons it was built in the location that it was built at. The response I believe is foretelling at the dismissive attitude often given concerns by residents when questioning the Santana Row development. We are allowed to write letters, give public comment, and address concerns to our constituents but in my personal experience though people listen kindly, we are at times ignored, kindly.

Response C6: The commenter expresses an opinion about the City’s process for project review, but there is no specific comment regarding the proposed project or the CEQA process. While no further response is required, the following information is provided to clarify some of the commenter’s concerns.

It is unclear which regional/neighborhood concerns were not addressed for the previous Santana Row project (*Santana Row Office Development, 2012*). As noted by City staff, the City received three comment letters on the 2012 Initial Study. A formal response memo was prepared and provided to the commissioners as part of the public record. Letters sent directly to the commissioners and not to City staff cannot be addressed as part of the CEQA process. It is also unclear why the commenter believes there was not sufficient discussion of the item. After the initial presentation by Staff and the project applicant at the July 25th, 2012 Planning Commission hearing, there was more than one hour of public comment and discussion. The Planning Commission and City Council need only to deliberate on a project long enough to make an informed decision, keeping in mind that they receive and review all documents pertaining to a specific project (including the CEQA analysis, staff reports, and written public comments) in advance of the hearings.

Comment C7: If one goes to the planning commission when they were discussing an issue on Wednesday, February 25, 2015 the issue under discussion was CP 10-010 which was basically the installation of a car wash. This discussion went on at the commission level for over three hours and eventually was not passed onto the Council. The Santana Row development has far more implications for far more people than does a car wash on a corner lot. But if one watches the Council and commission vetting of the 2012 rezoning, the Santana Row representative was not question [sic] about any of these concerns. I do not have access to that particular EIR so I can only speak as to the questions given by the commissioners and the city Council representatives at the time the rezoning request was approved. I believe the 2012 project vetting is indicative of what may go on with this new intensification of Santana Row. One of the commissioners spoke about the quickness of which the 2012 rezoning approval was achieved and how the city of San Jose is “moving at the speed of business”. The developers chose to sit on this “rezoning” until 2015, so there was no need for a quick decision and that should also be noted.

Response C7: The commenter has provided no specific comment related to the environmental analysis in the DEIR. This comment is noted.

Comment C8: Another concern which was not addressed at all in the EIR for the expansion of Santana row is the strain on local resources such as emergency services and water. During the original construction of Santana row there was a devastating fire which apparently led to the damage

of other structures due to inadequate response. It was noted that mutual agreements between municipalities would be updated concerning emergency responses. The issue in San Jose is that fire and police services are operating at minimal levels and the requirements of intensified residential/commercial/retail development puts more of a strain on these local resources.

Response C8: The availability of water supply is discussed in Section 4.13.2.2 (page 162) of the DEIR and in the Water Supply Assessment (WSA) prepared by San Jose Water Company (Appendix G of the DEIR). The WSA concluded that San Jose Water Company would be able to provide sufficient potable water supply to the proposed project.

Fire and police projection services are addressed in Section 5.0. Under CEQA, a project would have a significant impact on fire and police services if it would result in substantial adverse physical impacts associated with the provision or need for new or physically altered governmental facilities, the construction of which could cause a significant environmental impact, in order to maintain acceptable service ratios, response times or other performance objectives. The analysis concluded that the proposed project, which is accounted for in the planned growth of the City, would not preclude San Jose police or fire departments from meeting their goals or require new facilities to be constructed. Furthermore, new buildings on-site will be built in conformance with the most recent building code, which has stringent requirements for sprinklers and other safety systems. Staffing levels are an operational issue for the city, and are not relevant to the environmental analysis of a project.

Comment C9: The close proximity of the business development approved in 2012 to the Belmont residential care facility is also a concern. There has already been one devastating fire where thankfully nobody was hurt in this development yet there is nothing in the EIR or subsequent discussions where this is even addressed. I could be wrong but it seems like this concern has not even crossed the minds of people who developed the EIR or who check for accuracy of the document.

Response C9: The commenter's concern is not clear. It is assumed that the commenter is questioning why the DEIR did not address the possibility of the construction on Lot 11 (adjacent to Belmont Village) to catch fire thereby placing the residences of Belmont Village in possible danger.

As noted in Response C8 above, under CEQA the impacts to fire protection services are based on the ability of the City to meet response goals and whether or not the project would trigger the need for new or expanded facilities to support the fire department. The fact that there was a fire during construction of the original project is not an indicator that there would be another fire during current and future construction projects. Multiple construction projects have occurred on-site since completion of the initial phase of construction with no fires or other safety hazards to nearby residents. To assume the possibility of another fire would be speculative. As stated in Section 15145 of the CEQA Guidelines, CEQA does not allow for the discussion of speculative impacts.

Comment C10: Another area of concern is the "community outreach" that usually entails one public meeting and a notice of individuals within either a 500 or 1000 foot radius of the proposed

development. I believe it is not the developers responsibility to be the primary public outreach entity that should be the city. In my opinion San Jose does not do a very good job in keeping it citizenry [sic] informed. This is gotten [sic] better but is still lacking considering the effect these development will have on the people who reside in this area. With the potential development taking place on the site that now hosts the Century theaters I think it is critical for multiple outreaches. I can tell you from personal experience with residents in this area where I reside i.e. near the Winchester mystery House people do not become involved because when they have they have not felt heard. Like I said before we are listen to [sic], we are allowed to write letters, emails, and make phone calls. We can also show up at meetings and voice our concerns but we are not heard. The concerns are often passed over as is evident in the two meetings noted above.

Response C10: Consistent with CEQA Guidelines Section 15082, a Lead Agency shall conduct at least one scoping meeting during circulation of the Notice of Preparation (NOP). The Lead Agency is required to provide notice of the scoping meeting to the following: 1) any county or city that borders on the county or city where the project is located, 2) any responsible agency, 3) any public agency that has jurisdiction by law with suspect to the project, and 4) any organization or individual who had filed a written request for the notice.

The scoping meeting is not held until the NOP is released and an NOP is not released until there is a project on file and the environmental review process is started. Therefore, even if there are possible new projects in a specific area, there would be no scoping meeting initiated by the City until such time as the project is filed and the NOP is released. Other than residents who specifically request notice of a scoping meeting, the radius in which the City mails notices can vary by project area according to the City's public outreach policy. For the proposed project, notice of the scoping meeting was sent to all property owners within 1,000 feet of the project site. The City met the full requirement for noticing and scoping of the EIR under CEQA.

In addition, the City of San Jose posts all available project data, notices, and other relevant information pertaining to all active projects on the City's website. Once comments are received and responded to, it is the responsibility of the decision-making body (City Council for this project) to weigh the community concerns and impacts of a proposed project against the overall benefits to the City as a whole.

Comment C11: I also note that parking at Santana row is already congested during peak times in the overflow that now parks in the Winchester theater parking lots and in the surrounding neighborhoods shows this to be a problem.

Response C11: Parking supply will increase at Santana Row as a result of the proposed project and the previously approved development on Lot 11. The development on Lot 11 includes a four-level below-grade parking structure that will be utilized by building occupants during standard office hours and available for Santana Row patrons on evenings and weekends. The proposed project includes a new parking structure with 1,275 parking spaces.

Comment C12: The other issue concerning transportation and traffic is that VTA has made plans to make one lane of Stevens Creek a bus only lane. From my conversations with them they believe this is an already “done deal” and their plans for future increase ridership are to some degree predicated on this development. Taking one lane away from vehicle traffic along Stevens Creek would be devastating to local residents and many local establishments.

Response C12: The commenter has provided no specific comment related to the environmental analysis in the DEIR. This comment is noted. Please note that the VTA’s planned Bus Rapid Transit (BRT) project along Stevens Creek Boulevard is not part of the proposed project and potential roadway modifications associated with the BRT were not assumed as part of the project and/or the cumulative traffic analysis.

Comment C13: The Envision 2040 seems to dictate that there are three “transportation desirables” that will be facilitated by the urban Village concept. People will be able to walk to work, people will take VTA, walk, or bicycle to local shopping and entertainment venues from their home. When I asked several planners at the city if there was any real data concerning ridership, pedestrians, bicyclists in relation to vehicular traffic to the local venues around Santana row I was informed by both planning staff that Santana row was not considered an urban Village. In discussion groups with other people such as Mayor Liccardo the concept of what is an urban Village still seemed up in the air i.e. “not well defined”. If city leaders and the city planners do not have a concrete concept as to what is an urban village how is the public supposed to understand the development of said villages?

Response C13: As discussed throughout the DEIR, Santana Row is within the Valley Fair/Santana Row Urban Village and the Urban Village Plan is to be development. The Urban Villages concept is clearly outlined in the General Plan. While the general goals of the Urban Villages are consistent, the actual implementation of each Urban Village Plan will vary based on location, community input, and identified land use needs. The commenter is encouraged to participate in the future urban village planning process for the project area. This comment is acknowledged.

Comment C14: There does not seem to be any accurate way of measuring if these three alternative transportation methods are being used as these urban villages are being developed. I can tell you for a fact that most of the people who work at Santana row do not live there, I would be surprised if here is maybe two or three residents that actually live within walking distance of their home and their place of employment. I ride the VTA on a regular basis and neither the Winchester or Stevens creek route are used to the extent they could be. If there is no accurate data to see if the urban Village concept is even viable in some areas that I believe [sic] this headlong desire to push the construction of these sites ahead of the infrastructure of the area to maintain the increase density. I do not believe that the new EIR by federal Realty adequately addresses these concerns.

Response C14: While Santana Row has been in operation for more than 10 years, the Urban Villages concept was developed as part of the most recent General Plan update in 2010. Currently there is no formal mechanism for tracking the use of alternative modes of transportation within the Urban Villages. Nevertheless, under CEQA, the primary transportation concerns are capacity on roadways and transit and appropriate pedestrian and

bicycle facilities. These issues are fully addressed in Section 4.2 and Appendix A of the DEIR. No further analysis of transportation is required under CEQA.

Comment C15: I wish to express my thankfulness to the people who serve in the planning commission as well as city staff who attempt to do the best they can and I acknowledge that. Thank you for allowing me to express my concerns.

Response C15: This comment is noted.

D. RESPONSE TO COMMENTS FROM PAUL JACOBS, April 8, 2015:

Comment D1: Are you people insane? How can you possibly allow further development there in the face of certain traffic gridlock. Will San Jose ever say no to development? How many more stores are needed at Santana Row and Valley Fair? There aren't enough already? And are we to be asked to cut our water use even further so we can share our ever diminishing supply with the new residents and businesses to be added here?

For heaven sakes, please for once say "No".

Response D1: The commenter has provided no specific comment related to the environmental analysis in the DEIR. This comment is noted. Please note that the effects of project on the local roadway network are addressed in Section 4.2 of the DEIR and water supply is addressed in Section 4.13 of the DEIR.

E. RESPONSE TO COMMENTS FROM ALAN LIU, April 8, 2015:

Comment E1: I saw a San Jose Mercury News article regarding the proposed expansion of Santana Row and read through the EIR. As a homeowner in the Vicino Townhomes, I support the proposed expansion.

Response E1: The commenter's support of the proposed project is acknowledged.

F. RESPONSE TO COMMENTS FROM LITA KURTH, April 11, 2015:

Comment F1: As a resident and voter in San Jose, I'm very concerned about Santana Row's plan to expand, and the part that concerns me the most as someone worried about affordable housing in San Jose, is that 47 apartments will be torn down.

According to the *Willow Glen Resident*, our local paper, the apartments "could" be relocated elsewhere, but is that a definite commitment on the part of Santana Row?

Response F1: The statement that the apartments could be relocated elsewhere is not factually correct. As noted in the project description (Section 2.0 of the DEIR page 12), the project proposes to demolish the 47 market-rate apartments currently on Lot 17 (to allow for construction of the proposed office building) and transfer the development capacity of these apartments to the total residential entitlements for the Santana Row site. The entitlements for the 47 additional housing units would then be applied to future residential construction elsewhere within the boundaries of the Santana Row site under this Planned Development Rezoning.

As stated in Section 4.1.2.6 (page 35) of the DEIR, "The apartments on Lot 17 are proposed to be demolished and 47 new residential units are proposed to be constructed elsewhere on Santana Row as part of the PD rezoning. The project will result in the loss of housing on Lot 17, but the equivalent number of units will be constructed elsewhere on Santana Row and overall the project will not reduce the total number of housing units within the City and will not necessitate the construction of housing elsewhere. The current residents on Lot 17 will, however, be required to find replacement housing within the City."

Comment F2: Assuming there are families living in some of the units, we could be displacing and disrupting the lives of several hundred people, who would then have to move further to affordable housing and add to the traffic problem—because the jobs are here. I recently heard the mayor of Sunnyvale talk about a fast food worker having to move to and commute from Tracy!

All over Willow Glen I see small houses being bought up and replaced by much more expensive monster homes. We are losing attainable, not even affordable housing every day, and I hope this concern will be raised as a serious aspect of the Santana Row expansion. It is very serious to me and the people I work with on affordable housing.

Response F2: The commenter is correct that residents of the existing apartments on Lot 17 would be required to find replacement housing due to redevelopment of that property, as discussed in Section 4.1.2.6 (page 35) of the DEIR. The environmental (i.e., physical) effects of the loss of this housing was found to be less than significant. The social and economic effects of a project, if unrelated to physical changes to the environment, are not environmental impacts under CEQA and cannot be addressed in the context of the EIR, although they can be considered more broadly as part of the entitlement process for the project. This comment is acknowledged and will be provided to the decision makers as part of the public record for this project.

G. RESPONSE TO COMMENTS FROM WARREN GANNON, April 16, 2015:

Comment G1: The following are my observations after reading the above document:

1. I am supportive of the overall plan presented by Federal Reality. It appears to me this is a sound, considered plan and will be in the best interest of the surrounding neighborhoods.

Response G1: The commenter's support of the proposed project is acknowledged.

Comment G2: 2. My only observation would be that Lot 17, now planned for a high rise office building, be considered as a combination high rise office/residential structure.

The potential advantages for such a modification would be:

- a. The site has all of the advantages/amenities that are closely available at the current Santana Row
- b. Residential floors in the building could be designed to take advantage of the viewscape
- c. Residential owners/renters would be able to take advantage of the Frank Santana Public Park, a few steps to the East.
- d. Ingress and Egress to the building would not be compromised by a residential component.
- e. Residential amenities (exercise facilities, coffee shop, lounges, library) could also be available for office personnel

There may be other advantages that the developer would include. However, most importantly, Federal Realty could use the added residential units to displace the residential units planned for Santana West. That would allow Federal to provide for more commercial development on the Santana West site that would help the San Jose's [sic] need for more sales tax revenue.

Response G2: The commenter's suggestion that the tower on Lot 17 be a mixed residential/office building is acknowledged. The comment addresses the nature of the project, however, and not the EIR's analysis of the environmental impacts. Please note that while the project site and the Santana West (Century Theater) site are controlled by the same entity, they are two separate projects and the specific design/land use parameters of the Santana West project were not known at the time the DEIR was prepared and cannot be accounted for in consideration of the proposed Santana Row project.

Comment G3: Thank you for the opportunity to be heard in respect to this development. Federal Reality has been a good neighbor and I welcome their plans to develop the property on Lots 9 and 17. I am particularly enthusiastic about the opportunity for an interesting and neighbor-friendly development on Santana West that will take place of the next several years.

Response G3: The commenter's support of the proposed project is acknowledged.

H. RESPONSE TO COMMENTS FROM JOANNE ANDERSON, April 20, 2015:

Comment H1: I am most concerned about the expansion of Santana Row and the area where the Century Theaters are. It is beyond my comprehension how the area will be able to absorb more traffic. It is already congested. My concern includes the structure currently being built on Winchester next to Belmont Village. It will generate more traffic from the employees of the building, and it has also eliminated a major parking lot for visitors to Santana Row.

Response H1: Please note that the building currently under construction has already completed environmental review and was approved by the City Council on August 7, 2012 (File No. PDC12-009, Resolution 76385). Traffic trips associated with the new building are addressed in the previous CEQA analysis and were also accounted for in the traffic analysis in this EIR. As noted in the previous CEQA analysis, parking capacity on-site will increase because the new office building includes a four-level below-grade parking structure that will be utilized by building occupants during standard office hours and available for Santana Row patrons on evenings and weekends.

Comment H2: I recently found out that Santana Row wants to build two more structures on the property. Anyone who lives in the neighborhood or drives to Santana Row, knows the congestion there already is [sic].

I live on Westridge Drive and frequently go to Santana Row and to Belmont Village assisted living to visit my mother. I feel I am very knowledgeable about the traffic jams I experience frequently especially on weekends. Sometimes it takes me 20 minutes (especially weekends) to go from my house to the entrance of the 17 freeway which should take me less than 5 minutes. Traffic is at a crawl.

When I visit my mom at commuter time and am driving from her building, it is hard to merge into traffic on Winchester. Fortunately, there are some polite motorists who will let me in. Then there are the holidays, Xmas and other vacations times [sic] where Valley Fair and Santana Row have many more visitors. It is truly a zoo. Even on regular days, it is next to impossible to find a parking space at Valley Fair and now Santana Row has reduced parking which is very frustrating. I would hate to see more traffic and Santana Row and Valley Fair suffer as people may decide not to face the traffic jams.

Response H2: Please note that Valley Fair is a separate property and not part of the proposed project. As noted above and discussed in Section 2.0 (page 9) of the DEIR, Santana Row is increasing parking on-site over current conditions.

Section 4.2 of the DEIR addresses all project level transportation impacts of the proposed project and Section 6.0 addresses the cumulative traffic effects of the proposed project combined with other existing and proposed development. Mitigation measures have been identified as required, when possible, to reduce project related traffic impacts.

Comment H3: Then one worries and I do especially for my mom and her fellow residents, **how will emergency vehicles maneuver the traffic jams and get help to them** (emphasis added by

commenter) or any other residents in the area or visitors to Santana Row. I see lawsuits coming if this should occur.

Response H3: A complete discussion of emergency vehicle access is provided in Section 5.0 (page 167) of the DEIR. As stated on page 167 of the DEIR, the Fire Department has the ability to preempt traffic signals to speed response times and, based on available data, there is little variation in travel times for Station No. 10 (located on Monroe Street) from month to month with an average travel time of 4.87 minutes for medical emergency calls in 2014.

Comment H4: Please pass my letter on to the planners and decision makers in City Hall. I hope the City will stop these projects before they create a mess that they will have to resolve in the future.

Thank you for considering my request to stop construction in this area.

Response H4: This comment is noted and will be included in the public record for this project.

I. RESPONSE TO COMMENTS FROM JOHN DOWLING, April 20, 2015:

Comment I1: Thank you for the opportunity to comment on the Draft EIR for the Santana Row Expansion Plan PDC13-050. I have couple issues [sic] I would like to talk about.

The first is Transportation. In the NOP for the EIR it was stated that Olsen Drive would be closed. “Olsen Drive will be reconfigured to terminate in a modified traffic circle just west of the existing theater building.”¹ In the Draft EIR, that has changed. In Section 2.1.8: “Olsen Drive will be improved with wider sidewalks, new paving and landscaping, and the addition of a dedicated valet stacking lane for inbound vehicles.”² Does this mean that Olsen will not be closed? Or is that still planned for some time in the future? The Transportation study did not include anything on closing Olsen Drive. During the study with the manual counters, Olsen had always been open to Hatton Road.

Response I1: Some minor changes were made to the proposed project since circulation of the NOP. The project description in the DEIR is correct. There is no future plan to close Olsen Drive.

Comment I2: The Draft EIR also does not mention that there is a three level parking garage inside Santana Heights, with over 600 spaces, that affects traffic on Olin and Olsen Drive during the peak evening hours.

This might have an effect on the Traffic Study.

Response I2: The traffic study is based on the total number of traffic trips generated by the project site. While the location of parking on-site could influence where cars enter the project site, specific existing parking garages were not required to be studied because the traffic would still be distributed on the same roadways around the project site. Furthermore, the traffic to and from the existing parking structures was captured in the traffic data collected for the Transportation Impact Analysis.

Comment I3: The Draft EIR mentions the Limited 323 line does not stop at Santana Row, “The nearest stops for the 323 Route are Kiley Boulevard and Bascom Avenue, which are not within walking distance.”³⁴ This is repeated in the Traffic Study. This is not true, the 323 makes a stop right in front of Santana Row.

Response I3: Since issuance of the NOP, the VTA has installed a bus stop at the eastern property line of Santana Row on Stevens Creek Boulevard for the Limited 323 line. The EIR will be revised to reflect the most current transit system. Please see Section 4.0 of this FEIR for the proposed text amendment.

¹ PDC13-050 NOP, Page 5

² PDC13-050 DEIR, Page 12

³ PDC13-050 DEIR, Page 38

⁴ Appendix A: Transportation Impact Analysis, Hexagon Transportation Consultants, Inc., Nov 2014; Page 11

Comment I4: The DEIR mentions several mitigations for intersections around the area of the project to handle the additional traffic. If the project is to have minimal impacts on traffic, the **project should be placed on hold until all traffic mitigations are completed.** (emphasis added by commenter)

Response I4: Consistent with City practice, all required mitigation measures will be in place prior to the issuance of occupancy permits for new buildings where the square footage is above that already approved under the existing Planned Development Permit.

Comment I5: Next is Water. We are in the fourth year of a drought, and I think that using reclaimed/recycled water for the all [sic] plants and shrubs on the property as well as the planned treating of stormwater runoff before dumping into the sewer should be done. This is not specified in the DEIR. Currently in the General Plan 2040, MS-3.2 states “Promote use of green building technology or techniques that can help reduce the depletion of the City’s potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water (emphasis from commenter) as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.”⁵ That should be done here. The idea is to **promote no net increase in tap water use for plants and shrubs** (emphasis added by commenter) in Santana Row.

Response I5: Santana Row already uses recycled water on-site and will continue to do so with the new proposed development. As discussed in Section 4.8, all development on-site is required to comply with the Regional Water Quality Control Board Municipal Regional National Pollution Discharge Elimination System permit and City Council adopted policies 6-29 and 8-14 for the treatment and discharge of stormwater into the storm drainage system.

⁵ General Plan 2040 for San Jose CA CH 3, page 6

J. RESPONSE TO COMMENTS FROM LUCA SARTORI, April 27, 2015:

Comment J1: I have recently acquired property in the KBHomes “Vicino” development, where I am planning to move in the near future. I appreciated the opportunity to review the DEIR for the new development, and I believe that overall it will make that neighborhood more attractive for residents in many ways. However, I also have concerns about the impact of the construction, and I would like to request that the city opts for Alternative B, characterized as the Environmentally Superior Alternative in Section 7

Response J1: It is acknowledged that the commenter recommends the City approve Alternative B which would allow a new parking structure and between 94,491 to 344,491 square feet of office space. As noted in the DEIR, Alternative B (the Redevelopment Alternative) does not meet all of the project objectives, particularly with regard to the location and number of jobs.

Comment J2: The main problem I can see is the impact on traffic during rush hour. The DEIR goes to great detail [sic] in assessing the additional load on existing thoroughfares, but perhaps does not capture entirely the fact that the peak traffic is concentrated in a short time, during which the planned narrow lane to the garage will be bumper to bumper. I believe that this peak would be a source of distress for the residents, particularly because it will relentlessly repeat itself every single day, twice a day.

Response J2: As discussed in Section 4.2.1.4 (page 40) of the DEIR, the transportation analysis is based on AM and PM Peak Hour (commute) traffic conditions. As further defined in the TIA (Appendix A, page v) the AM Peak Hour is generally between 7:00 and 9:00 AM and the PM Peak Hour is generally between 4:00 and 6:00 PM. Therefore, the traffic assessment did account for the narrow window of time in which commute traffic occurs. Commute conditions are used specifically because they represent the daily worst case scenario.

Comment J3: You comment that the 4 public transportation lines leading up to Santana Row are under utilized. This is perhaps because their stops are not placed conveniently to support the flow toward the offices and shopping area. Have you considered a few new stops, perhaps in front of the cinema, or at the opposite end of the Row? You may find shoppers and commuters are tempted by the convenience.

Response J3: This comment is acknowledged. It should be noted that the City of San Jose does not have jurisdiction over VTA bus routes or bus stop locations.

Comment J4: Lastly, as you list the objectives of the development, you mention Objective 6: “replace under utilized existing surface parking with...new parking structure of up to 5 stories above grade on Lot 9” and Objective 7: “relieve local vehicular traffic impacts...to encourage and expand alternative transportation”. However, these two objectives are in contrast with each other, because if you create substantial parking space you will demotivate visitors to use public transportation.

Response J4: The two objectives are not, in fact, contradictory to each other. The proposed parking structure is intended primarily to serve the proposed office development and secondarily to provide additional parking for peak use times on evenings and weekends. As the new development will increase traffic trips to/from the project site, another goal of the project is to try and reduce some of the estimated increase in traffic. This would be done by “providing bus and van drop-off lanes to encourage and expand alternative transportation and pedestrian access to the Planned Development” as specified in Objective 7.

Comment J5: To summarize, the Reduced Development Alternative (B) will mitigate all the impacts while achieving most of the objectives of the development, as you point out in your analysis. This is why I am recommending that you adopt it.

Response J5: This comment is acknowledged. Please see Response J1.

K. RESPONSE TO COMMENTS FROM MALCOLM SPENCER, May 3, 2015:

Comment K1: We recently attended the presentation of the Santana Row development plan at the Valencia hotel. Whilst we support the ongoing development of Santana Row and the next phase we have two major concerns that we believe warrants an amendment to the plan as shown.

Firstly, the proposal to build a five story parking structure at the south westerly intersection of Olsen and Hatton.

Secondly, the proposal to build an office block between Hatton and Santana Park.

We have the following environmental concerns with respect to those proposals as both an owner and resident of a property in Rialto Place, Vicino homes that directly faces the proposed parking structure.

Response K1: Please note that the project does not propose any development between Hatton Street and Santana Park nor is that property proposed to be incorporated into Santana Row. The proposed expansion property is located between Dudley Avenue and Hatton Street. No further response will be provided herein regarding development on the property between Hatton Street and the park. All other specific comments are addressed below.

Comment K2: 1. Pollution

Air quality due to traffic on 280 and 880 is already noticeably poor on days when there is low wind with a south westerly breeze. The location of the car park will increase the traffic within the living community and add to the pollution levels. As per the draft EIR, the full build out of the PD zoning would have a significant ROG, NOx, and PM10 operational air quality impact which is stated as a significant unavoidable impact. The document states “There are no mitigation measures available to reduce identified ROG, NOX, and PM10 emissions impacts to a less than significant level.” We disagree with that statement and believe that a repositioning of the car park to the outer perimeter of the development area would have a greater dispersment [sic] area for the air pollution, therefore improvements in planning of the site will have avoidable impact. The car park itself will have a large impact to the air pollution as vehicle emissions are greater upon start up. The properties at the eastern edge of the car park will suffer the most from this pollution. The properties in Rialto place already have a continual residue from pollution, the increase will likely reach unacceptable living levels.

Response K2: As discussed in Section 4.3.3.2, the PD zoning refers to the total development (full build out) on the project site, including already built and entitled but not yet constructed development. The operational emissions listed in Table 4.3-5 of the DEIR are not representative of just the proposed development on Lots 9 and 17 but of the emissions of the entire project at full build out. The net increase in operational emissions from the proposed increase in development would be as follows (see Appendix B of the DEIR, Tables 3 and 4):

Daily Operational Air Pollutant Emissions (Pounds Per Day)⁶				
Scenario	ROG	NOx	PM₁₀	PM_{2.5}
PD Zoning (Total Project)	213.6	197.4	125.1	36.2
Existing Built and Entitled	182.8	185.2	116.2	33.6
Net Increase	30.8	12.2	8.9	2.6
<i>BAAQMD Thresholds</i>	<i>54</i>	<i>54</i>	<i>82</i>	<i>54</i>

Annual Operational Air Pollutant Emissions (Tons Per Year)⁷				
Scenario	ROG	NOx	PM₁₀	PM_{2.5}
PD Zoning (Total Project)	38.99	36.03	22.83	6.60
Existing Built and Entitled	33.36	33.79	21.21	6.13
Net Increase	5.63	2.24	1.62	0.47
<i>BAAQMD Thresholds</i>	<i>10</i>	<i>10</i>	<i>15</i>	<i>10</i>

The proposed increase in development, by itself, would be well below the BAAQMD thresholds. The EIR must, however, look at the totality of the project which is why the impact determination is based on existing development, entitlement development, and proposed development, which together constitute the PD Zoning.

The placement of a parking structure in proximity to housing is not in and of itself an impact. The garage will be an open air garage and pollutants from auto emissions will disperse through all open sides of the structure. Furthermore, the dispersion of pollutants from the parking structure would not measurably vary from one side of the project site to the other. Lastly, criteria pollutant emissions are regional impacts and not a local issue from the generation source. Carbon monoxide emissions are the pollutant of most concern at the local level. As discussed on page 80 of the DEIR, the increase in local traffic generated by the project will not result in a significant increase in carbon monoxide emissions.

Comment K3: 2. Noise Impacts

The Santana Row parking structure project noise assessment dated June 2014 clearly shows that operational noise will have significant [sic] impact. Whilst the average noise levels highlighted in the report do not appear significant the regular occurrence of car horns and alarms, increased traffic and vehicles traveling at uncontrolled speeds along Hatton will negatively impact the environment. The proposal to mitigate with a solid barrier appears minimal and could be further enhanced with sound proofing.

Response K3: Section 4.5.2.3 of the DEIR states that normal operation of the proposed parking structure would result in noise levels of 54-59 dBA at the nearest off-site residential properties (on the east side of Hatton Street) and that the maximum instantaneous noise level would range from 63-71 dBA. These noise levels were found to be consistent with the existing noise conditions around Lot 9 where the parking structure is proposed. The maximum operational noise level of 59 dBA is within the City’s acceptable exterior ambient

⁶ Santana Row Expansion Project Air Quality and GHG Emissions Assessment, *Illingworth & Rodkin Inc.*, February 26, 2015.

⁷ *ibid*

noise levels for residential development (General Plan Table EC-1 and Table 4.5-2 of the DEIR). Because the proposed garage would not increase the daytime hourly average noise levels at the nearby residences and would not exceed the maximum instantaneous noise levels that result from current site operations and traffic the impact was found to be less than significant.

The proposed mitigation is not the result of standard operations of the parking structure. The mitigation is proposed to reduce maximum instantaneous noise levels from auto horns and car alarms outside of standard operating hours. The proposed mitigation, a solid wall on the eastern façade of the parking structure, would act as a sound wall and stop noise from car horns and alarms inside the parking structure from traveling east towards existing residences. If a solid wall is not constructed on the eastern side of the structure, parking limits will be implement for the two easternmost parking aisles. The mitigation would either effectively sound proof the eastern façade of the structure or would limit noise during the sensitive evening/night hours by limiting parking closest to the residences on the east dies of Hatton Street..

Comment K4: The alternative mitigation to limit hours of use for a portion of the garage are difficult to control and only avoid vehicles arriving outside the stated hours. Unless traffic flow is restricted the sound of moving vehicles will echo within the garage and the noise will deflect directly toward the eastern perimeter with significantly greater impact compared with the existing open parking structure. We therefore argue that this alternative mitigation is unacceptable.

Response K4: As discussed in mitigation measure MM NOI-1.1 (Section 4.5.5, page 103), the alternative mitigation would be enforced though the use of signs, gates, and/or moveable barricades. By prohibiting the use of the two easternmost parking aisles outside standard operating hours, the sound from car horns and alarms would be reduced and the project would not exceed the City's 55 dBA L_{eq} hourly average noise limit at the residential property lines. Given the proposed mitigation, the noise would not be significantly greater than existing conditions.

Comment K5: 2. Safety

The proposal to locate the garage opposite the Vicino homes and Misora properties with access from Olsen and Hatton will increase traffic on Olsen avenue and Hatton directly, but also increase the traffic using Sth. Monroe through Tisch as this is used as a short cut to link 280 and 880 users to Valley Fair.

Increased traffic along Olsen will also cause safety concerns at the crossing of Santana Row and the Cinearts cinema

Response K5: The increase in traffic on local roadways was addressed in the DEIR in Section 4.2 and Appendix A. While the proposed development on Lots 9 and 17 would likely increase traffic on Olsen Drive (within Santana Row), pedestrian crossings are clearly marked and signage is in place providing pedestrians with the right of way. Findings show that the proposed project will not result in a safety concern on Olsen Drive.

Comment K6: 3. Flood Zone

The extension of Santana Park along Hatton was billed as a flood zone prevention measure. The new plan includes a new office development on this green land.

Response K6: Please refer to Response K1.

Comment K7: We propose alternatives to the plan as follows:

Hatton and Olsen: We understood the original proposal for the area at the intersection of Olsen and Hatton was for a lower level office complex, this is less concerning from a pollution and safety perspective.

The concept of offices on the perimeter and cars directed into the center appears flawed. Underground parking with access from Tisch or Winchester would keep the traffic and subsequent noise disturbance from car doors, car alarms and car horns away from the heart of the community. The alternative would be parking on the westerly side of Winchester.

Response K7: The commenter's opinion on an alternative development proposal is acknowledged. Please note that the Santana Row project site does not include property on the west side of Winchester Boulevard, so no project uses could be proposed there. Please refer to Response K3.

Comment K8: Hatton and Santana Park: We were informed by KB Homes that the land adjacent to Rialto Place and Hatton was gifted to San Jose city to both extend Frank Santana Park and act as a flood zone. We encourage that this remains the plan as this Park is extensively used by the community.

Response K8: Please refer to Response K1.

Comment K9: In summary, we believe that the proposals are contrary to information available to owners of Vicino homes when the properties were purchased. The proposals will increase pollution, noise levels and create traffic hazards that are avoidable with improved planning. The noise and air pollution mitigation proposals are insignificant compared with the overall impact to the community.

Response K9: This comment is acknowledged. Please refer to the previous responses provided for this comment letter.

L. RESPONSE TO COMMENTS FROM PAOLA MONCINI, May 3, 2015:

Comment L1: As the owner of a new property on Rialto Place in the Vicino KB Homes development, I have various concerns and some suggestions after reviewing the DEIR for the planned development rezoning PDC13-050 at Santana Row. My concerns are about the planned destination for lots 9 and 17:

- Today, air quality degradation due to traffic on 280 and 880 is already poor on days when there is low wind. The location of the car park would increase the traffic within the community and cause significant ROG, NO_x, and PM10 operational air quality impact, essentially extending the car-caused pollution from the highway deep into the residential area. The DEIR indicated that there are no possibilities to mitigate this further degradation. As there are hundreds of families living in the area, between the Misora residence, the Vicino development, and prior built properties boarding on Vicino, we think that further degradation of air quality is unacceptable from a public health standpoint.

Response L1: Please refer to Response K2.

Comment L2: The noise impact of the new development will go hand-in-hand with increased pollution, per your noise assessment study dated June 2014.

Response L2: Section 4.5.2.3 of the DEIR states that normal operation of the proposed parking structure would result in noise levels of 54-59 dBA at the nearest off-site residential properties (on the east side of Hatton Street) and that the maximum instantaneous noise level would range from 63-71 dBA. These noise levels were found to be consistent with the existing noise conditions around Lot 9 where the parking structure is proposed. The maximum operational noise level of 59 dBA is within the City's acceptable exterior ambient noise levels for residential development (General Plan Table EC-1 and Table 4.5-2 of the DEIR). Because the proposed garage would not increase the daytime hourly average noise levels at the nearby residences and would not exceed the maximum instantaneous noise levels that result from current site operations and traffic, the impact was found to be less than significant.

The DEIR found a significant noise impact resulting from the maximum instantaneous noise levels from auto horns and car alarms outside of standard operating hours. The DEIR identified mitigation that would reduce this impact to a less than significant level.

Comment L3: We also heard about a plan to build office space in Santana Park – this is contrary to what we understand are prior commitments from the City of San Jose.

Response L3: Please note that the project does not propose any development on Santana Park nor is that property proposed to be incorporated into Santana Row. No further response will be provided regarding development on property east of Hatton Street.

Comment L4: My suggestions are the following:

1. Go for the “No Project Alternative” on page x of the March 2015 DEIR, which would still allow the development of Lot 17 into office space as in PDC10-018, and therefore provide an additional revenue stream to the City of San Jose.
2. Use Dudley Avenue as the access road to the new development, connecting it to a fire-access lane as in the map in the DEIR.
3. Extend the public transportation network serving the area diversity for example line 60 to go through Santana Row.

Response L4: The commenter’s suggestions for the development proposal are acknowledged.

Comment L5: Please put my name in your mailing list for future communications or community meetings.

Response L5: The commenter will be included in all future noticing for the proposed project.

M. RESPONSE TO COMMENTS FROM DAPHNA WOOLFE (PRESIDENT – WINCHESTER ORCHARD NEIGHBORHOOD ASSOCIATION), May 4, 2015:

Comment M1: This letter is in response to the DEIR for the Santana Row Expansion and represents the concerns of the Winchester Orchard Neighborhood Association (WONA).

We have several concerns, including the height of future buildings, parking as it relates to traffic back-ups, the loss of affordable housing, water resources and air quality concerns. Clearly this area simply does not have the infrastructure in place for all of the developments that are proposed in the Winchester corridor.

Response M1: Responses to specific issues are addressed below.

Comment M2: In terms of height, the current height of the Valencia Hotel is 90 ft. while the zoning does allow for 120 feet. In the current DEIR, Federal Realty is asking for a 135 ft. zoning for lot 9 and a 180 ft. height for lot 11. According to the 2040 General Plan, buildings must be consistent with the current “community character”. These new heights would double the height in the area and clearly do not meet the standard of blending in with the community. Additionally, as these buildings continue to grow in height, they will have a significant impact as they will have an adverse affect on the scenic vistas and the existing visual character. This is already evident by the loss of views for our senior community at the Belmont, as the building under construction will block their views on one side of the building. We ask that the new buildings are not allowed over the current zoning for the developed portion of Santana Row at 120 ft.

Response M2: The City assumes that the commenter meant to refer to Lot 17 in regards to the 180-foot building height, as opposed to Lot 11 which is already approved and currently under construction with a total building height of 90 feet. The 180 foot height proposed on Lot 17 is consistent with the development parameters allowed within the Regional Commercial land use designation. The 135 foot height proposed on Lot 9 is still consistent with the character of Santana Row and the nearby high-rise office and residential buildings to the south.

Scenic views and visual character are discussed in Section 4.6 of the DEIR. The project site is not located within a designated scenic area or adjacent to a City-designated scenic road, and therefore the development will not result in a significant impact to scenic resources. Furthermore, private views are not considered under CEQA.

Comment M3: With regard to traffic in the area, it is clear that traffic studies were only completed during residential commute times in the off-season. As anyone knows who is in this area, from November through the beginning of January our traffic patterns clearly change and always lead to gridlock, this affects the residents, the retailers who want to move more customers in, as well as response times for public safety vehicles.

Response M3: The traffic analysis presented in the DEIR is based on very specific methodology established by the Congestion Management Agency and the City of San Jose’s Transportation Level of Service Policy (Council Policy 5-3). As such, the traffic impacts are

addressed based on typical weekday peak hour traffic (i.e., commute hours). General seasonal holiday traffic does not represent standard operating conditions and is not addressed.

A complete discussion of emergency vehicle access is provided in Section 5.0 (page 167) of the DEIR. As stated on page 167 of the DEIR, the Fire Department has the ability to preempt traffic signals to speed response times and, based on available data, there is little variation in travel times for Fire Station No. 10 (located on Monroe Street) from month to month with an average travel time of 4.87 minutes for medical emergency calls in 2014.

Comment M4: Even through the current building under construction and the proposed new buildings will be primarily office space, this will certainly lead to further back-ups as approximately 2000+ cars will be parking for work each day. How can we be assured that there is adequate infrastructure for this type of traffic, especially during the holiday season when these parking spaces will be utilized for restaurant and retail customers? The DEIR states that “in lieu of fees” will be paid to the city, to mitigate traffic in other parts of the city, but not in our area. This does not follow the direction of the 2040 general plan or our elected officials who have stated that development should occur when the infrastructure is in place to handle the additional traffic and density. This is the reason that our area is in Horizon 3 in the Urban Village plan.

Response M4: As discussed in Section 4.4.2.5 of the DEIR, the project would impact four intersections. The in-lieu fees referenced by the commenter are identified as mitigation for two County Expressway intersections (San Tomas Expressway/Stevens Creek Boulevard and San Tomas Expressway/Moorpark). As discussed on page 67 of the DEIR, in-lieu fees are accepted by the County for intersections which have an identified improvement with a specific design, have completed environmental review, and have a funding mechanism for the collection of fair share fees. So, fees will be applied to improvements to these two County intersections.

The other two intersections are City of San Jose intersections (Winchester Boulevard/Stevens Creek Boulevard and Monroe Street/Stevens Creek Boulevard). Page 12 of the DEIR states the following:

“Based on the City of San José’s policies, an acceptable operating level of service is defined as LOS D or better at City controlled intersections. The City acknowledges, however, that maintaining a Level of Service D at major intersections which are built out to their maximum capacity is not always feasible. As a result, the City has designated certain intersections as “protected”⁸, thereby allowing new development that would increase congestion and decrease the Level of Service below City standards.”

Page 51 of the DEIR fully explains the City’s Protected Intersection Policy. Specifically, the policy states that “The LOS policy specifies that Protected Intersections consist of locations that have been built to their planned maximum capacity and where expansion of the

⁸ By definition, a protected intersection is an intersection that the City allows to operate below level of service D.

intersection would have an adverse effect upon other transportation facilities (such as pedestrian, bicycle, and transit systems). The policy acknowledges that exceptions to the City's LOS policy of maintaining a Level of Service D at local intersections will be made for certain Protected Intersections that have been built to their planned maximum capacity. 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." Potential improvements with the project area and adjacent neighborhoods could include traffic calming measures, streetscape features, improved pedestrian facilities, working with VTA to expand service, etc.

Per City policy, fees for offsetting improvements will be used to fund improvements in the immediate project area. The final improvements required will be identified by the City of San Jose, with community input, based on the traffic impact fees paid by the project. If the City Council chooses to add the Monroe Street/Stevens Creek Boulevard intersection to the protected intersection list, the project applicant will be required to construct off-setting improvements equivalent to the protected intersection fee for that intersection as well.

Comment M5: The affects of our long-term drought are profound and felt by all who live in San Jose. Just this past week, we were asked to conserve by 30%. So any negative affect on our water supply should be of major concern. As stated in this DEIR, there may be problems with excavation due to significant ground water issues. "Further development under the proposed PD zoning could interfere with ground water" and this was deemed a significant issue.

Response M5: The comment above actually refers to two separate issues, community-level potable water supply and shallow ground water on the project site. The availability of water supply is discussed in Section 4.13.2.2 (page 162) of the DEIR and in the Water Supply Assessment (WSA) prepared by San Jose Water Company (Appendix G of the DEIR). The WSA concluded that San Jose Water Company would be able to provide sufficient potable water supply to the proposed project, even considering drought conditions.

Section 4.7.3.2 of the DEIR discusses the potential impacts of shallow groundwater on future underground parking structures. Shallow groundwater is not used for potable water in San Jose. Specifically, the DEIR states:

" Planned excavation on Lots 9 and 17 would not extend near or below the current groundwater level, which has been determined to be between 45 and 60 feet below ground surface throughout the Santana Row development. Future development on other lots on-site could encounter free groundwater and/or wet soils depending on the depth of excavation. If excavation would reach groundwater levels, local dewatering or subgrade stabilization may be required. "

The DEIR identifies specific mitigation measures (page 116) to address the long-term stability of future structures on-site due to the geotechnical issues related to seasonal

variations in groundwater and regional rise in the groundwater table during the life of the structures.

Comment M6: Given that thousands of cars will be coming to work each day, our air quality will most certainly be affected. The 2040 General Plan EIR concluded that implementation of the General Plan would not reduce criteria pollutant emissions to less than significant levels. There are no feasible mitigation measures to reduce operational criteria pollutant emissions below BAAQMD thresholds. As a result, operation of the project would have a significant unavoidable long-term impact on local and regional air quality. The City of San Jose has worked hard over the past 30 years to clean up the air quality. This sets our gains in air quality backwards.

Response M6: The commenter is correct that the 2040 General Plan EIR identified significant unavoidable criteria pollutant emissions with full build out of the General Plan, which includes Santana Row. The commenter is also correct that full build out and operation of the proposed project (i.e., existing, entitled, and proposed development) would have a significant unavoidable criteria pollutant emissions impact as discussed in Section 4.3.3.2 (page 79) of the DEIR. These are regional impacts affecting air quality in the San Francisco air basin. They are not local impacts to the immediate project area. Please refer to Response K2.

Comment M7: In terms of affordable housing, the area covered by the DEIR is currently designated as a Horizon 3 Urban Village; therefore, Santana Row Expansion contractors may contend that Urban Village concepts contained in the San Jose General Plan are not applicable. We consider this an unacceptable assumption by the DEIR compilers, in view of the City's stated inclusionary housing goals for an Urban Village. San Jose's General Plan Goal H-2 (Affordable Housing) requires that planning "preserve and improve San Jose's existing housing stock". We realize that there is no intention to make this goal a codified mandate; however, since the proposed demolition of 47 units of affordable housing and replacement with a like number of market rate housing units at an undefined location clearly undermines the City's affordable housing goals of H-2, WONA requests that Sections 2.1.1, 2.1.7, and 3.2 of the EIR address the H-2 City goal. Section 4.1.2.1 (thresholds of significance) includes the following category: "Displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere". We request that the significance of this specific requirement be addressed in the EIR.

Response M7: It is unclear what "assumption" is discussed in the DEIR that contends that the project need not comply the Urban Village policies in the General Plan. The affordable housing goals in the General Plan apply citywide, not just to Urban Villages. Policy H-22 does encourage the City to "integrate affordable housing in identified growth locations and where other housing opportunities may exist." This policy applies to the preparation of Urban Village Plans and future development within Urban Villages with an approved plan.

The City's Inclusionary Housing Ordinance (Ordinance No. 28689) was planned to take effect January 2, 2013. The ordinance was, however, declared invalid on May 25, 2012 by the Santa Clara County Superior Court⁹. Implementation of the ordinance was placed on

⁹ *California Building Industry Association v. City of San Jose*, Case No. CV167289 ("CBIA").

hold pending appeal of this decision, first to the Court of Appeal and then to the Supreme Court. On June 15, 2015, the California Supreme Court issued its decision upholding the City's Inclusionary Housing Ordinance. The decision will become final in July 2015. Depending on the timing of implementation of the ordinance and the project's entitlements, the project may be subject to the inclusionary housing requirements if the project is a for-sale residential project.

Please note that the City is in the process of implementing an Affordable Housing Impact Fee (AHIF) Program (set to take effect July 1, 2016). Market-rate rental housing projects which are not grandfathered in (see details on the City's website <http://www.sanjoseca.gov/index.aspx?nid=3979>) will be required to pay a fee based on total square footage.

While the 47 apartment units on Dudley are older apartments, they are not classified by the City of San Jose as affordable pursuant to Assembly Bill 987 (2007).¹⁰ Therefore, the demolition of the existing market-rate apartments and the construction of 47 new market-rate units on the project site would not be inconsistent with General Plan Goal H-2. There is no additional discussion required in the EIR sections noted above.

A discussion of displacement of substantial numbers of people is provided on page 35 of the DEIR under Section 4.1.2.6. The current residents of the apartments on Lot 17 will have to find replacement housing elsewhere, but this is not a significant environmental impact because replacement housing will not be required to be constructed elsewhere. Furthermore, a project's social and economic effects are not evaluated under CEQA unless these effects are known to result in a physical change to the environment.

Comment M8: The bottom line for this area, infrastructure is not in place, nor is it planned for the Stevens Creek/Winchester area to become the "new downtown". Without a fully operational mass transit system in the works, this area will only continue to be gridlocked, with poor air quality, and street on the rest of the infrastructure. This does not help maintain the integrity of the current neighborhoods, as stated in the 2040 General Plan, nor does this bode well for retailers and businesses considering moving into this area. Gridlock, no access to affordable housing, stressed infrastructure, which we already have, benefits no one.

Response M8: This comment is acknowledged. Please refer to the previous responses to this commenter's letter.

¹⁰ City of San Jose, AB 987 Affordable Housing Database, <http://www.sanjoseca.gov/index.aspx?nid=1300> (accessed on July 6, 2015).

N. RESPONSE TO COMMENTS FROM BRIAN DARBY, May 4, 2015:

Comment N1: I am writing to express my concern about the ongoing development in the Santana Row area. I have sent other emails expressing specific concerns that I hope will be addressed in the revised EIR. In all honesty, I do not expect that to really happen. As many of the other individuals who live in this area, we have come to believe, possibly incorrectly, that becoming part of the planning process through writing letters, making phone calls, sending emails, and going to meetings is an exercise in utter absolute futility.

Response N1: This comment is acknowledged.

Comment N2: After reading through the EIR for the Santana Row development I've come to see some concerns that are somewhat addressed such as water usage, increased traffic, congestion, and strain on city resources such as fire and police. These topics are touched on by the EIR, but are, basically, and again this is only my judgement, neglected.

Response N2: It is unclear from this comment what deficiency the commenter believes the DEIR to have in regards to the aforementioned topics. The DEIR was prepared in accordance with the requirements of CEQA and the City of San Jose.

Comment N3: I do not understand the EIR process very well and in my discussions with planners at City Hall they don't fully understand it either. That does not bode well for my confidence if it is true. I know that this process is complicated, drawn out, and often the real important issues get lost in the minutia. I really believe that this is one of the reasons why the process is as complicated as it decreases public involvement, which seems to be an objective for some that are actively involved in this process.

Response N3: This comment does not raise a substantive issue related to the DEIR. It is acknowledged that the commenter has concerns about the CEQA process.

Comment N4: What the EIR does not deal with is the emotional trauma that many people go through when such huge developments take place near their home. The prospect of having a significant increase in traffic, noise, congestion, deteriorating infrastructure...etc. can be an overwhelming experience. I do not believe that the commission, city staff, or the city Council has really taken this into account on a fundamental level. That is not because you are mean or insensitive is because [sic] you are overwhelmed, have to deal with very complicated local city and state issues as well as a variety of stakeholders in any development of this size. So I understand the propensity of not dealing with the "messy" issues that cannot be objectively quantified. The problem is the things that make us human beings and make a home a home are those "messy" things that I hope are never "quantified".

Response N4: The intent of CEQA is to analyze the physical effects of a proposed project on the environment. There is no mechanism under CEQA to address the "emotional" effects of development on the general public. Non-environmental related concerns of private citizens are considered separately as part of the planning projects by City staff or City Council representatives.

Comment N5: I am concerned with the increase in development of Santana Row will be met with the same “rubber stamp” public hearings that I witnessed at both the City Council and the planning commission when the large office building being erected right next to the retirement community came before these two city entities. The planning commission and City Council seem to spend more time dealing with minor projects which will only have a small impact on a very small group of people and spend little time really asking that hard questions [sic] of the developer when a large project with a firm that is well-liked are merely formalities.

Response N5: The commenter has provided no specific comment related to the environmental analysis in the DEIR. This comment is noted.

Comment N6: I’m concerned that there is a type of systematic favoritism of these large developments, but that is only an anecdotal observation so I admit I could be completely mistaken. The developers of Santana row with the increase density have significant impact not only on a local but on a regional level. With the increased development along the Winchester corridor which does not have the capacity to sustain such development I have grown more concerned with the danger to the communities that already exist along this corridor. Again, I could be mistaken about this, but I’ve heard that there is a possibility that the four story limit on development in certain areas might be changed to a project by project basis were basically the sky is the limit. It is clear that there will not be any significant upgrade to Winchester within the next decade, possibly the next 20 years. I discussed this issue with two city planners and got the idea, again, I could be wrong, that there was no real city wide desire to upgrade Winchester in any significant way. That was not specifically stated it seemed to me that this was a way to force people to ride public transit, walk, or ride a bike to local areas. Anybody who has ridden or walked in this area understands that it can literally kill you if you are not extremely careful because of the increased traffic and lack of traffic enforcement on the part of San Jose law enforcement. This is another issue that will not be dealt with in the near future, i.e. the next 5 to 15 years.

Response N6: The commenter has provided no specific comment related to the environmental analysis in the DEIR. The commenter’s opinions regarding roadway capacity, height limits, and roadway safety are acknowledged. Please note that no improvements or expansion of Winchester Boulevard was assumed in the TIA.

Comment N7: I respectfully request that the commissioners and the Council has the hard questions of federal realty in any of the other larger developers [sic]. Federal Realty is an excellent organization and may have answers to these questions that none of us have thought of but they are a business and the not going [sic] to offer answers to questions that are not asked during this process. I have no problem with that because that is their job to keep costs low and productivity high and generate income that’s the purpose of any business. It falls on the city manager and elected officials to steer this process in a way that is balanced and deals with all “stakeholders” concerns.

Response N7: It is unclear from this comment what questions the commenter feels have not been addressed. The commenter has provided no specific comment related to the environmental analysis in the DEIR. This comment is noted.

Comment N8: I again encourage you to watch the Council and planning commission meetings with the final approval was given [sic] to federal Realty to build the increased office space now under construction. Two things really stuck out to me one was the idea that people who live in a semi-independent retirement community can simply just move if they don't like the construction that is going on around them. I can tell you from personal experience working with the elderly over 30 to 35 years in my career that moving can be a death sentence for a person who has resided in an area for a long time or is in failing health.

The other situation that really troubled me was the lack of questions concerning traffic along Winchester and Stevens Creek, any questions concerning VTA ridership, bicycling, or walking to get to this office building were not discussed. These are three key planks in the 2040 plan yet they are not monitored or in any way looked at to see if the urban Village concept is even working in this area. I mean in my experience city leaders cannot even accurately define what an urban Village is. I find that even more troubling.

Response N8: The commenter has provided no specific comment related to the environmental analysis in the DEIR. This comment is noted.

O. RESPONSE TO COMMENTS FROM JIM TOAL, May 6, 2015:

Comment O1: The purpose of notifying the public regarding such a project is to seek input from those possibly impacted by the construction and completed buildings, and to try and eliminate or mitigate their concerns. Adding 510,000 square feet of office space to Santana Row would, using the general rule of 125 to 225 usable square feet of office space per person, add between 2266 and 4080 persons. Assuming that most would drive to the office, the expansion would add that many cars to Tisch and Monroe. That is a lot of traffic, noise and pollution affecting the homeowners on Monroe. They were not notified of the expansion.

I suggest that the zone of notification be expanded to include the nearly 270 homeowners on Monroe, Villa Centre Way, Hemlock, Monroe Terrace, Genevieve, and Daniel Way. I suggest that any decisions regarding this project be made only after they have had a chance to comment.

It would be disingenuous not to do so.

Response O1: Notices for the Community and EIR Scoping Meeting were sent to property owners within 1,000 feet of the project site per the City's Public Outreach Policy (Council Policy 6-30). The noticing radius included homeowners along Monroe Street, Villa Centre Way, Hemlock Avenue, and Monroe Terrace. Some homeowners on Genevieve Lane and Daniel Way did not receive mailed notices because they are located more than 1,000 feet from the project site. The Notice of Availability was advertised in the Mercury News, the City's website, and was e-mailed to people who gave their e-mail address during the Community and EIR Scoping Meeting on February 27, 2014 and during the workshop for the Valley Fair/Santana Row Urban Village on March 11, 2013.

Comment O2: Adding 510,000 square feet of office space to Santana Row would, using the general rule of 125 to 225 usable square feet of office space per person, add between 2266 and 4080 persons. Assuming that most would drive to the office, the expansion would add that many cars to Tisch and Monroe. That is a lot of traffic, especially between 5:00PM and 6:00PM when most would be heading home.

Traffic will back up for blocks on Monroe and Tisch making it nearly impossible for Engine 10 to respond adequately to emergencies. The Planning department recognizes this with their "protection" clause but does not offer a solution.

Response O2: Per the Envision San Jose General Plan (Appendix G), the City estimates approximately 300 gross square feet of office, retail, or industrial space per employee. Using this formula, the proposed 510,000 square foot office expansion would have about 1,700 employees.

Section 4.2 and Appendix A of the DEIR fully addresses the traffic impacts of the proposed project. As discussed in Section 4.2.1.4 (page 40) of the DEIR, the transportation analysis is based on AM and PM Peak Hour (commute) traffic conditions. As further defined in the TIA (Appendix A, page v) the AM Peak Hour is generally between 7:00 and 9:00 AM and the PM Peak Hour is generally between 4:00 and 6:00 PM. Therefore, the traffic assessment did

account for the window of time in which nearby residents would likely be commuting to/from work. The TIA estimated 761 AM Peak Hour trips and 683 PM Peak Hour trips (Table 4.2-9, page 56).

The protection of the Monroe Street/Stevens Creek Boulevard intersection is proposed because there is no feasible mitigation measures that would reduce the project's impact under background conditions which include existing traffic, project traffic, and traffic from approved but not yet constructed development. This is due to the lack of available space for physical expansion of the intersection. It should be noted that under existing conditions, the proposed project would have no impact on the Monroe Street/Stevens Creek Boulevard intersection.

Emergency response times are discussed in Section 5.2, page 167 of the DEIR. The analysis found no impact to fire protection services as a result of the project. Please refer to Response M3.

Comment O3: I suggest that Santana Row be permitted to build out the remaining parcels which includes a 69,491 square foot, seven-story office building on Hatton near Olsen, and 228,000 square feet office space on other lots within the current boundaries. This would allow for the intersection at Monroe/Stevens Creek to have a C Level of Service and ensure Engine 10's response time. The addition of 510,000 should not be permitted [sic].

Response O3: Please note that as shown in Table 4.2-8 of the DEIR (page 54) the Monroe Street/Stevens Creek Boulevard currently operates at LOS C in the AM Peak Hour and LOS D in the PM Peak Hour.

The commenter's opinion that the City should only allow build out of the existing office entitlements is noted.

Comment O4: The intersection at Winchester/Stevens Creek has been given a new classification called "Protected". It means that the Level of Service is an F and the city does not plan on fixing it. The Planning Department did not foresee how successful Santana Row would be. The mistake they made is excusable. However, with the proposed addition of 510,000 square feet of office space, the Planning Department knows that the Monroe Avenue/Stevens Creek Boulevard intersection is completely built out and the Level of Service will drop to an F. The same is true for the Tisch/Winchester intersection.

Response O4: The addition of the Winchester Boulevard/Stevens Creek Boulevard intersection on the City's protected list occurred in 2005 because the intersection is completely built out and there are no feasible physical improvements to increase capacity. It should be noted that under background plus project conditions, the Tisch/Winchester intersection will operate at LOS C in the AM Peak Hour and LOS D in the PM Peak Hour, not LOS F, and is consistent with the City's acceptable LOS operations standard.

Comment O5: Acting with full knowledge that intersections will be rendered hopeless is a delinquency of duty.

Response O5: Pursuant to Section 15091 of the CEQA Guidelines, a lead agency may approve a project with one or more significant impacts if “specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” Therefore, the decision makers could approve the proposed project, even with the significant traffic impacts, if they find that the social and/or economic benefits of the project outweigh the impacts.

Comment O6: I suggest that Santana Row be permitted to build out the remaining parcels which includes a 69,491 square foot, seven-story office building on Hatton near Olsen, and 228,000 square feet office space on other lots within the current boundaries. This would allow for the intersection at Monroe/Stevens Creek and at Tisch/Winchester to have a Level of Service C.

The addition of 510,000 should not be permitted [sic].

Response O6: Please refer to Response O3.

Comment O7: Using the general rule of 125 to 225 usable square feet of office space per person, adding 510,000 square feet of office space to Santana Row would add between 2266 and 4080 persons. Most of these people will drive their cars. The proposed five-story parking lot will have 1275 parking spaces. Where will the at least 1000 other cars park?

Response O7: It is unclear what source the commenter utilized to estimate the number of persons that would occupy the proposed office development on Lot 17. Per the General Plan, the City estimates 300 square feet of gross floor area for retail, office, and industrial space per employee. Nevertheless, the proposed project is a PD Zoning which allows for variation in the parking requirements. Through the required Transportation Demand Management program, some future employees will likely utilize alternative modes of transportation, ride shares, and/or telecommute. In addition, other parking is available within Santana Row which is not fully utilized during daytime business hours. As a result, there will be sufficient parking for the proposed project.

Comment O8: I suggest that Santana Row be permitted to build out the remaining parcels which includes a 69,491 square foot, seven-story office building on Hatton near Olsen, and 228,000 square feet office space on other lots within the current boundaries. The proposed parking structure would be sufficient to service that additional square footage.

The addition of 510,000 should not be permitted [sic].

Response O8: Please refer to Response O3.

Comment O9: Using the general rule of 125 to 225 usable square feet of office space per person, adding 510,000 square feet of office space to Santana Row would add between 2266 and 4080 persons. Assuming that most would drive to the office, the expansion would adversely impact homeowners on Monroe and branching streets. This may be inevitable.

However, these homeowners should not have to suffer the noise, pollution, and traffic related to the construction. All construction traffic should access the building site from Winchester Boulevard and exit the site on Dudley Avenue and must turn right or in a westerly direction onto Tisch Way. No construction traffic should be permitted on Monroe.

Response O9: If the project is approved, and at the time the applicant applies for construction permits, City staff will coordinate with the applicant on truck routes for future construction projects. The commenter's suggestion regarding truck routes is acknowledged.

Comment O10: The first phase of Santana Row included refined architectural design and helped make it a popular designation. Subsequent construction of the apartments was done when Federal Realty was under financial duress and the character of the buildings suffered. City policy CD-1.12 requires building design to reflect the unique character of a specific site. City policy CD-4.9 ensures the design of new construction is consistent or complementary with the surrounding neighborhood.

I propose the new development should match the unique character of the original Santana Row buildings and not the apartment buildings constructed when Federal Realty was under financial duress.

Response O10: The commenter's opinion and suggestion regarding building design are acknowledged.

Comment O11: The rezoning includes the addition of a five story parking lot and does involve cutting down some trees of significant size. Policy MS-21.6 requires the planting of street trees to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines. Going further policy CD-1.23 requires new development to plant and maintain trees at appropriate locations along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian areas.

To comply with these policies and to allow for new trees planted to someday actually replace the large, old trees removed, the sidewalk on the West side of Hatton should be widened to equal the sidewalk width on Olsen.

Without a wider sidewalk, pedestrian will have a narrow strip between the street and a ten foot tall slab of concrete wall. This is the primary access to the park and in view of townhome residents. It should not be neglected or treated like an alley way.

Response O11: It is assumed that the commenter is referring to the narrow sidewalk along the east side of the Dudley Apartments which is on the west side of Hatton Street. If the project is approved and Lot 17 is redeveloped, the sidewalk along that property will be replaced with a new sidewalk and landscaping consistent with the new sidewalk and landscaping along the west side of Lot 9, which was part of the extension of Hatton Street to Tisch Way. All new sidewalks and landscaping must meet City standards.

P. RESPONSE TO COMMENTS FROM THE VILLAS HOA, May 7, 2015:

Comment P1: The following comments to the Draft Environmental Impact Report, Santana Row Development Rezoning, dated March 2015, SCH # 2013122059, are submitted by Villas at Santana Park Homeowners Association (hereinafter referred to as “the Villas” or “the Association”). The project is referred to as PDC 13-050. The Villas at Santana Park Homeowners Association is a common interest development consisting of 124 single-family homes near South Monroe Street and bordering Hemlock Avenue and Villa Center Way in the City of San Jose. The Association is the closest multi-unit housing project to the intersection of South Monroe Street and Stevens Creek Boulevard. As will be stated in detail below, the residents of the Villas have only two paths of ingress and egress to their homes, to wit: the intersections of South Monroe Street and Stevens Creek Boulevard which leads to the entrance at Villa Center Way and, further away from the entrance to the Association, the intersection of Tisch Way and Winchester Boulevard. Both of these intersections will be severely impacted by the proposed major development of Santana Row. For this and other reasons stated, the owners of the homes within the Association strongly object to the conclusions of the Draft Environmental Impact Report (hereinafter referred to as “the DEIR”) and the proposed development which the DEIR purports to support. The following comments to the DEIR are meant to follow the headings and subtitles utilized in the DEIR.

Response P1: Please refer to specific responses to comments below.

Please note that the DEIR does not “support” the proposed development. The DEIR is an informational document that analyzes the effects of the proposed project in compliance with CEQA.

Comment P2: DEIR Preface: The preface of the DEIR states the legal justification for an EIR and the City mandates that require such an involved study. The document states “The purpose of this Environmental Impact Report (EIR) is to inform decision makers and the general public of the environmental effects of the proposed project... This EIR has been prepared as part of the supplemental environmental review process needed to evaluate the proposed project in terms of the overall development envisioned in the San Jose 2040 General Plan.” (See Preface, DEIR). The Villas could not agree more with the above-stated criteria. The EIR is supposed to, among other things, inform decision makers of the environmental effects of the proposed project. These environmental effects are of significant importance to the residents of the Villas, recognizing that the effects may well involve their health and safety, enjoyment of their property and property values.

It has come to the attention of the Villas that the legal process that is instituted by the EIR in the approval of a major project is possibly being circumvented and/or ignored. The process generally would be the publishing of the final EIR after public input; a fair and considered review by the Planning Commission of the proposal including the EIR and public input; a fair and impartial hearing and review by the City Council, which would also involve public input. One local resident has received an email communication from Councilmember Pierluigi Oliverio, dated May 6, 2015, which completely undermines the process and basically makes the public input to the EIR and the proposed project as a mere sham and in violation of public and State law. Mr. Oliverio stated:

“When Santana Row was approved the intention was that every surface parking lot would go away over time and a building would go on top with parking underneath. The current proposal is to reduce the housing and add more jobs. If you happen to have read the newspaper editorial last week, San Jose needs more jobs, which in turn provides the tax base to pay for police. Santana Row is helping this goal without public subsidy, unlike Downtown which had \$2 billion subsidy [sic]. I am supporting the expansion of jobs as I would prefer San Jose residents that have a choice of working in their own city versus doing what so many do, and that is drive up the peninsula for work. There will be more people and more cars but the city planning staff believes it to be manageable” (the email will be provided upon request)

The Villas is most distressed by these comments, notwithstanding the unsupported off-hand assumptions stated by the Councilmember that have little to do with the environmental impacts the proposed project may create. If the Councilmember, whose district includes Santana Row and the Villas, has already decided to approve the project, without benefit of a final EIR; without benefit of the Planning Commission heading with public comment considering the matter; and, without the benefit of a full and fair hearing before the City Council with public input, there is little reason to ask for public comments on the proposed EIR except to satisfy State law in name only. We do not believe that “jobs” as used by the Councilmember is a criterion to be considered in the EIR and nowhere in the document is there a discussion of the jobs that may be created by the proposed development except apparently in the 2040 General Plan. We certainly hope that Mr. Oliverio does not represent the attitude of the entire City Council as his comments clearly violate the law and the spirit of the EIR as required by CEQA. Nevertheless, in an effort to comply with the legislative intent, the Association submits the following brief comments re: the conclusions as contained in the DEIR.

Response P2: As the email in question was not readily provided with the comment letter, there is no context to the statements made in the email and what they were in response to. Nevertheless, the concept of increasing jobs within the immediate project area is consistent with the planned growth identified in the 2040 General Plan and the Santana Row/Valley Fair Urban Village. In addition there are seven independent Planning Commissioners and 11 independent City Council members (including the Mayor) who will be making a determination on this project. A statement in support of, or in opposition to, a project prior to a formal public hearing by an elected official is not uncommon. No one person can approve the project or alter the process.

Jobs are not considered in the EIR other than in discussion of the City’s jobs/housing balance but by definition, new retail and/or commercial/office development would provide more opportunities for jobs. Jobs can be used to determine if the benefits of a project outweigh the impacts.

Comment P3: Transportation: The DEIR’s proposed conclusions on traffic and transportation are supported by a report prepared by Hexagon Transportation Consultants, Inc. for Federal Realty Investment Trust dated November 12, 2014. That report has concluded, and that conclusion is listed in the summary of the DEIR’s results, that the S. Monroe Street/Stevens Creek Boulevard intersection will be significantly impacted by the proposed development. The further conclusion is

that the proposed project will have significant but unavoidable impact [sic] and, therefore, it is recommended that the intersection be added to the City's list of "protected" intersections. While the Villas will question at the appropriate time whether or not the conclusion is legally sustainable, it is at best callous and insensitive and totally ignores the rights of the residents of the Villas and the other further states [sic]: "Therefore, delays at the intersection will increase as approved and planned development proceeds in the area. It is likely that delays experienced by drivers that travel through the intersection will result in an adjustment of travel patterns to use alternate routes and displacement of traffic to surrounding roadways." This statement borders on the incredulous. What alternate routes? The DEIR makes it clear that there are no alternate routes for the residents of the area other than the Tisch/Winchester intersection. The assumption is without actual fact and can certainly not be used to justify designation as a "protected" intersection.

Response P4: The statement in question is based on the observation of traffic patterns. Furthermore, the statement refers to all persons traveling through the intersection, not just people who live in the Monroe neighborhood. This statement was not, however, used as the basis for the conclusion in the DEIR. Page 12 of the DEIR states the following:

"Based on the City of San José's policies, an acceptable operating level of service is defined as LOS D or better at City controlled intersections. The City acknowledges, however, that maintaining a Level of Service D at major intersections which are built out to their maximum capacity is not always feasible. As a result, the City has designated certain intersections as "protected"¹¹, thereby allowing new development that would increase congestion and decrease the Level of Service below City standards."

Page 51 of the DEIR fully explains the City's Protected Intersection Policy. Specifically, the policy states that "The LOS policy specifies that Protected Intersections consist of locations that have been built to their planned maximum capacity and where expansion of the intersection would have an adverse effect upon other transportation facilities (such as pedestrian, bicycle, and transit systems). The policy acknowledges that exceptions to the City's LOS policy of maintaining a Level of Service D at local intersections will be made for certain Protected Intersections that have been built to their planned maximum capacity. The DEIR does not make a case to protect the intersection, rather it explains it will have to be protected if the project is approved.

Comment P5: Again, the Hexagon report projects an additional 5,415 daily trips for the two intersections {Hexagon report (p. vi)} and no logical person could assume that the S. Monroe Street intersection could handle even a small portion of these daily trips. In fact the report found that S. Monroe Street currently services 6,600 daily vehicles and that the proposed development would add an additional 2,532 daily vehicles (Hexagon report p. 70). As the street is already rated at LOS-D, there can be little doubt that the proposed project expansion would render the street hopelessly below the City minimum rating.

¹¹ By definition, a protected intersection is an intersection that the City allows to operate below level of service D.

Response P6: The daily trips noted in the Transportation Impact Analysis (TIA) would be disbursed throughout the local transportation network. Neither the TIA or DEIR found that every traffic trip generated by the project would travel through the Monroe Street/Stevens Creek Boulevard and Tisch Way/Winchester Boulevard intersections. This would be an unreasonable assumption based on the fact that traffic would also travel west and north from the project site (east and south to the site).

As noted by the commenter, under existing conditions, Monroe Street carries 6,630 traffic trips per day between Scott Street and Hemlock Street. As defined by the City of San Jose, connector streets such as Monroe Street can support an average daily traffic volume of up to 16,000 trips (DEIR Section 4.4.2.6, page 64). Therefore, the current traffic on Monroe Street is well below the daily volume capacity of the roadway.

It should be noted that the LOS referenced in the comment refers to the Monroe Street/Stevens Creek Boulevard intersection, not Monroe Street. Under existing conditions, the Monroe Street/Stevens Creek Boulevard intersection operates at LOS C in the AM Peak Hour and LOS D in the PM Peak Hour. With the addition of project traffic to the existing condition, the intersection would continue to operate at LOS C in the AM Peak Hour and LOS D in the PM Peak Hour (Table 4.2-8 of the DEIR). Under background plus project conditions the intersection degrades to LOS F in the PM Peak Hour. It would still operate at an acceptable LOS D in the AM Peak Hour.

Comment P7: The Hexagon report (p. vi) again states: “If a development project has significant traffic impacts at a designated Protected Intersection, the project may be approved (emphasis added) if offsetting Transportation System Improvements are provided to other parts of the Citywide transportation system or that enhance non-auto modes of travel to the community near the Protected Intersection in furtherance of the General Plan goals and policies.” The authors then state five potential improvements that could justify designating the subject intersection as protected. We will briefly comment on each of these hypothetical improvements, at least hypothetical as to the Association’s knowledge, as none of them are being made a pre-condition of the proposed approval of the expansion project.

Response P7: None of the possible improvements that the City could consider for the local community as a result of protecting the Monroe Street/Stevens Creek Boulevard intersection are proposed by the project or listed as conditions of project approval because it is the City’s process to take input from all stakeholders, including local residents, on what improvements would be of the most benefit and then make a determination based on available funds.

Comment P8: The potentially qualifying improvements are summarized as follows:

1. Traffic calming measures such as traffic circles, chokers, treewells, chicanes, and permanent driver feedback radar speed traps. It does not take an expert to realize that none of the measures in this suggestion would be applicable to the S. Monroe Street intersection. It would be amusing to say the least to see a traffic circle installed at one of the busiest and most congested intersections in the City, one that is fed from a major street and busy freeway.

Response P8: It appears that the commenter has misunderstood the intent of the Protected Intersection policy. The possible improvements would not be implemented at the intersection in question. As is explicitly stated in the DEIR, the significant unavoidable impact to the Monroe Street/Stevens Creek Boulevard intersection is a result of the fact that there are no feasible physical improvements to expand the intersection. The possible improvements, particularly traffic calming measures, would be implemented in the surrounding neighborhoods.

Comment P9: 2. Street and median trees and neighborhood entry features. It is hard to imagine that the addition of trees in this area would provide any traffic relief.

Response P9: This comment is noted. It should be noted that street trees enhance the pedestrian experience.

Comment P10: 3. Improved pedestrian crosswalks. The Association would always be in favor of improved crosswalks, but the addition of same would do nothing to improve traffic. If anything crosswalks would encourage more drivers to park on S. Monroe Street and then walk across Stevens Creek Boulevard to Valley Fair. This would have to be considered contributing to the deterioration of the traffic impact rather than as help.

Response P10: As the commenter correctly noted in Comment P7 above, 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 to the community near the Protected Intersection. This improvement, as well as the improvement listed in Comment P9, are clearly intended to enhance non-auto modes of travel.

Comment P11: 4. Working with VTA to expand existing bus service. While this is a noble consideration, there is no evidence that such an effort would be possible or within VTA's budget in the near future. Furthermore, the use of VTA bus service is not likely to reduce the traffic generated by the workers or visitors employed in half a million extra square feet of office space. The Hexagon report itself estimated that the additional bus trips that such service may generate would be less than 50 per day.

Response P11: The City would like to refer the commenter to the VTA's comment letter (Letter B) which describes the VTA's planned transit improvements for the Stevens Creek corridor and their request to coordinate with City staff on these improvements as part of the planning process for the fees collected as a result of the protected intersections in the project area.

The estimate of transit ridership is based on the existing transit service. Expanded service which provides greater connectivity would likely increase ridership.

Comment P12: 5. Traffic studies along Stevens Creek Boulevard to better serve traffic flow as well as transit and pedestrian/bicyclists. We were under the impression that the Hexagon report was such a traffic study and yet the authors have come up with no feasible suggestions that would alleviate the S. Monroe Street issues.

Response P12: The TIA prepared by Hexagon Transportation Consultants was prepared specifically to address the impacts of the proposed project. The traffics studies proposed would be different in that they would assess the existing traffic environment to identify improvements to all modes of transportation that could benefit the local community regardless of project impacts.

As discussed in Section 4.2 and Appendix A of the DEIR, there are no feasible mitigation measures to reduce the project's impacts to the Monroe Street/Stevens Creek Boulevard intersection.

Comment P13: As to the inclusion of bicycle lanes, such as on Lincoln Avenue and Hedding Street, would create a traffic disaster of historic proportions. And there is simply no evidence whatsoever that either the workers in the newly constructed 510,000 square feet or shoppers headed for Santana Row or Valley Fair would be inclined to bike to their destination. Even if there were a few hearty, brave persons who would do so, it would hardly make an impact on a congested intersection.

Response P13: The City acknowledges the commenter's opinion that the addition of bicycle lanes would affect traffic and that their installation would not guarantee usage.

Comment P14: When one considers the above criteria as potentially justifying the addition of S. Monroe Street/Stevens Creek Boulevard to the protected list, one can easily conclude that there are no justifying criteria that would legally allow such an inclusion. The report seems to say that notwithstanding the total lack of evidence to support the inclusion in the protected category that the City should proceed to do so without substantial factual and legal support.

Response P14: Please refer to the responses above.

Comment P15: Finally, the Association would point out the DEIR and Hexagon stated that there were no feasible capacity improvements. There is no definition of the word "feasible". Does that mean that there is simply no matter in which the intersection could be reconfigured or made better or does it mean that there is no method that would be fiscally attractive to Federal Realty Investment Trust in constructing the project? As the City would not be paying for any radical improvements to the intersection and surrounding area, but could well impose significant requirements for approval of the project, the City should mandate that all possibilities be considered. For example, the DEIR concludes as a matter of fact that because the intersection is built out there are no feasible improvements. This statement was obviously based on thinking in a single, level plane. Why not consider a fly-over for the intersection, as is often found in San Francisco, Boston, New York and other major cities with significant traffic and congestion issues? Why not consider an underpass. Perhaps such solutions are not possible but should not the DEIR at least consider them? Or perhaps the decision-makers are too cautious to propose such expensive solutions to a difficult problem. We would submit that the decision makers should not be shy to propose out-of-the-box solutions. Federal Realty has already invested hundreds of millions into Santana Row, is proposing to invest additional hundreds of millions of dollars and has no doubt already profited hundreds of millions of dollars. The cost of an elevated solution should not be off the table but rather considered in the DEIR. It is not acceptable to simply conclude that there are no feasible alternatives without investigating the possibilities.

Response P15: The determination made by the City that there is no feasible mitigation for the Monroe Street/Stevens Creek Boulevard intersection is based on numerous traffic studies of the project area as well as physical limitations, due to the intersections proximity to the Highway 880 on and off ramps and the surrounding development. There is not sufficient land available to add lanes, or construct a fly-over or underpass. Furthermore, these types of auto-oriented improvements would conflict with adopted General Plan Policies aimed at improving multi-modal (i.e., pedestrian, bike, and transit) transportation options in the City.

The CEQA Guidelines Section 15364 define feasible as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.”

Comment P16: Villas at Santana Park Homeowners Association respectfully requests that the DEIR be sent back for further study to further include solutions to an intolerable traffic situation. Particularly since the situation is likely to worsen as Valley Fair, the Century Theater project, and additional sections of Santana Row that are now parking areas are developed. It is a simple economic principal that a solution proposed now at great expense will likely appear to have been an inexpensive one in the future when even more dramatic solutions will be needed. The situation can only get worse. Lets find an acceptable solution now, at any cost, rather than rubberstamp another developer proposal based on an assumption of more jobs.

Response P16: As previously stated, the Monroe Street/Stevens Creek Boulevard intersection has been studied in numerous traffic assessments over the years for various projects. No feasible solution to expand the capacity at this intersection exists. It should be noted that the cumulative impacts of the proposed project with other nearby reasonably foreseeable projects are addressed in Section 6.0 of the DEIR.

Comment P17: Air Quality: The portion of the DEIR discussing Air Quality begins on page 69. On page 80 of the report, it clearly states that a full build out of the PD Zoning would have a significant ROG, NOx and PM10 operational air quality impact. It further states that carbon monoxide from traffic generated by the project would be the pollutant of greatest potential to cause harm at a local level. Congested intersections with a large volume of traffic have the greatest potential to cause high-level concentrations of dangerous pollutants. The section then concludes that based on information contained in the transportation section of the DEIR, that the residential streets would not suffer increased traffic to such a level that dangerous conditions would exist. This is a dangerous conclusion.

Section Impact AIR-1, p. 80 states that 10,000 traffic trips would be the trip point for concluding that there will be dangerous emissions. The DEIR, as stated above has already concluded that the S. Monroe Street intersection has currently 6,600 trips and that 2,532 are likely to be added by virtue of the proposed project. This totals 9,132 trips, dangerously close to the above danger point. And these are just estimates. Keeping in mind that the Association is the closest grouping of homes to the subject intersection, The City should not risk the health and safety of its residents without further mitigation. Particularly as there is likely to be further impact from the continuing expansion of Santana Row, the planned expansion of Valley Fair, and the development of the Century Theaters

project. The Association is further concerns over the increase in pollutants that will be thrust upon them.

Response P17: The first statement in this comment that full build out of the PD Zoning would have a significant ROG, NOx, and PM10 operational air quality impact is correct. The statements about carbon monoxide are, however, not technically correct. Page 80 of the DEIR specifically states:

”Carbon monoxide emissions from traffic generated by the project would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high-localized concentrations of CO.”

The DEIR then states that:

”BAAQMD (refers to the Bay Area Air Quality Management District) screening thresholds indicate that a project would have a less than significant impact to CO levels if project traffic would not increase traffic levels at any affected intersection to more than 44,000 vehicles per hour.”

Therefore, the thresholds of significance for CO emissions is 44,000 trips per hour, not 10,000 traffic trips as noted by the commenter (also Impact AIR-1 references the ROG, NOx and PM10 operational air quality impact, not CO impacts). The Monroe Street/Stevens Creek Boulevard intersection does not currently have traffic volumes in excess of 44,000 trips per hour, and this would not change as a result of the project. Therefore, the DEIR correctly concluded that the project would have a less than significant CO impact.

Please note that the DEIR (page 80) states the following: “Intersections with project traffic have hourly traffic volumes of less than 10,000 traffic trips.” This is the reference to 10,000 trips, it is not a threshold as noted by the commenter.

Comment P18: Public Facilities and Service: Reserved for further comment.

Response P18: This comment is noted.

Comment P19: Cumulative Impacts: In this section of the DEIR discusses additional project entitlements already approved for the general vicinity of the project. The Valley Fair Shopping Mall already has existing entitlements including 638,480 square feet and the construction of two new parking garages (See DEIR, p. 170). This expansion was discussed in the Association’s comments above. Valley Fair Shopping Mall opens directly to the S. Monroe Street/Stevens Creek Boulevard and can only contribute to the traffic congestion at said location. Again, the Association maintains that is it irresponsible to simply declare the subject intersection as protected, thereby ignoring the effect that the further Santana Row expansion, the already approved Valley Fair Expansion, and the Century Theater project will have on the residents of the area and the intersection in question.

Response P19: The DEIR did not ignore the effect of the combined projects, but fully described to the extent possible reasonably foreseeable projects and identified the cumulative impacts of those projects with the proposed project in Section 6.0 of the DEIR. Future cumulative conditions have been fully addressed.

Comment P20: The authors of the DEIR simply must expand their thinking re: solutions, without regard to the potential cost to the developer, in order to protect the local residents of the City of San Jose. Let us not forget that the Transportation Report was prepared by an agency hired by the developer. Obviously, it would not be in that organizations best interest to develop a solution that was particularly expensive to the developer.

Response P20: Please refer to the responses above. The City would like to note that the TIA was commissioned by the City's CEQA consultant, not the project applicant, and was fully vetted by City staff prior to inclusion in the DEIR. Also, please note that traffic improvements in the area are constrained by space, not cost necessarily.

Comment P21: As stated in the discussion labeled Air Quality above, if there were any doubt that the Santana Row expansion would increase the noxious levels of emissions to unacceptable standards on Monroe, the addition of the equally large Valley Fair project and the Century Theater project will surely add significantly to those measurements and will result in a dangerous environment for the residents of the Villas.

Response P21: Please refer to Response P17 and P19.

Comment P22: Project Alternatives: On page 177 of the DEIR, it is stated that the CEQA guidelines require that an EIR describe a reasonable range of alternatives to the proposed project that could feasibly attain most of the project objectives while avoiding or considerably reducing any of the significant impacts of the proposed project. The DEIR concludes that the proposed project will have a significant negative impact on the S. Monroe Street/Stevens Creek Boulevard intersection. The project will also have a significant unavoidable ROG emissions impact. The DEIR states that the logical way to reduce these impacts is to lessen the overall size of the project. The report (p. 180) states that the reduced development alternative would be environmentally superior to the proposed project and would achieve most of the objectives of the proposed project. The only negative would be that the City would not realize as many jobs as it would with the original proposal. The Villas contends that the promise of jobs should not be the sole and controlling criteria for the approval of a project that is environmentally damaging on so many levels and one that causes damage, both in health and property values, to the residents of the affected area, in particular The Villas at Santana Park Homeowners Association.

The Association heartily supports the concept of a reduced project size and the resultant reduction in significant impact on the owner's lives and homes. Again, the Villas also feels that the traffic engineers who contributed to the DEIR have not considered all potential solutions to the traffic issue but rather have limited themselves by potential cost. As the City will not bear the cost of a dramatic traffic solution, same should not be excluded for this sole reason. At the very least, the EIR should consider all solutions. If the alternatives are later rejected, at least the decision makers and the

citizens of San Jose will know that all alternatives were considered, which is one of the purposes of the EIR in the first instance.

Response P22: This comment is noted. Please refer to the previous responses. Per CEQA Guidelines section 15126.6, “(t)he range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project.” Furthermore, the CEQA Guidelines state that the feasibility of alternative include “site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.”

Q. RESPONSE TO COMMENTS FROM ANDY SARTORI, May 7, 2015:

Comment Q1: As a prospective resident of the KB Homes development. I have various concerns after reviewing the DEIR for the planned development rezoning PDC13-050 at Santana Row. My concerns are about the planned destination for lots 9 and 17:

- With regards to the garage to be built on lot 9, the traffic impact would be non-manageable on Hatton Street, if you allow entry/exit into the garage from that street. The increased pollution due to car exhausts would also penalize Santana Park, now becoming more and more a gathering point for local residents, and a favorite playground for children. With the recent expansion of Santana Park, residents have an opportunity for a much needed natural area, let us all protect it.

Response Q1: The DEIR (Section 4.2 and Appendix A) analyzed the effects of project traffic on Hatton Street and concluded that implementation of the proposed project, including the parking structure on Lot 9 would not have a significant impact.

As discussed on page 80 of the DEIR, the project would not result in a significant carbon monoxide impact which is the pollutant of greatest concern at the local level.

Comment Q2: My suggestions are the following:

1. Go for the “Reduced Development Alternative B” in the March 2015 DEIR, which would still provide an additional revenue stream to the City of San Jose.
2. Use Dudley Avenue as the only access road to the garage, connecting it to a fire-access lane as in the map in the DEIR. No accesses from Hatton Street, nor from Olsen Drive, that would produce a similar impact.

Response Q2: The commenter’s suggestions for the development proposal are acknowledged.

Comment Q3: 3. Plant more trees in Santana Park, as air filters and noise protection

Response Q3: There is no nexus to require the planting of trees in Santana Park as air filters and noise protection.

Comment Q4: Please put my name in your mailing list for future communications or community meetings.

Response Q4: The commenter will be included in all future noticing for the proposed project.

R. RESPONSE TO COMMENTS FROM KIETH VANDER, May 7, 2015:

Comment R1: As a long-time resident of the Dudley Ave. Apartments. I would hope that everything possible will be done to preserve the 5 curbside Ginko trees in front of our buildings. These trees are in EXCELLENT health, EMINENTLY suitable for preservation, and they have been the heart and soul of Dudley Ave. for as long as anyone can remember. I move we let them stay right where they are. Maybe we could declare them civic treasures or arboristical wonders...no matter. They've been by great friends for almost 30 years and I just hope you'll give'em a break.

Response R1: The commenter's recommendation to preserve the Ginko trees in front of the Dudley Apartments is acknowledged and will be included as part of the public record utilized by the decision makers when deciding the project. Please note that the DEIR conservatively estimated that all trees would be removed. A final determination of which trees could be preserved will be made when a formal site plan is submitted.

Comment R2: Also, our local bird populations are way down this year due to the removal of all the trees and shrubs at the north end of our street this last winter. Removing the Ginkos would decimate the local bird habitat.

Please let the old boys live, willya?

Response R2: Please refer to Response R1. The DEIR does include mitigation to protect raptors and other migratory birds during construction. Please see Section 4.9.4, page 134 of the DEIR.

S. RESPONSE TO COMMENTS FROM KIRK VARTAN, May 7, 2015:

Comment S1: I have tried to keep comments in line with to main documents [sic]: Traffic Impact Analysis (Appendix A) and the primary Draft EIR document.

Traffic Impact Analysis (Appendix A) – Comments

General comments about the Draft EIR for the Santana Row Planned Development Rezoning.

Traffic study should also look at weekends. The impacts of the existing 220,000 s.f. complex at 500 Santana Row and the additional 510,000 s.f. of 700 and 900 Santana Row should be seen as a total of 730,000 s.f. of Class-A office space. While some of the office space (69,491 s.f.) is subtracted from your analysis, I would suggest that you add it back in as the traffic conditions to that space have changed over time. While you have the entitlements to develop that almost 70,000 s.f. of office space, the traffic impacts from that space are also cumulative and need to be considered when looking at the area as a whole.

Response S1: Traffic trips from existing but unbuilt entitlements are included in the City of San Jose’s Approved Trip Inventory (ATI). As a result, the traffic trips associated with the existing office entitlement of 69,491 square feet are already assumed to exist under background conditions in the City’s traffic model. The proposed project would supersede the existing entitlement and, as a result, the traffic trips associated with that entitlement need to be deducted from the analysis so as not to double-count those trips. If the project is approved, the 69,491 square feet of office space already entitled would not be constructed and the 510,000 square feet of proposed office space would be constructed in its place.

Please note, offices do not generate significant weekend traffic.

Comment S2: I would further suggest you look at weekend activity. 700,000+ s.f. of Class-A office space is targeted at high-tech firms like Google, Apple, and Facebook for a corporate campus or headquarters. These companies tend to have different hours than traditional businesses. They start work later and they work longer. They also come in on weekends. I would suggest that traditional traffic analysis assumptions are not valid as is and need to be augmented by these parameters. Since Santana Row and Valley Fair increase their traffic, pedestrian access, and parking at night and on weekends, I believe it is critical to take this into consideration.

Response S2: The traffic analysis presented in the DEIR is based on very specific methodology established by the Congestion Management Agency and the City of San Jose’s Transportation Impact Policy (City Council Policy 5-3). As such, the traffic impacts are addressed based on weekday peak hour traffic (i.e., commute hours). It would be speculative to try to estimate major changes in traffic patterns from assumed future tenants because the bulk of commute traffic would still occur during standard weekday commute hours. The CEQA Guidelines (Section 15145) states that speculative impacts should not be discussed.

Comment S3: Have you done outreach to Apple or Google or NVidia or other high-tech firms to better understand their work patterns and employee patterns? So, I would ask that the “Project Trip

Generation” assumptions be modified and updated with this kind of information. If the information is not readily available, then I would suggest you lead the way in your industry for others to follow and commit to attaining these kind of base-line numbers and data for a more realistic analysis of the projected impacts to the area.

Response S3: Please refer to Response S2 above. Also, please note that there are no adopted thresholds of significance for traffic outside the AM and PM peak hours. As such, there would be no way to quantify an impact from traffic outside these times, which are used because they represent the daily worst case traffic scenario. Furthermore, basing a traffic analysis on different work patterns outside of the peak hours would be speculative.

Comment S4: Comments on the Project Intersection Level of Service Analysis

Suggesting the Monroe and Stevens Creek become protected seems like a requirement only if the volume of traffic is so extreme that LOS D is not really possible. That would further imply that pedestrian activities would be highly encouraged or incorporated into the area. How has your analysis incorporated the Westfield improvements? They will have approximately 10,000 parking stalls, 2.2 million s.f. of retail, a 10-screen movie theater, and a flagship 150,000 s.f. Bloomingdales. Where has their increased volume of traffic been incorporated? What assumptions are you using for their traffic generation? The entitlement they acquired back in 2007 was based on traffic back then, but obviously things have changed. How are you accounting for that? Please be specific on what traffic studies you are using and what traffic data you are using.

Response S4: As explained in Response S1, traffic trips from existing but unbuilt entitlements are included in the City of San Jose’s Approved Trip Inventory (ATI). As a result, the traffic trips associated with the previously approved Valley Fair Expansion are accounted for in the background conditions of the traffic analysis for the proposed project. The ATI is based on the number of traffic trips estimated for the approved development. Those trips along with all other unbuilt entitlements and existing traffic are combined with the estimated project traffic to determine the level of impact from the proposed project. Please see Section 4.2.2.5 of the DEIR for the Background Plus Project analysis. This discussion also describes all assumed roadway improvements associated with approved development projects.

Comment S5: Add to the list of improvements:

- Pedestrian overpasses and above ground parks over the intersection.
- Pedestrian overpasses like NYC’s Highline to allow for a better pedestrian experience for the neighbors that live here as well as the visitors
- Traffic calming studies are not very helpful since the solutions require commitment from developers with the funding to implement these services.

Response S5: The commenters suggested list of improvements is acknowledged.

Comment S6: Comments about the Winchester-Stevens Creek Intersection:

- Please do not suggest just dumping money into the traffic system. That does not help the neighborhood. Invest in pedestrian friendly enhancements (e.g., widening sidewalks,

pedestrian overpasses, above ground parks, looking at studies around diving traffic under the road, or even targeting funding of more public transit activity along Winchester). There are many people looking at the areas as a region and how the developments affect the larger community. Many believe, as do I, that developments should embrace the pedestrian and neighborhood needs of becoming more pedestrian friendly. I would suggest looking at www.win6village.org for ideas on the area can help [sic] take care of itself and this project might be able to help support some of these ideas. Making a more pedestrian friendly environment, not just on your project site but in the area, will help your project become more successful and fit better into the neighborhood.

Response S6: It is the City's process to take input from all stakeholders on what improvements would be of the most benefit when determining the improvements that will be implemented using protected intersection off-setting improvement fees. The commenter's suggestions are noted.

Comment S7: I don't see how you think the implementation of the complex will impact the cycle by 0.01. You list 0.01 or more. How much more? I am guessing a lot more. Please share the specifics (e.g., time, car counts, etc.)? Do you really think people will only come by 1-280 or I-880/17? These arteries are jammed during commute time and will be avoided by surface streets.

Response S7: It is unclear from the comment which transportation scenario the commenter is referring to so no specific response to the question is possible at this time. Please note, however, that all supporting data for the traffic study is provided in the TIA appendices including count data.

Comment S8: How does your traffic analysis take into account technologies that route around slow or congested routes (e.g., Waze, Apple Maps, etc.)?

Response S8: It is assumed that the commenter is asking how the traffic analysis addresses persons altering their travel patterns because of real time traffic data available on-line. There is no mechanism or methodology available to address these types of fluctuations in travel patterns. There would be no way to quantify these fluctuations because it could vary on a daily or even hourly basis. This would fall into the category of speculation and, as stated previously, the CEQA Guidelines (Section 15145) states that speculative impacts should not be discussed.

Comment S9: Comments about the Monroe-Stevens Creek Intersection:

- If this intersection is put on the protection intersection [sic], the in lieu fees need to stay local to the area. Too much of any fees and development returns are redirected out of the area and into "the ether" of San Jose. Funds that are generated in this area need to directly affect the area.

Response S9: The commenter's suggestions regarding the use of protected intersection fees are noted. Funds for off-setting improvements from protected intersection fees are required to be spent in the area surrounding the protected intersection.

Comment S10: Listing VTA BRT is a bit of a stretch. The community just heard that BRT is almost gone from the discussion for now on Stevens Creek. Maybe it is a decade out, maybe more. Either way, the impact from this development will impact the area long before BRT hits the area.

Response S10: The City would like to refer the commenter to the VTA's comment letter (Letter B) which describes the VTA's planned transit improvements for the Stevens Creek corridor.

Comment S11: Look above at the Stevens Creek and Winchester comment section. If you want to improve the pedestrian experience, look at creating above ground parks and open space for the community.

Response S11: The commenter's suggestions regarding the use of protected intersection fees is noted.

Comment S12: Why not look at purchasing part of the gas station property at Monroe and allow for an additional entrance lane to be created to help circulation.

Response S12: It is unclear what the commenter means by an entrance lane. If this is in reference to the I-880 on-ramps, the new interchange is already complete and the traffic lanes have been modified accordingly to account for the new roadway configuration. If it is in reference to an additional lane allowing traffic onto Monroe from Stevens Creek or an additional lane allowing traffic onto Stevens Creek from Monroe, this action in and of itself would not mitigate the identified traffic impacts. This comment is noted.

Comment S13: Freeway Segment Analysis

Rather than just state there is a Significant and Unavoidable Impact to the freeway, maybe the mitigation fees could fund a study on what it would cost and a scope of building a platform above I-280 (about 3,000 feet in both east and west directions off of Winchester beginning at grade on Winchester). While there are no plans today, there is no reason you could not fund a study and cost analysis of doing something like this. There are many opportunities over the freeway and utilizing air rights to build is common in other dense cities like NY. This area qualifies as a dense city in this particular area.

Response S13: Council Policy 5-3 requires that off-setting improvement fees for protected intersections be used to fund the construction of multi-modal improvements within the area surrounding the protected intersection. Using these fees to fund a broader study without the construction of off-setting improvements is not consistent with the Policy.

Comment S14: Public Transit/Pedestrian/Bicycle Improvements

Look at how the above ground parks and pedestrian overpasses can be created that area attractive and enhancements to the area. Treating a pedestrian overpass or crossover as a destination (like the Highline in NYC) would add pedestrian amenities, create a safer walking experience, and create more of a destination experience for the public to enjoy.

Response S14: The commenter's suggestions regarding pedestrian facilities is noted.

Comment S15: Scenario 2: How are tech-worker traffic patterns calculated?

In looking at the reference traffic count data, how many days were looked at per intersection? For example, Study 1 on page 17 show the “AM” peak hour on Wednesday, February 27, 2013, and the “PM” peak hour on Tuesday, September 18, 2012. This does not make sense to me. Is there a single day this was calculated? Are there more data points? Why different days and different months?

Response S15: The calculated intersection delays and LOS are based on two-hour traffic counts collected on the referenced date during either the AM (7:00 – 9:00 am) or PM (4:00-6:00 pm) commute periods. The peak 60 minute period during each of the two-hour counts are used for the calculations. The AM and PM peak hours are evaluated separately from one another and are not required to utilize traffic counts from the same day. It should be noted, however, that with the exception of Congestion Management Program (CMP) designated study intersections and the Monroe Street/Hedding Street intersection, the analysis of intersection levels of service during the AM and PM peak hours are based on traffic counts collected on the same day for the purposes of this study.

The referenced intersection is a Congestion Management Program (CMP) designated intersection. The CMP monitors such designated intersections (during the PM peak hour only) and collects traffic data at each intersection on one day during the fall every other year. The evaluation of CMP designated intersections are required to use those counts that are collected for the purpose of the CMP monitoring report. Therefore, traffic count data from the 2012 CMP monitoring report and traffic data were used for this study. The CMP does not monitor nor collect AM peak hour traffic data. Thus, it is necessary to collect new AM peak hour traffic count data at CMP designated intersections.

Comment S16: Suggestion: create a traffic map of the area and make it relevant over time, not just a day, but over a 3-6 months [sic]. Don’t just look at specific intersections, but look at all streets in a boundary. For example, you could map the traffic in the general Winchester region from Pruneridge to Hamilton, from 880/17 to San Tomas. Yes, it would be an expensive mapping, but then all development in the area would be able to use it and benefit from the thorough data collected. Data points that are made on random days or just a few days to not [sic] accurately represent the issues and concerns of the neighbors.

Response S16: Please see Response S15 above. Also, please note that the traffic analysis presented in the DEIR is based on very specific methodology established by the Congestion Management Agency and the City of San Jose. This methodology and the thresholds of significance are based on intersection operations, not roadway segments.

In general, traffic studies, and the data collected, for a particular project are utilized by other projects in the same geographic area to the extent that the data is up to date and relevant.

Comment S17: Park fees should be required with this expansion. There are office, residential, retail, and hotel entitlements being sought. Why not look at working with the City of San Jose to take over responsibility for Santana Park, keep it as open space, but maintain it and integrate it into the designs you are working off of. It would create a better experience for the residents of Santana Row (both office and residential), the residents in the area, and a maintained space for the general

public. Federal already has grounds keepers for the significant amount of open space already. This would be another incremental space to maintain.

Response S17: As discussed in Section 5.4, page 168, of the DEIR, there is no nexus to require park fees through the City's Parkland Dedication Ordinance. Office and retail development, including hotels, are not subject to park fees. The proposed 47 residential units are replacing 47 existing housing units on Lot 17 and, as a result, there would be no direct increase in the resident population with implementation of the proposed project. Residential development on Santana Row under the current PD zoning will pay applicable park fees.

The commenter's suggestion for making Santana Park a privately maintained park is noted.

Comment S18: Add solar and other energy and food producing activities to the roofs.

Determine how to keep storm water on site for reuse.

Everything should be plumbed with grey water (purple pipe)

Look at opportunities on how to connect Santana Row with Santana West via pedestrian overpasses that provide a park-like experience.

Look at integrating urban ag on the site, providing a daily resource for residents, the community, and the public.

Response S18: The commenter's suggestions regarding the use of roof space, stormwater, recycled water, pedestrian facilities, and on-site agricultural opportunities are noted. Please note that Santana Row already uses recycled water on-site and will continue to do so with the new proposed development. As discussed in Section 4.8, all development on-site is required to comply with the Regional Water Quality Control Board Municipal Regional National Pollution Discharge Elimination System permit.

Comment S19: Is a new traffic study warranted since the \$62M highway improvements happened?

How is the new Monroe exit helping the traffic flow? How is that calculated in the analysis?

Response S19: The collection of necessary traffic count data and analysis was completed prior to the start of construction of the I-880/Stevens Creek interchange improvements. The analysis of project conditions reflects the interchange and Monroe Street ramp improvements based on estimated traffic volumes for the planned improvements.

New traffic data has not been collected nor have studies been completed since the completion of the interchange improvements. The project is required to provide an evaluation of projected traffic conditions at the time of its initiation. The preparation of the traffic study for the project began prior to the start of construction of the interchange improvement and, therefore, did not analyze the effect these improvements would have. As a result, the traffic

data represents a more conservative estimate of traffic conditions since traffic conditions are anticipated to improve with completion of the interchange improvements.

Comment S20: Has this EIR (traffic and other elements) taken into account all developments in the area. Specifically:

The increases in Westfield Valley Fair (650,000 s.f. of new retail, new parking structures, new movie theater, new roads and alignments)

The increases in 500 Santana Row.

Santana West increases.

Citation Homes project on Winchester (old Toy-r-Us site) [sic].

The redevelopment of the 6-acre BAREC site in Santa Clara.

The redevelopment of 100 N. Winchester (the conversion of office building to market rate senior apartments)

Prometheus apartments on Saratoga/Stevens Creek.

Response S20: Section 6.1.1.1, page 170, of the DEIR explains the pending and potential development in the project area that was considered in the cumulative analysis of the project. As noted in Response S1, traffic trips from existing but unbuilt entitlements are included in the City of San Jose's Approved Trip Inventory (ATI).

For all CEQA analyses, a baseline for existing conditions is established. For an EIR, the baseline is the date the Notice of Preparation is released to the public. Specifically, CEQA Guidelines Section 15125 states that

“An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which the lead agency determines whether an impact is significant.”

Projects that are filed with a lead agency after the baseline date, such as the Santana West project, are not typically accounted for in the project cumulative analysis.

Comment S21: While the current process is to take a point in time and document the data, it is not very reflective of the real traffic patterns that happen. What about holidays (or the weeks around holidays)? You need to be able to collect more data to better estimate the flow since everything you do is based on the base numbers and you estimate from that point forward. If your core estimates [sic] were off, everything after it can be off, by even orders of magnitude.

Response S21: The traffic analysis presented in the DEIR is based on very specific methodology established by the Congestion Management Agency and the City of San Jose.

As such, the traffic impacts are addressed based on weekday peak hour traffic (i.e., commute hours). General holiday traffic does not represent the standard operating conditions and is not addressed. In addition, data collection occurs annually and is carefully analyzed, evaluated, and compared to data in the City's traffic database.

Comment S22: Primary Draft EIR document

The document states in the summary: "The project proposes to expand the site boundary, increase office entitlements by 510,000 square feet," yet the traffic analysis section of the EIR states that you removed 69,491 s.f. from the analysis because it was already entitled for that space. How can this condition exist? I believe either way, you should be looking at the impact of 510,000 s.f. of new office space, in conjunction with the 220,000 s.f. of office space at 500 Santana Row.

Response S22: As stated in Response S1, the proposed project would supersede the existing 69,491 square foot office entitlement and, as a result, the traffic trips associated with that entitlement need to be deducted from the analysis so as not to double-count those trips. If the project is approved, the 69,491 square feet of office space already entitled would not be constructed and the 510,000 square feet of proposed office space would be constructed in its place. Furthermore, the traffic trips associated with the previously approved development at 500 Santana Row are already included in the assumed traffic trips for the site. The findings of the DEIR represent the total effect of all existing, entitled, and proposed development at Santana Row.

Comment S23: MM TRAN-1.1 – The fees for this impact should be looked at on how to best benefit the area issues. While I am sure it is typical to just "give the money to the city for best use," that does not look at the specific issues and needs associated with this project area. Above ground parks and overpasses that would allow for public places to be created and safe passage of pedestrians would be an improvement that could be partially funded by this impact fee. Your project should suggest how the area could improve, rather than simply following the letter of code. The spirit of these codes is meant to help the community and the city as a whole. Why don't you suggest (maybe even setup an outreach meeting around this) where you can address traffic issues and possible solutions this development project could help implement. Please do not just give your money away to the city without knowing what it is used for. How can we identify the amounts and areas that it will be spent? Can you do that as part of the process? Tell the public how much is being paid and where and how the City wants to spend it?

Share the costs you will be paying so that the public knows and understands how much you are contributing to it.

Response S23: The amount of the fees and the allowable uses of the fees are outlined in Appendix A of the City's adopted Transportation Impact Policy (<http://www.sanjoseca.gov/DocumentCenter/Home/View/382>). The City must follow the requirements of the policy in implementing any off-setting improvements associated with the protected intersection fees. It is the City's process to take input from all stakeholders on what improvements would be of the most benefit.

Comment S24: MM TRAN-1.2 – There is a private business that might be able to help. The gas station that fronts Stevens Creek. Why not look at encroaching on that business (or even getting some kind of easement relationship with them to widen just that portion of Stevens Creek to allow for egress onto 17 South or 280 South. Have those conversations ever happened? Has that been explored? Before you “protect” and intersection, you should fully exhaust all ways to improve the area. Protecting an intersection is kind of misleading. The protection is for the development community, not the public...which is what it sounds like. It is protecting the developers from really worrying about impacting an intersection with additional traffic so they can continue to stuff traffic into the intersection without consequence. So, before going to the extreme of protecting the intersection, have a bigger plan.

Response S24: Please refer to Responses P15 and S12.

Comment S25: One suggestion and rationale for protecting the intersection is to make the area more walk-able (like a downtown core). This area can be made more walk-able, but it is not that way yet. If you suggest making this a protected intersection, why don't you suggest ways to enhance the area for pedestrian activity. Look at Highline type parks and crossings, ways to connect Valley Fair and Santana Row. How can you make these two separate experiences seem more integrated. I know you are not partners, but you share a community, so that makes you related in some way. Why don't you look at methods that will connect the experiences with Westfield and suggest systems that make the auto travel more efficient, the pedestrian experience better and safer, and destination for people that is integrated? Look at large infrastructure elements to create a sense of place. This is becoming (has become) a local and tourist destination. Why not continue to invest in ways to make this more friendly for the non-auto.

Share the costs you will be paying so that the public knows and understands how much you are contributing to it.

Response S25: Please refer to all previous responses to these comments already presented for this comment letter.

Comment S26: MM TRAN-1.3 – While I appreciate you can't just “add a lane to San Tomas,” I think there should be more information on how long and at what cost something like this would take. For example, how much would you be paying into this “improvement?” How much would this overall improvement cost? How long would this improvement take? Who else is paying into this? Have you spoken to County [sic] about this (I assume yet)? And since you have, what is their timeline? I am glad it is a Tier 1 priority, but what does that mean in real dates? When would the construction start? How long would this improvement take?

Please do not just “pass the buck” of responsibility off to the CalTrans or whatever County service is responsible for this. Please get the date for the public to understand. Share the costs you will be paying so that the public knows and understands how much you are contributing to it.

MM TRAN-1.4 – See comments for MM TRAN-1.3.

Response S26: The improvement in question is under the jurisdiction of the County. The County will determine the total amount of the fair share fee to be paid if and when the project is approved. Details on the cost and schedule and other questions regarding the proposed improvement can be found in the County's *Comprehensive County Expressway Planning Study*. The City does not have jurisdiction over this improvement and cannot make a determination on schedule or cost.

All projects that result in an impact to the study intersection must pay fair share fees toward the proposed improvement.

Comment S27: Trans-2 – I think you should go back out and examine this impact now that the 880/17/280 interchange improvements have been completed. Your assumptions might not be accurate anymore.

Response S27: Please refer to Response S19.

Comment S28: What plans have been reviewed to capture and retain all storm water on site?

Response S28: Please refer to Sections 4.8.2.3 (page 121) and 4.13.2.4 (page 163) of the DEIR for an analysis of stormwater treatment. Please note that the Regional Water Quality Control Board permit does not require the capture and retention of all stormwater on-site.

Comment S29: Are all buildings being outfitted with the “purple pipe” for use in area where recycled water can be used? If not, why not?

Response S29: The City's Recycled Water System is more than a mile to the north of the project site. This is too far for the project to connect. Consistent with current practices on the Santana Row site, however, internal recycled water will be used for landscape irrigation.

Comment S30: Are all landscaping elements utilizing the waste water (non-sewage) from building activities? If not, why not?

Response S30: The project already uses and will continue to use recycled water for all landscape irrigation. All waste-water will be transported to the San José/Santa Clara Regional Wastewater Facility.

Comment S31: How much power generation is being implemented on new building?

Response S31: At this time there is no solar power or other electricity generation proposed for the office building.

Comment S32: Is there any risk of toxins in the soil to surface? I understand there is a permanent cap on the site to prevent any risks, but could you please explain how that works when you are digging again. How is the community protected? What chemicals are in the soil and will they be disturbed? Are there any deed restrictions on the site? If so, what are they?

Response S32: The full extent of historic and possible contaminates on the project site are discussed in Section 4.10 of the DEIR. As discussed in Section 4.10.3.2 (page 139) the only soil contamination on the site is residual agricultural contaminates on sites not already developed. Consistent with the previously approved development standards “all future development projects that are built at-grade would contain and cap contaminated soils on-site and future development projects with below grade parking would be required to off-haul contaminated soils and dispose of the soil at an appropriately licensed facility consistent with the conditions of project approval.” (page 140 of the DEIR)

As discussed in Section 4.10.2 (page 136), there is one deed restriction on the project site. As stated in the DEIR:

“The deed restriction limits residential development except for development of townhouses, multi-family residences, and hotels. Townhouses and multi-family residential developments cannot have areas for human habitation on the ground floor and cannot have ground floor outdoor play areas unless the areas are covered with asphalt, concrete, or other surfacing that prevents contact with contaminated soils. The project site cannot house a human hospital, public or private schools for persons under 21, or day care facilities. The deed restriction also requires that soil disturbing activities under the engineered cap be completed in accordance with a Department of Toxic Substances Control (DTSC) approved SMP and HSP and all applicable State and Federal laws.”

Comment S33: Does this section found on page 3 of the Draft EIR include the 220,000 s.f. office building called 500 Santana Row? Specifically, the statement “644,395 square feet of commercial space” Here [sic] is the section: “The project site is currently developed with 644,395 square feet of commercial space, a 214 room hotel, and 834 residential units. This Environmental Impact Report (EIR) evaluates the impacts of the currently proposed project, including the expansion of the site boundary, an increase in office entitlements of 510,000 square feet, development of two new office buildings and a parking structure, rezoning of the project site to allow for the proposed changes, and the “protection” of the Stevens Creek Boulevard/Monroe Avenue intersection, meaning the intersection level of service (LOS) would be allowed to degrade below LOS D.”

Response S33: No. As shown in Table 2.1-1 of the DEIR, the existing commercial development on-site includes 479,176 square feet of retail, 105,219 square feet of restaurant, and 60,000 square feet of office (for a total of 644,395). The 500 Santana Row office building was not yet under construction at the time Notice of Preparation was released for the current EIR, but it was already approved. The 220,000 square feet of office space currently under construction at 500 Santana Row is part of the total office development listed under “Approved PD Zoning”.

Comment S34: Section 2.1.2

This is confusing to me. Are you adding 510,000 s.f. or are you asking for a total of 510,000 s.f. (it seems that later [sic], but it is written as additive): “The project proposes to include the allowable office space entitlement on Santana Row by 510,000 square feet.” When you list to increase the allowable office space “by” 510,000 vs. increasing the office pace [sic] “to” 510,000. The difference

ins [sic] about 70,000 s.f. and should be very clear. The way it is written is not clear. Please confirm.

Response S34: As shown in Table 2.0-1 of the DEIR under “Comparison of Existing PD Zoning and Proposed PD Zoning”, the existing office entitlement is 288,200 square feet. The proposed office entitlement is 798,200 square feet, an increase of 510,000 over the existing allowable entitlement.

Comment S35: Section 2.1.3

Please confirm the maximum height of the structure. Please confirm the amount of parking spaces.

Response S35: Building heights and proposed parking capacity are listed in the project description in Section 2.0 of the DEIR and have not changed.

Comment S36: 4.2.1.5

Winchester Boulevard and Stevens Creek Boulevard – The planned improvement consists of the addition of a second southbound left-turn lane at the intersection. >>There are no timelines on this improvement and it is not planned in their current upgrades. This should be stated as it is implied that this will occur with the Valley Fair improvements that will occur through 2017.

Response S36: The DEIR states that the addition of the second southbound lane is to be completed with the approved expansion of the Valley Fair Shopping Center. This is a required condition on the previously approved project which is why it is considered part of the background conditions. The exact timing of the improvement is dependent on the conditions the City imposed on the approved Valley Fair Expansion project. The improvement would, however, have to be completed by the time the Valley Fair expansion project is complete and the new square footage is issued occupancy permits.

Comment S37: General transportation questions:

Please comment on how the new improvement that were done [sic] on 880/17/280 have impacted your traffic analysis.

Response S37: Please refer to Response S19.

Comment S38: How have you calculated the impact of the planned traffic light that will be installed at Henry and Stevens Creek? What impact does that have on traffic circulation?

Response S38: The planned traffic signal was not a planned or approved improvement at the time the Notice of Preparation was released. As such, it is not part of the baseline for the traffic analysis and was not studied. Traffic signals along corridors such as Stevens Creek Boulevard or Winchester Boulevard are interconnected which allows for improved traffic flow. The added intersection will be timed to align with adjacent signals and should not affect overall traffic flow.

Comment S39: 4.10 Hazards & Hazardous Materials

1. What chemicals or toxins are in the soil?

2. What are the expected impacts to any existing protection measures (e.g., will you be disrupting the caps or blocking materials)?

Response S39: Please refer to Response S32.

Comment S40: 5.2 – Fire Service

The time should be recalculated as the numbers used was calculated during a recession period. With more traffic and development, the times have likely exceed that. I have heard from a number of people in the area that fire response times have fallen below acceptable time limits and seem dangerous. Maybe a substation in the area or on site could be considered, even a single engine since the Santana West site will also be coming online at some point in the future. Fire services are something that should not just be a statistic, but aggressively validated with current data. Two-year old data seems irrelevant when it comes to public safety. General response times for SJPD are irrelevant to this area since it is so highly visited and traveled.

Response S40: As stated in the DEIR (page 167), the analysis is based on the most recent data available from the San Jose Fire Department and only reflects data on Station 10 which serves the immediate project area. The data is for the complete year of 2013 and the first nine months of 2014, which the City does not consider irrelevant. The DEIR also notes that the Fire Department has the ability to preempt traffic signals to speed response times. For this reason, fluctuations in traffic volumes would have no measurable impact on response time, as is evident by the fact that the response times have little variation between peak holiday traffic and the rest of the year.

The City acknowledges that some residents believe response times are not fast enough. Nevertheless, under CEQA the threshold is whether or not new facilities would need to be constructed to maintain acceptable service ratios, response times, or other performance objectives. The General Plan FEIR concluded that planned growth in the project area, which this project is part of, would ultimately result in the need for additional personnel and equipment to meet service goals, but would not require a new station. Therefore, the impact under CEQA is less than significant.

Comment S41: 5.4 – Parks

Why not consider taking over the Santana Park and maintain it permanently as a privately managed public space, like Santana Row itself. Even though there is not a legal requirement to do so, it would show incredibly high “good faith” effort to help the neighborhood in general with the massive amounts of growth planed [sic] by Federal Realty.

Response S41: This comment is acknowledged.

Comment S42: 6.1.1.1 Pending and Potential Development Within the Project Area

- What about the construction plans for the BAREC site at 90 N Winchester Blvd?
- What about the construction plans for the property on 100 N Winchester Blvd?
- What about the Prometheus housing complex on Saratoga and Stevens Creek?

Response S42: Please refer to Response S20.

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, Pacific Mall Project*, dated May 2013. Revised or new language is underlined. All deletions are shown ~~with a line through the text~~.

Page x Summary, Reduced Development Alternative; the following paragraph will be **REVISED** as follows:

Under the reduced development alternative, the project would still propose a PD rezoning to allow for the inclusion of Lot 17 into the Santana Row site, construction of a new parking structure, an office building, and a mixed-use building and an increase in residential and hotel space. The PD rezoning would also continue to include the existing unbuilt entitlements including 348 residential units, 309,797 square feet of commercial/retail, and 228,200 square feet of office (Lot 11). The basic building design and orientation for Lots 9 and 17 would be the same as the proposed project and the project would still include all identified sustainable building design measures in an effort to achieve LEED Silver ~~certification~~ equivalency. This alternative would, however, propose a reduction in office square footage compared to the proposed project.

Page 6 Section 1.3, Project Objectives; Objective No. 2 will be **REVISED** as follows:

Continue to provide for a development plan which integrates seamlessly with neighboring retail, office and residential uses, and with the existing Santana Row mixed-use project which itself ~~increase~~ include a balanced mix of uses and densities supportive of San Jose's smart growth.

Page 9 Section 2.1.3, Proposed Lot 9 Development; the following paragraph will be **REVISED** as follows:

Parking would be provided in a five-level (approximately 53 feet tall), above grade parking structure and one level of below-grade parking across all of Lot 9. The parking garage will be located along the eastern boundary of Lot 9 and extend south onto the northern portion of Lot 17. The total available parking on Lots 9 and 17 would be 1,275 spaces. The eastern façade of the parking structure will include an infill wall¹², ~~elevated planter boxes~~, and green screens, and possibly elevated planter boxes. On the roof level, a steel-frame trellis will be installed. The lower cement wall combined with the steel trellis would have a total combined height of over 10 feet.

Page 11 Section 2.1.3, Proposed Lot 9 Development; the following paragraph will be **REVISED** as follows:

¹² A solid, concrete, half wall.

The proposed building would be built to achieve a minimum equivalency of LEED Silver certification equivalency. The project proponent anticipates that LEED certification would be achieved by implementing the following green building measures and design features:

Page 11 Section 2.1.3, Proposed Lot 9 Development; the following paragraph will be **REVISED** as follows:

The southern half of Lot 17 is currently developed with three two-story apartment buildings (a total of 47 units) and the northern half of the site is a large surface parking lot. The project proposes to demolish the existing apartments and construct up to 246,000 square feet of office space on the southern end of the site. The office would be constructed above a parking podium with at least three levels of above-grade parking. One level of underground parking would also be constructed across the site. The proposed office building would be a maximum 180 feet in height. The northern half of Lot 17 would be developed with the five-level parking structure detailed in Section 2.1.3. As with the development on Lot 9, the office building would be built to achieve LEED Silver certification equivalency.

Page 12 Section 2.1.8, Modifications to Santana Row (Roadway) and Olsen Drive; the following paragraph will be **DELETED** as follows because it is no longer proposed:

~~The project proposes to permanently close Santana Row (a public roadway) to automobile traffic from Olin Avenue to Olsen Drive. The area between Olin Avenue and Olsen Drive will become a pedestrian thoroughfare. Emergency vehicles will continue to have unrestricted access to Santana Row at all times.~~

Page 32 Section 4.2.1.3, Visual Intrusion (Privacy); the following paragraph will be **REVISED** as follows:

The parking structure includes design features to limit visual intrusion to the front facades of the nearby residences. The eastern façade of the parking structure will include an infill wall, ~~elevated planter boxes~~, and green screens, and possibly elevated planter boxes to block views from the parking structure. On the roof level, a steel-frame trellis will be installed to preclude persons from having unobscured views from the top of the structure. The lower cement wall combined with the steel trellis would have a total combined height of over 10 feet. These design features, combined with existing landscaping (trees) along both sides of Hatton Street, would limit direct line of site into the nearby residences.

Page 38 Section 4.2.1.3, Existing Transit Service; the following paragraph will be **REVISED** as follows:

The nearest bus stop locations are located at the Olin Avenue and Olsen Drive intersections with Winchester Boulevard, and on the north and south sides of Stevens Creek Boulevard, on either side of the Santana Row/Stevens Creek Boulevard

intersection. The nearest stops for the 323 Route are ~~Kiley Boulevard and Bascom Avenue, which are not within walking distance on Stevens Creek Boulevard near the eastern property line of Santana Row and the Valley Fair Transit Center.~~

Page 44 Section 4.2.1.5, Background Intersection Operations; the following paragraph will be **REVISED** as follows:

The LOS of the study intersections was calculated under background conditions. Analysis of the background intersection operations concluded that the following ~~three~~ four intersections would operate at an unacceptable LOS:

- No. 1 – Winchester Boulevard and Stevens Creek Boulevard (PM Peak Hour)
- No. 4 – Monroe Street and Stevens Creek Boulevard (PM Peak Hour)
- No. 15 – San Tomas Expressway and Stevens creek Boulevard (PM Peak Hour)
- No. 36 – San Tomas Expressway and Homestead Avenue (AM and PM Peak Hour)

Page 53 Section 4.2.2.3. Existing Plus Project Intersection Operations; the following paragraph will be **REVISED** as follows:

This analysis assumes that the transportation network under existing plus project conditions would be the same as the existing transportation network ~~except for roadway improvements planned as part of the proposed project.~~

Page 57 Section 4.2.2.5. Background Plus Project Intersection Operations; the following paragraph will be **REVISED** as follows:

This analysis assumes that the transportation network under existing plus project conditions would be the same as the existing transportation network ~~except for roadway improvements planned as part of the proposed project.~~

~~The project proposes to close Santana Row to vehicular traffic between Olin Avenue and Olsen Drive to allow for development of a pedestrian plaza. Minimal vehicular access would be provided for deliveries and services during off peak hours when the retail businesses are closed.~~

Page 57 Section 4.2.2.5. Background Plus Project Intersection Operations; the following paragraph will be **REVISED** as follows:

The LOS of the study intersections was calculated under background plus project conditions by adding the new project trips from the proposed development to the background conditions. Analysis of the background plus project intersection operations concluded that the following intersections would operate at an unacceptable LOS:

- No. 1 – Winchester Boulevard and Stevens Creek Boulevard (PM Peak Hour)
- No. 4 – Monroe Street and Stevens Creek Boulevard (PM Peak Hour)

No. 15 – San Tomas Expressway and Stevens Creek Boulevard (AM & PM Peak Hour)

No. 22 – San Tomas Expressway and Moorpark Avenue (PM Peak Hour)

No. 36 – San Tomas Expressway and Homestead Avenue (AM and PM Peak Hour)

Page 66

Section 4.2.2.8, Pedestrian/Bicycle Facilities and Transit Operations; the following paragraph will be **REVISED** as follows:

The primary pedestrian traffic generated by the project would be office employees walking to and from the parking areas and retail establishments on-site as well as nearby bus stops. There are sidewalks and signalized crosswalks throughout the project area that provide access to nearby services and transit. ~~In addition, the proposed roadway closure of Santana Row between Olin Avenue and Olsen Drive will supplement and enhance pedestrian connectivity through the project site.~~ Lastly, the project will pay fees for off-setting improvements for pedestrian facilities for traffic trips traveling through protected intersections. As a result, the project would have no impact on pedestrian facilities in the project area. **(No Impact)**

Page 78

Table 4.3-4, Bay Area 2010 Clean Air Plan Applicable Control Measures; the following paragraph will be **REVISED** as follows:

The project will utilize a shared parking plan in which parking designated for the new office space will be available during non-business hours (evenings and weekends) to retail customers. Therefore, the project is consistent with this control measure. The project applicant is also evaluating the potential of implementing a paid parking program on-site.

Page 78

Table 4.3-4, Bay Area 2010 Clean Air Plan Applicable Control Measures; the following paragraph will be **REVISED** as follows:

The proposed project would be required to comply with the City's Green Building Ordinance which will increase building efficiency over standard construction. The project proposes to achieve minimum LEED Silver ~~certification~~ equivalency. Therefore, the project is consistent with this control measure.

Page 142

Section 4.10.3.5, Other Hazard Impacts; the following paragraph will be **REVISED** as follows:

The project site is not located near a private airstrip, is not within an airport land use plan area, or in an area prone to wildland fires. ~~The project proposes to close a section of the Santana Row roadway between Olin Avenue and Olsen Drive. While this section of the roadway would be closed to standard vehicle traffic, it will be accessible to emergency vehicles at all times.~~ The project will not modify any existing entry/exit routes for the project site. Therefore, the project would not interfere with any emergency response or evacuation plans. **(No Impact)**

Page 157 Section 4.12.2.4, Energy Efficiency; the following paragraph will be **REVISED** as follows:

The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel are not typically used wastefully on the site because of the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for efficiency gains during construction are limited. The proposed project, however, does include some measures that will improve the efficiency of the construction process.

Implementation of the BAAQMD BMPs detailed in *Section 4.3, Air Quality* would restrict equipment idling times to five minutes or less and would require the applicant to post signs on the project site reminding workers to shut off idle equipment. The project will also recycle or salvage at least 50 percent of construction waste as part of its LEED Silver ~~certification~~ equivalency (discussed further below).

Page 179 Section 7.0 B, Reduced Development Alternative; the following paragraph will be **REVISED** as follows:

Under the reduced development alternative, the project would still propose a PD rezoning to allow for the inclusion of Lot 17 into the Santana Row site, construction of a new parking structure, an office building, and a mixed-use building and an increase in residential and hotel space. The PD rezoning would also continue to include the existing unbuilt entitlements including 348 residential units, 309,797 square feet of commercial/retail, and 228,200 square feet of office (Lot 11). The basic building design and orientation for Lots 9 and 17 would be the same as the proposed project and the project would still include all identified sustainable building design measures in an effort to achieve LEED Silver ~~certification~~ equivalency. This alternative would, however, propose a reduction in office square footage compared to the proposed project.

SECTION 5.0 COPIES OF COMMENT LETTERS RECEIVED ON THE DRAFT EIR

DEPARTMENT OF TRANSPORTATION

DISTRICT 4

P.O. BOX 23660

OAKLAND, CA 94623-0660

PHONE (510) 286-5528

FAX (510) 286-5559

TTY 711

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

Dear Mr. Keyon:

Santana Row Expansion – Draft Environmental Impact Report (DEIR)

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Caltrans District 4 Local Development-Intergovernmental Review (LD-IGR) Program reviews land use and plans to ensure consistency with our mission and state planning priorities of infill, conservationism, and efficient development. We have reviewed the DEIR and have the following comments to offer. Please also refer to our previous comment letters, dated February 10, 2014, and December 12, 2014, on this project. We provide these comments consistent with the State's smart mobility goals to support a vibrant economy and build communities, not sprawl.

Project Understanding

On a 42.53 gross acre site, the proposed project would include:

- Expanding the Planned Development site by 1.91 acres by incorporating four adjacent parcels on Dudley Avenue into Santana Row;
- Increasing office space capacity by 510,000 square feet;
- Increasing retail capacity by 55,641 square feet;
- The demolition of three apartment buildings on Dudley Avenue, resulting in the transfer of 47 units of residential capacity to increase total residential development capacity for future residential development elsewhere on the Santana Row site;
- Increasing the maximum number of hotel rooms from 214 to 220, to allow an increase of six additional hotel rooms within the existing Hotel Valencia; and

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- The construction of a five-level parking garage with one level below-grade and 1,275 parking spaces.

Lead Agency

As the lead agency, the City of San Jose (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.

Traffic Impacts

Caltrans is in the process of updating its *Guide for the Preparation of Traffic Impact Studies* (TIS Guide) for consistency with Senate Bill 743, but meanwhile we recommend using the Caltrans TIS Guide for determining which scenarios and methodologies to use in the analysis, available at: http://dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf.

Regarding the DEIR and Traffic Impact Analysis (TIA):

1. The intersection analysis at Monroe Street and Stevens Creek Boulevard under the cumulative scenario shows a long queue along Stevens Creek Boulevard. This queue is impacting the upstream intersection of Interstate (I-) 880/Stevens Creek Boulevard at the off-ramp. This negative impact caused by the project on the state facility should be mitigated.
2. The DEIR states that the project would have a significant impact on mixed flow lanes, on two-directional freeway segments, and High-Occupancy Vehicle (HOV) lanes on one-directional freeway segments during at least one peak hour at:
 - Northbound (NB) I- 880, I-280 to Stevens Creek Boulevard (Impact: AM Peak Hour);
 - Southbound (SB) I-880, Bascom Avenue to Stevens Creek Boulevard (Impact: AM Peak Hour); and
 - Westbound (WB) I-280 HOV, Meridian Ave to I-880 (Impact: AM Peak hour).

The project should provide mitigation measures (described below) for the impacts to these affected freeway segments.

3. Please provide the 95th percentile queuing analysis for the following intersections:
 - Monroe Street/Stevens Creek Boulevard;
 - I-880 SB off-ramp/Stevens Creek Boulevard;
 - Saratoga Avenue/I-280 (north);
 - Saratoga Avenue/I-280 (south);
 - I-280 eastbound (EB) off-ramp/Moorpark Avenue; and
 - NB I-880 ramps/Stevens Creek Boulevard (future)

Provide mitigation measures (described below) if the storage length is not adequate to

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accommodate the queue length.

4. The proposed project is likely to have impacts on the operations of the following metered freeway on-ramps:
 - SB I- 880/ Stevens Creek Boulevard diagonal on-ramp;
 - NB I-880/Stevens Creek Boulevard loop on-ramp; and
 - NB I-280/Winchester Boulevard diagonal on-ramp.

During the ramp metering hours, the existing on-ramp queues will likely be lengthened with the additional traffic demand by this project which may impede onto the local streets and affect operations. Caltrans recommends the City consider providing additional storage on the on-ramps/local streets for the freeway on-ramp traffic to avoid or minimize these impacts and consider other mitigation measures (described below).

5. Table 4.2-7 shows a large increase in generated AM (PM) net new trips at 739(789) vehicles per hour (vph). Also, the DEIR does not provide the year for Cumulative Conditions nor does it analyze potential traffic impacts under Cumulative Plus Project Conditions. Caltrans recommends the DEIR adopt 2035 as the year for Cumulative Conditions and provide turning movement traffic per study intersection under Project Only, 2035 Cumulative, and 2035 Cumulative Plus Project Conditions.
6. Collaborate with the Santa Clara Valley Transportation Authority (VTA) on increasing headway time on existing bus service for VTA Bus Service Routes 23, 60, 25, and 323; consider new bus service, such as service to major transit centers such as the Diridon Station; and vehicle miles traveled (VMT) reduction factors. The assumptions and methodologies used to develop this information should be detailed in the study, utilize the latest place-based research, and be supported with appropriate documentation. Caltrans recommends the DEIR reference the Association of Bay Area Government's (ABAG) and the Metropolitan Transportation Commission's (MTC) Regional Transportation Plan *Plan Bay Area 2040* and the project's consistency with the RTP's greenhouse gas and particulate matter reduction targets, long-range integrated transportation, and land-use/housing strategy.
7. Mitigation for any roadway sections or intersection with increasing VMT should be identified. Since no mitigation measures were provided for the significant impacts to the state facilities, Caltrans recommends that the developer make a major contribution to the State Highway Operation and Protection (SHOPP) Program; the Program from which funding for state highway improvement projects is obtained. Mitigation may also include contributions to the regional fee program as applicable (described below), and should support the use of transit and active transportation modes. Also, the project should pay its fair share contribution to the VTA Corridor Study on I-280. There are improvement projects that will be recommended as a result of the Corridor Study.

Because of the location of the project, Caltrans recommends the City consider mitigation measure options which would allow the City to ensure that direct and indirect traffic impacts,

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as well as the contribution to cumulative traffic impacts, from the project are mitigated to the extent feasible. 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.

8. **Voluntary Contribution Program:** Caltrans also encourages the City to participate in VTA's voluntary contribution program and plan for the impact of future growth on the regional transportation system. Contributions by the City funding regional transportation programs would improve the transportation system to lessen future traffic congestion, improve mobility by reducing time delays, and maintain reliability on major roadways throughout the San Francisco Bay Area. Reducing delays on State facilities will not only benefit the region, but also reduce any queuing on local roadways caused by highway congestion.

Transportation Demand Management (TDM)

The TDM measures should include fewer parking spaces to encourage patrons to take transit, rather than driving vehicles, in order to alleviate congestion. Also, allowing residents and retail business to share parking, free parking for condo buyers and renters, and unbundling parking from other structure costs would further alleviate congestion. Caltrans recommends that transit stops and names be included on the maps.

Mitigation Reporting Guidelines

The California Environmental Quality Act (CEQA) requires the adoption of reporting or monitoring programs when public agencies include mitigation as a condition of project approval. Reporting or monitoring takes place after project approval to ensure implementation of the project in accordance with mitigation adopted during the CEQA review process.

Some of the information requirements detailed in the attached Guidelines for Submitting Transportation Information from a Reporting Program include the following:

- Name, address, and telephone number of the CEQA lead agency contact responsible for mitigation reporting;
- Type of mitigation, specific location, and implementation schedule for each transportation impact mitigation measure; and
- Certification section to be signed and dated by the lead agency certifying that the mitigation measures agreed upon and identified in the checklist have been implemented, and all other reporting requirements have been adhered to, in accordance with Public Resources Code Sections 21081.6 and 21081.7.

Further information is available on the following website:
http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa.html.

Transportation Management Plan (TMP)

If it is determined that traffic restrictions and detours are needed on or which may affect State highways, a TMP or construction TIA may be required for approval by Caltrans prior to

Mr. David Kenyon/City of San Jose
May 7, 2015
Page 5

construction. Traffic Management Plans must be prepared in accordance with Caltrans' *TMP Guidelines*. Further information is available for download at the following web address:
http://www.dot.ca.gov/hq/traffops/trafigmt/tmp_lcs/index.htm.

Please ensure that such plans are also prepared in accordance with the TMP requirements of the corresponding jurisdictions. For further TMP assistance, please contact the Caltrans District 4 Office of Traffic Management Operations at (510) 286-4579.

Freeway Monument Signage

Sign plans for any proposed freeway monument signage should be provided to Caltrans for review and, depending on proposed sign location, approval. The plans should depict the layout, roadway setback, orientation, glare intensity, and sign size. Caltrans is required by law to enforce the Outdoor Advertising Act and Regulations regarding the placement of advertising along the highways. That document is available on the internet at:
http://www.dot.ca.gov/hq/oda/download/ODA_Act_&_Regulations.pdf.

Encroachment Permit

Please be advised that any work 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 the encroachment permit process. See this website for more information:
<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.

Sincerely,



PATRICIA MAURICE
Acting 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



May 6, 2015

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

Attention: David Keyon

Subject: Santana Row Expansion

Dear Mr. Keyon:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR for 510,000 square feet of office space, 55,461 square feet of retail uses, 47 residential units, and 6 hotel rooms at the southeast corner of Stevens Creek Boulevard and Winchester Boulevard. We have the following comments.

Land Use

VTA supports the proposed land use intensification of these important sites in the Stevens Creek Boulevard corridor, where VTA is planning to implement Rapid 523 enhanced bus service as a near term improvement and early deliverable of the Stevens Creek Boulevard Bus Rapid Transit (BRT) Project. The site is currently 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. Besides intensifying land uses near this key transit corridor, by increasing the proportion of office/employment uses in the existing mix of office, housing, retail, and entertainment uses 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 fewer 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.

Congestion Impacts to Transit Service

The DEIR and TIA find that increasing congestion will result in significant impacts at the intersections of Stevens Creek Boulevard with Winchester Boulevard and Monroe Street, based on City standards. Stevens Creek Boulevard/Winchester Boulevard is currently a Protected

Intersection per City policy, and Stevens Creek Boulevard/Monroe Street is proposed to be Protected as part of the project approval. 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. 51) The DEIR also cites Envision 2040 Policy TR-1.4: "Through the entitlement process for new development, fund needed transportation improvements for all transportation modes," and finds the proposed project consistent with this policy because it "will be required to pay fees for off-setting improvements to alternative modes of transportation." (p. 24)

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 stop improvements along Stevens Creek Boulevard and Winchester Boulevard in the project vicinity, pedestrian circulation improvements to transit stops, and wayfinding signage within Santana Row to direct pedestrians to transit stops. VTA would like to be involved in the process 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.

Transportation Demand Management/Trip Reduction

The DEIR notes that the project "would be required as a Condition of Approval to implement a Transportation Demand Management (TDM) program to reduce daily traffic trips by a minimum of five percent." (p. 158) However, the DEIR and TIA do not include any discussion of specific TDM measures or describe how the trip reduction goal would be monitored or enforced.

VTA notes that establishing vehicle trip reduction goals and including a Lead Agency monitoring and reinvestment mechanism in a TDM Program can be an effective strategy to reduce automobile trips, traffic impacts and vehicle miles traveled, which has been utilized by Cities in Santa Clara County. The establishment of a Transportation Management Agency (TMA) to coordinate TDM strategies among several developments in an area has also proven to be beneficial. VTA believes these strategies could help reduce automobile trips to/from the Santana

City of San Jose
May 6, 2015
Page 3

Row Expansion Project and other future projects within the Stevens Creek and Winchester Urban Villages.

VTA would be happy to assist the City in developing an implementing an effective TDM Program for the Santana Row Expansion and other future developments in the area. TDM measures that may be applicable to the project include:

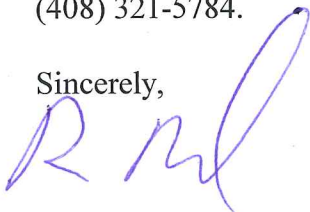
- * Parking pricing and parking cash-out programs
- * Public-private partnerships or employer contributions to improved transit service to the area (for example, shuttles to Caltrain)
- * Transit fare incentives such as free or discounted transit passes
- * Bicycle lockers and bicycle racks
- * Showers and clothes lockers for bicycle commuters
- * Preferentially located carpool parking
- * Employee carpool matching services

Freeway Analysis and Mitigation Measures

The DEIR notes that there will be Significant Impacts to one segment of I-280 and two segments of I-880 (pg. 65) but does not identify a mitigation measure. It's acknowledged that the City is working with VTA on the restart of planning and project development for improvements at the I-280/Winchester Boulevard interchange. VTA recommends that the City require the project to contribute to future project development phases (e.g., environmental clearance, design and/or construction) for improvements in the vicinity of the I-280/Winchester Boulevard interchange that materializes out of the work that is being restarted by VTA and the City.

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

SJ1321

Brian Darby

April 5, 2015

San Jose Resident of District 1

Dear David Keyon, Planning Commission Members, and citizens of San Jose.

I am writing you to express my concern about the expansion of Santana row as expressed in project File No.: PDC13-050. Council District: 6. The Santana Row development has been an exceptional addition to San Jose for several reasons, it has brought a revitalization to a rather underutilized area, it purports to conform to the Urban Village concept as expressed in Envision 2040 plan. Santana row has produced much-needed revenue in taxes and other fees that the city has collected over the years and stands to collect with this new development. Santana row has offered a variety of employment opportunities in the retail and business sector. Federal Realty has done a good job in administering this aspect of Santana row but it has been given a great deal of latitude in how it develops and changes the retail space with little oversight as to the particulars i.e. which restaurant moves in and what type of establishment or change to an establishment. I do not fully understand how this works but it seems that restaurants can change their "venue" without reapplying for permits.

My concern about this new expansion is that it does not adequately address some of the local and regional concerns that are exacerbated by constant expansion along the corridor that does not have the capacity to be a "mini" downtown San Jose. The traffic along the Winchester/Stevens Creek corridor has been compromised by the continued development with little or no mitigation to the traffic needs. Winchester has never been a major thoroughfare and it certainly is not adaptive to a fully urban setting. This entire area, when first developed, was a suburban/agricultural zoning. I do not believe the concept of the urban Village has been vetted well enough to embark on major redevelopment along this and other venues in San Jose. Santana row has often been held up as a successful implementation of the urban Village concept yet several individuals including Councilman Constants did not consider Santana row a real "urban Village" because of the lack of connection with mass transit such as the potential Bart development and light rail. The transit that is now available is certainly not adequate to the increase in does not offer the ease of use that is spoken of In the Environmental Impact Report.

The intersections of Stephen Creek and Winchester and Stevens Creek and Monroe along with Stevens Creek/280/880 interchange are extremely congested and even with the development of a new interchange for the Stevens Creek/280/880 the surface streets will see little if any traffic relief. Though the development is going to pay traffic impact fees and, if I am reading the EIR correctly will also help pay a "fair share" for a upgrade for the Stevens Creek/Monroe intersection. I believe it is unrealistic to blame Santana row or federal Realty for all the congestion that takes place along these corridors the Westfield/Valley fair shopping center development is also a major contributor to the congestion. My concern is that these developments do not adequately address the impact they will have on a regional/neighborhood section of San Jose. These developments along the Winchester corridor have a cumulative effect and in my opinion there seems to be little if any dialogue concerning this. Federal Realty always does a superb job on its presentation and its EIR/CEQA requirements. My frustration is

more with the mechanism by which these documents are used by the city to determine the viability of the project in conjunction with other projects in a neighborhood/regional aspect. That is not the developers job that is the city's job in my personal opinion that job has been sorely lacking. For instance when I went back to the archives to view the planning commission acceptance of the development of the office building that is now being constructed at Santana row I was taken back at the lack of inquiry on the part of the commissioners and with the even less inquiry on the part of the city Council as to concerns raised by individuals in written and spoken testimony.

Referring to planning commission date July 25, 2012 PDC 12 - 009 approximately 30 minutes into the meeting with a discussion of the rezoning and approval of the development of the office complex now being constructed. It is noted that none of the regional/neighborhood concerns were addressed in either the EIR or in the subsequent discussion at the commission or Council level in my observation. There was a tacit discussion concerning the safety of the people who reside at Belmont Village Senior Living Center when going from their facility to Santana row or any other area in the neighborhood and their safety due to the increase in traffic. The representatives of the people who reside at Belmont Village also brought up the new constructions blocking their view and other quality-of-life concerns. Those concerns were basically not addressed or tacitly addressed by the commission with one Commissioner offering the idea that people are not required to stay at Belmont and can move to another center that meets their needs. There are no other centers like Belmont which was one of the reasons it was built in the location that it was built at. That response I believe is foretelling at the dismissive attitude often given concerns by residents when questioning the Santana Row development. We are allowed to write letters, give public comment, and address concerns to our constituents but in my personal experience though people listen kindly, we are at times ignored, kindly.

If one goes to the planning commission when they were discussing an issue on Wednesday, February 25, 2015 the issue under discussion was CP 10 - 010 which was basically the installation of a car wash. This discussion went on at the commission level for over three hours and eventually was not passed onto the Council. The Santana Row development has far more implications for far more people than does a car wash on a corner lot. But if one watches the Council and commission vetting of the 2012 rezoning, the Santana Row representative was not question about any of these concerns. I do not have access to that particular EIR so I can only speak as to the questions given by the commissioners and the city Council representatives at the time the rezoning request was approved. I believe the 2012 project vetting is indicative of what may go on with this new intensification of Santana Row. One of the commissioners spoke about the quickness of which the 2012 rezoning approval was achieved and how the city of San Jose is "moving at the speed of business". The developers chose to sit on this "rezoning" until 2015, so there was no need for a quick decision and that should also be noted.

Another concern which did not appear to be addressed at all in the EIR for the expansion of Santana row is the strain on local resources such as emergency services and water. During the original construction of Santana row there was a devastating fire which apparently led to the damage of other structures due to inadequate response. It was noted that mutual agreements between municipalities would be updated concerning emergency responses. The issue in San Jose is that fire and police services are operating at minimal level and the requirements of intensified residential/commercial/retail development puts more

of a strain on these local resources. The close proximity of the business development approved in 2012 to the Belmont residential care facility is also a concern. There has already been one devastating fire where thankfully nobody was hurt in this development yet there is nothing in the EIR or subsequent discussions where this is even addressed. I could be wrong but it seems like this concern has not even crossed the minds of the people who developed the EIR or who check for the accuracy of the document.

Another area of concern is the “community outreach” that usually entails one public meeting and a notice of individuals within either a 500 or 1000 foot radius of the proposed development. I believe it is not the developers responsibility to be the primary public outreach entity that should be the city. In my opinion San Jose does not do a very good job in keeping its citizenry informed. This is gotten better but is still lacking considering the effect these developments will have on the people who reside in this area. With the potential development taking place on the site that now hosts the Century theaters I think it is critical for multiple outreaches. I can tell you from personal experience with residents in this area where I reside i.e. near the Winchester mystery House people do not become involved because when they have they have not felt heard. Like I said before we are listen to, we are allowed to write letters, emails, and make phone calls. We can also show up at meetings and voice our concerns but we are not heard. The concerns are often passed over as is evident in the two meetings noted above.

I also note that parking at Santana row is already congested during peak times in the overflow that now parks in the Winchester theater parking lots and in the surrounding neighborhoods shows this to be a problem. The other issue concerning transportation and traffic is that VTA has made plans to make one lane on Stevens Creek a bus only lane. From my conversations with them they believe this is an already “done deal” and their plans for future increase ridership are to some degree predicated on this development. Taking one lane away from vehicle traffic along Stevens Creek would be devastating to local residents and many local establishments.

The Envision 2040 seems to dictate that there are three “transportation desirables” that will be facilitated by the urban Village concept. People will be able to walk to work, people will take VTA, walk, or bicycle to local shopping and entertainment venues from their home. When I asked several planners at the city if there was any real data concerning ridership, pedestrians, bicyclists in relation to vehicular traffic to the local venues around Santana row I was informed by both planning staff that Santana row was not considered an urban Village. In discussion groups with other people such as Mayor Liccardo the concept of what is an urban Village still seemed up in the air i.e. “not well defined”. If city leaders and city planners do not have a concrete concept as to what is an urban Village how is the public supposed to understand the development of said villages?

There does not seem to be any accurate way of measuring if these three alternative transportation methods are being used as these urban villages are being developed. I can tell you for a fact that most of the people who work at Santana row do not live there, I would be surprised if there is maybe two or three residents that actually live within walking distance of their home and their place of employment. I

ride the VTA on a regular basis and neither the Winchester or Stevens Creek route are used to the extent they could be. If there is no accurate data to see if the urban Village concept is even viable in some areas that I believe this headlong desire to push the construction of these sites ahead of the infrastructure of the area to maintain the increase density. I do not believe that the new EIR by federal Realty adequately addresses these concerns.

I wish to express my thankfulness to the people who serve in the planning commission as well as city staff who attempt to do the best they can and I acknowledge that. Thank you for allowing me to express my concerns.

Sincerely Brian Darby

A San Jose resident

New Santana Row development

Paul Jacobs < >

Wed 4/8/2015 7:16 PM

Inbox

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

Dear David,

Are you people insane? How can you possibly allow further development there in the face of certain traffic gridlock. Will San Jose ever say no to development? How many more stores are needed at Santana Row and Valley Fair? There aren't enough already? And are we to be asked to cut our water use even further so we can share our ever diminishing supply with the new residents and businesses to be added here?

For heaven sakes, please for once say "No".

Paul Jacobs

Sent from my iPad

Santana Row Expansion SCH# 2013122059

Alan Liu

Wed 4/8/2015 7:51 PM

Inbox

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

Hi David,

I saw a San Jose Mercury News article regarding the proposed expansion of Santana Row and read through the EIR. As a homeowner in the Vicino Townhomes, I support the proposed expansion.

Thanks,
Alan

Public comment on Santana Row expansion

L.A. Kurth

Sat 4/11/2015 4:17 PM

Inbox

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

Dear Mr. Keyon,

As a resident and voter in San Jose, I'm very concerned about Santana Row's plan to expand, and the part that concerns me the most as someone worried about affordable housing in San Jose, is that 47 apartments will be torn down.

According to the *Willow Glen Resident*, our local paper, the apartments "could" be relocated elsewhere, but is that a definite commitment on the part of Santana Row?

And will these somewhat affordable apartments be replaced by luxury housing that the former tenants will never be able to afford?

Assuming there are families living in some of the units, we could be displacing and disrupting the lives of several hundred people, who would then have to move further to affordable housing and add to the traffic problem--because the jobs are here. I recently heard the mayor of Sunnyvale talk about a fast food worker having to move to and commute from Tracy!

All over Willow Glen I see small houses being bought up and replaced by much more expensive monster homes. We are losing attainable, not even affordable housing every day, and I hope this concern will be raised as a serious aspect of the Santana Row expansion. It is very serious to me and the people I work with on affordable housing.

Cordially,

Lita Kurth

1043 Warren Ave, San Jose 95125

Fwd: Draft EIR Santana Row PDC13-050

Warren Gannon

Thu 4/16/2015 11:54 AM

Inbox

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

Begin forwarded message: David--I originally sent this message to the wrong address. I hope this reaches you. Thanks, Warren Gannon

From: Warren Gannon
Subject: Draft EIR Santana Row PDC13-050
Date: April 16, 2015 11:35:41 AM PDT
To: david.kenyon@sanjoseca.gov

The following are my observations after reading the above document:

1. I am supportive of the overall plan presented by Federal Realty. It appears to me this is a sound, considered plan and will be in the best interest of the surrounding neighborhoods.
2. My only observation would be that Lot 17, now planned for a high rise office building, be considered as a combination high rise office/residential structure.

The potential advantages for such a modification would be:

- a. The site has all of the advantages/amenities that are closely available at the current Santana Row
- b. Residential floors in the building could be designed to take advantage of the viewscape
- c. Residential owners/renters would be able to take advantage of the Frank Santana Public Park a few steps to the East.
- d. Ingress and Egress to the building would not be compromised by a residential component.
- e. Residential amenities (exercise facilities, coffe shop, lounges, library) could also be available for the office personnel

There may be other advantages that the developer would include. However, most importantly, Federal Realty could use the added residential units to displace the residential units planned for Santana West. That would allow Federal to provide for more commercial development on the Santana West site that would help the San Jose's need for more sales tax revenue.

Thank you for the opportunity to be heard in respect to this development. Federal Realty has been a good neighbor and I welcome their plans to develop the property on lots 9 and 17. I am particularly enthusiastic about the opportunity for an interesting and neighbor-friendly development on Santana West that will take place over the next several years.

Warren Gannon
504 Charles Cali Dr.,
San Jose, Ca. 95117

Santana Row Expansion

Joanne Anderson

Mon 4/20/2015 10:14 PM

Inbox

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

April 20, 2015

Dear Mr. Keyon,

I am most concerned about the expansion of Santana Row and the area where the Century Theaters are. It is beyond my comprehension how the area will be able to absorb more traffic. It is already congested. My concern includes the structure currently being built on Winchester next to Belmont Village. It will generate more traffic from the employees of the building, and it has also eliminated a major parking lot for visitors to Santana Row. I recently found out that Santana Row wants to build two more structures on the property. Anyone who lives in the neighborhood or drives to Santana Row, knows the congestion there already is.

I live on Westridge Drive and frequently go to Santana Row and to Belmont Village assisted living to visit my mother. I feel I am very knowledgeable about the traffic jams I experience frequently especially on weekends. Sometimes it takes me 20 minutes (especially weekends) to go from my house to the entrance of the 17 freeway which should take me less than 5 minutes. Traffic is at a crawl.

When I visit my mom at commuter time and am driving from her building, it is hard to merge into traffic on Winchester. Fortunately, there are some polite motorists who will let me in. Then there are the holidays, Xmas and other vacations times where Valley Fair and Santana Row have many more visitors. It is truly a zoo. Even on regular days, it is next to impossible to find a parking space at Valley Fair and now Santana Row has reduced parking which is very frustrating. I would hate to see more traffic and Santana Row and Valley Fair suffer as people may decide not to face the traffic jams.

Then one worries and I do especially for my mom and her fellow residents, **how will emergency vehicles maneuver the traffic jams and get help to them** or any other residents in the area or visitors to Santana Row. I see lawsuits coming if this should occur.

Please pass my letter on to the planners and decision makers in City Hall. I hope that the City will stop these projects before they create a mess that they will have to resolve in the future.

Thank you for considering my request to stop construction in this area.

Sincerely,

Joanne Anderson
112 Westridge Drive
Santa Clara, CA 95050

Comments on the DEIR for PDC13-050, the Santana Row Expansion project

John Dowling

Mon 4/20/2015 10:23 AM

Inbox

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

Hi David,

Thank you for the opportunity to comment on the Draft EIR for the Santana Row Expansion Plan PDC13-050. I have couple issues I would like to talk about.

The first is Transportation. In the NOP for the EIR it was stated that Olsen Drive would be closed. "Olsen Drive will be reconfigured to terminate in a modified traffic circle just west of the existing theater building."¹ In the Draft EIR, that has changed. In Section 2.1.8: "Olsen Drive will be improved with wider sidewalks, new paving and landscaping, and the addition of a dedicated valet stacking lane for inbound vehicles."² Does this mean that Olsen will not be closed? Or is that still planned for some time in the future?

The Transportation study did not include anything on closing Olsen Drive. During the study with the manual counters, Olsen had always been open to Hatton Road.

The Draft EIR also does not mention that there is a three level parking garage inside Santana Heights, with over 600 spaces, that affects traffic on Olin Drive and Olsen Drive during the peak evening hours.

This might have an effect on the Traffic Study.

The Draft EIR mentions the Limited 323 line does not stop at Santana Row, "The nearest stops for the 323 Route are Kiley Boulevard and Bascom Avenue, which are not within walking distance."³⁴ This is repeated in the Traffic Survey. This is not true, the 323 makes a stop right in front of Santana Row.

The DEIR mentions several mitigations for intersections around the area of the project to handle the additional traffic. If the project is to have minimal impacts on traffic, the **project should be placed on hold until all traffic mitigations are completed.**

Next is Water. We are in the fourth year of a drought, and I think that using reclaimed/recycled water for the all plants and shrubs on the property as well as the planned treating of stormwater runoff before dumping into the sewer should be done. This is not specified in the DEIR. Currently in the General Plan 2040, MS-3.2 states "Promote use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example,

promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.”⁵ That should be done here. The idea is to **promote no net increase in tap water use for plants and shrubs** in Santana Row.

[1](#) PDC13-050 NOP, Page 5

[2](#) PDC13-050 DEIR, Page 12

[3](#) PDC13-050 DEIR, page 38

[4](#) Appendix A: Transportation Impact Analysis, Hexagon Transportation Consultants, Inc., Nov 2014; Page 11

[5](#) General Plan 2040 for San Jose CA CH 3, page 6

Sincerely,

--

John R. Dowling

<http://www.linkedin.com/in/johnrdowling>

Santana Row Expansion - File PDC13-050 DEIR - Comment & request

Mon 4/27/2015 10:32 PM

Inbox

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

Dear Mr. Keyon,

I have recently acquired property in the KBHomes "Vicino" development, where I am planning to move in the near future. I appreciated the opportunity to review the DEIR for the new development, and I believe that overall it will make that neighborhood more attractive for residents in many ways. However, I also have concerns about the impact of the construction, and I would like to request that the city opts for Alternative B, characterized as the Environmentally Superior Alternative in Section 7

- The main problem I can see is the impact on traffic during rush hour. The DEIR goes to great detail in assessing the additional load on existing thoroughfares, but perhaps does not capture entirely the fact that the peak traffic is concentrated in a short time, during which the planned narrow lane to the garage will be bumper to bumper. I believe that this peak would be a source of distress for the residents, particularly because it will relentlessly repeat itself every single day, twice a day.
- You comment that the 4 public transportation lines leading up to Santana Row are under utilized. This is perhaps because their stops are not placed conveniently to support the flow towards the offices and the shopping area. Have you considered a few new stops, perhaps in front of the cinema, or at the opposite end of the Row? You may find that shoppers and commuters are tempted by the convenience
- Lastly, as you list the objectives of the development, you mention Objective 6: "replace under utilized existing surface parking with .. new parking structure of up to 5 stories above grade on Lot 9" and Objective 7: "relieve local vehicular traffic impacts ... to encourage and expand alternative transportation". However, these two objective are in contrast with each other, because if you create substantial parking space you will demotivate visitors to use public transportation.
-

To summarize, the Reduced Development Alternative (B) will mitigate all the impacts while achieving most of the objectives of the development, as you point out in your analysis. This is why I am recommending that you adopt it.

Yours truly

Luca Sartori

The information transmitted, including any attachments, is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited, and all liability arising therefrom is disclaimed. If you received this in error, please contact the sender and delete the material from any computer. PricewaterhouseCoopers LLP is a Delaware limited liability partnership. This communication may come from PricewaterhouseCoopers LLP or one of its subsidiaries.

PDC13-050

Malcolm

Sun 5/3/2015 4:37 PM

Inbox

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

Cc:Malcolm Spencer

Dear Mr Keyon,

We recently attended the presentation of the Santana Row development plan at the Valencia hotel. Whilst we support the ongoing development of Santana Row and the next phase we have two major concerns that we believe warrants an amendment to the plan as shown.

Firstly, the proposal to build a five story parking structure at the south westerly intersection of Olsen and Hatton.

Secondly, the proposal to build an office block between Hatton and Santana park.

We have the following environmental concerns with respect to those proposals as both an owner and resident of a property in Rialto Place, Vicino homes that directly faces the proposed parking structure.

1. Pollution

Air quality due to traffic on 280 and 880 is already noticeably poor on days when there is low wind with a south westerly breeze. The location of the car park will increase the traffic within the living community and add to the pollution levels. As per the draft EIR, the full build out of the PD zoning would have a significant ROG, NOx, and PM10 operational air quality impact which is stated as a significant unavoidable impact. The document states "There are no mitigation measures available to reduce identified ROG, NOx, and PM10 emissions impacts to a less than significant level". We disagree with that statement and believe that a repositioning of the car park to the outer perimeter of the development area would have a greater dispersment area for the air pollution, therefore improvements in planning of the site will have avoidable impact. The car park itself will have a large impact to the air pollution as vehicle emissions are greater upon start up. The properties at the eastern edge of the car park will suffer the most from this pollution. The properties in Rialto place already have a continual residue from pollution, the increase will likely reach unacceptable living levels.

2. Noise Impacts

The Santana Row parking structure project noise assessment dated June 2014 clearly shows that operational noise will have significant impact. Whilst the average noise levels highlighted in the report do not appear significant the regular occurrence of car horns and alarms, increased traffic and vehicles traveling at uncontrolled speeds along Hatton will negatively impact the environment. The proposal to mitigate with a solid barrier appears minimal and could be further enhanced with sound proofing.

The alternative mitigation to limit hours of use for a portion of the garage are difficult to control and only avoid vehicles arriving outside the stated hours. Unless traffic flow is restricted the sound of moving vehicles will echo within the garage and the noise will deflect directly towards the eastern perimeter with significantly greater impact compared with the existing open parking structure. We therefore argue that this alternative mitigation is unacceptable.

2. Safety

The proposal to locate the garage opposite the Vicino homes and Misora properties with access from Olsen and Hatton will increase the traffic on Olsen avenue and Hatton directly, but also increase the traffic using Sth. Monroe through Tisch as this is

used as a short cut to link 280 and 880 users to Valley Fair.

Increased traffic along Olsen will also cause safety concerns at the crossing of Santana Row and the Cinearts cinema.

3. Flood zone

The extension of Santana park along Hatton was billed as a flood zone prevention measure. The new plan includes a new office development on this green land.

We propose alternatives to the plan as follows:

Hatton and Olsen:

We understood the original proposal for the area at the intersection of Olsen and Hatton was for a lower level office complex, this is less concerning from a pollution and safety perspective.

The concept of offices on the perimeter and cars directed into the center appears flawed. Underground parking with access from Tisch or Winchester would keep the traffic and subsequent noise disturbance from car doors, car alarms and car horns away from the heart of the community. The alternative would be parking on the westerly side of Winchester.

Hatton and Santana Park:

We were informed by KB Homes that the land adjacent to Rialto Place and Hatton was gifted to San Jose city to both extend Frank Santana Park and act as a flood zone. We encourage that this remains the plan as this Park is extensively used by the community.

In summary, we believe that the proposals are contrary to information available to owners of Vicino homes when the properties were purchased. The proposals will increase pollution, noise levels and create traffic hazards that are avoidable with improved planning. The noise and air pollution mitigation proposals are insignificant compared with the overall impact to the community.

Sincerely,

Malcolm Spencer

Feedback on PDC13-050

Paola Moncini

Sun 5/3/2015 6:04 PM

Inbox

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

Dear Mr. Keyon,

as the owner of a new property on Rialto Place in the Vicino KB Homes development, I have various concerns and some suggestions after reviewing the DEIR for the planned development rezoning PDC13-050 at Santana Row. My concerns are about the planned destination for lots 9 and 17:

- Today, air quality degradation due to traffic on 280 and 880 is already poor on days when there is low wind. The location of the car park would increase traffic within the community and cause a significant ROG, NOx, and PM10 operational air quality impact, essentially extending the car-caused pollution from the highway deep into the residential area. The DEIR indicates that there are no possibilities to mitigate this further degradation. As there are hundreds of families living in the area, between the Misora residence, the Vicino development, and prior built properties bordering on Vicino, we think that further degradation of air quality is unacceptable from a public health standpoint.
- The noise impact of the new development will go hand-in-hand with the increased pollution, per your noise assessment study dated June 2014
- We also heard about a plan to build office space in Santana Park - this is contrary to what we understand are prior commitments from the City of San Jose.

My suggestions are the following:

1. Go for the "No Project Alternative" on page x of the March 2015 DEIR, which would still allow the development of Lot 17 into office space as in PDC10-018, and therefore provide an additional revenue stream to the City of San Jose.
2. Use Dudley Avenue as the access road to the new development, connecting it to a fire-access lane as in the map in the DEIR.
3. Extend the public transportation network serving the area diverting for example line 60 to go through Santana Row.

Please put my name in your mailing list for future communications or community meetings

Thank you for your consideration

Paola Moncini

May 4, 2015

Dear Mr. Keyon,

This letter is in response to the DEIR for the Santana Row Expansion and represents the concerns of the Winchester Orchard Neighborhood Association (WONA).

We have several concerns, including the height of future buildings, parking as it relates to traffic back-ups, the loss of affordable housing, water resources and air quality concerns. Clearly this area simply does not have the infrastructure in place for all of the developments that are proposed in the Winchester corridor.

In terms of height, the current height of the Valencia Hotel is 90 ft. while the zoning does allow for 120 feet. In the current DEIR, Federal Realty is asking for a 135 ft. zoning for lot 9 and a 180 ft. height for lot 11. According to the 2040 General Plan, buildings must be consistent with the current "community character". These new heights would double the height in the area and clearly do not meet the standard of blending in with the community. Additionally, as these buildings continue to grow in height, they will have a significant impact as they will have an adverse affect on the scenic vistas and the existing visual character. This is already evident by the loss of views for our senior community at the Belmont, as the building under construction will block their views on one side of the building. We ask that the new buildings are not allowed over the current zoning for the developed portion of Santana Row at 120 ft.

With regard to traffic in the area, it is clear that traffic studies were only completed during residential commute times in the off-season. As anyone knows who is in this area, from November through the beginning of January our traffic patterns clearly change and always lead to gridlock, this affects the residents, the retailers who want to move more customers in, as well as response times for public safety vehicles. Even though the current building under construction and the proposed new buildings will be primarily office space, this will certainly lead to further back-ups as approximately 2000+ cars will be parking for work each day. How can we be assured that there is adequate infrastructure for this type of traffic, especially during the holiday season when these parking spaces will be utilized for restaurant and retail customers? The DEIR states that 'in lieu of fees' will be paid to the city, to mitigate traffic in other parts of the city, but not in our area. This does not follow the direction of the 2040 general plan or our elected officials who have stated that development should occur when the infrastructure is in place to handle the additional traffic and density. This is the reason that our area is in Horizon 3 in the Urban Village plan.

The affects of our long-term drought are profound and felt by all who live in San Jose. Just this past week, we were asked to conserve by 30%. So any negative affect on our water supply should be of major concern. As stated in this DEIR, there may be problems with excavation due to significant ground water issues. "Future development under the proposed PD Zoning could interfere with ground water" and this was deemed a significant issue.

Given that thousands of cars will be coming to work each day, our air quality will most certainly be affected. The 2040 General Plan EIR concluded that implementation of the General Plan would not reduce criteria pollutant emissions to less than significant levels. There are no feasible

mitigation measures to reduce operational criteria pollutant emissions below BAAQMD thresholds. As a result, operation of the project would have a significant unavoidable long-term impact on local and regional air quality. The City of San Jose has worked hard over the past 30 years to clean up the air quality. This sets our gains in air quality backwards.

In terms of affordable housing, the area covered by the DEIR is currently designated as a Horizon 3 Urban Village; therefore, Santana Row Expansion contractors may contend that Urban Village concepts contained in the San Jose General Plan are not applicable. We consider this an unacceptable assumption by the DEIR compilers, in view of the City's stated inclusionary housing goals for an Urban Village. San Jose's General Plan Goal H-2 (Affordable Housing) requires that planning "preserve and improve San Jose's existing housing stock". We realize that there is no intention to make this goal a codified mandate; however, since the proposed demolition of 47 units of affordable housing and replacement with a like number of market rate housing units at an undefined location clearly undermines the City's affordable housing goals of H-2, WONA requests that Sections 2.1.1, 2.1.7, and 3.2 of the EIR address the H-2 City goal. DEIR Section 4.1.2.1 (thresholds of significance) includes the following category: "Displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere". We request that the significance of this specific requirement be addressed in the EIR.

The bottom line for this area, infrastructure is not in place, nor is it planned for the Stevens Creek/Winchester area to become the "new downtown". Without a fully operational mass transit system in the works, this area will only continue to be gridlocked, with poor air quality, and stress on the rest of the infrastructure. This does not help maintain the integrity of the current neighborhoods, as stated in the 2040 General Plan, nor does this bode well for retailers and businesses considering moving into this area. Gridlock, no access to affordable housing, stressed infrastructure, which we already have, benefits no one.

Sincerely,

Daphna Woolfe
President
Winchester Orchard Neighborhood Association (WONA)

Brian Darby

May 4, 2015

San Jose resident

Dear [David Keyon, members of the Planning Commission, City Council Members](#)

Concerning Santana Row Expansion Project File No. PDC13-050

I am writing to express my concern about the ongoing development in the Santana Row area. I have sent other emails expressing specific concerns that I hope will be addressed in the revised EIR. In all honesty, I do not expect that to really happen. As many of the other individuals who live in this area, we have come to believe, possibly incorrectly, that becoming part of the planning process through writing letters, making phone calls, sending emails, and going to meetings is an exercise in utter absolute futility. After reading through the EIR for the Santana Row development I've come to see some concerns that are somewhat addressed such as water usage, increased traffic, congestion, and strain on city resources such as fire and police. These topics are touched on by the EIR, but are, basically, and again this is only my judgment, neglected.

I do not understand the EIR process very well and in my discussions with planners at City Hall they don't fully understand it either. That does not bode well for my confidence if it is true. I know that this process is complicated, drawn out, and often the real important issues get lost in the minutia. I really believe that is one of the reasons why the process is as complicated as it decreases public involvement, which seems to be an objective for some that are actively involved in this process. What the EIR does not deal with is the emotional trauma that many people go through when such huge developments take place near their home. The prospect of having a significant increase in traffic, noise, congestion, deteriorating infrastructure... etc. can be an overwhelming experience. I do not believe that the commission, city staff, or the city Council has really taken this into account on a fundamental level. That is not because you are mean or insensitive is because you are overwhelmed, have to deal with very complicated local city and state issues as well as a variety of stakeholders in any development of this size. So I understand the propensity of not dealing with the "messy" issues that cannot be objectively quantified. The problem is the things that make us human beings and make a home a home are those "messy" things that I hope are never "quantified".

I am concerned with the increase in the development of Santana Row will be met with the same "rubber stamp" public hearings that I witnessed at both the City Council and the planning commission when the large office building being erected right next to the retirement community came before these two city entities. The planning commission and City Council seem to spend more time dealing with minor projects which will only have a small impact on a very small group of people and spend little time really asking that hard questions of the developer when a large project with a firm that is well-liked are merely formalities.

I'm concerned that there is a type of systemic favoritism of these large developments, but that is only an anecdotal observation so I admit I could be completely mistaken. The developers of Santana row with the increase density have significant impact not only on a local but on a regional level. With the increased development along the Winchester corridor which does not have the capacity to sustain such development I have grown more concerned with the danger to the communities that already exist along this corridor. Again, I could be mistaken about this, but I've heard that there is a possibility that the four story limit on development in certain areas might be changed to a project by project basis were basically the sky is the limit. It is clear that there will not be any significant upgrade to Winchester within the next decade, possibly the next 20 years. I discussed this issue with two city planners and got the idea, again, I could be wrong, that there was no real city wide desire to upgrade Winchester in any significant way. That was not specifically stated it seemed to me that this was a way to force people to ride public transit, walk, or ride a bike to local areas. Anybody who has ridden or walked in this area understands that it can literally kill you if you are not extremely careful because of the increased traffic and lack of traffic enforcement on the part of San Jose law enforcement. This is another issue that will not be dealt with in the near future, i.e. the next 5 to 15 years.

I respectfully request that the commissioners and the Council ask the hard questions of federal Realty in any of the other large developers. Federal Realty is an excellent organization and may have answers to these questions that none of us have thought of but they are a business and the not going to offer answers to questions that are not asked during this process. I have no problem with that because that is their job to keep costs low and productivity high and generate income that's the purpose of any business. It falls on the city management and elected officials to steer this process in a way that is balanced and deals with all "stakeholders" concerns.

I again encourage you to watch the Council and planning commission meetings with the final approval was given to federal Realty to build the increased office space now under construction. Two things really stuck out to me one was the idea that people who live in a semi-independent retirement community can simply just move if they don't like the construction that is going on around them. I can tell you from personal experience working with the elderly over 30 to 35 years in my career that moving can be a death sentence for a person who has resided in an area for a long time or is in failing health.

The other situation that really troubled me was the lack of questions concerning traffic along Winchester and Stevens Creek, any questions concerning VTA ridership, bicycling, or walking to get to this office building were not discussed. These are three key planks in the 2040 plan yet they are not monitored or in any way looked at to see if the urban Village concept is even working in this area. I mean in my experience city leaders cannot even accurately define what an urban Village is. I find that even more troubling.

Thank you for the time you take to serve us I appreciate it.

With Respect

Brian Darby

Santana Row Planned Development Rezoning – Notification

Jim Toal

Wed 5/6/2015 2:01 PM

Inbox

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

 1 attachment (65 KB)

Santana Row Planned Development Rezoning – Notification.pdf;

City of San Jose
Department of Planning, Building, and Code Enforcement
[200 East Santa Clara Street, 3rd Floor Tower](#)
[San Jose, CA 95113](#)

Attention: David Keyon

Re: Santana Row Planned Development Rezoning – Notification

Dear Mr. Keyon,

The purpose of notifying the public regarding such a project is to seek input from those possibly impacted by the construction and completed buildings, and to try to eliminate or mitigate their concerns. Adding 510,000 square feet of office space to Santana Row would, using the general rule of 125 to 225 usable square feet of office space per person, add between 2266 and 4080 persons. Assuming that most would drive to the office, the expansion would add that many cars to Tisch and Monroe. That is a lot of traffic, noise and pollution affecting the homeowners on Monroe. They were not notified of the expansion.

I suggest that the zone of notification be expanded to include the nearly 270 homeowners on Monroe, Villa Centre Way, Hemlock, Monroe Terrace, Genevieve, and Daniel Way. I suggest that any decisions regarding this project be made only after they have had a chance to comment.

It would be disingenuous not to do so.

Sincerely,

James M. Toal
552 Villa Centre Way

May 6, 2015

Santana Row Planned Development Rezoning – Emergency Response

Jim Toal

Wed 5/6/2015 2:04 PM

Inbox

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

City of San Jose
Department of Planning, Building, and Code Enforcement
[200 East Santa Clara Street, 3rd Floor Tower](#)
[San Jose, CA 95113](#)

Attention: David Keyon

Re: Santana Row Planned Development Rezoning – Emergency Response

Dear Mr. Keyon,

Adding 510,000 square feet of office space to Santana Row would, using the general rule of 125 to 225 usable square feet of office space per person, add between 2266 and 4080 persons. Assuming that most would drive to the office, the expansion would add that many cars to Tisch and Monroe. That is a lot of traffic, especially between 5:00PM and 6:00PM when most would be heading home.

Traffic will back up for blocks on Monroe and Tisch making it nearly impossible for Engine 10 to respond adequately to emergencies. The Planning department recognizes this with their “protection” clause but does not offer a solution.

I suggest that Santana Row be permitted to build out their remaining parcels which includes a 69,491 square foot, seven-story office building on Hatton near Olsen, and 228,200 square feet office space on other lots within the current boundaries. This would allow for the intersection at Monroe/Steven Creek to have a C Level of Service and ensure Engine 10's response time. The addition of 510,000 should not be permitted.

Sincerely,

James Toal
552 Villa Centre Way

Santana Row Planned Development Rezoning – Intersections

Jim Toal

Wed 5/6/2015 2:05 PM

Inbox

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

City of San Jose
Department of Planning, Building, and Code Enforcement
[200 East Santa Clara Street, 3rd Floor Tower](#)
[San Jose, CA 95113](#)

Attention: David Keyon

Re: Santana Row Planned Development Rezoning – Intersections

Dear Mr. Keyon,

The intersection at Winchester/Stevens Creek has been given a new classification called “Protected”. It means that the Level of Service is an F and the city does not plan on fixing it. The Planning Department did not foresee how successful Santana Row would be. The mistake they made is excusable. However, with the proposed addition of 510,000 square feet of office space, the Planning Department knows that the Monroe Avenue/Stevens Creek Boulevard intersection is completely built out and the Level of Service will drop to an F. The same is true for the Tisch/Winchester intersection.

Acting with full knowledge that intersections will be rendered hopeless is a delinquency of duty.

I suggest that Santana Row be permitted to build out their remaining parcels which includes a 69,491 square foot, seven-story office building on Hatton near Olsen, and 228,200 square feet office space on other lots within the current boundaries. This would allow for the intersection at Monroe/Steven Creek and at Tisch/Winchester to have a Level of Service of C.

The addition of 510,000 should not be permitted.

Sincerely,

James M. Toal
552 Villa Centre Way

May 6, 2015

Santana Row Planned Development Rezoning – Insufficient Parking

Jim Toal

Wed 5/6/2015 2:07 PM

Inbox

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

City of San Jose
Department of Planning, Building, and Code Enforcement
[200 East Santa Clara Street, 3rd Floor Tower](#)
[San Jose, CA 95113](#)

Attention: David Keyon

Re: Santana Row Planned Development Rezoning – Insufficient Parking

Dear Mr. Keyon,

Using the general rule of 125 to 225 usable square feet of office space per person, adding 510,000 square feet of office space to Santana Row would add between 2266 and 4080 persons. Most of these people will drive their cars. The proposed five-story parking lot will have 1275 parking spaces. Where will the at least 1000 other cars park?

I suggest that Santana Row be permitted to build out their remaining parcels which includes a 69,491 square foot, seven-story office building on Hatton near Olsen, and 228,200 square feet office space on other lots within the current boundaries. The proposed parking structure would be sufficient to service that additional square footage.

The addition of 510,000 should not be permitted.

Sincerely,

James M. Toal
552 Villa Centre Way

May 6, 2015

Santana Row Planned Development Rezoning – Construction Traffic

Jim Toal

Wed 5/6/2015 2:10 PM

Inbox

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

 1 attachment (428 KB)

Santana Row Planned Development Rezoning – Construction Traffic.pdf;

City of San Jose
Department of Planning, Building, and Code Enforcement
[200 East Santa Clara Street, 3rd Floor Tower](#)
[San Jose, CA 95113](#)

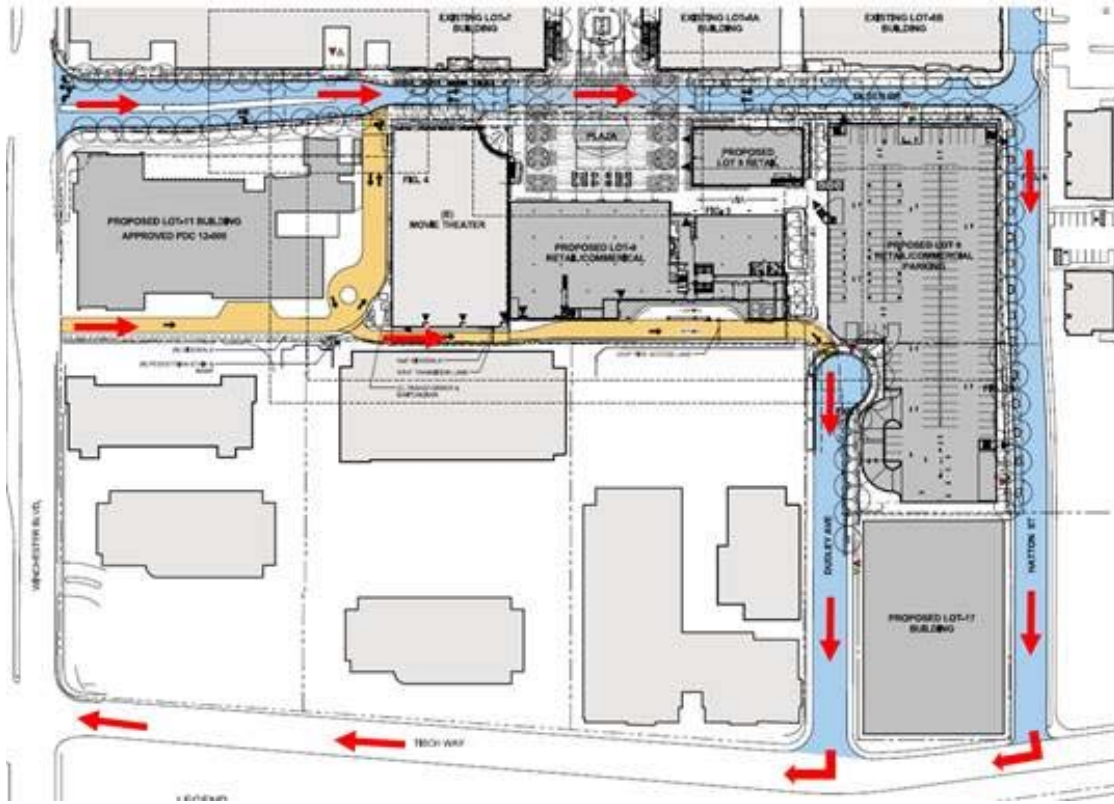
Attention: David Keyon

Re: Santana Row Planned Development Rezoning – Construction Traffic

Dear Mr. Keyon,

Using the general rule of 125 to 225 usable square feet of office space per person, adding 510,000 square feet of office space to Santana Row would add between 2266 and 4080 persons. Assuming that most would drive to the office, the expansion would adversely impact homeowners on Monroe and branching streets. This may be inevitable.

However, these homeowners should not have to suffer the noise, pollution, and traffic related to the construction. All construction traffic should access the building site from Winchester Boulevard and exit the site on Dudley Avenue and must turn right or in a westerly direction onto Tisch Way. No construction traffic should be permitted on Monroe.



Sincerely,

James Toal
552 Villa Centre Way

Santana Row Planned Development Rezoning – Design

Jim Toal

Wed 5/6/2015 2:21 PM

Inbox

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

📎 1 attachment (331 KB)

Santana Row Planned Development Rezoning – Design.pdf;



City of San Jose
Department of Planning, Building, and Code Enforcement
[200 East Santa Clara Street, 3rd Floor Tower](https://www.sanjoseca.gov/200-East-Santa-Clara-Street-3rd-Floor-Tower)
[San Jose, CA 95113](https://www.sanjoseca.gov/San-Jose-CA-95113)

Attention: David Keyon

Re: Santana Row Planned Development Rezoning – Design

Dear Mr. Keyon,

The first phase of Santana Row included refined architectural design and helped make it a popular destination. Subsequent construction of the apartments was done when Federal Realty was under financial duress and the character of the buildings suffered. City policy CD-1.12 requires building design to reflect the unique character of a specific site. City policy

CD-4.9 ensures the design of new construction is consistent or complementary with the surrounding neighborhood.

I propose the new development should match the unique character of the original Santana Row buildings not the apartment buildings constructed when Federal Realty was under financial duress.

Sincerely,

James M. Toal
552 Villa Centre Way

Santana Row Planned Development Rezoning – Parking Structure

Jim Toal

Wed 5/6/2015 2:25 PM

Inbox

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

 1 attachment (348 KB)

Santana Row Planned Development Rezoning – Parking Structure.pdf;

City of San Jose
Department of Planning, Building, and Code Enforcement
[200 East Santa Clara Street, 3rd Floor Tower](#)
[San Jose, CA 95113](#)

Attention: David Keyon

Re: Santana Row Planned Development Rezoning – Parking Structure

Dear Mr. Keyon,

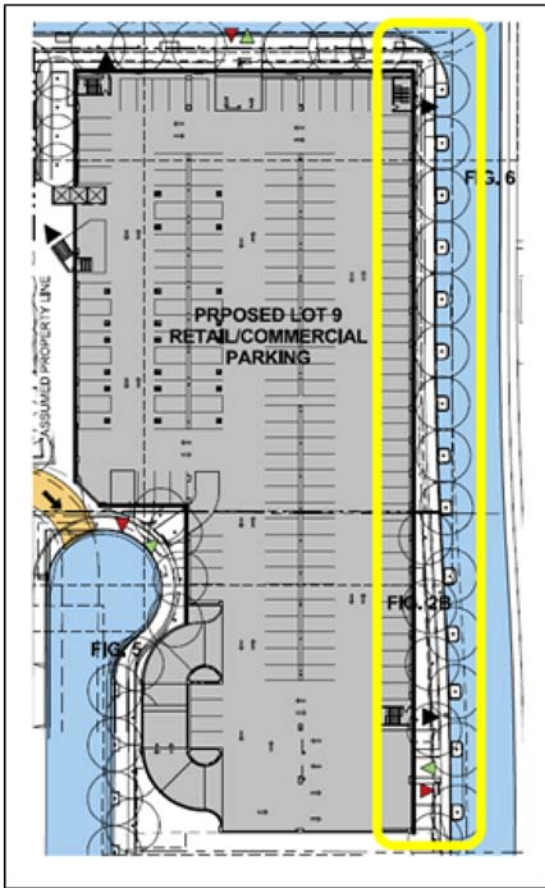
The rezoning includes the addition of a five story parking lot and does involve cutting down some trees of significant size. Policy MS-21.6 requires the planting of street trees to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines. Going further policy CD-1.23 requires new development to plant and maintain trees at appropriate locations along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian areas.

To comply with these policies and to allow for new trees planted to someday actually replace the large, old trees removed, the sidewalk on the West side of Hatton should be widened to equal the sidewalk width on Olsen.

Without a wider sidewalk, pedestrians will have a narrow strip between the street and a ten foot tall slab of concrete wall. This is the primary access to the park and in view of townhome residents. It should not be neglected or treated like an alley way.

Sincerely,

James M. Toal
552 Villa Centre Way



RECEIVED

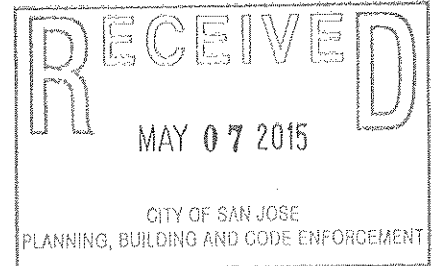
MAY 07 2015

BY: FLM

LAW OFFICES OF
A. ALAN BERGER
95 South Market Street
Suite 545
San Jose, CA 95113
Telephone: 408-536-0500
Facsimile: 408-536-0504

May 7, 2015

Department of Planning, Building, and Code Enforcement
Attn: David Keyon
200 East Santa Clara Street
3rd Floor
San Jose, CA 95113

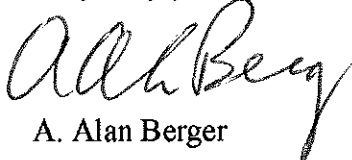


Re Comments of Villas at Santa Park Homeowners Association to Draft Environment
Impact Report March 2015
Reference PDC 13-050

Dear Mr. Kenyon;

This is to advise you that I am the attorney and general counsel for The Villas at Santana Park Homeowners Association. The attached document represents the comments of the Homeowners Association to the Draft Environmental Impact Report dated March 2015, PDC 13-050. The comments have been reviewed and approved by the Board of Directors and represent the comments and opinions of the owners of homes in the Villas of Santana Park complex. Please include these comments as part of the formal review process. If you have any questions, please do not hesitate to call the undersigned.

Very truly yours,


A. Alan Berger

Enclosure
AAB/ceb

MAY 07 2015

COMMENTS OF VILLAS AT SANTANA PARK HOMEOWNERS ASSOCIATION TO
DRAFT ENVIRONMENTAL IMPACT REPORT BY: _____
SANTANA ROW DEVELOPMENT REZONING

PDC 13-050
MARCH 2015

The following comments to the Draft Environmental Impact Report, Santana Row Development Rezoning, dated March 2015, SCH# 2013122059, are submitted by Villas at Santana Park Homeowners Association (hereinafter referred to as "the Villas" or "the Association"). The project is referred to as PDC 13-050. The Villas at Santana Park Homeowners Association is a common interest development consisting of 124 single-family homes near South Monroe Street and bordering Hemlock Avenue and Villa Centre Way in the City of San Jose. The Association is the closest multi-unit housing project to the intersection of South Monroe Street and Stevens Creek Boulevard. As will be stated in detail below, the residents of the Villas have only two paths of ingress and egress to their homes, to wit: the intersections of South Monroe Street and Stevens Creek Boulevard which leads to the entrance at Villa Center Way and, further away from the entrance to the Association, the intersection of Tisch Way and Winchester Boulevard. Both of these intersections will be severely impacted by the proposed major development of Santana Row. For this and other reasons as stated, the owners of the homes within the Association strongly object to the conclusions of the Draft Environmental Impact Report (hereinafter referred to as "the DEIR") and the proposed development which the DEIR purports to support. The following comments to the DEIR are meant to follow the headings and subtitles utilized in the DEIR.

DEIR Preface: The preface of the DEIR states the legal justification for an EIR and the City mandates that require such an involved study. The document states "The purpose of this Environmental Impact Report (EIR) is to inform decision makers and the general public of the environmental effects of the proposed project...This EIR has been prepared as part of the supplemental environmental review process needed to evaluate the proposed project in terms of the overall development envisioned in the San Jose 2040 General Plan." (See Preface, DEIR).

The Villas could not agree more with the above-stated criteria. The EIR is supposed to, among other things, inform decision makers of the environmental effects of the proposed project. These environmental effects are of significant importance to the residents of the Villas, recognizing that the effects may well involve their health and safety, enjoyment of their property and property values.

It has come to the attention of the Villas that the legal process that is instituted by the EIR in the approval of a major project is possibly being circumvented and/or ignored. The process generally would be the publishing of the final EIR after public input; a fair and considered review by the Planning Commission of the proposal including the EIR and public input; and, a fair and

impartial hearing and review by the City Council, which would also involve public input. One local resident has received an email communication from Councilmember Pierluigi Oliverio, dated May 6, 2015, which completely undermines the process and basically makes the public input to the EIR and the proposed project as a mere sham and in violation of public and State law. Mr. Oliverio stated:

“When Santana Row was approved the intention was that every surface parking lot would go away over time and a building would go on top and with parking underneath. The current proposal is to reduce the housing and add more jobs. If you happen to have read the newspaper editorial last week, San Jose needs more jobs, which in turn provides the tax base to pay for police. Santana Row is helping this goal without public subsidy, unlike Downtown which had \$2 billion subsidy (sic). I am supporting the expansion of jobs as I would prefer San Jose residents have a choice of working in their own city versus doing what so many do, and that is drive up the peninsula for work. There will be more people and more cars but the city planning staff believes it to be manageable” (the email will be provided upon request).

The Villas is most distressed by these comments, notwithstanding the unsupportable off-hand assumptions stated by the Councilmember that have little to do with the environmental impacts the proposed project may create. If the Councilmember, whose district includes Santana Row and the Villas, has already decided to approve the project, without the benefit of a final EIR; without the benefit of the Planning Commission hearing with public comment considering the matter; and, without the benefit of a full and fair hearing before the City Council with public input, there is little reason to ask for public comments on the proposed EIR except to satisfy State law in name only. We do not believe that “jobs” as used by the Councilmember is a criterion to be considered in the EIR and nowhere in the document is there a discussion of the jobs that may be created by the proposed development except apparently in the 2040 General Plan. We certainly hope that Mr. Oliverio does not represent the attitude of the entire City Council as his comments clearly violate the law and the spirit of the EIR as required by CEQA. Nevertheless, in an effort to comply with the legislative intent, the Association submits the following brief comments re: the conclusions as contained in the DEIR.

Transportation: The DEIR’s proposed conclusions on traffic and transportation are supported by a report prepared by Hexagon Transportation Consultants, Inc. for Federal Realty Investment Trust dated November 12, 2014. That report has concluded, and that conclusion is listed in the summary of the DEIR’s results, that the S. Monroe Street/Stevens Creek Boulevard intersection will be significantly impacted by the proposed development. The further conclusion is that the proposed project will have significant but unavoidable impact and, therefore, it is recommended that the intersection be added to the City’s list of “protected” intersections. While the Villas will question at the appropriate time whether or not that conclusion is legally sustainable, it is at best callous and insensitive and totally ignores the rights of the residents of the Villas and the other

further states: "Therefore, delays at the intersection will increase as approved and planned development proceeds in the area. It is likely that delays experienced by drivers that travel through the intersection will result in an adjustment of travel patterns to use alternate routes and displacement of traffic to surrounding roadways." This statement borders on the incredulous. What alternate routes? The DEIR makes it clear that there are no alternate routes for the residents of the area other than the Tisch/Winchester intersection. The assumption is without actual fact and can certainly not be used to justify designation as a "protected" intersection. Again, the Hexagon report projects an additional 5415 daily trips for the two intersections (Hexagon report (p. iv)) and no logical person could assume that the S. Monroe Street intersection could handle even a small portion of these daily trips. In fact the report found that S. Monroe Street currently services 6,600 daily vehicles and that the proposed development would add an additional 2,532 daily vehicles (Hexagon report, p. 70). As the street is already rated at LOS-D, there can be little doubt that the proposed project expansion would render the street hopelessly below the City minimum rating.

The Hexagon report (p. vi) again states: "If a development project has significant traffic impacts at a designated Protected Intersection, the project may be approved (emphasis added) if offsetting Transportation System Improvements are provided to other parts of the Citywide transportation system or that enhance non-auto modes of travel to the community near the Protected Intersection in furtherance of the General Plan goals and policies." The authors then state five potential improvements that could justify designating the subject intersection as protected. We will briefly comment on each of these hypothetical improvements, at least hypothetical as to the Association's knowledge, as none of them are being made a pre-condition to the proposed approval of the expansion project. The potential qualifying improvements are summarized as follows:

1. Traffic calming measures such as traffic circles, chokers, treewells, chicanes, and permanent driver feedback radar speed traps. It does not take an expert to realize that none of the measures in this suggestion would be applicable to the S. Monroe Street intersection. It would be amusing to say the least to see a traffic circle installed at one of the busiest and most congested intersections in the City, one that is fed from a major street and busy freeway.
2. Street and median trees and neighborhood entry features. It is hard to imagine that the addition of trees in this area would provide any traffic relief.
3. Improved pedestrian crosswalks. The Association would always be in favor of improved crosswalks, but the addition of same would do nothing to improve traffic. If anything crosswalks would encourage more drivers to park on S.

Monroe and then walk across Stevens Creek Boulevard to Valley Fair. This would have to be considered contributing to the deterioration of the traffic impact rather than as help.

4. Working with VTA to expand existing bus service. While this is a noble consideration, there is no evidence that such an effort would be possible or within VTA's budget in the near future. Furthermore, the use of VTA bus service is not likely to reduce the traffic generated by the workers or visitors employed in half a million extra square feet of office space. The Hexagon report itself estimated that the additional bus trips that such service may generate would be less than 50 per day.
5. Traffic studies along Stevens Creek Boulevard to better serve traffic flow as well as transit and pedestrian/bicyclists. We were under the impression that the Hexagon report was such a traffic study and yet the authors have come up with no feasible suggestions that would alleviate the S. Monroe Street issues. As to the inclusion of bicycle lanes, it could be presumed that bicycles lanes could not be readily added to a horribly congested area without putting the bicyclists at great risk. Traffic calming by the reduction of lanes, such as on Lincoln Avenue and Hedding Street, would create a traffic disaster of historic proportions. And there is simply no evidence whatsoever that either the workers in the newly constructed 510,000 square feet or shoppers headed for Santana Row or Valley Fair would be inclined to bike to their destination. Even if there were a few hearty, brave persons who would do so, it would hardly make an impact on a congested intersection.

When one considers the above criteria as potentially justifying the addition of S. Monroe Street/Stevens Creek Boulevard to the protected list, one can easily conclude that there are no justifying criteria that would legally allow such an inclusion. The report seems to say that notwithstanding the total lack of evidence to support the inclusion in the protected category that the City should proceed to do so without substantial factual and legal support.

Finally, the Association would point out that the DEIR and Hexagon stated that there were no feasible capacity improvements. There is no definition of the word "feasible." Does that mean that there is simply no manner in which the intersection could be reconfigured or made better or does it mean that there is no method that would be fiscally attractive to Federal Realty Investment Trust in constructing the project? As the City would not be paying for any radical improvements to the intersection and surrounding area, but could well impose significant requirements for approval of the project, the City should mandate that all possibilities be considered. For example, the DEIR concludes as a matter of fact that

because the intersection is built out that there are no feasible improvements. This statement was obviously based on thinking in a single, level plane. Why not consider a fly-over for the intersection, as is often found in San Francisco, Boston, New York and other major cities with significant traffic and congestion issues? Why not consider an underpass. Perhaps such solutions are not possible but should not the DEIR at least consider them? Or perhaps the decision makers are too cautious to propose such expensive solutions to a difficult problem. We would submit that the decision makers should not be shy to propose out-of-the-box solutions. Federal Realty has already invested hundreds of millions into Santana Row, is proposing to invest additional hundreds of millions of dollars and has no doubt already profited hundreds of millions of dollars. The cost of an elevated solution should not be off the table but rather considered in the DEIR. It is not acceptable to simply conclude that there are no feasible alternatives without investigating the possibilities.

Villas at Santana Park Homeowners Association respectfully requests that the DEIR be sent back for further study to further include solutions to an intolerable traffic situation. Particularly since the situation is likely to worsen as Valley Fair, the Century Theater project, and additional sections of Santana Row that are now parking areas are developed. It is a simple economic principle that a solution proposed now at great expense will likely appear to have been an inexpensive one in the future when even more dramatic solutions will be needed. The situation can only get worse. Lets find an acceptable solution now, at any cost, rather than rubberstamp another developer proposal based on an assumption of more jobs.

Air Quality: The portion of the DEIR discussing Air Quality begins on page 69. On page 80 of the report, it clearly states that a full build out of the PD zoning would have a significant ROG, NOx and PM10 operational air quality impact. It further states that carbon monoxide from traffic generated by the project would be the pollutant of greatest potential to cause harm at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high-level concentrations of dangerous pollutants. The section then concludes that based on information contained in the transportation section of the DEIR, that the residential streets would not suffer increased traffic to such a level that dangerous conditions would exist. This is a dangerous conclusion.

Section Impact AIR-1, p. 80 states that 10,000 traffic trips would be the trip point for concluding that there will be dangerous emissions. The DEIR, as stated above has already concluded that the S. Monroe Street intersection has currently 6,600 trips and that 2,532 are likely to be added by virtue of the proposed project. This totals 9,132 trips, dangerously close to the above danger point. And these are just estimates. Keeping in mind that the Association is the closest grouping of homes to the subject intersection, the City should not risk the health and safety of its residents without further mitigation. Particularly as there is likely to be further impact from the continuing expansion of Santana Row, the planned expansion of Valley Fair, and the development of the Century Theaters project. The Association is further concerned over the increase in pollutants that will be thrust upon them

Public Facilities and Services: Reserved for future comment.

Cumulative Impacts: In this section the DEIR discusses additional project entitlements already approved for the general vicinity of the project. The Valley Fair Shopping Mall already has existing entitlements including 638,480 square feet and the construction of two new parking garages (See DEIR, p. 170). This expansion was discussed in the Association's comments above. Valley Fair Shopping Mall opens directly to the S. Monroe Street/ Stevens Creek Boulevard and can only contribute to the traffic congestion at said location. Again, the Association maintains that it is irresponsible to simply declare the subject intersection as protected, thereby ignoring the effect that the further Santana Row expansion, the already approved Valley Fair Expansion, and the Century Theater project will have on the residents of the area and the intersection in question. The authors of the DEIR simply must expand their thinking re: solutions, without regard to the potential cost to the developer, in order to protect the local residents of the City of San Jose. Let us not forget that the Transportation Report was prepared by an agency hired by the developer. Obviously, it would not be in that organizations best interest to develop a solution that was particularly expensive to the developer. As stated in the discussion labeled Air Quality above, if there were any doubt that the Santana Row expansion would increase the noxious levels of emissions to unacceptable standards on Monroe, the addition of the equally large Valley Fair project and the Century Theater project will surely add significantly to those measurements and will result in a dangerous environment for the residents of the Villas.

Project Alternatives: On page 177 of the DEIR, it is stated that the CEQA guidelines require that an EIR describe a reasonable range of alternatives to the proposed project that could feasibly attain most of the project objectives while avoiding or considerably reducing any of the significant impacts of the proposed project. The DEIR concludes that the proposed project will have a significant negative impact on the S. Monroe Street/Stevens Creek Boulevard intersection. The project will also have a significant unavoidable ROG emissions impact. The DEIR states that the logical way to reduce these impacts is to lessen the overall size of the project. The report (p. 180) states that the reduced development alternative would be environmentally superior to the proposed project and would achieve most of the objectives of the proposed project. The only negative would be that the City would not realize as many jobs as it would with the original proposal. The Villas contends that the promise of jobs should not be the sole and controlling criteria for the approval of a project that is environmentally damaging on so many levels and one that causes damage, both in health and property values, to the residents of the affected area, in particular The Villas at Santana Park Homeowners Association.

The Association heartily supports the concept of a reduced project size and the resultant reduction in significant impact on the owner's lives and homes. Again, the Villas also feels that the traffic engineers who contributed to the DEIR have not considered all potential solutions to the traffic issue but rather have limited themselves by potential cost. As the City will not bear the cost of a dramatic traffic

solution, same should not be excluded for this sole reason. At the very least, the EIR should consider all solutions. If the alternates are later rejected, at least the decision makers and the citizens of San Jose will know that all alternatives were considered, which is one of the purposes of the EIR in the first instance.

Respectfully submitted:

Dated: May 7, 2015

Villas at Santana Park Homeowners Association

By: 
Alan Berger, Attorney for Villas at Santana
Park Homeowners Association.

All future notices may be sent to:

Villas at Santana Park Homeowners Association
c/o A. Alan Berger
95 S. Market Street, suite 545
San Jose, CA 95113

Feedback on DEIR for PDC13-050 and Santana Park

Andy Sartori

Thu 5/7/2015 6:15 PM

Inbox

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

Dear Mr. Keyon,

As a prospective resident of the KB Homes development, I have various concerns after reviewing the DEIR for the planned development rezoning PDC13-050 at Santana Row. My concerns are about the planned destination for lots 9 and 17:

- With regards to the garage to be built on lot 9, the traffic impact would be non-manageable on Hatton Street, if you allow entry/exit into the garage from that street. The increased pollution due to car exhausts would also penalize Santana Park, now becoming more and more a gathering point for local residents, and a favorite playground for children. With the recent expansion of Santana Park, residents have an opportunity for a much needed natural area, let us all protect it.
-

My suggestions are the following:

1. Go for the "Reduced Development Alternative B" in the March 2015 DEIR, which would still provide an additional revenue stream to the City of San Jose.
2. Use Dudley Avenue as the **only** access road to the garage, connecting it to a fire-access lane as in the map in the DEIR. No accesses from Hatton Street, nor from Olsen Drive, that would produce a similar impact.
3. Plant more trees in Santana Park, as air filters and noise protection

Please put my name in your mailing list for future communications or community meetings

Thank you

Andy Sartori
408-220-5926

Comments on Draft EIR, File No.: PDC13-050

keith vander tuig

Thu 5/7/2015 1:10 AM

Inbox

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

As a long-time resident of the Dudley Ave. Apartments, I would hope that everything possible will be done to preserve the 5 curbside Ginko trees in front of our buildings. These trees are in EXCELLENT health, EMINENTLY suitable for preservation. and they have been the heart and soul of Dudley Ave. for as long as anyone can remember. I move we let them stay right where they are. Maybe we could declare them civic treasures or arboristical wonders ... no matter. They've been my great friends for almost 30 years and I just hope you'll give 'em a break.

Also, our local bird populations are way down this year due to the removal of all the trees and shrubs at the north end of our street this last winter. Removing the Ginkos would decimate the local bird habitat.

Please let the old boys live, willya?

Thanks for your attention and consideration,

Keith Vander Tuig

[534 Dudley Ave. #13](#)

[San Jose, CA 95128](#)

<https://www.google.com/maps/place/534+Dudley+Ave,+San+Jose,+CA+95128/@37.317581,-121.946986,3a,52.5y,91h,90t/data=!3m4!1e1!3m2!1sOpNnZSgI0cChkp8UaFH3Pw!2e0!4m2!3m1!1s0x808fcb20b28774a9:0xd345bbe2154f89ff!6m1!1e1?hl=en>

Santana Row Expansion Project Draft EIR Comments - File No. PDC13-050

I have tried to keep comments in line with to main documents: Traffic Impact Analysis (Appendix A) and the primary Draft EIR document.

Traffic Impact Analysis (Appendix A) - Comments

General comments about the Draft EIR for the Santana Row Planned Development Rezoning.

Traffic study should also look at weekends. The impacts of the existing 220,000 s. f. complex at 500 Santana Row and the additional 510,000 s. f. of 700 and 900 Santana Row should be seen as a total of 730,000 s. f. of Class-A office space. While some of the office space (69,491 s. f.) is subtracted from your analysis, I would suggest that you add it back in as the traffic conditions to that space have changed over time. While you have the entitlements to develop that almost 70,000 s. f. of office space, the traffic impacts from that space are also cumulative and need to be considered when looking at the area as a whole.

I would further suggest you look at weekend activity. 700,000+ s. f. of Class-A office space is targeted at high-tech firms like Google, Apple, and Facebook for a corporate campus or headquarters. These companies tend to have different hours than traditional businesses. They start work later and they work longer. They also come in on weekends. I would suggest that traditional traffic analysis assumptions are not valid as is and need to be augmented by these parameters. Since Santana Row and Valley Fair increase their traffic, pedestrian access, and parking at night and on the weekends, I believe it is critical to take this into consideration. Have you done outreach to Apple or Google or NVidia or other high-tech firms to better understand their work patterns and employee patterns? So, I would ask that the "Project Trip Generation" assumptions be modified and updated with this kind of information. If the information is not readily available, then I would suggest you lead the way in your industry for others to follow and commit to attaining these kind of base-line numbers and data for a more realistic analysis of the projected impacts to the area.

Comments on the Project Intersection Level of Service Analysis

Suggesting that Monroe and Stevens Creek become protected seems like a requirement only if the volume of traffic is so extreme that LOS D is not really possible. That would further imply that pedestrian activities would be highly encouraged or incorporated into the area. How has your analysis incorporated the Westfield improvements? They will have approximately 10,000 parking stalls, 2.2 million s. f. of retail, a 10-screen movie theater, and a flagship 150,000 s. f. Bloomingdales. Where has their increased volume of traffic been incorporated? What assumptions are you using for their traffic generation? The entitlement they acquired back in 2007 was based on traffic back then, but obviously things have changed. How are you accounting for that? Please be specific on what traffic studies you are using and what traffic data you are using.

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Add to the list of improvements:

- Pedestrian overpasses and above ground parks over the intersection.
- Pedestrian overpasses like NYC's Highline to allow for a better pedestrian experience for the neighbors that live here as well as the visitors
- Traffic calming studies are not very helpful since the solutions require commitment from developers with the funding to implement these services.

Comments about the Winchester-Stevens Creek Intersection:

- Please do not suggest just dumping money into the traffic system. That does not help the neighborhood. Invest in pedestrian friendly enhancements (e.g., widening sidewalks, pedestrian overpasses, above ground parks, looking at studies around diving traffic under the road, or even targeting funding of more public transit activity along Winchester). There are many people looking at the areas as a region and how the developments affect the larger community. Many believe, as do I, that developments should embrace the pedestrian and neighborhood needs of becoming more pedestrian friendly. I would suggest looking at www.win6village.org for ideas on the area can help take care of itself and this project might be able to help support some of these ideas. Making a more pedestrian friendly environment, not just on your project site but in the area, will help your project become more successful and fit better into the neighborhood.
- I don't see how you think the implementation of the complex will impact the cycle by 0.01. You list 0.01 or more. How much more? I am guessing a lot more. Please share the specifics (e.g., time, car counts, etc.)? Do you really think people will only come by I-280 or I-880/17? These arteries are jammed during commute time and will be avoided by surface streets.
- How does your traffic analysis take into account technologies that route around slow or congested routes (e.g., Waze, Apple Maps, etc.)?

Comments about the Monroe-Stevens Creek Intersection:

- If this intersection is put on the protected intersection, the in lieu fees need to stay local to the area. Too much of any fees and development returns are redirected out of the area and into "the ether" of San Jose. Funds that are generated in this area need to directly affect the area.
- Listing VTA BRT is a bit of a stretch. The community just heard that BRT is almost gone from discussion for now on Stevens Creek. Maybe it is a decade out, maybe more. Either way, the impact from this development will impact the area long before BRT hits the area.
- Look above at the Stevens Creek and Winchester comment section. If you want to improve the pedestrian experience, look at creating above ground parks and open space for the community.
- Why not look at purchasing part of the gas station property at Monroe and allow for an additional entrance lane to be created to help circulation.

Freeway Segment Analysis

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Rather than just state there is a Significant and Unavoidable Impact to the freeway, maybe the mitigation fees could fund a study on what it would cost and a scope of building a platform above I-280 (about 3,000 feet in both east and west directions off of Winchester beginning at grade on Winchester). While there are no plans today, there is no reason you could not fund a study and cost analysis of doing something like this. There are many opportunities over the freeway and utilizing air rights to build is common in other dense cities like NY. This area qualifies as a dense city in this particular area.

Public Transit/Pedestrian/Bike Improvements

Look at how above ground parks and pedestrian overpasses can be created that are attractive and enhancements to the area. Treating a pedestrian overpass or cross-over as a destination (like the Highline in NYC) would add pedestrian amenities, create a safer walking experience, and create more of a destination experience for the public to enjoy.

Scenario 2: How are tech-worker traffic patterns calculated?

In looking at the reference traffic count data, how many days were looked at per intersection? For example, Study 1 on page 17 show the "AM" peak hour on Wednesday, February 27, 2013, and the "PM" peak hour on Tuesday, September 18, 2012. This does not make sense to me. Is there a single day this was calculated? Are there more data points? Why different days and different months?

Suggestion: create a traffic map of the area and make it relevant over time, not just a day, but over a 3-6 months. Don't just look at specific intersections, but look at all streets in a boundary. For example, you could map the traffic in the general Winchester region from Pruneridge to Hamilton, from 880/17 to San Tomas. Yes, it would be an expensive mapping, but then all development in the area would be able to use it and benefit from the thorough data collected. Data points that are made of random days or just a few days to not accurately represent the issues and concerns of the neighbors.

Park fees should be required with this expansion. There are office, residential, retail, and hotel entitlement being sought. Why not look at working with the City of San Jose to take over responsibility of Santana Park, keep it as an open space, but maintain it and integrate it into the designs you are working off of. It would create a better experience for the residents of Santana Row (both office and residential), the residents in the area, and a maintained space for the general public. Federal already has grounds keepers for the significant amount of open space already. This would be another incremental space to maintain.

Add solar and other energy and food producing activities to the roofs.

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Determine how to keep storm water on site for reuse.

Everything should be plumbed with grey water (purple pipe)

Look at opportunities on how to connect Santana Row with Santana West via pedestrian overpasses that provide a park-like experience.

Look at integrating urban ag on the site, providing a daily resource for the residents, the community, and the public.

Is a new traffic study warranted since the \$62M highway improvements happened?

How is the new Monroe exit helping the traffic flow? How is that calculated in the analysis?

Has this EIR (traffic and other elements) taken into account all developments in the area. Specifically:

The increases in Westfield's Valley Fair (650,000 s. f. of new retail, new parking structures, new movie theater, new roads and alignments)

The increases in 500 Santana Row.

Santana West increases.

Citation Homes project on Winchester (old Toy-r-Us site).

The redevelopment of the 6-acre BAREC site in Santa Clara.

The redevelopment of 100 N Winchester (the conversion of office building to market rate senior apartments)

Prometheus apartments on Saratoga/Stevens Creek

While the current process is to take a point in time and document the data, it is not very reflective of the real traffic patterns that happen. What about holidays (or the weeks around holidays)? You need to be able to collect more data to better estimate the flow since everything you do is based on the base numbers and you estimate from that point forward. If your core estimates were off, everything after it can be off, by even orders of magnitude.

Primary Draft EIR document

Page iv:

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The document states in the summary: "The project proposes to expand the site boundary, increase office entitlements by 510,000 square feet," yet the traffic analysis section of the EIR states that you removed 69,491 s. f. from the analysis because it was already entitled for that space. How can this condition exist? I believe either way, you should be looking at the impact of 510,000 s. f. of new office space, in conjunction with the 220,000 s. f. of office space at 500 Santana Row.

MM TRAN-1.1 – The fees for this impact should be looked at on how to best benefit the area issues. While I am sure it is typical to just "give the money to the city for best use," that does not look at the specific issues and needs associated with this project area. Above ground parks and overpasses that would allow for public places to be created and safe passage of pedestrians would be an improvement that could be partially funded by this impact fee. Your project should suggest how the area could improve, rather than simply following the letter of code. The spirit of these codes is meant to help the community and the city as a whole. Why don't you suggest (maybe even setup an outreach meeting around this) where you can address traffic issues and possible solutions this development project could help implement. Please do not just give your money away to the city without knowing what it is used for. How can we identify the amounts and areas that it will be spent? Can you do that as part of the process? Tell the public how much is being paid and where and how the City wants to spend it?

Share the costs you will be paying so that the public knows and understands how much you are contributing to it.

MM TRAN-1.2 – There is a private business that might be able to help. The gas station that fronts Stevens Creek. Why not look at encroaching on that business (or even getting some kind of easement relationship with them to widen just that portion of Steven Creek to allow for egress onto 17 South or 280 South. Have those conversations ever happened? Has that been explored? Before you "protect" an intersection, you should fully exhaust all ways to improve the area. Protecting an intersection is kind of misleading. The protection is for the development community, not the public...which is what it sounds like. It is protecting the developers from really worrying about impacting an intersection with additional traffic so they can continue to stuff traffic into the intersection without consequence. So, before going to the extreme of protecting the intersection, have a bigger plan.

One suggestion and rationale for protecting the intersection is to make the area more walk-able (like a downtown core). This area can be made more walk-able, but it is not that way yet. If you suggest making this a protected intersection, why don't you suggest ways to enhance the area for pedestrian activity. Look at Highline type parks and crossings, ways to connect Valley Fair and Santana Row. How can you make these two separate experiences seem more integrated. I know you are not partners, but you share a community, so that makes you related in some way. Why don't you look at methods that will connect the experiences with Westfield and suggest systems that make the auto travel more efficient, the pedestrian experience

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better and safer, and destination for people that is integrated? Look at large infrastructure elements to create a sense of place. This is becoming (has become) a local and tourist destination. Why not continue to invest in ways to make this more friendly for the non-auto.

Share the costs you will be paying so that the public knows and understands how much you are contributing to it.

MM TRAN-1.3 – While I appreciate you can't just "add a lane to San Tomas," I think there should be more information on how long and at what cost something like this would take. For example, how much would you be paying into this "improvement?" How much would this overall improvement cost? How long would this improvement take? Who else is paying into this? Have you spoken to County about this (I assume yes)? And since you have, what is their timeline? I am glad it is a Tier 1 priority, but what does that mean in real dates? When would the construction start? How long would this improvement take?

Please do not just "pass the buck" of responsibility off to the CalTrans or whatever County service is responsible for this. Please get the data for the public to understand. Share the costs you will be paying so that the public knows and understands how much you are contributing to it.

MM TRAN-1.4 – See comments for MM TRAN-1.3

TRANS-2 – I think you should go back out and examine this impact now that the 880/17/280 interchange improvements have been completed. Your assumptions might not be accurate anymore.

What plans have been reviewed to capture and retain all storm water on site?

Are all buildings being outfitted with the "purple pipe" for use in areas where recycled water can be used? If not, why not?

Are all landscaping elements utilizing the waste water (non-sewage) from building activities? If not, why not?

How much power generation is being implemented on new building?

Is there any risk of toxins in the soil to surface? I understand there is a permanent cap on the site to prevent any risks, but could you please explain how that works when you are digging again? How is the community protected? What chemicals are in the soil and will they be disturbed? Are there any deed restrictions on the site? If so, what are they?

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Does this section found on page 3 of the Draft EIR include the 220,000 s. f. office building called 500 Santana Row? Specifically, the statement “644,395 square feet of commercial space” Here is the section: “The project site is currently developed with 644,395 square feet of commercial space, a 214 room hotel, and 834 residential units. This Environmental Impact Report (EIR) evaluates the impacts of the currently proposed project, including the expansion of the site boundary, an increase in office entitlements of 510,000 square feet, development of two new office buildings and a parking structure, rezoning of the project site to allow for the proposed changes, and the “protection” of the Stevens Creek Boulevard/Monroe Avenue intersection, meaning the intersection level of service (LOS) would be allowed to degrade below LOS D.”

Section 2.1.2

This is confusing to me. Are you adding 510,000 s. f. or are you asking for a total of 510,000 s. f. (it seems that later, but it is written as additive): “The project proposes to increase the allowable office space entitlement on Santana Row by 510,000 square feet.” When you list to increase the allowable office space “by” 510,000 vs. increasing the office pace “to” 510,000. The difference ins about 70,000 s. f. and should be very clear. The way it is written is not clear. Please confirm.

Section 2.1.3

Please confirm the maximum height of the structure.

Please confirm the amount of parking spaces.

4.2.1.5

Winchester Boulevard and Stevens Creek Boulevard – The planned improvement consists of the addition of a second southbound left-turn lane at the intersection. >>There are no timelines on this improvement and it is not planned in their current upgrades. This should be stated as it is implied that this will occur with the Valley Fair improvements that will occur through 2017.

General transportation questions:

Please comment on how the new improvement that were done on 880/17/280 have impacted your traffic analysis.

How have you calculated the impact of the planned traffic light that will be installed at Henry and Stevens Creek? What impact does this have on traffic circulation?

4.10 Hazards & Hazardous Materials

1. What chemicals or toxins are in the soil?
2. What are the expected impacts to any existing protection measures (e.g., will you be disrupting the caps or blocking materials)?

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5.2 – Fire services

The times should be recalculated as the numbers used was calculated during a recession period. With more traffic and development, the times have likely exceeded that. I have heard from numerous people in the area that fire response times have fallen below acceptable time limits and seems dangerous. Maybe a substation in the area or on site could be considered, even a single engine since the Santana West site will also be coming online at some point in the future. Fire services are something that should not just be a statistic, but aggressively validated with current data. Two-year old data seems irrelevant when it comes to public safety. General response times for SJFD are irrelevant to this area since it is so highly visited and traveled.

5.4 - Parks

Why not consider taking over the Santana Park and maintain it permanently as a privately managed public space, like Santana Row itself. Even though there is not a legal requirement to do so, it would show incredibly high “good faith” effort to help the neighborhood in general with the massive amounts of growth planed by Federal Realty.

6.1.1.1 Pending and Potential Development Within the Project Area

- What about the construction plans for the BAREC site at 90 N Winchester Blvd?
- What about the construction plans for the property on 100 N Winchester Blvd?
- What about the Prometheus housing complex on Saratoga and Stevens Creek?