

First Amendment to the Draft EIR

# Avenues: The World School Campus Project

File No. CP19-013

(SCH#201907027)



Prepared by



In Consultation with



September 2020

# TABLE OF CONTENTS

---

Section 1.0	Introduction .....	1
Section 2.0	Draft EIR Public Review Summary .....	2
Section 3.0	Draft EIR Recipients .....	3
Section 4.0	Responses to Draft EIR Comments .....	5
Section 5.0	Draft EIR Text Revisions .....	23

Attachment A: Draft EIR Comment Letters

## **SECTION 1.0 INTRODUCTION**

---

This document, together with the Draft Environmental Impact Report (Draft EIR), constitutes the Final Environmental Impact Report (Final EIR) for the Avenues: The World School Campus Project.

### **1.1 PURPOSE OF THE FINAL EIR**

In conformance with the California Environmental Quality Act (CEQA) and CEQA Guidelines, the Final EIR provides objective information regarding the environmental consequences of the proposed project. The Final EIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The Final EIR is intended to be used by the City of San José in making decisions regarding the project.

Pursuant to CEQA Guidelines Section 15090(a), prior to approving a project, the lead agency shall certify that:

- (1) The Final EIR has been completed in compliance with CEQA;
- (2) The Final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and
- (3) The Final EIR reflects the lead agency's independent judgment and analysis.

### **1.2 CONTENTS OF THE FINAL EIR**

CEQA Guidelines Section 15132 specify that the Final EIR shall consist of:

- a) The Draft EIR or a revision of the Draft;
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
- d) The Lead Agency's responses to significant environmental points raised in the review and consultation process; and
- e) Any other information added by the Lead Agency.

### **1.3 PUBLIC REVIEW**

In accordance with CEQA and the CEQA Guidelines (Public Resources Code Section 21092.5[a] and CEQA Guidelines Section 15088[b]), the City shall provide a written response to a public agency on comments made by that public agency at least 10 days prior to certifying the EIR. The Final EIR and all documents referenced in the Final EIR are available for public review at the office of the Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, Third Floor, San José, California on weekdays during normal business hours. The Final EIR is also available for review on the City's website: [www.sanjoseca.gov/activeeirs](http://www.sanjoseca.gov/activeeirs).

## SECTION 2.0 DRAFT EIR PUBLIC REVIEW SUMMARY

---

The Draft EIR for the Avenues: The World School project, dated March 2020, was circulated to affected public agencies and interested parties for a 45-day review period from March 27, 2020 through May 11, 2020. The City undertook the following actions to inform the public of the availability of the Draft EIR:

- A Notice of Availability (NOA) of Draft EIR was published on the City's website (<https://www.sanjoseca.gov/Home/Components/News/News/1013/4699?backlist=%2F%3Fnid%3D2871>) and in the San José Mercury News;
- Notification of the availability of the Draft EIR was mailed to project-area residents and other members of the public who had indicated interest in the project and in general environmental notification (see *Section 3.0* for a list of agencies, organizations, businesses, and individuals that received the Draft EIR);
- The Draft EIR was delivered to the State Clearinghouse on March 27, 2020, as well as sent to various governmental agencies, organizations, businesses, and individuals; and
- The Draft EIR and documents referenced in the Draft EIR were made available on the City's website ([www.sanjoseca.gov/activeeirs](http://www.sanjoseca.gov/activeeirs)). Due to current situation under the coronavirus related Shelter-in-Place policy, the City's office and libraries were closed to the public. Therefore, a hard copy was mailed to the interested party.

## **SECTION 3.0     DRAFT EIR RECIPIENTS**

---

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.

The NOA for the Draft EIR was sent by either email or certified mail to owners and occupants of properties within 1,000 feet of the project site and to nearby jurisdictions.

The following agencies received a copy of the Draft EIR from the City or via the State Clearinghouse:

- Association of Bay Area Governments
- Bay Area Air Quality Management District
- Bay Area Metro
- Cal Fire
- California Air Resources Board
- California Department of Conservation
- California Department of Education
- California Department of Fish and Wildlife, Region 3
- California Department of Transportation, District 4
- California Department of Transportation, Division of Aeronautics
- California Energy Commission
- California Environmental Protection Agency
- California Highway Patrol
- California Native American Heritage Commission
- California Native Plant Society-Santa Clara Valley Chapter
- California Natural Resources Agency
- California Office of Emergency Services
- California Public Utilities Commission
- California Regional Water Quality Control Board, Region 2
- California State Lands Commission
- Campbell Union Elementary School
- Campbell Union High School District
- City of Campbell, Planning Division
- City of Cupertino
- City of Fremont
- City of Milpitas
- City of Morgan Hill, Planning Division
- City of Santa Clara
- City of Saratoga
- City of Sunnyvale, Planning Division
- Department of General Services
- Department of Toxic Substances Control

- Greenbelt Alliance
- Guadalupe-Coyote Resource Conservation District
- Luther Burbank School District
- Metropolitan Transportation Commission
- Native American Heritage Commission
- PG&E Land Rights Services
- San José Unified School District
- San José Water Company
- Santa Clara County Planning Department
- Santa Clara County Roads & Airports Transportation Planning Department
- Santa Clara Valley Audubon Society
- Santa Clara Valley Open Space Authority, Community Projects Review Unit
- Santa Clara Valley Transportation Authority
- Santa Clara Valley Water District
- Sierra Club-Loma Prieta Chapter
- State Department of Fish and Wildlife, Region 3
- State Department of Parks and Recreation
- State Department of Water Resources
- State Water Resources Control Board, Division of Drinking Water
- Town of Los Gatos
- United States Fish and Wildlife Service.

Copies of the Notice of Availability for the Draft EIR were sent by mail and/or email to the following organizations, businesses, and individuals who expressed interest in the project:

- Kevin Johnston
- Adams Broadwell Joseph & Cardozo
- Michael Lozeau, Lozeau Drury LLP

## **SECTION 4.0      RESPONSES TO DRAFT EIR COMMENTS**

---

In accordance with CEQA Guidelines Section 15088, this document includes written responses to comments received by the City of San José on the Draft EIR.

Comments are organized under headings containing the source of the letter and its date. The specific comments from each of the letters and/or emails are presented with each response to that specific comment directly following. Copies of the letters and emails received by the City of San José are included in their entirety in Appendix A of this document. Comments received on the Draft EIR are listed below.

<b><u>Comment Letter and Commenter</u></b>	<b><u>Page of Response</u></b>
Regional and local Agencies.....	6
A.    Norman Y. Mineta San José International Airport (April 8, 2020).....	6
B.    County of Santa Clara Roads and Airports Department (April 15, 2020) .....	7
C.    Bay Area Air Quality Management District (May 6, 2020).....	8
D.    Santa Clara Valley Water District (May 8, 2020) .....	15
E.    Santa Clara Valley Transportation Authority (May 11, 2020).....	17
Organizations, Businesses, and Individuals .....	22
F.    Gavin Lohry (March 27, 2020) .....	22

## REGIONAL AND LOCAL AGENCIES

### A. Norman Y. Mineta San José International Airport (April 8, 2020)

**Comment A.1:** With regard to this DEIR for CP19-013/C19-013, unfortunately the Airport may not have received the earlier ADEIR for internal review, which would have allowed us to correct a couple of the aviation-related information. Therefore, please consider the following comments as City staff text revisions for the DEIR 1<sup>st</sup> Amendment. Comment 1 below, and one of the two bullets under Comment 2 below, are probably necessary to incorporate.

**Response A.1:** Introductory comments for corrections as responded below. No other or additional response required.

**Comment A.2: Page 145 (Hazards and Hazardous Materials), Checklist Item “e”, 2<sup>nd</sup> paragraph**

- In the 2<sup>nd</sup> sentence, the height at which a proposed structure on the site triggers filing for FAA review should be corrected from “50 feet” to 65 feet.
- The next-to-last sentence can be deleted (it’s out of place and repetitive of what’s in the 1<sup>st</sup> paragraph) and the last sentence should be more accurately revised to: FAA issuance of “determination of no hazard” clearance for the proposed structures, and applicant compliance with any conditions set forth in the FAA determinations, would ensure that the project would not adversely impact airspace safety.

**Response A.2:** Text changes are made in the Draft EIR according to the commenter’s correction. Please refer to *Section 5.0 Draft EIR Text Revisions* of this document for the proposed text amendment.

**Comment A.3: Page 131 (Hazards and Hazardous Materials), text section entitled “Norman Y. Mineta San José International Airport Comprehensive Land Use Plan”, and Page 164 (Land Use and Planning), text section entitled “Compatibility with Airport Operations”.**

- Both these text sections are essentially irrelevant since the project site is not located within the ALUC’s Airport Influence Area. If staff determines that it’s better at this point to retain these sections even if superfluous, then the following correction to page 164 should be made.
- In the 3<sup>rd</sup> paragraph, the 2<sup>nd</sup> and 3<sup>rd</sup> sentences are not accurately presented. Suggest that the entire paragraph be deleted since it’s largely repetitive of what’s stated in the 1<sup>st</sup> paragraph; alternatively, it should be limited to only a cross-reference to Section 3.9.

**Response A.3:** Text changes are made in the Draft EIR according to the commenter’s correction. Please refer to *Section 5.0 Draft EIR Text Revisions* of this document for the proposed text amendment.



**B. County of Santa Clara Roads and Airports Department (April 15, 2020)**

**Comment B.1:** The County would like to see included in the Traffic Report analysis at the following intersections:

- Bascom at Moorpark
- Bascom at Parkmoor
- Moorpark at Leland
- Moorpark at Leigh
- Parkmoor at Leland
- Parkmoor at Leigh

**Response B.1:** In alignment with SB 743, City of San José has updated its Transportation Impact Policy, Council Policy 5-3 removing intersection LOS from the CEQA transportation impact metric and replacing it with VMT in the updated Council Policy 5-1. As such intersection operations are no longer a CEQA issue. However, the City of San José has established guidelines for intersection operations analysis under the Local Transportation Analysis framework for the following locational criteria:

- Within a 1/2-mile buffer from the project’s property line;
- Outside a 1/2-mile buffer but within a one-mile buffer from the project AND currently operating at LOS D or worse;
- Designated CMP facility outside of the City’s Infill Opportunity Zones

The two intersections along Bascom Avenue are outside of the one-mile buffer range, and the project would not add substantial traffic. The remaining intersections are within the ½-mile to one-mile buffer range but are currently operating at LOS C or better based on the latest available City of San José TRAFFIX database (see Table 1). It is not expected that the proposed project would adversely affect traffic operations at these intersections, thereby the Traffic Analysis is conducted according to the Council Policy 5-1 and the Local Transportation Analysis guidelines.

**Table 1: Latest Available Data on Existing Intersection Operations**

Intersection	AM Peak Hour <sup>1</sup>		PM Peak Hour <sup>1</sup>	
	Avg. Delay (sec)	LOS	Avg. Delay (sec)	LOS
Bascom Ave & Parkmoor Ave	42.9	D	36.2	D+
Bascom Ave & Moorpark Ave	35.3	D+	40.1	D
Leland Ave & Parkmoor Ave	21.7	C+	23.2	C
Leland Ave & Moorpark Ave	8.8	A	8.5	A
Leigh Ave & Parkmoor Ave	28.3	C	22.9	C+
Leigh Ave & Moorpark Ave	29.1	C	18.2	B-

Notes:  
 1. Existing peak hour level of service data referenced the latest City of San Jose TRAFFIX database.

Source: Hexagon Transportation Consultants, May 2020

### C. Bay Area Air Quality Management District (May 6, 2020)

**Comment C.1:** Bay Area Air Quality Management District (Air District) staff has reviewed the draft Environmental Impact Report (DEIR) for the proposed Avenues: The World Schools Project (Project). The Project would change the zoning designation for an 11.87-acre site in the City of San Jose from Industrial Park to Combined Industrial Commercial to develop a private school serving pre-kindergarten through 12th grade for approximately 2,744 students and 480 faculty and staff. This campus would include adaptive reuse of two existing buildings and new construction, resulting in a total of seven buildings including 128 classrooms, a theater, a gymnasium and aquatic center, administrative space, and a sports field.

School siting warrants particular care. California Education Code §17251 and California Code of Regulations (CCR) Title 5, §14001 - §14012, outline school siting requirements by the California Department of Education. Trucks traveling on public roads often contain hazardous materials. Highway setbacks for schools are recommended to be at least 2,500 feet when explosives are carried and at least 1,500 feet when gasoline, diesel, propane, chlorine, oxygen, pesticides, and other combustible or poisonous gases are transported. The Project site is located less than 500 feet from Interstate 280 and busy roadways. Although the Project is a private school not seeking state funding, it is important to consider these setback recommendations as they are designed to be health protective for school-aged children.

**Response C.1:** The above referenced regulations are applicable to schools receiving public funding. The proposed project is a private school and will not be utilizing public funding. The setbacks recommended in the comment may be considered by the City decision-makers but are not mandatory requirements for siting a private school. As the comment pertains to the potential for existing conditions to affect future site occupants, it is outside the bounds of the CEQA statute, which focuses on the effects a project will have on the environment and not the proposed project's exposure to the existing environmental conditions, unless the proposed project would exacerbate those existing environmental conditions.

Irrespective of its inapplicability as a mandatory requirement, the safety of its students is important to the Avenues Schools. Though Title 5 of the California Education Code (CDE) regulations apply to schools receiving public funding, the *Phase I Report for the Avenues: World Schools project* includes an analysis of the environmental hazards associated with nearby hazardous pipelines, above-ground storage tanks, hazardous facilities, railroad tracks, power transmission lines, and traffic corridors. Further summarized in *Section 3.9.1.2*, no nearby electrical transmission lines, high-pressure natural gas transmission pipelines or pipelines carrying hazardous substances, acutely hazardous materials, or hazardous wastes are located within the distances specified by state codes that could pose an environmental concern to the proposed school campus. No oil or gas wells were identified on-site or within an approximately 1,500-foot radius of the site. An asphalt plant located approximately 1,400 feet east of the project site was determined to have no impact on the proposed school. The asphalt plant was evaluated by a prior study in November 2006 for the Basis Independent School (located approximately 200 feet away from the project site, at the intersection of Race Street and Parkmoor Avenue). The study

determined that it is unlikely that a release from the asphalt plant would impact the Basis School. Based on the modeling analysis of the asphalt plant previously completed for the Basis School, this facility would not pose a significant risk to future sensitive receptors on the proposed Avenues school site, which is located even farther away.

Since the project would introduce new sensitive receptors as daycare children and students, ranging in age from two (2) to 18-years old, the impact of the existing and new sources of TACs and PM<sub>2.5</sub> upon the project sensitive receptors are assessed and explained in the Draft EIR. As discussed in *Section 3.3.3*, the project shall include the following measures to minimize long-term annual PM 2.5 exposure for new project occupants:

1. Install air filtration in the school. Air filtration devices shall be rated MERV13 or higher for all portions of the site. To ensure adequate health protection to sensitive receptors (i.e., students aged 2-to-18-years-old), this ventilation system, whether mechanical or passive, will filter all fresh air circulated into the dwelling units.
2. As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration system shall be required.
3. Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

**Comment C.2:** Staff reviewed the Project Air Quality and Community Health Risk Assessment (Appendix B). The DEIR concludes that the exposure of sensitive receptors to health risk would be less than significant with mitigation incorporated. However, the modeling methodology concerning exposure of sensitive receptors to pollutant concentrations of toxic air contaminants and PM<sub>2.5</sub> deviates from practices recommended by the Air District and the State of California's Office of Environmental Health Hazard Assessment. The Air District is concerned that the potential cancer risk and PM<sub>2.5</sub> concentrations may be underestimated because the modeling included several discrepancies, including reduced exposure time and frequency.

The Air District's comment letter dated August 1, 2019, regarding the Project's Notice of Preparation stated: "A site-specific analysis is recommended to evaluate the potential and cumulative health impacts due to nearby sources of air pollution, including Interstate 280 and Reed & Graham asphalt facility, which are both within ¼ mile from the fenceline of the Project site." The health risk assessment was missing relevant sources in the analysis, including the boilers and cooling racks onsite as well as the Reed & Graham facility offsite. In addition, while the health risk assessment did analyze Interstate 280, the emissions appear underestimated due to the low volume of diesel trucks and the exclusion of the freeway on-ramp, which is located about 250 feet from the new sports field.

**Response C.2:** The air quality analysis used the BAAQMD recommended default exposure time and frequency values from their 2016 health risk assessment guidelines. For exposure frequency, the BAAQMD recommended value of 180 days was used (BAAQMD guidance: "For children at school sites, exposure is assumed to occur 180 days (or 36 weeks) per year." For exposure duration, the BAAQMD Guidelines say, "As a default, cancer risk estimates for children at school sites will be calculated based on a 9-year exposure duration, such as for a K-8 school". A 9-year exposure duration was used in this evaluation. However, since the school would have pre-kindergarten through 12th grade, an exposure duration of 14 years would be more appropriate.

If the 14-year exposure duration were used for I-280 cancer risks, the I-280 contribution to cancer risk would increase from 0.24 to 0.37 in one million (note this cancer risk increase does not include the higher truck percentage mentioned above because the correct truck traffic percentage was used in the analysis, as explained below). With the 14-year exposure duration applied to I-280 traffic, traffic on other nearby roads, and the emergency generators, the cancer risk would increase from 1.7 to 2.6 in one million, still well below the exposure threshold of 10 cases per million. Thus, while the use of the 14-year exposure duration would minimally increase the cancer risks to sensitive receptors, it does not change the conclusions of the health risk evaluation.

Additionally, the PM<sub>2.5</sub> impacts are evaluated on a year-by-year basis, therefore the concerns of the District regarding exposure duration are not applicable. The Air Quality Technical report (Appendix B) listed PM<sub>2.5</sub> concentrations adjusted for exposure frequency for informational purposes, but the impact finding was based on the unadjusted PM<sub>2.5</sub> concentration modeled assuming 24 hour per day emissions. Condition of Approval, listed under the Non-CEQA discussion, requires the installation of high-efficiency particulate filtration systems in the school to reduce the impact of the cumulative PM<sub>2.5</sub> concentration at the school.

As noted in Phase I ESA, Read & Graham's above ground storage tanks (ASTs) and industrial operations are approximately 1,400 feet from the project site and, therefore, outside the ¼ mile assessment radius (Education Code Section 17213(b)) within which evaluation of facilities that might reasonably be anticipated to emit hazardous air emissions is required. Therefore, the consideration of air emissions from Read & Graham Inc. facility is not triggered.

The City is not aware of any additional boilers and/or cooling racks which were not analyzed as part of the project's air quality and community health risk assessment. The analysis includes all known emission sources relevant to the site.

The Air District states that I-280 modeling underestimated risks and hazards due to low volume of diesel trucks and the exclusion of the freeway on-ramp, which is located about 250 feet from the new sports field. At the time of the analysis, the Caltrans's 2016 Annual Average Daily Truck Traffic (AADT) on the California State Highway System was the best available information. Use of Caltrans truck percentage

data is standard practice for estimating the number of trucks on a highway segment. The closest location on I-280 with truck percentages from Caltrans is beyond (i.e. westbound truck traffic) the junction of I-280 and State Route (SR) 87 (Post Mile R2.522), which is about 5,800 feet east of the project site and has 1.53 percent trucks. This segment was used over the other junctions because it is the most representative of truck traffic that would travel near the school.

In addition to the above, the I-280 modeling does account for the on-ramp traffic but places that traffic along the mainline of I-280. Even though the westbound on-ramp traffic was not explicitly modeled, the traffic volume along this on-ramp is a small fraction of the traffic on the mainline and would not exceed the traffic modeled along the mainline. In other words, the risk contribution from modeling the on-ramp traffic would not exceed the risks computed on I-280.

**Comment C.3:** Moreover, because construction is phased over 10-15 years, new sensitive receptors will be part of the Project site while construction continues. Thus, the health risk assessment should disclose the impact of construction and operation to new sensitive receptors at the Project site. Staff recommends that the City revise the air quality and health risk analysis and coordinate with the Air District on the best practices and protocols to ensure the most current methods are used.

**Response C.3:** As the comment pertains to the potential for construction phase to affect future site occupants, it is outside the bounds of CEQA statute, which focuses on the effects a project will have on the environment and not the proposed project's initial phase occupants' exposure from the later phases of the project itself. Nevertheless, the Draft EIR discussed the impact of future student exposure from existing sources in the surrounding environment in *Section 3.3.3 Non-CEQA Effects* discussion, as below:

The project proposes to introduce new sensitive receptors as daycare children and students, ranging in age from two (2) to 18-years old. These sensitive receptors would be exposed to existing sources of TACs and localized air pollutants near the project. Therefore, the impact of the existing and new sources of TACs and PM2.5, including future project generators, upon the project sensitive receptors was assessed. Community risk impacts on the existing and future sensitive receptors are addressed by predicting increased lifetime cancer risk, the increase in annual PM2.5 concentrations and computing the Hazard Index (HI) for non-cancer health risks.

<b>Table 1.3-2: Impacts from Single Source and Combined Sources at Project Student MEI</b>			
<b>Source</b>	<b>Cancer Risk (per million)</b>	<b>Annual PM<sub>2.5</sub>* (µg/m<sup>3</sup>)</b>	<b>Hazard Index</b>
Project Generators	0.1	<0.01 (<0.01)	<0.01
Cumulative Traffic (Meridian Avenue, Parkmoor Avenue, Race Street, Lincoln Avenue)	1.4	0.86 (0.14)	<0.01
Interstate 280 Traffic	0.2	0.21 (0.03)	<0.01
APRO, LLC dba United Pacific #AD2207 (Plant #112403, Gasoline Station)	3.2	-	0.02
Electrical Distributers (Plant #108316, Gasoline Station)	0.2	-	<0.01
City Body Repair (Plant #3942, Auto Body Shop)	-	-	<0.01
Blossom Valley Collision (Plant #21844, Auto Body Shop)	-	-	<0.01
<b>BAAQMD Single-Source Threshold</b>	<b>&gt;10.0</b>	<b>&gt;0.3</b>	<b>&gt;1.0</b>
<i>Exceed Threshold?</i>	<i>No</i>	<i>Yes (No)</i>	<i>No</i>
<b>BAAQMD Cumulative Source Threshold</b>	<b>&gt;100</b>	<b>&gt;0.8</b>	<b>&gt;10.0</b>
<i>Cumulative Total</i>	5.1	1.08 (0.36)	<0.08
<i>Exceed Threshold?</i>	<i>No</i>	<i>Yes (No)</i>	<i>No</i>

Based on these findings, conditions of approval were identified as following:

**Conditions of Approval:** Based on the unadjusted PM<sub>2.5</sub> value, a filtration system would need to be installed. The significant exposure for new project school receptors are judged by two effects: (1) increased cancer risk, and (2) annual PM<sub>2.5</sub> concentrations. Exposure to the unadjusted annual PM<sub>2.5</sub> concentrations from the surrounding roadway traffic is above the threshold, while cancer risk impacts are below thresholds. The project shall include the following measures to minimize long-term annual PM<sub>2.5</sub> exposures on the future project occupants:

1. Install air filtration in the school. Air filtration devices shall be rated MERV13 or higher for all portions of the site. To ensure adequate health protection to sensitive receptors (i.e., students aged 2-to-18-years-old), this ventilation system, whether mechanical or passive, will filter all fresh air circulated into the dwelling units.
2. As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration system shall be required.
3. Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with

owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

The assumptions made are for use of MERV13 filtration systems, without the additional use of sealed, inoperable windows and outdoor exposure of three hours to the ambient PM2.5 concentrations and 21 hours of indoor exposure to filtered air. In this case, the effective control efficiency using a MERV13 filtration system is about 70 percent for PM2.5 exposures.

The analysis assumes a more conservative scenario and therefore, no additional or revised analysis is applicable. The use of MERV 13 filtration systems would also serve to protect the students occupying the initial school phases from later phases' construction activity, as well as the long-term exposure to the sources identified in Table 3.3-9.

#### **Comment C.4: Air District Rules and Regulations**

Air District staff advises the City to comply with the following rules and regulations.

**Authority to Construct/Permit to Operate.** The Air District is responsible for the issuance of air quality permits for stationary equipment in the Bay Area and the management of the resulting air emissions. Because the Project includes two backup generators, boilers, and cooling towers, the project applicant will need to apply for an Air District Authority to Construct/Permit to Operate prior to construction. Please contact Barry Young, Senior Advanced Projects Advisor, at [byoung@baaqmd.gov](mailto:byoung@baaqmd.gov) or (415) 749-4721 to discuss permit requirements.

**Response C.4:** Comment noted. The project applicant will be required to obtain any necessary permits for on-site equipment.

**Comment C.5: Asbestos Demolition.** The DEIR states that asbestos was found during the Phase I Environmental Site Assessment. Please ensure that the asbestos materials are removed pursuant to Regulation 11, Rule 2 (Asbestos Demolition, Renovation and Manufacturing) work practice and waste disposal requirements prior to disturbance during construction activities. An asbestos survey must be conducted by a Certified Asbestos Consultant (CAC) pursuant to Regulation 11, Rule 2, Section 303.8. A notification for removal of regulated asbestos containing materials, if present, must be made to the Air District 10 working days prior to disturbance. A separate notification for structural demolition must also be made to the Air District 10 working days prior to beginning demolition work. Please contact the Compliance & Enforcement Division's Asbestos group at [asbestosjobs@baaqmd.gov](mailto:asbestosjobs@baaqmd.gov) or (415) 749-4762 to discuss the requirements.

**Response C.5:** Consistent with federal, state, and local policies and regulations, standard permit conditions are included on pages 143-144 of the DEIR to reduce impacts from asbestos and lead-based paint to a less than significant level. Please refer to *Section 5.0 Draft EIR Text Revisions* of this document for the proposed text amendment, reflecting the measures are consistent with Regulation 11, Rule 2, Section 303.8.

**Comment C.6: Trackout Requirement.** Air District staff recommends including compliance with Regulation 6, Rule 6 (Prohibition of Trackout) as part of Mitigation Measure AIR-3 to limit particulate matter emissions by controlling trackout of solid materials onto paved public roads.

**Response C.6:** Comment noted. Text changes are made in the Draft EIR according to the commenter's recommendation. In addition, the mitigation measure is numbered incorrectly in the text. Please refer to *Section 5.0 Draft EIR Text Revisions* of this document for the proposed text amendment.



## **D. Santa Clara Valley Water District (May 8, 2020)**

**Comment D.1:** The Santa Clara Valley Water District (Valley Water) has reviewed the Draft EIR – Avenues: the World School Campus Project – CP19-013 (APNs 264-08-060, 264-08-063, 264-08-066, 264-08-067, 264-08-071, 264-08-072, 264-08-077, 264-08-078) dated March 27, 2020.

The proposed project is a private, regionally serving pre-kindergarten through 12<sup>th</sup>-grade school. The project site is currently developed with three office buildings, multiple warehouses, parking garage, existing surface parking lots and associated landscaping. The proposed school campus development would include both re-use of two existing buildings and new construction, resulting in a total of seven buildings, a theater, gymnasium and aquatic center, administrative space, and a sports field. Full build-out of the proposed project would include up to approximately 460,000 square feet of new development above grade and 80,000 gross square feet of new development above grade and 80,000 gross square feet of the basement area.

Valley Water has the following comments to be taken into consideration when developing the Final EIR for this project:

Page 151 Section 3.10.1.2 – Hydrology and Drainage, incorrectly notes the Guadalupe River Watershed beginning at the confluence of Alamitos Creek and Guadalupe Creek which is the beginning of the Guadalupe River. The Guadalupe River Watershed actually drains an area with headwaters within the Santa Cruz Mountains.

**Response D.1:** Text changes are made in the Draft EIR according to the commenter’s correction. Please refer to *Section 5.0 Draft EIR Text Revisions* of this document for the proposed text amendment.

**Comment D.2:** Page 151 Section 3.10.1.2 – Flooding and other Hazards and page 158 Section 3.10.2.1 – project Impacts, Lexington Dam should be referred to as James J. Lenihan Dam on Lexington reservoir.

**Response D.2:** Text changes are made in the Draft EIR according to the commenter’s correction. Please refer to *Section 5.0 Draft EIR Text Revisions* of this document for the proposed text amendment.

**Comment D.3:** Page 159 refers to the “Santa Clara Plain and Llagas subbasins:’ however, the correct reference is “Santa Clara and Llagas subbasins.” The word “plain” should be removed.

**Response D.3:** Text changes are made in the Draft EIR according to the commenter’s correction. Please refer to *Section 5.0 Draft EIR Text Revisions* of this document for the proposed text amendment.

**Comment D.4:** There is no Valley Water right of way or facilities at the project site; therefore, in accordance with Valley Water’s Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for the proposed improvements.

We appreciate the opportunity to review this document. If you have any questions, please contact me at (408) 630-2479 or lbrancatelli@valleywater.org.

**Response D.4:** This comment did not raise any further environmental issues under CEQA and therefore, no additional or other specific response is required.

## **E. Santa Clara Valley Transportation Authority (May 11, 2020)**

**Comment E.1:** Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the Avenues Silicon Valley Private School Project. VTA appreciates the early and ongoing coordination among the City of San José, California Public Utilities Commission (CPUC), Federal Railroad Administration (FRA), and VTA. VTA generally supports the overall proposed land use intensification of this project, located very near the Race Street Light Rail Station and Route 64b along Meridian Avenue. The school is expected to support approximately 2,700 students and 480 staff. Through ongoing coordination with the agencies, this project can facilitate shared City-VTA goals to increase ridership and provide safe and meaningful options for students and staff to arrive and depart from the site without the use of an automobile.

### **Pedestrian Accommodations**

Currently there is an approximately 200-foot sidewalk gap along the north side of Parkmoor Avenue. Parkmoor Avenue provides a pedestrian connection to the Race Street Light Rail Station. During development Phases 1 through 3, pedestrians attempting to walk from Race Street to Meridian Avenue along Parkmoor Avenue would have to utilize the sidewalk on the south side of Parkmoor Avenue. VTA recommends that the project provide an ADA-accessible sidewalk along the north side of Parkmoor Avenue as part of Phase I. VTA has documented prior pedestrian conflicts on the north side of Parkmoor Avenue with pedestrians utilizing the existing bicycle lane as a path of egress. Additionally, VTA has received complaints about the lack of ADA-accessible pedestrian access on the north side of Parkmoor Avenue between the existing bus stop located next to the crossing and the former medical offices located at the project site.

**Response E.1:** As identified in *Section 2.2.6* of the Draft EIR, the Local Transportation Analysis (included as Appendix H) identifies several off-site improvements. Though these improvements are not part of the application proposal, review by the Department of Public Works, Department of Transportation, and Planning Division identified the need for several off-site improvements. These off-site improvements are likely to be built in phases to ensure improvements are built during each phase commensurate with the student capacity for each phase. In Phase 1b, the developer is required to construct improvements and a full traffic signal modification at Parkmoor Avenue and Race Street provided that the City contributes partial funding for this improvement. The street improvements and traffic signal modification may include, but are not limited to, frontage improvements along Race street and Parkmoor Avenue, pavements, median islands, advance vehicle warning signals, vehicular and pedestrian gates, and pedestrian channelization barriers.

**Comment E.2:** There appears to be inconsistent information presented in the DEIR Section 2.2.3 Site Access and Circulation Site Access, Parking and Circulation in the Appendix H Traffic report. It is unclear where pedestrian and bicycle entrances will be located on the site plan. VTA recommends updating the site plan in the DEIR to document the location of the three pedestrian and bicycle gates discussed in Appendix H (p. 58). Entrances to the school for all modes of access should be clearly documented and understood.

**Response E.2:** The updated Circulation Diagram showing the pedestrian and bicycle gates is included in *Section 5.0 Draft EIR Text Revisions*.

**Comment E.3:** Figure 13 in Appendix H Traffic Report (p. 41) still shows one curb ramp per intersection, which is unsafe for pedestrians. VTA recommends two curb ramps per corner to better direct pedestrians into the intersection.

**Response E.3:** The installation of one ramp versus dual ramps is contingent upon sidewalk width and the direction of crossing. The current planline shows one ramp per intersection per these constraints. The City will re-evaluate dual ramps at the implementation stage of the project.

**Comment E.4: Bicycle Accommodations**

There is an error on p. 207 of the DEIR that states the City participates in the “Bay Area Ford Gobike bike share program.” This program is now owned by Lyft and is called BayWheels. All references to Bay Area Ford GoBike should be removed and references replaced with BayWheels.

**Response E.4:** Text changes are made in the Draft EIR according to the commenter’s correction. Please refer to *Section 5.0 Draft EIR Text Revisions* of this document for the proposed text amendment.

**Comment E.5: City of San José Vasona Corridor Quiet Zone**

The Vasona Rail Corridor is located between the Dupont Street grade crossing and Kennedy Avenue grade crossing, inclusive of the Parkmoor Avenue and Race Street intersections adjacent to the project. The Vasona Rail Corridor is designated a Quiet Zone by the Federal Rail Administration and the City of San José has requested an extension of the Quiet Zone. The DEIR does not discuss whether or how the Quiet Zone affects the disclosed project impacts or whether the Quiet Zone creates any additional impacts. The DEIR should be revised to explain whether the Quiet Zone creates or affects any project impacts and the mitigations the City proposes.

**Response E.5:** The data collected by the noise consultant at the project site (LT-4) quantified existing rail noise levels with the Quiet Zone designation in place. According to the U.S. DOT crossing inventory report (2019), the Quiet Zone was established in 2005. The Quiet Zone does not impact the noise environment in the project vicinity, but rather, provides a benefit by reducing train horn noise. The DEIR’s analysis assumes that this Quiet Zone will continue to remain in place in the future. The Quiet Zone designation does not preclude the use of horns in the case that operator deems their use necessary.

**Comment E.6: Safety Analysis**

VTA supports the City in their position as the lead CEQA agency to ensure that the information required under the California Education Code Section 17251 and the California Code of Regulations, Title 5, sections 14001 through 14012 regarding school sites, including the Railroad Tracks California Code of Regulations, Title 5, Section 14010(d) would be considered in “determining the suitability of the project site for the proposed private school” (DEIR p. 130). Section 14010(d), establishes the following regulations pertaining to proximity to railroads:

If the proposed site is within 1,500 feet of a railroad track easement, a safety study shall be done by a competent professional trained in assessing cargo manifests, frequency, speed, and schedule of railroad traffic, grade, curves, type and condition of track, need for sound or safety barriers, need for pedestrian and vehicle safeguards at railroad crossing, presence of high pressure gas lines near the tracks that could rupture in the event of a derailment, preparation of an evacuation plan. In addition to the analysis, possible and reasonable mitigation measures must be identified.

The proposed development site is within less than 1,500 feet of the VTA light rail tracks, located adjacent to the southeast corner of the site. VTA requests that a safety study be prepared that complies with California Code of Regulations, Title 5, Section 14010(d) and be included in the Final EIR. Because of the increased pedestrian, bicycle and vehicular traffic the proposed development is expected to bring, the study should consider the impact of a Quiet Zone and safety enhancements at this location. The development, when completed, will accommodate 3,224 people on-site, parking for 646 vehicles and 870 bicycles, and increased vehicular traffic for drop-off and pick-ups.

**Response E.6:** The above referenced regulations are applicable to publicly funded schools. The proposed project is a private school and will not be utilizing public funding. Irrespective of its inapplicability, pedestrian safety and the safety of its students is important to the Avenues Schools. As noted in the Draft EIR, several off-site improvements surrounding the campus have been identified jointly by the Department of Public Works, Department of Transportation and VTA. The primary purpose is to improve safety for both non-project and project public transportation system users. These improvements include all transportation mode users, vehicular, pedestrian, cyclist, and transit users. As such, no further safety analysis is warranted given that the improvements have been specifically identified to further improve the safety operations of these intersections.

**Comment E.7: Construction impacts**

Noise generated by the project's construction activities will be monitored as outlined in Appendix G, Avenues: The World School Noise and Vibration Assessment. Monitoring of decibel levels around the grade crossing will need to be undertaken to ensure that all rail warning devices are still sufficiently audible above the construction noise so that they serve their purpose effectively. To mitigate construction noise that may reduce the effectiveness of such warning devices, VTA is prepared to sound its train horns during construction should the City agree to modify the Quiet Zone at least temporarily.

**Response E.7:** As shown in Table 3.13-5 of the DEIR, construction noise would range from 49 to 77 dBA Leq in the vicinity of the project site. With the implementation of GP Policy EC-1.7, Municipal Code requirements, and mitigation measures MM NOI-1.1 and NOI-1.2, the temporary construction noise impact would be reduced to a less than significant level. Construction noise won't affect the effectiveness of rail warning devices as train horn blasts are about 110 dBA. In comparison to the typical construction activity, the horns would be sufficiently audible above the construction noise.

**Comment E.8: Transportation Demand Management (TDM) Strategies**

VTA commends the City of San José for implementing a Target-Based trip cap (per VTA 2014 TIA Guidelines section 8.2.2) to minimize trips generated by the project and reduce VMT. VTA also requests the commitment of an enforcement structure to be stated in the TIA report (Appendix H) or in the DEIR. This may take the form of a ‘reinvestment clause’ where the project applicant/owner is required to invest more in TDM trip reduction measures if the trip cap is not met after an enforceable time period.

VTA also requests that a summary of the monitoring data (e.g., auto trip generation rates, modes share) are submitted to VTA through San José on a biennial basis as part of the CMP Monitoring and Conformance Program.

A free shuttle and bus service will be provided for students in surrounding neighborhoods. VTA recommends this program prioritize students who live farther away and are in clusters to reduce Vehicle Miles Traveled (VMT). Students living nearby can also walk, bike or take transit. Nearby students should be given shuttle opportunities based on shuttle capacity.

**Response E.8:** As noted in the TDM program (See Draft EIR, pages 215 and 216, and Appendix H), if the established trip cap for the current project phase is exceeded, additional TDM mitigation measures may need to be implemented to reduce the VMT impact to a point at which it no longer exceeds the established trip cap. As this measure will be a condition of project approval, no further enforcement measures are necessary. Further, annual monitoring is a requirement of the program. Annual reports will be submitted to the Department of Planning, Building and Code Enforcement’s Environmental Review and Department of Public Works (Traffic) for review. VTA’s request for a summary of the monitoring on a biennial basis is noted.

**Comment E.9: Bus Stop Improvements**

As stated in VTA’s Notice of Preparation letter dated August 8, 2019, VTA noted there are two existing bus stops along two frontages of Avenues World School, Meridian Avenue and Parkmoor Avenue. VTA supports retaining the stop on Meridian Avenue at its current location. The DEIR does not adequately document the bus stop on northbound Meridian Avenue. VTA recommends that section 3.17.2.1 Project Impacts for Transit Facilities be updated to further describe the bus stop on Meridian Avenue. The bus stop on Parkmoor Avenue will be removed by the proposed off-site improvements; VTA accepts this change, as VTA service is no longer offered at this stop.

VTA has the following additional recommended improvements:

- Northbound Meridian Avenue bus stop before Harmon Avenue:
- Update all site plans (including conceptual and landscape) to accurately display the location of the bus stop
- Install a new bus pad, 10’x55’ minimum per VTA Standards, as a project improvement
- Replace the existing shelter with VTA’s new standard shelter
- Remove any buffer trees along Meridian that may conflict with bus operations and replace and relocate those trees elsewhere onsite

Prior to any construction or bus stop impact, please contact [bus.stop@vta.org](mailto:bus.stop@vta.org) to ensure that such changes are consistent with VTA Construction Access Permit requirements.

**Response E.9:** The project is conditioned to install a new bus pad and replace the existing shelter with a standard VTA shelter at the existing bus stop located on northbound Meridian across from the project frontage. The bus stop located north of Harmon Avenue along Meridian Avenue is beyond the project frontage and will not be included for improvements as part of this project. The City will consider improvements to this bus stop with development of adjacent properties.

## ORGANIZATIONS, BUSINESSES, AND INDIVIDUALS

### F. Gavin Lohry (March 27, 2020)

**Comment F.1:** My name is Gavin Lahory and I work for Catalyze SV without Project Advocacy Committee. We were interested in reaching out to the developer of the World School Project (File Nos. CP19-013 & C19-013) about working with our organization and I was wondering if you could provide me with the developer contact?

Thanks for your time and have a great weekend!

**Response F.1:** This comment did not raise any environmental issues under CEQA. The developer's contact info is as follows:

Thomas M. Gannon  
Avenues: The World School  
11 East 26th Street, 17th Floor  
New York, NY 10010-1420  
[tom.gannon@avenues.org](mailto:tom.gannon@avenues.org)



## SECTION 5.0 DRAFT EIR TEXT REVISIONS

---

This section contains revisions to the text of the Avenues: The World School Campus Project Draft EIR dated March 2020. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

Page vii-xiv Summary of Significant Impacts table will be REVISED as follows:

Significant Impact	Mitigation Measures
<b><i>Air Quality</i></b>	
<b>Impact AIR-1:</b> Construction activities at the project site would result in significant cancer risk (greater than 10.0 chances per million) at the maximally affected sensitive receptor.	<b>MM AIR-1.1:</b> Off-road equipment greater than 25 horsepower (hp) that would be operated for more than 20 hours over construction phase, including equipment from subcontractors, shall be zero emissions, or have engines that meet or exceed either EPA Tier 2 off-road emission standards; and have engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS), if one is available for the equipment being used. <u>If equipment with Tier 2 engines and level 3 VDECS are not available, then equipment with Tier 3 engines retrofitted with level 3 VDECS would be the next option.</u> Equipment with engines that meet Tier 4 Interim or Tier 4 Final emission standards meet this requirement; therefore, a VDECS on Tier 4 engines is not required.  <b>MM AIR-1.2:</b> Portable diesel generators used for more than 100 hours <u>during the entire construction period</u> shall be prohibited. Grid power electricity shall be used to provide power at construction sites; or propane and natural gas generators may be used when grid power electricity is not feasible ( <u>i.e. grid electricity is not available at the construction site</u> ). <u>If diesel generator use must be extended past the 100 hour limit, then the Project applicant must provide a written request to the City of San Jose as to why the usage of grid power electricity or natural gas generators would not be possible.</u>  <b>MM AIR-1.3:</b> Prior to the issuance of any demolition, grading, and/or building permits, whichever occurs earliest, the project applicant shall submit a construction operations plan prepared by the construction contractor that outlines how the contractor will achieve the measures outlined in the above mitigation measures. The plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval.
<b><i>Biological Resources</i></b>	

---

**Impact BIO-1:** Project construction could impact nesting birds on or adjacent to the site, if present.

**MM BIO-1.1:** Prior to issuance of any tree removal, grading, demolition and/or building permits or activities, the project applicant shall schedule ~~Tree removal and construction shall be scheduled~~ to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st, inclusive.

If tree removals and construction cannot be scheduled outside of nesting season, a qualified ornithologist shall complete pre-construction surveys to identify active raptor nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive), unless a shorter pre-construction survey is determined to be appropriate based on the presence of a species with a shorter nesting period, such as Yellow Warblers. During this survey, the ornithologist will inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that will be disturbed by construction, the ornithologist will designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with California Department of Fish and Wildlife (CDFW). The buffer would ensure that raptor or migratory bird nests will not be disturbed during project construction.

Prior to issuance of any tree removal, or approval of any ~~grading, or demolition~~ permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Planning, Building and Code Enforcement or Director's designee.

---

***Cultural Resources***

**Impact CUL-1:** Construction activities could disturb unknown buried archaeological resources associated with prehistoric Native American deposits.

**MM CUL-1.1:** Prior to issuance of any grading permits or during any ground disturbing activities, ~~The proposed~~ project applicant shall conduct presence/absence exploration for all areas that would be impacted by the project, specifically along the rear fence line in the area which contained former residences and outbuildings. Subsurface exploration shall be completed after asphalt has been removed, but prior to any ground disturbing activities including grading, potholing for utilities, and building

---

foundation removal. If these activities or similar ground-disturbing activities need to be completed prior to presence/absence work, then an archaeological monitor shall be required. As part of this effort, at least one trench shall be mechanically excavated below existing stratigraphic layers to eliminate the potential for Native American deposits and provide a better understanding for potential historic-era soil surfaces. If archaeological deposits or features that appear eligible to the California Register are identified during any stage of exploration, and if the project cannot be redesigned to avoid the cultural resource, an archaeological research design and work plan shall be prepared. The plan shall be designed to facilitate archaeological excavation and evaluate any cultural resources discovered by the California Register eligibility criteria to assess if any qualify as historical resources. Should the plan be required, it shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee.

**MM CUL-1.2:** In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement or Director's designee and the City's Historic Preservation Officer ~~of the Department of Planning, Building and Code Enforcement~~ will shall be notified, and a qualified archaeologist will examine the find. The archaeologist will 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. If the finds do not meet the definition of a historical or archaeological resources, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then it should be avoided by project activities. Project personnel should not collect or move any cultural material. Fill soils that may be used for construction purposes should not contain archaeological materials.

**MM CUL-1.3:** If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. In the event of the

---

---

discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement or the Director's designee and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American.

**MM CUL-1.4:** If the remains are believed to be Native American, the Coroner shall contact the NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD shall inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.

**MM CUL-1.5:** If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
- The MLD identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

---

### ***Hazards and Hazardous Materials***

---

**Impact HAZ-1:** Proposed demolition and excavation activities near the former railroad spur area could expose construction workers and/or the environment to elevated levels of metals and NOA.

**MM HAZ-1.1:** Prior to any demolition of buildings that area near the former railroad spur line and excavation to establish basement level for Building 7 or any ground disturbance activities, the project applicant shall complete additional soil sampling/testing ~~shall be completed~~ to define the lateral and vertical extent and magnitude of the impacted soil for metals and naturally occurring asbestos (NOA). The results of this sampling would ~~assist~~ be used in determining the area/volume of concern for potential regulatory oversight requirements including air monitoring during construction activities that disturb soil containing asbestos.

---

**MM HAZ-1.2:** Prior to issuance of any demolition, grading, or building permits, the project applicant shall prepare and implement the A~~n~~ Asbestos Dust Mitigation Plan (ADMP) along with perimeter air monitoring confirmation sampling shall be implemented during all ground-disturbing construction activities to prevent spreading of asbestos fibers.

**MM HAZ-1.3:** Prior to issuance of any demolition, grading, or building permits, the project applicant shall prepare a A Soil Management Plan (SMP) and Health and Safety Plan (HSP) shall be prepared for the proposed demolition and redevelopment activities, and specifically for the identified and mapped area/volume of concern. The SMP shall identify additional sampling based on the mapped areas up to appropriate depth. The actual number and locations of samples for the NOA and metals must be based on site inspection and in consultation with the regulatory oversight from Santa Clara County Department of Environmental Health (SCCDEH) or the California Department of Toxic Substances Control (DTSC) project manager. Clean-up of the NOA shall include measures based on the DTSC, School Division's 2004 Interim Guidance, Naturally Occurring Asbestos (NOA) at School Sites. The purpose of these documents will be to establish appropriate management practices, including regulatory performance standards and criteria for handling impacted soil or other materials that may potentially be encountered during construction activities in this area.

**MM HAZ-1.4:** If the contaminated materials are planned to be capped during construction by site improvements (landscape beds, buildings, pavements, turf sections, etc.), ~~it should be included~~ the project applicant shall include the plans in the SMP and HSP, for the approval under the regulatory oversight of the ~~Santa Clara County Department of Environmental Health (SCCDEH) or State Department of Toxic Substances Control (DTSC).~~ If the contaminated soils are planned to be removed from the site, these shall be hauled off-site and disposed of at a licensed hazardous materials disposal site. Capped areas (if and as included in the SMP) will require institutional controls which may include a deed restriction for the affected areas and an operations and maintenance (O&M) Plan.

**MM HAZ – 1.5:** The project applicant shall provide the SMP, HSP and O&M plans ~~shall be provided~~ to the Director of Planning, Building and Code Enforcement or

---

---

Director's designee, the City's Environmental Compliance Officer in the Environmental Services Department (ESD) staff, and SCCDEH for approval prior to any demolition, grading permits or ground disturbing activities.

---

**Impact HAZ-2:** Numerous VOCs were detected in the indoor and outdoor ambient air samples.

**MM HAZ-2.1:** Indoor air and soil vapor sampling shall be conducted at the existing buildings at 550 and 570 Meridian Avenue by a qualified environmental professional to re-evaluate potential impacts from vapor intrusion. This re-sampling shall be conducted prior to building occupancy to further evaluate indoor air quality. The results of the indoor air and soil vapor sampling shall be submitted to the City's Director of Planning, Building and Code Enforcement or Director's designee, the Municipal Compliance Officer in the Environmental Services Department, and SCCDEH, prior to issuance of any demolition or grading permits.

Approval by the SCCDEH is a requirement before issuance of any occupancy or other use permits. If air sampling determines that vapor intrusion is a concern for future users of the building, the project applicant shall implement measures to reduce vapor intrusion; these measures ~~could~~ may include but are not limited to vapor barriers, passive venting, sub-slab depressurization, and/or building over-pressurization.

---

### *Noise and Vibration*

**Impact NOI-1:** Noise levels due to construction activities would substantially exceed ambient conditions for a period exceeding one year resulting in a potentially significant impact.

**MM NOI-1.1:** Prior to issuance of any demolition, grading or building permits, the project applicant shall implement ~~the~~ the following standard noise control measures ~~shall be~~ implemented:

- Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
  - The contractor shall use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
  - The unnecessary idling of internal combustion engines shall be prohibited.
-

- 
- Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors such as residential uses (a minimum of 200 feet)
  - The surrounding neighborhood shall be notified early and frequently of the construction activities.
  - A “noise disturbance coordinator” shall be designated to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

**MM NOI-1.2:** Pursuant to General Plan Policy EC-1.7, the project applicant shall prepare and implement a Construction Noise Logistics Plan, ~~in accordance with Policy EC 1.7, would be required.~~ Typical construction noise logistics plan would include, but ~~is not be~~ limited to, the following measures to reduce construction noise levels as low as practical:

- Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Construct temporary noise barriers to screen stationary noise-generating equipment when located within 200 feet of adjoining sensitive land uses. Temporary noise barrier fences would provide a five (5) dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- If stationary noise-generating equipment must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used. Any enclosure openings or venting shall face away from sensitive receptors.
- Ensure that generators, compressors, and pumps are housed in acoustical enclosures.
- Locate cranes as far from adjoining noise-sensitive receptors as possible.
- During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.

- Substitute nail guns for manual hammering, where feasible.
- Substitute electrically-powered tools for noisier pneumatic tools, where feasible.
- The Construction Noise Logistic Plan, inclusive of the above shall be signed by a certified acoustical engineer verifying that the implementation measures included in this Plan meets the reduction to noise levels as required by this mitigation measure.
- Prior to issuance of any demolition, grading, or building permits, the project applicant shall submit a copy of the Construction Noise Logistic Plan to the Director of Planning, Building and Code Enforcement, or Director's designee, for review and approval.

**Impact NOI-2:** Project mechanical equipment could generate noise in exceedance of 55 dBA DNL at noise-sensitive land uses in the project vicinity.

**MM NOI-2.1:** Mechanical equipment shall be selected and designed to reduce excessive noise levels at the surrounding uses to meet the City's 55 dBA DNL noise level requirement at the nearby noise-sensitive land uses. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures may be optimal, such as locating equipment in less noise-sensitive areas, such as along the building façades farthest from adjacent neighbors, where feasible. The noise exposure of neighboring properties would be reduced to meet the General Plan thresholds resulting in a less than significant impact.

Prior to issuance of any demolition, grading or building permits, the project applicant shall submit equipment documentation to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval.

---

**Transportation**

**Impact TRN-1:** The proposed project would generate VMT which is three percent above the significance threshold for employment uses and 17 percent above the significance threshold for student uses.

**MM TRN-1.1:** Prior to the issuance of any public work clearances, the project applicant shall implement a Transportation Demand Management Plan which includes the following measures:

- **Annual Monitoring.** An annual monitoring requirement establishing a trip cap of ~~1,795~~ net AM Peak Hour Trips shall be conducted by Avenues for



---

each project phase. The TDM plan for monitoring, reporting, compliance, and funding shall be provided for the life of the project. Annual trip monitoring reports will shall be submitted to the Department Director of Planning, Building and Code Enforcement's Environmental Review or Director's Designee for approval. The following vehicle trip cap for each project phase is summarized below:

With Off-site Improvements (Additional 4.6 percent TDM credit)

- Phase 1a: No VMT impact/no mitigation required.
- Phase 1b: 983 AM trips (Once off-site improvements are in place)
- Phase II: 1,795 AM trips
- Phase III: 1,795 AM trips
- Full Buildout: 1,795 AM trips

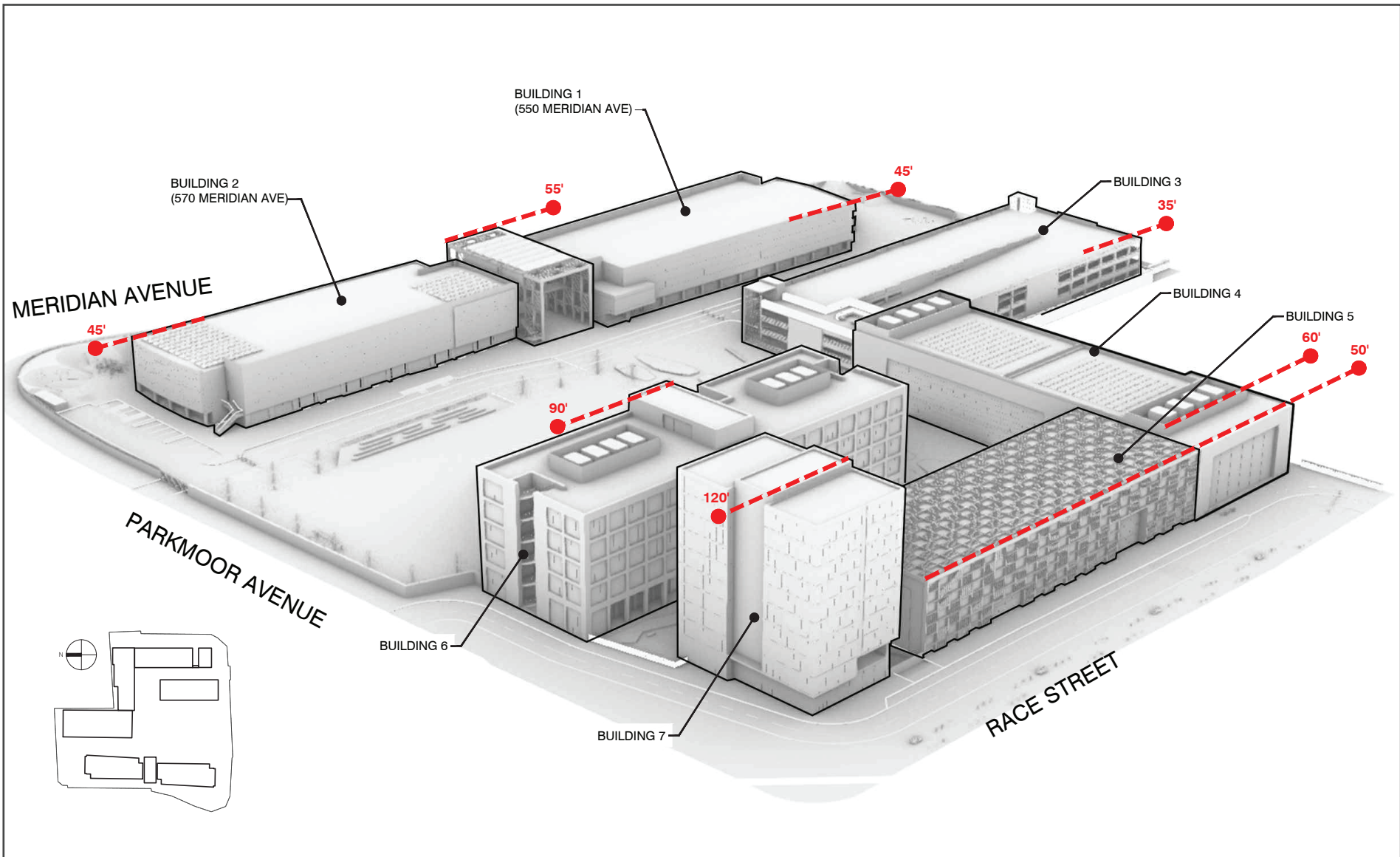
- **TDM Plan:** For each project phase, Avenues will be required to implement one or more of the TDM measures shown on Tables 1-4 (see Attachment H of Appendix H) in order to achieve a minimum 17 percent VMT trip reduction of student trips and 3 percent reduction of staff trips for the project. If the established trip cap for the current project phase is exceeded, additional TDM mitigation measures may need to be implemented to reduce the VMT impact to a point at which it no longer exceeds the established trip cap.
- **Follow-up Monitoring.** After implementing TDM mitigation measures, the project ~~will be required to~~ shall submit a follow-up monitoring report that demonstrates compliance with the trip cap requirements and identifying additional TDM measures to be implemented, if necessary within a grace period, which will not exceed six (6) months per Section 3.8 of the Transportation Analysis Handbook.
- **TDM Coordinator.** Contact information for the TDM coordinator shall be posted on the school's website.
- **Availability.** Information regarding the TDM program shall be distributed to all families of Avenues' students and shall be posted on the school website prior to program implementation.
- **Additional TDM measures to help the project meet the trip cap may include but are not limited to:**
  - Commute Trip Reduction Marketing/Educational Campaign: promote the use of transit, shared rides, walking, and bicycling through a TDM Coordinator

- 
- School Carpool Program: coordinate carpools amongst parents
  - Alternative Work Schedules/Staggered Class Start Times: shift schedules or commute outside of peak congestion periods by staggering the start time for classes for staff and students
  - Staff Parking “Cash-Out” Program: provide staff the choice to forgo subsidized/free parking for a cash payment equivalent to the cost that the school would otherwise pay for the parking space
  - Bicycle Storage: provide safe storage (lockers or racks) for staff and students to park their bicycles to encourage commuting by bicycle
  - Showers/Changing Rooms: provide showers and changing rooms to encourage students and staff to walk or bike to and from school
  - Bike Sharing Program: provide land or subsidies for a bike sharing system
  - Subsidized or Discounted Transit Program: provide partially or fully subsidized/discounted transit passes
  - Free Direct Shuttle/Bus Service: provide shuttle service between the school and areas with high concentrations of student residence
- 

Page 8            Section 2.2.2 Proposed Development, the third paragraph will be **REVISED** as follows:

The proposed project is consistent with the land use designation in the General Plan and includes a request for a conforming rezone from *IP Industrial Park* to *CIC Combined Industrial/Commercial*. Full build-out of the proposed project would include up to approximately 460,000 square feet of new development above grade and ~~80,000~~ 89,000 gross square feet of basement area (under Buildings 4, 5, and 7). The proposed buildings would maintain maximum heights of approximately 50 feet along Race Street and extend to heights of 90 feet and 120 feet along Parkmoor Avenue. The proposed building elevations are shown on Figure 2.2-6.

Page 10 and 11 Figure 2.2-6 Building Height Diagram and Figure 2.2-7 Site Access and Circulation will be **REVISED** as follows:












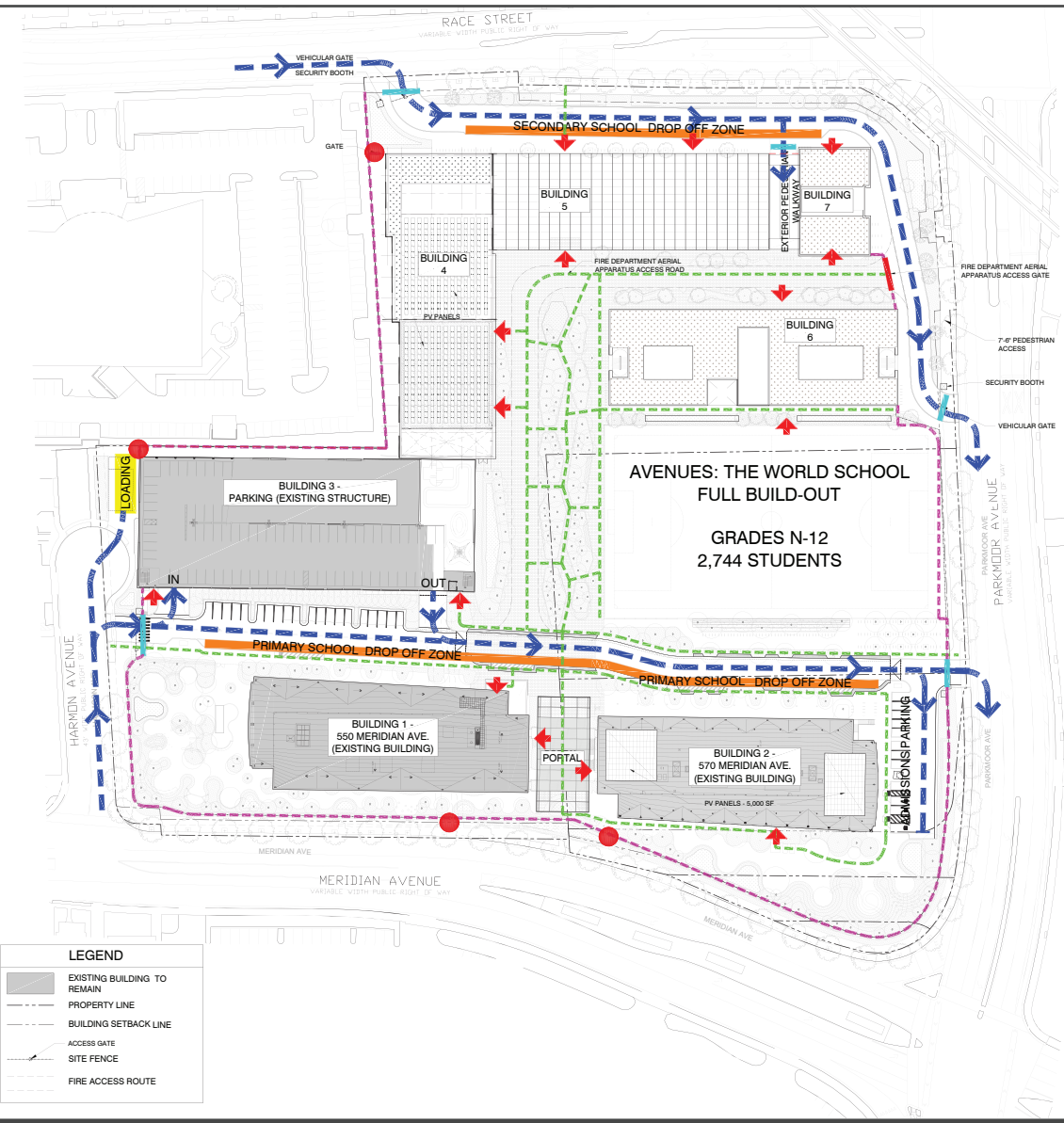
Source: Efficiency Lab for Architecture, June 15, 2020.

BUILDING HEIGHT DIAGRAM







FIGURE 2.2-6

**LEGEND**

-  MAIN BLDG. ENTRY
-  VEHICULAR PATH
-  DROP OFF ZONE
-  LOADING ZONE
-  PEDESTRIAN PATH
-  FENCE
-  GATE
-  FIRE DEPARTMENT AERIAL APPARATUS ACCESS GATE
-  FIRE DEPARTMENT ACCESS GATE



**LEGEND**

-  EXISTING BUILDING TO REMAIN
-  PROPERTY LINE
-  BUILDING SETBACK LINE
-  ACCESS GATE
-  SITE FENCE
-  FIRE ACCESS ROUTE

Source: Efficiency Lab for Architecture, June 15, 2020.

**SITE ACCESS AND CIRCULATION**

**FIGURE 2.2-7**

Page 12 Section 2.2.3 Site Access, Parking, and Circulation, the fourth paragraph will be **REVISED** as follows:

Total on-site parking would include 642 parking spaces, with the existing 463-space parking structure to be maintained. The project includes a below ground parking garage under Building 5 which would provide ~~446~~147 parking spaces. The basement levels in Buildings 4 and in Building 7 won't provide any parking and would primarily be used as storage areas. Approximately 32 surface parking spaces would be provided at the southwest corner of the site and immediately adjacent to the parking garage. Additionally, 751 bicycle parking spaces would be located outside on the ground level.

Page 12 Section 2.2.4 Project Construction, the third paragraph will be **REVISED** as follows:

**Phase Ia** - The first phase of construction would be implemented in two steps with initiation of Phase Ia. The intent of a stepped approach is to provide Avenues an early start-up phase that includes include the partial adaptive re-use of the existing buildings at 550 and 570 Meridian Avenue from their its current use as commercial office buildings to an education facility facilities. Phase Ia allows Avenues the opportunity to initiate school operations as early as 2021, while simultaneously adapting to possible fluctuations in construction starts and stops and school operational practices caused by the 2020 global pandemic. It should be noted that both 550 and 570 Meridian Avenue buildings are not historic in nature. The area expected to be utilized for Phase 1A is approximately 35,000 gross square feet located on the first and second floors of 570 Meridian Avenue, and would accommodate up to 150 students and 60 faculty and staff (including outsourced service providers. Most of this work would be interior improvements with minor exterior work. Phase 1a would include students no younger than 3<sup>rd</sup> grade.

**Phase Ib.** Phase 1B would include the adaptive reuse of 550 Meridian Avenue as well as the remaining areas in 570 Meridian Avenue; the dDemolition of the office building at 1401 Parkmoor Avenue and the remaining warehouses along 529, 581, and 691 Race Street are also part of Phase Ib. The first phase Phase Ib would also construct a portion of the gymnasium building (Building 4), and a portal structure connecting the 550 and 570 Meridian Avenue buildings. The combined total area for Phase Ia and Phase Ib is approximately 184,000 gross square feet (excluding the new sports field and existing parking structure that would be retained) and would accommodate 1,112 students. The sports field would also be built during in Phase Ib. It is anticipated that construction of Phase Ib would commence in the summer of 2021~~0~~ and would be complete in fall of 2022~~1~~ for the beginning of the school year.

Page 14 Table 2.2-1 will be **REVISED** as follows:

**Table 1.3-1: Proposed Development Phasing**

Phase # /Year <sup>1</sup>	Total Area (square feet)	Area to be demolished	Area to be Retained/ Converted/Constructed New	Increase of Students	Increase of employment
Phase Ia [Summer of 2020 – Summer/ Fall of 2021]	35,000	N/A	Retain existing parking structure (Building 3)  Convert 570 Meridian Avenue (Building 2) from its current use as commercial office building to education facilities	150	60
Phase Ib [Summer of 2021 – Summer/Fall of 2022]	184,000 (inclusive of Phase Ia, excluding the new sports field and existing parking structure that would be retained).	1401 Parkmoor Avenue and remaining warehouses along Race Street (approximately 210,426 square feet)	<del>Retain existing parking structure (Building 3)</del>  <b>Demolish</b> three existing warehouses at 529 Race Street, 581, and 691 Race Street.  <b>Convert</b> 550 and 570 Meridian Avenue (Buildings 1 and 2) from their current use as commercial office buildings to education facilities.  <b>Construct</b> a portion of the gymnasium building (Building 4), and a portal structure connecting the 550 and 570 Meridian Avenue buildings. The sports field would also be built during Phase Ib.	1,112-962 students	260-200 employees
Phase II [Winter 2023 – Summer 2024]	120,000	No Demolition	<b>Construct</b> an academic building (Building 6) east of the sports field.	1,008 students	110 employees
Phase III [Winter 2027 or 2028 - Summer 2028 or 2029]	87,000	No Demolition	<b>Expand</b> the gymnasium facilities (Building 4) to include an aquatic center as well as <b>construct</b> a theater building (Building 5).	472 students	80 employees
Phase IV [Winter 2032 or 2033 – Summer of 2033 or 2034]	67,000	No Demolition	<b>Construct</b> an academic building (Building 7) on the southeast corner of the project site.	152 students	30 employees

<sup>1</sup>The table provides an approximate phasing schedule. These dates are subject to market conditions and future school enrollment.

**REVISE** the first paragraph under Section 2.2.5 Green Building Measures, as follows:

Consistent with the City’s Private Sector Green Building Policy and the Green Building Ordinance, the proposed project would be designed to achieve, at minimum, a similar or equivalent level of sustainable features as required for Leadership in Energy and Environmental Design (LEED) Certification. This would be met through community design and planning, site design, landscape design, building envelope performance, and material selections. The project proposes to include the following sustainable design features that will be maintained as part of the proposed project:

Page 63-64 Section 3.3.2.1 Project Impacts, under checklist item “c)”, Impact AIR-1 and MM AIR-1.1 through 1.4 will be **REVISED** as follows:

Table 3.3-6 summarizes the maximum cancer risks, PM<sub>2.5</sub> concentrations, and health hazard indexes for project related construction activities affecting this receptor that is considered the MEI. As shown in Table 3.3-6, the construction risk impacts exceed the BAAQMD single-source thresholds for incremental cancer risk and but does not exceed the single-source thresholds for PM<sub>2.5</sub> concentrations and the hazard index (HI). Mitigation Measure AIR-~~3~~1.1, ~~3~~1.2 1.3 and ~~3~~1.34, as listed below, would reduce construction cancer risks to a level below the BAAQMD single-source thresholds.

**Impact AIR-1:** Construction activities at the project site would result in significant cancer risk (greater than 10.0 chances per million) at the maximally affected sensitive receptor.

**Mitigation Measures:** In addition to the Standard Permit Conditions listed in ~~Impact AIR-2 checklist item (b)~~, and in conformance with General Plan Policies MS-10.1 and MS-13.1, the following mitigation measures would be implemented during all demolition and construction activities to reduce TAC emission impacts:

**MM AIR-1.1:** Off-road equipment greater than 25 horsepower (hp) that would be operated for more than 20 hours over construction phase, including equipment from subcontractors, shall be zero emissions, or have engines that meet or exceed either EPA Tier 2 off-road emission standards; and have engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS), if one is available for the equipment being used. If equipment with Tier 2 engines and level 3 VDECS are not available, then equipment with Tier 3 engines retrofitted with level 3 VDECS would be the next option. Equipment with engines that meet Tier 4 Interim or Tier 4 Final emission standards meet this requirement; therefore, a VDECS on Tier 4 engines is not required.

**MM AIR-1.2:** Portable diesel generators used for more than 100 hours during the entire construction period shall be prohibited. Grid power electricity shall be used to provide power at construction sites; or propane and natural gas generators may be used when grid power electricity is not feasible (i.e. grid electricity is not available at the construction site). If diesel generator use must be extended past the 100 hour limit, then the Project applicant must provide a

written request to the City of San Jose as to why the usage of grid power electricity or natural gas generators would not be possible.

**MM AIR 1.3** Compliance with Regulation 6, Rule 6 (Prohibition of Trackout) will be required to limit particulate matter emissions by controlling trackout of solid materials onto paved public roads.

**MM AIR-1.34:** Prior to the issuance of any demolition, grading, and/or building permits, whichever occurs earliest, the project applicant shall submit a construction operations plan prepared by the construction contractor that outlines how the contractor will achieve the measures outlined in the above mitigation measures. The plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval.

Page 84,85 **REVISE** MM BIO-1.1 as follows:

**Impact BIO-1:** Project construction could impact nesting birds on or adjacent to the site, if present.

**Mitigation Measures:** In compliance with the MBTA, CDFW and General Plan Policies ER-5.1 and ER-5.2, the following measures are included to reduce or avoid construction-related impacts to nesting raptors, other migrating birds and their nests:

**MM BIO-1.1:** Prior to issuance of any tree removal, grading, demolition and/or building permits or activities, the project applicant shall schedule ~~Tree removal and construction shall be scheduled~~ to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st, inclusive.

If tree removals and construction cannot be scheduled outside of nesting season, a qualified ornithologist shall complete pre-construction surveys to identify active raptor nests that may be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive), unless a shorter pre-construction survey is determined to be appropriate based on the presence of a species with a shorter nesting period, such as Yellow Warblers. During this survey, the ornithologist will inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests. If an active nest is found in an area that will be disturbed by construction, the ornithologist will designate a construction-free buffer zone (typically 250 feet) to be established around the nest, in consultation with CDFW. The buffer would ensure that raptor or migratory bird nests will not be disturbed during project construction.



Prior to issuance of any tree removal, ~~or approval of any grading,~~ or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Planning, Building and Code Enforcement or Director's designee.

Page 96-97     **REVISE** MM CUL-1.1 and CUL-1.2, as follows:

**Impact CUL-1:**            Construction activities could disturb unknown buried archaeological resources associated with prehistoric Native American deposits.

**Mitigation Measures:** Implementing the following mitigation measures, modified from the City's Standard Permit Conditions, would reduce the project's impact on subsurface cultural resources:

**MM CUL-1.1:**            Prior to issuance of any grading permits or during any ground disturbing activities, ~~The proposed project~~ applicant shall conduct presence/absence exploration for all areas that would be impacted by the project, specifically along the rear fence line in the area which contained former residences and outbuildings. Subsurface exploration shall be completed after asphalt has been removed, but prior to any ground disturbing activities including grading, potholing for utilities, and building foundation removal. If these activities or similar ground-disturbing activities need to be completed prior to presence/absence work, then an archaeological monitor shall be required. As part of this effort, at least one trench shall be mechanically excavated below existing stratigraphic layers to eliminate the potential for Native American deposits and provide a better understanding for potential historic-era soil surfaces. If archaeological deposits or features that appear eligible to the California Register are identified during any stage of exploration, and if the project cannot be redesigned to avoid the cultural resource, an archaeological research design and work plan shall be prepared. The plan shall be designed to facilitate archaeological excavation and evaluate any cultural resources discovered by the California Register eligibility criteria to assess if any qualify as historical resources. Should the plan be required, it shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee.

**MM CUL-1.2:**            In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement or Director's designee and the City's Historic Preservation Officer ~~of the Department of Planning, Building and Code Enforcement will~~ shall be notified, and a qualified archaeologist will examine the find. The archaeologist will 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. If the finds do not meet the definition of a historical or archaeological resources, no further study or protection is necessary prior to

project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then it should be avoided by project activities. Project personnel should not collect or move any cultural material. Fill soils that may be used for construction purposes should not contain archaeological materials.

Page 107 Section 3.6.2.1 Project Impacts, Checklist Item “b)”, the first sentence will be **REVISED** as follows:

Consistent with the City’s Private Sector Green Building Policy and the Green Building Ordinance, the proposed project would be designed to achieve, at minimum, a similar or equivalent level of sustainable features as required for Leadership in Energy and Environmental Design (LEED) Certification.

Page 126 Section 3.8.2.2 Project Impacts, Checklist Item “b)”, the second paragraph will be **REVISED** as follows:

The project proposes to redevelop the site and operate a 2,744-student, approximately 460,000 square feet of new development above grade and ~~80,000~~ 89,000 gross square feet of basement area, with up to 480 faculty and staff members. Project construction and operation would contribute to regional GHG emissions. The GHG Reduction Strategy lists the following mandatory criteria that development projects must satisfy in order to be consistent with City goals and policies:

Page 127 Section 3.8.2.2 Project Impacts, Checklist Item “b)”, the third paragraph will be **REVISED** as follows:

The proposed project is consistent with the site’s existing General Plan land use designation and would be rezoned to maintain consistency with the Zoning Ordinance (see *Section 3.11, Land Use and Planning*). Therefore, the project would satisfy Criteria 1. The project would be constructed in compliance with the San José Green Building Ordinance for Private Sector New Construction, as set forth in Municipal Code Section 17.84. This would ensure that construction waste is minimized and recycled to the extent feasible. As discussed in *Section 2.2.5 Green Building Measures*, the proposed project would include a 10,000 square foot solar photovoltaic system on select buildings (Buildings 2 and 4), adaptively reuse approximately 150,000 square feet of two buildings (Buildings 1 and 2) and be designed to achieve a similar or equivalent level of sustainable features as required for LEED certification. Therefore, the project would satisfy Criteria 2, above.

Page 131 Section 3.9.1.1 Regulatory Framework – Local, text section entitled ‘Norman Y. Mineta San José International Airport Land Use Plan’ will be **DELETED** as follows:

~~Norman Y. Mineta San José International Airport Comprehensive Land Use Plan~~

~~The Norman Y. Mineta San José International Airport is located approximately 2.3 miles north of the project site. Development within the Airport Influence Area (AIA) can be subject to hazards from aircraft and also pose hazards to aircraft travelling to and from the airport. The County of Santa Clara Airport Land Use Commission (ALUC) adopted an Airport Comprehensive Land Use Plan (CLUP) in October of 2010, amended November 16, 2016, to address these potential hazards and establish~~

~~review procedures for potentially incompatible land uses.~~

~~The AIA is a composite of areas surrounding the airport that are affected by noise, height and safety considerations. These hazards are addressed in federal and state regulations as well as in land use regulations and policies in the CLUP. The CLUP set standards focused on three areas of ALUC responsibility: noise, objects in navigable airspace, and the safety of persons on the ground and in aircraft. Projects within the AIA are subject to an additional level of review by the City to determine how policies established in the CLUP may impact the proposed development.~~

Page 140-141 **REVISE** MM HAZ-1.1 through 1.5, as follows:

**Impact HAZ-1:** Proposed demolition and excavation activities near the former railroad spur area (see **Error! Reference source not found.**) could expose construction workers and/or the environment to elevated levels of metals and NOA.

**Mitigation Measures:** The following mitigation measures shall be implemented to reduce the exposure of construction workers, the public, and future site users to hazardous materials located on the project site.

**MM HAZ – 1.1:** Prior to any demolition of buildings that are near the former railroad spur line and excavation to establish basement level for Building 7 or any ground disturbance activities, the project applicant shall complete additional soil sampling/testing ~~shall be completed~~ to define the lateral and vertical extent and magnitude of the impacted soil for metals and NOA. The results of this sampling would ~~assist~~ be used in determining the area/volume of concern for potential regulatory oversight requirements including air monitoring during construction activities that disturb soil containing asbestos.

**MM HAZ – 1.2:** Prior to issuance of any demolition, grading, or building permits, the project applicant shall prepare and implement the An-Asbestos Dust Mitigation Plan (ADMP) along with perimeter air monitoring confirmation sampling shall be implemented during all ground-disturbing construction activities to prevent spreading of asbestos fibers.

**MM HAZ – 1.3:** Prior to issuance of any demolition, grading, or building permits, the project applicant shall prepare a A-Soil Management Plan (SMP) and Health and Safety Plan (HSP) shall be prepared for the proposed demolition and redevelopment activities, and specifically for the identified and mapped area/volume of concern. The SMP shall identify additional sampling based on the mapped areas up to appropriate depth. The actual number and locations of samples for the NOA and metals must be based on site inspection and in consultation with regulatory the oversight from Santa Clara County Department of Environmental Health (SCCDEH) or the California Department of Toxic Substances Control (DTSC) project manager. Clean-up of the NOA shall include measures based on the DTSC, School Division's 2004 *Interim Guidance, Naturally Occurring Asbestos (NOA) at School Sites*. The purpose of these documents will be to establish appropriate management

practices, including regulatory performance standards and criteria for handling impacted soil or other materials that may potentially be encountered during construction activities in this area.

**MM HAZ-1.4:** If the contaminated materials are planned to be capped during construction by site improvements (landscape beds, buildings, pavements, turf sections, etc.), ~~it should be included~~ the project applicant shall include the plans in the SMP and HSP, for ~~the~~ approval under the regulatory oversight of the ~~Santa Clara County Department of Environmental Health (SCCDEH) or State Department of Toxic Substances Control (DTSC)~~. If the contaminated soils are planned to be removed from the site, these shall be hauled off-site and disposed of at a licensed hazardous materials disposal site. Capped areas (if and as included in the SMP) will require institutional controls which may include a deed restriction for the affected areas and an operations and maintenance (O&M) Plan.

**MM HAZ – 1.5:** The project applicant shall provide the SMP, HSP and O&M plans ~~shall be provided~~ to the Director of Planning, Building and Code Enforcement or Director’s designee, the City’s Environmental Compliance Officer in the Environmental Services Department (ESD) staff, and SCCDEH for approval prior to any demolition, grading permits or ground disturbing activities.

Page 142-143 **REVISE** MM HAZ-2.1, as follows:

**Impact HAZ-2:** ~~Numerous~~ Volatile organic compounds (VOCs) ~~were~~ detected in the indoor and outdoor ambient air samples ~~that~~ could result in exposure hazards to the future occupants of the site. It was difficult to interpret the indoor air data due to the limitations listed above.

**Mitigation Measures:** The following measures shall be implemented to re-sample indoor air (and potentially soil vapor) when interior building conditions are more representative of actual indoor air quality conditions that would be experienced by future occupants to reduce impacts to the future occupants from exposure risks to VOCs.

**MM HAZ-2.1:** Indoor air and soil vapor sampling shall be conducted at the existing buildings at 550 and 570 Meridian Avenue by a qualified environmental professional to re-evaluate potential impacts from vapor intrusion. This re-sampling shall be conducted prior to building occupancy to further evaluate indoor air quality. The results of the indoor air and soil vapor sampling shall be submitted to the City’s Director of Planning, Building and Code Enforcement or Director’s designee, the Municipal Compliance Officer in the Environmental Services Department, and SCCDEH, prior to issuance of any demolition or grading permits.

Approval by the SCCDEH is a requirement before issuance of any occupancy or other use permits. If air sampling determines that vapor intrusion is a concern for future users of the building, the project applicant shall implement

measures to reduce vapor intrusion; these measures ~~could~~ may include, but are not limited to, vapor barriers, passive venting, sub-slab depressurization, and/or building over-pressurization.

Page 143-144 Section 3.9.2.1, under checklist item (b), standard permit conditions will be **REVISED** as follows:

**Standard Permit Conditions:** Consistent with federal, state, and local policies and regulations, the following conditions are included to reduce impacts from asbestos and lead-based paint to a less than significant level:

- In conformance with state and local laws, a visual inspection/pre-demolition survey, and sampling shall be conducted prior to the demolition of on-site buildings to determine the presence of ACMs and/or lead-based paint. An asbestos survey must be conducted by a Certified Asbestos Consultant (CAC) pursuant to Regulation 11, Rule 2, Section 303.8.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.
- A notification for structural demolition shall be made to BAAQMD ten (10) working days prior to beginning demolition work.
- All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to building demolition. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from asbestos exposure. Asbestos materials shall be removed pursuant to Regulation 11, Rule 2 (Asbestos Demolition, Renovation and Manufacturing) work practice and waste disposal requirements prior to disturbance during construction activities.
- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- ~~Materials containing more than one percent asbestos are also subject to BAAQMD regulations.~~ Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.
- A notification for removal of regulated asbestos containing materials, if present, shall be made to BAAQMD ten working days prior to any disturbance.
- Based on Cal/OSHA rules and regulations, the following conditions are required to limit impacts to construction workers.

- Prior to commencement of demolition activities, a building survey, including sampling and testing, shall be completed to identify and quantify building materials containing lead-based paint.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control.
- Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of waste being disposed

Page 145      Section 3.9.2.1, Project Impacts, Checklist Item “e”, the second paragraph will be **REVISED** as follows:

As previously mentioned, Federal Aviation Regulations, Part 77, “Objects Affecting Navigable Airspace” (referred to as FAR Part 77) requires that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport’s runways, or which would otherwise stand at least 200 feet in height above ground. For the project site, any structure exceeding approximately ~~50~~ 65 feet in height above grade would require submittal to the FAA for airspace safety review. As the proposed project would have a maximum height of 120 feet, notification to the FAA is required to determine the potential for the project to create an aviation hazard. ~~The project site is not located within the airport land use plan for any other airports in the region, including Reid Hillview Airport and Moffett Federal Airfield. FAA issuance of “determinations of no hazard” clearances for the proposed structures, and applicant compliance with any conditions set forth in the FAA determinations, would ensure that the project would not adversely impact airspace safety. Thus, there would be no impact related to a nearby airport.~~ **(Less than Significant Impact)**

Page 151      Section 3.10.1.2 – Hydrology and Drainage, the paragraph will be **REVISED** as follows:

The project site is located in the Guadalupe River Watershed, as identified in the Envision San José 2040 FEIR (as amended).<sup>1</sup> The Guadalupe River Watershed drains approximately 171 square miles, beginning ~~in the Santa Clara-Cruz Mountains and conveying runoff~~ in the Santa Clara-Cruz Mountains and conveying runoff ~~Valley floor at the confluence via of~~ Alamitos Creek and Guadalupe Creek until their confluence, at which point the Guadalupe River ~~and flowing~~ until its discharge point at the Lower South San Francisco Bay.<sup>2</sup> The project site is comprised almost entirely of impervious surfaces, with stormwater draining from the site into the City’s storm drainage system, to Los Gatos Creek, to its confluence with the Guadalupe River, and eventually into the South San Francisco Bay.

Page 151      Section 3.10.1.2 – Flooding and Other Hazards, the second paragraph will be **REVISED** as follows:

<sup>1</sup> City of San José. *Envision San José 2040 General Plan FEIR*. Figure 3.7-1. Page 540. September 2011.

<sup>2</sup> Santa Clara Valley Urban Runoff Pollution Prevention Program. *Guadalupe Watershed*. Accessed May 9, 2019. [http://www.scvurppp-w2k.com/ws\\_guadalupe.html](http://www.scvurppp-w2k.com/ws_guadalupe.html)

The project site is located within the dam failure inundation zone for the ~~Lexington~~ James L. Lenihan Dam on Lexington Reservoir, as identified in the General Plan 2040 FEIR (as amended). The site would be subject to inundation in the event of failure of the ~~Lexington-James L. Lenihan Dam on Lexington Reservoir~~.

Page 158 Section 3.10.2.1, Project Impact, Checklist Item “d)”, second paragraph will be **REVISED** as follows:

The project site is located in the dam failure inundation area for the ~~Lexington~~ James L. Lenihan Dam on Lexington Reservoir. While the project site is subject to inundation should the ~~Lexington James L. Lenihan Dam on Lexington Reservoir~~ fail catastrophically, the California Department of Water Resources, Division of Safety of Dams (DSOD) reviews and annually inspects dams for potential failure due to a major seismic event. Dams are also inspected by the SCVWD immediately following the occurrence of seismic activities to assess potential structural damage. While the potential inundation resulting from catastrophic dam failure could damage property and proposed structures on the project site and pose a severe hazard to public safety, the probability of such failure is extremely remote. The General Plan FEIR concludes that with the regulatory programs currently in place, the possible effects of dam failure would not expose people or structures to significant risk of loss, injury or death. Therefore, dam failure inundation, and any subsequent pollutant release, is not considered a significant impact. **(Less than Significant Impact)**

Page 159 Section 3.10.2.1, Project Impact, Checklist Item “e)”, first paragraph will be **REVISED** as follows:

The SCVWD prepared a Groundwater Management Plan (GMP) for the Santa Clara ~~Plain~~ and Llagas subbasins in 2016, describing its comprehensive groundwater management framework including objectives and strategies, programs and activities to support those objectives, and outcome measures to gauge performance. The GMP is the guiding document for how the SCVWD will ensure groundwater basins within its jurisdiction are managed sustainably. The Santa Clara ~~Plain~~ subbasin has not been identified as a groundwater basin in a state of overdraft.

Page 164 Section 3.11.2.1, Project Impacts; Checklist Item “b)”, text section entitled “Compatibility with Airport Operations” will be **DELETED** as follows:

### **Compatibility with Airport Operations**

~~The Norman Y. Mineta San José International Airport is located approximately 2.3 miles north of the project site. The project site is not located within the AIA, as defined by the Santa Clara County ALUC. See Section 3.9, Hazards and Hazardous Materials for a discussion of project compliance with FAA regulations and General Plan policies regarding aircraft safety.~~

~~The ALUP includes noise exposure contours of 75, 70, 65, and 60 dB CNEL for the Norman Y. Mineta San José International Airport based on forecasted airport operations and the extent to which they would affect the areas surrounding the airport. Development within these contours is evaluated for compatibility with acceptable noise levels established by the City of 45 CNEL for interior noise quality, 55 CNEL for long range exterior noise quality, and a maximum exterior level limit of 60~~

~~CNEL for residences, hotels, motels, retail and business areas, parks and playgrounds. The proposed project is located outside the 60 dBA CNEL aircraft noise contours.<sup>3</sup>~~

~~The project is located outside of airport safety zones, the airport influence area, and the 60 dBA CNEL aircraft noise contours. The project would require notification to the FAA but would not require an issuance of “no hazard” determination prior to project approval due to the project’s maximum proposed height of 120 feet. Thus, the proposed project would not result in a significant land use impact due to incompatibility with airport operations. (Less than Significant Impact)~~

Page 178-180 **REVISE** MM NOI-1.1 and MM NOI-1.2, as follows:

**Impact NOI-1:** Noise levels due to construction activities would substantially exceed ambient conditions for a period exceeding one year resulting in a potentially significant impact.

**Mitigation Measures:** The potential short-term noise impacts associated with construction of the project would be mitigated by the implementation of General Plan Policy EC-1.7 and mitigation measures as stated below:

**MM NOI-1.1:** Prior to issuance of any demolition, grading, or building permits, the project applicant shall implement ~~the following standard noise control measures shall be implemented:~~

- Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific “construction noise mitigation plan” and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
- The unnecessary idling of internal combustion engines shall be prohibited.
- Staging areas and stationary noise-generating equipment shall be located as far as possible from noise-sensitive receptors such as residential uses (a minimum of 200 feet)
- The surrounding neighborhood shall be notified early and frequently of the construction activities.
- A “noise disturbance coordinator” shall be designated to respond to any local complaints about construction noise. The disturbance coordinator

---

<sup>3</sup> Mineta San José International Airport. “2027 CNEL Contours for Airport Master Plan”. Accessed May 10, 2019. <https://www.flysanJose.com/node/2206>



would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

**MM NOI-1.2:**

Pursuant to General Plan Policy EC-1.7, the project applicant shall prepare and implement Aa Construction Noise Logistics Plan, in accordance with Policy EC 1.7, would be required. Typical construction noise logistics plan would include, but ~~is not be~~ limited to, the following measures to reduce construction noise levels ~~as low as practical~~:

- Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Construct temporary noise barriers; to screen stationary noise-generating equipment when located within 200 feet of adjoining sensitive land uses, namely residences facing Harmon, Meridian and Race Streets and the Basis School. Temporary noise barrier fences would provide a five (5) dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- The Construction Noise Logistics Plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
- If stationary noise-generating equipment must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used. Any enclosure openings or venting shall face away from sensitive receptors.
- Ensure that generators, compressors, and pumps are housed in acoustical enclosures.
- Locate cranes as far from adjoining noise-sensitive receptors as possible.
- During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible.
- Substitute nail guns for manual hammering, where feasible.
- Substitute electrically-powered tools for noisier pneumatic tools, where feasible.
- The Construction Noise Logistic Plan, inclusive of the above shall be signed by a certified acoustical engineer verifying that the implementation measures included in this Plan meets the reduction to noise levels as required by this mitigation measure.
- Prior to issuance of any demolition, grading or building permits, the project applicant shall submit a copy of the Construction Noise Logistic Plan to the Director of Planning, Building and Code Enforcement, or Director’s designee, for review and approval.

Page 183-184 **REVISE** MM NOI-2.1, as follows:

**Impact NOI-2:** Project mechanical equipment could generate noise in exceedance of 55 dBA DNL at noise-sensitive land uses in the project vicinity.

**Mitigation Measures:** The following measures shall be implemented:

**MM NOI-2.1:** Mechanical equipment shall be selected and designed to reduce excessive noise levels at the surrounding uses to meet the City's 55 dBA DNL noise level requirement at the nearby noise-sensitive land uses. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures may be optimal, such as locating equipment in less noise-sensitive areas, such as along the building façades farthest from adjacent neighbors, where feasible. The noise exposure of neighboring properties would be reduced to meet the General Plan thresholds resulting in a less than significant impact.

Prior to issuance of any demolition, grading or building permits, the project applicant shall submit equipment documentation to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval. (Less than Significant Impact with Mitigation Incorporated)

Page 207 Section 3.17.1.2 – Pedestrian and Bicycle Facilities; the first paragraph under Bike Share and Scooters will be **REVISED** as follows:

The City of San José participates in the Bay Area's ~~Bay Wheels Ford GoBike~~ bike share program, which allows users to rent and return bicycles at various locations in the area. The following ~~Bay Wheels Ford GoBike~~ stations are located within a ½ mile walking distance of the project site: Auzerais Avenue & Lincoln Avenue, San Carlos Street & Meridian Avenue, Race Street & Parkmoor Avenue, and Sunol Street & San Carlos Street.

Page 215-216 **REVISE** MM NOI-2.1, as follows:

**Impact TRN-1:** The proposed project would generate VMT which is three percent above the significance threshold for employment uses and 17 percent above the significance threshold for student uses.

**Mitigation Measures:** The project requires implementation of a Transportation Demand Management (TDM) plan that will reduce student VMT by 17 percent and staff VMT by three percent. The TDM plan for monitoring, reporting, compliance, and funding will be provided for the life of the project. However, as Avenues is new to San José, Avenues shall be allowed to revisit the VMT impact in the future based on its actual operating data, including trip generations, origins and

destinations. A traffic engineer shall prepare and submit the TDM plan to the Director of Planning, Building and Code Enforcement or Director's designee.

**MM TRN-1.1:** Prior to the issuance of any public works clearances, the project applicant shall implement a Transportation Demand Management Plan which includes the following measures:

- **Annual Monitoring.** An annual monitoring requirement establishing a trip cap of 1,795-net AM Peak Hour Trips (see **Error! Reference source not found.**) shall be conducted by Avenues for each project phase. The TDM plan for monitoring, reporting, compliance, and funding shall be provided for the life of the project. Annual trip monitoring reports ~~will~~ shall be submitted to the ~~Department~~ Director of Planning, Building and Code Enforcement's Environmental Review or Director's Designee for approval. The following vehicle trip cap for each project phase is summarized below:

With Off-site Improvements (Additional 4.6 percent TDM credit)

- Phase 1a: No VMT impact/no mitigation required.
  - Phase 1b: 983 AM trips (Once off-site improvements are in place)
  - Phase II: 1,795 AM trips
  - Phase III: 1,795 AM trips
  - Full Buildout: 1,795 AM trips
- **TDM Plan:** For each project phase, Avenues will be required to implement one or more of the TDM measures shown on Tables 1-4 (see Attachment H of Appendix H) in order to achieve a minimum 17 percent VMT trip reduction of student trips and 3 percent reduction of staff trips for the project. If the established trip cap for the current project phase is exceeded, additional TDM mitigation measures may need to be implemented to reduce the VMT impact to a point at which it no longer exceeds the established trip cap.
  - **Follow-up Monitoring.** After implementing TDM mitigation measures, the project ~~will be required to~~ shall submit a follow-up monitoring report that demonstrates compliance with the trip cap requirements and identifying additional TDM measures to be implemented, if necessary, within a grace period, which will not exceed six (6) months per Section 3.8 of the Transportation Analysis Handbook.
  - **TDM Coordinator.** Contact information for the TDM coordinator shall be posted on the school's website.
  - **Availability.** Information regarding the TDM program shall be distributed to all families of Avenues' students and shall be posted on the school website prior to program implementation.

- **Additional TDM measures to help the project meet the trip cap may include but are not limited to:**
  - Commute Trip Reduction Marketing/Educational Campaign: promote the use of transit, shared rides, walking, and bicycling through a TDM Coordinator
  - School Carpool Program: coordinate carpools amongst parents
  - Alternative Work Schedules/Staggered Class Start Times: shift schedules or commute outside of peak congestion periods by staggering the start time for classes for staff and students
  - Staff Parking “Cash-Out” Program: provide staff the choice to forgo subsidized/free parking for a cash payment equivalent to the cost that the school would otherwise pay for the parking space
  - Bicycle Storage: provide safe storage (lockers or racks) for staff and students to park their bicycles to encourage commuting by bicycle
  - Showers/Changing Rooms: provide showers and changing rooms to encourage students and staff to walk or bike to and from school
  - Bike Sharing Program: provide land or subsidies for a bike sharing system
  - Subsidized or Discounted Transit Program: provide partially or fully subsidized/discounted transit passes
  - Free Direct Shuttle/Bus Service: provide shuttle service between the school and areas with high concentrations of student residence

Page 228      The text under Section 3.17.3.1 – Vehicular Parking Requirement will be **REVISED** as follows:

The on-site parking was evaluated based on the City of San José’s Municipal Code, Section 20.90.060. Table 20-190 in the Zoning Code states that grades K-8 schools should provide one space per teacher/employee and grades 9-12 schools should provide one space per teacher/employee plus one space per five students. With a total of 480 staff members and 880 students in grades 9-12, the project requires 642 parking spaces (176 parking spaces for students in grades 9-12 and 466 parking spaces for staff). Because the project is located within an Urban Village, a 20 percent parking reduction can be applied. Therefore, the project would require 514 spaces. The project proposes a total of 642 parking spaces: 463 existing spaces in the garage accessed via Harmon Avenue, 32 surface parking spaces, and a new below-grade parking garage accessed via Race Street with ~~146-147~~ parking spaces. The project proposes to allow up to 125 students in grades 10-12 that drive to school to utilize the garage on Race Street. Therefore, approximately 19 percent of students in grades 10-12 may drive to school.

Page 245      **REVISE** third paragraph under Section 5.1 – Use of Nonrenewable Resources, as follows:

Development of the project would result in an increase in demand for nonrenewable resources. Green building, however, is a key City strategy to achieve long-term sustainability and reach its GHG reduction goals. The project would be subject to CALGreen energy-efficiency requirements and the City’s Reach Code. As discussed in *Section 2.2.5*, the proposed project would include a 10,000

square foot solar photovoltaic system on select buildings (Buildings 2 and 4), adaptively reuse approximately 150,000 square feet of two buildings, which would significantly reduce the embodied energy associated with the initial phase of the school, and be designed to achieve a similar or equivalent level of sustainable features as required for LEED certification. Additionally, the project would plant low-water use plants to reduce operational energy demands. Additionally, electricity for the project would be provided by SJCE which provides 80 percent GHG emission-free electricity automatically, with the option to receive 100 percent GHG emission-free electricity from entirely renewable sources. For these reasons, the proposed project would minimize the use of nonrenewable energy resources.

Appendices     A supplemental traffic analysis for the proposed Avenues School is included as **Appendix I** of the FEIR

The Appendix discusses operation analysis for the new Phase 1A.

**Appendix I (New Appendix)**

**Supplemental Traffic Analysis for the Proposed Avenues School**



## Memorandum

---

**Date:** June 29, 2020

**To:** Ms. Pooja Nagrath, David J. Powers & Associates, Inc.

**From:** Ollie Zhou  
Katie Riutta

**Subject:** Supplemental Analysis for the Proposed Avenues School in San Jose, California

---

Hexagon Transportation Consultants, Inc. has completed a supplemental analysis for the proposed Avenues School in San Jose, California. We understand the Avenues School will be built in phases. Phase 1A would accommodate approximately 150 students and 60 staff. This analysis studies the proposed vehicle operations of Phase 1A of the Avenues School development.

### Site Access

Site access to the project would be provided via a right-in-right-out driveway on Parkmoor Avenue and a right-out only driveway on Meridian Avenue. Parents and staff would all access the project site via the Parkmoor Avenue driveway. Staff or parents who park in the parking lot would exit the site via the driveway on Parkmoor Avenue. The majority of parents who access the drop-off/pick-up area would exit the site via the Meridian Avenue driveway. There would be no collapsible bollards within the public right-of-way. To ensure that vehicles do not turn left into the project site from eastbound Parkmoor Avenue, Hexagon recommends that the school clearly communicates the expectation with parents and enforces it by having a staff member present at the driveway. The fire access lane would be coned off during drop-off/pick-up periods and would be open for the rest of the day. A security gate would be located at the driveway exit on Meridian Avenue. The gate would remain open during peak hours of operation. The circulation/operation plan is shown on Figure 1.

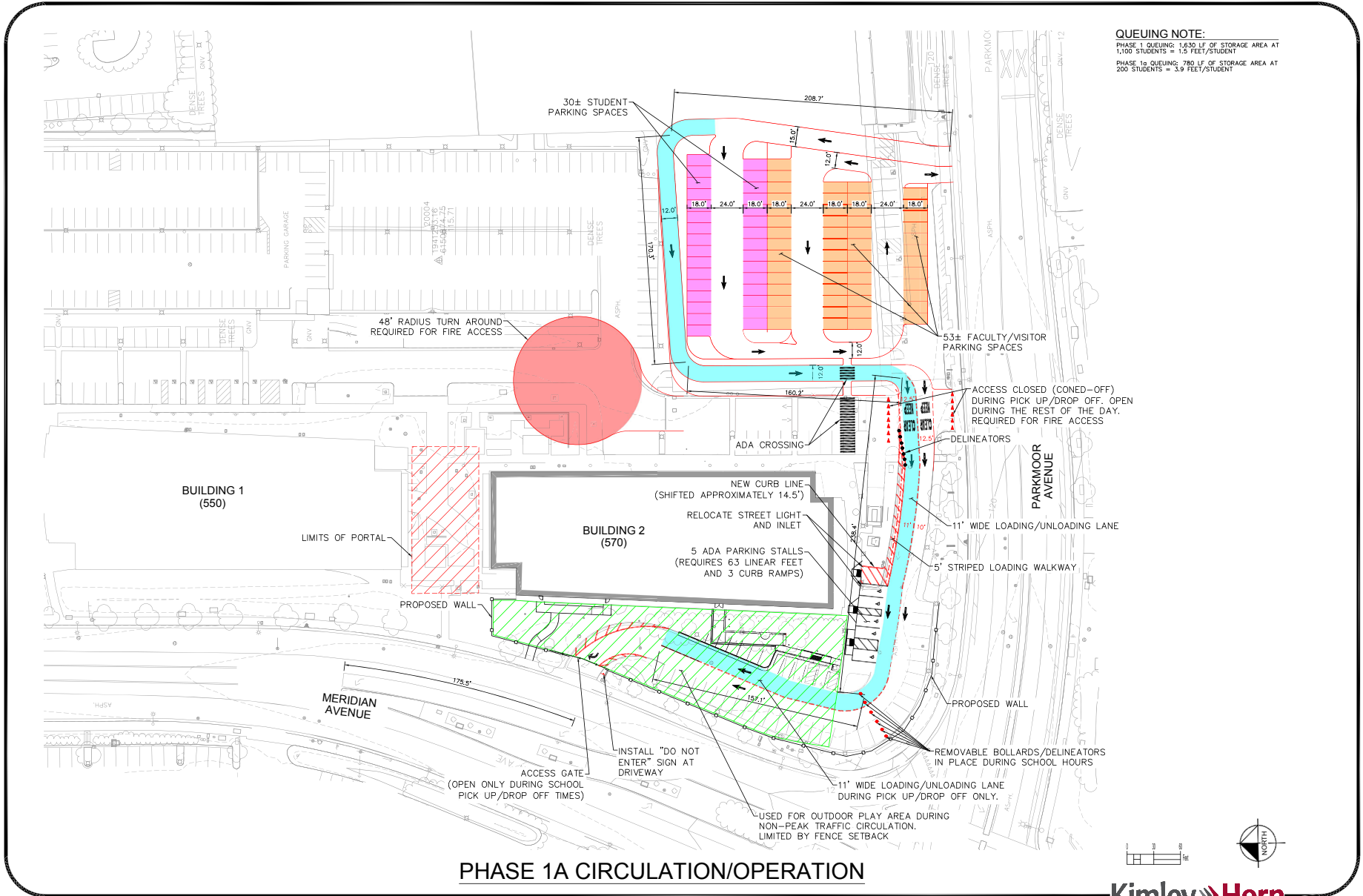
### Phase 1A Trip Estimates

#### Trip Generation

Hexagon assumed that all 150 students are enrolled in Grades 6-8, which has the highest trip generation rates, representing a conservative analysis. Trips generated by students during the AM peak hour were estimated using rates published in the ITE *Trip Generation, 10<sup>th</sup> Edition* for Land Use Code 534, Private School (K-8). During the PM peak hour, students in grades 6-8 are all expected to leave between 4:00 PM and 5:30 PM. Therefore, the AM rate was divided by 1.5 hours to estimate the rate for the peak PM hour.

Trips generated by staff were assumed as one trip per staff member and that 60% of all staff will arrive within the AM peak hour and 30% of all staff will leave during the PM peak hour.

The project would generate 195 trips (124 in and 72 out) during the AM peak period and 125 trips (49 in and 76 out) during the PM peak period (see Table 1).



Kimley»Horn

Figure 1  
Phase 1A Circulation/Operation Plan



### Trip Distribution and Assignment

The trip distribution patterns used for the *Avenues the World School Draft Traffic Analysis* were used for the supplemental analysis. Three separate trip distribution patterns were used for the project: (1) school trips by non-working parents and staff (same for AM and PM), (2) AM school trips by working parents, and (3) PM school trips by working parents. It was assumed that 80% of all student trips are made by working parents and 20% are made by non-working parents.

The peak-hour trips generated by the project were assigned to the two project driveways and the left-turn pocket on Meridian Avenue north of the exit driveway in accordance with the project trip distribution patterns. The project trip assignment was based on driveway assumptions and are discussed below:

- It was assumed that all student and staff trips will enter the site by turning right from westbound Parkmoor Avenue.
- It was assumed that all student trips will exit the site by turning right onto northbound Meridian Avenue.
- It was assumed that all staff trips will exit the site by turning right onto westbound Parkmoor Avenue.

**Table 1  
Phase 1A Trip Generation Estimates**

Land Use	Size	Unit	AM Peak Hour			PM Peak Hour				
			Rate	Trips		Rate	Trips			
				In	Out	Total		In	Out	Total
<b><u>Phase 1A Attendance</u></b>										
Grade 6-8 Program <sup>1</sup>	150	students	1.06	88	72	159	0.71	49	58	107
Staff <sup>2</sup>	60	staff	0.60	36	0	36	0.30	0	18	18
<b>Gross Phase 1A Trip Generation</b>				<b>124</b>	<b>72</b>	<b>195</b>		<b>49</b>	<b>76</b>	<b>125</b>
<b>Notes:</b>										
1. Grade 6-8 program AM peak hour trip generation referenced rates published in the ITE <i>Trip Generation, 10th Edition</i> for Land Use Code 534, Private School (K-8), average rates expressed in trips per student. Rates for the PM peak hour for Grade 6-8 were based on the AM rate, divided by 1.5 hours of dismissal period.										
2. It is assumed that 60% of all staff will arrive within the AM peak hour and 30% of all staff will leave during the PM peak hour.										

### Vehicle Queuing

It is assumed that 75% of students would be dropped off within the last 15 minutes before school starts. Therefore, 18 vehicles would be expected to exit the site during the AM peak five minutes of drop-off operations. With the relatively low conflicting volume on northbound Meridian Avenue, there is estimated to be sufficient capacity during the peak 5-minute period for all 18 vehicles to exit. Assuming 25 feet per vehicle queued, the estimated maximum queue length on site would be 450 feet. The project proposes more than 1,000 feet of vehicle storage on site. Queues on-site are not expected to extend back onto the public right of way.

During the PM peak hour, it is estimated that 58 parent trips would be exiting the site onto Meridian Avenue. There would be fewer conflicting vehicles on northbound Meridian Avenue, and with a lower exit demand than during the AM peak hour, PM on-site queues are also not expected to extend back onto the public right of way. It is estimated that 18 staff trips would be exiting the driveway on Parkmoor Avenue, which equates to approximately one trip every three minutes. Therefore, no queuing issues would be anticipated during the PM peak hour.

### U-Turn Analysis on Meridian Avenue

All vehicles must exit the school by turning right onto northbound Meridian Avenue. Therefore, it is expected that some vehicles will perform a U-turn on Meridian Avenue after exiting the project driveway. To ensure vehicle queues do not extend into the roadway, Hexagon conducted a queuing analysis for the left-turn pocket on Meridian Avenue just north of the exit driveway (see Table 2). Vehicle queues were estimated using a Poisson probability distribution, which estimates the probability of “n” vehicles for a vehicle movement using the following formula:

$$P(x=n) = \frac{\lambda^n e^{-\lambda}}{n!}$$

Where:

P (x=n) = probability of “n” vehicles in queue per lane

n = number of vehicles in the queue per lane

$\lambda$  = average number of vehicles in the queue per lane (vehicles per hour per lane/signal cycles per hour)

The basis of the analysis is as follows: (1) the Poisson probability distribution is used to estimate the 95<sup>th</sup> percentile maximum number of queued vehicles per signal cycle for a particular movement; (2) the estimated maximum number of vehicles in the queue is translated into a queue length, assuming 25 feet per vehicle; and (3) the estimated maximum queue length is compared to the existing or planned available storage capacity for the movement.

Vehicle queuing was studied for the peak 15 minutes. Based on the queuing analysis, the available storage at the left-turn pocket would be able to accommodate the expected vehicle queues during Phase 1A.

**Table 2**  
**Meridian Avenue U-Turn Queuing Analysis**

Analysis Scenario	Meridian Avenue Turn Pocket	
	NBL	
	AM	PM
<b>Phase 1A</b>		
Delay (sec)	11.7	15.7
Volume <sup>1</sup>	81	67
Number of lanes	1	1
Volume (vphpl)	81	67
Avg. Queue (veh/ln)	2	2
Avg. Queue <sup>2</sup> (ft/ln)	50	50
95th %. Queue (veh/ln)	5	5
95th %. Queue <sup>2</sup> (ft/ln)	125	125
Storage (ft/ln)	190	190
Adequate (Y/N)	Y	Y
<u>Notes:</u> NBL = northbound left <sup>1</sup> Volume for the peak 15 minute period <sup>2</sup> Assumes 25 feet per vehicle queued.		

## On-Site Circulation

The ingress driveway on Parkmoor Avenue would provide access to a parking lot with about 53 faculty/visitor parking spaces and about 30 student parking spaces. In addition, 5 ADA parking spaces would be provided near the school entrance. The one-way parking lot would provide a 24-foot drive aisle and 90-degree parking spaces.

Vehicles would travel in a one-way direction through the project site. The project proposes an 11-foot wide loading/unloading lane and a 10-foot wide travel lane along the building frontage. Vehicles would enter the drop-off location west of the parking lot.

## Drop-off/Pick-up Operations

The project proposes two drop-off locations for students. The primary drop-off location would be at the entrance on the west side of the school just south of the exit driveway. The secondary drop-off location would be on the south side of the school. As proposed, parents would have a drop-off span of approximately 30 minutes and a pick-up time of 1.5 hours.

Hexagon recommends that one faculty member be assigned to each drop-off location to assist traffic flow and the transportation of students. The faculty member at the secondary drop-off location should keep traffic moving toward the primary drop-off location. When the primary loading zone becomes full, the faculty member would initiate drop-off operations at the secondary location.

## Project Start Times

Since there would not be any anticipated queuing issues, staggered start times would not be necessary regarding circulation and vehicle storage.

## Construction Operations

Construction traffic circulation/operation plans were not provided. It is assumed that trucks would enter and exit the project site via Harmon Avenue and the fire access lane on Parkmoor Avenue (outside of school drop-off and pick-up periods). Typical activities related to the construction of any development could include lane narrowing and/or lane closures, sidewalk and pedestrian crosswalk closures, and bike lane closures. In the event of any type of closure, clear signage (e.g., closure and detour signs) must be provided to ensure vehicles, pedestrians and bicyclists are able to adequately reach their intended destinations safely. Per City standard practice, the project would be required to submit a construction management plan for City approval that addresses the construction schedule, street closures and/or detours, construction staging areas and parking, and the planned truck routes.

## VMT Analysis

The VMT analysis compared the existing VMT to the project generated VMT. The existing employee and proposed student daily trips referenced rates published in the ITE *Trip Generation, 10<sup>th</sup> Edition* for General Office Building (Land Use 710), Warehousing (Land Use 150), and Private School (K-8) (Land Use 534). The existing employee and proposed staff trip lengths referenced the City of San Jose's Area Employment VMT as discussed in the *Avenues the World School Draft Traffic Analysis*. The proposed student trip lengths referenced Hexagon's distribution model as discussed in the *Avenues School Proposed VMT Analysis Methodology Memo*. The proposed staff daily trips assumed two trips per staff member per day.

The existing per-employee VMT, based on 2,340 daily trips and an average trip length of 12.68 miles per day, is 29,671. The project generated per-student VMT, based on 617 daily trips and an average trip length of 10.46 miles per trip, would be 6,454. The project generated per-staff VMT, based on 120 daily trips and an average trip length of 12.68 miles per day, would be 1,522. Therefore, the total project generated VMT would be 7,976. The net VMT (project generated VMT – existing VMT) would be -21,695.

The project generated VMT would be considerably less than the existing VMT. Therefore, Phase 1A would not result in a significant transportation impact on VMT.

## Conclusions

The circulation/operation plan for Phase 1A of the Avenues School development would have adequate site access and on-site circulation. Based on the assumed trip generation and driveway assumptions, queuing issues would not be expected. To ensure that vehicles do not turn left into the project site from eastbound Parkmoor Avenue, Hexagon recommends that the school clearly communicates the expectation with parents and enforces it by having a staff member present at the driveway. Hexagon also recommends that two faculty members assist traffic flow, with one faculty member stationed at each drop-off location. Phase 1A would not result in a significant transportation impact on VMT.

**Attachment A: Draft EIR Comment Letters**

---

**From:** [Greene, Cary](#)  
**To:** [Rajal, Meenaxi](#)  
**Cc:** [Blanco, Maira](#); [Sheelon, Ryan](#)  
**Subject:** RE: Public Review Draft EIR for Avenues: The World Schools Project  
**Date:** Wednesday, April 8, 2020 12:05:49 PM

Hi Meenaxi,

Hopefully you're coping OK in this strange new world.

With regard to this DEIR for CP19-013/C19-013, unfortunately the Airport may not have received the earlier ADEIR for internal review, which would have allowed us to correct a couple of the aviation-related information. Therefore, please consider the following comments as City staff text revisions for the DEIR 1<sup>st</sup> Amendment. Comment 1 below, and one of the two bullets under Comment 2 below, are probably necessary to incorporate.

1. **Page 145 (Hazards and Hazardous Materials), Checklist Item "e)", 2<sup>nd</sup> paragraph.**

- In the 2<sup>nd</sup> sentence, the height at which a proposed structure on the site triggers filing for FAA review should be corrected from "50 feet" to 65 feet.
- The next-to-last sentence can be deleted (it's out of place and repetitive of what's in the 1<sup>st</sup> paragraph) and the last sentence should be more accurately revised to: FAA issuance of "determinations of no hazard" clearances for the proposed structures, and applicant compliance with any conditions set forth in the FAA determinations, would ensure that the project would not adversely impact airspace safety.

2. **Page 131 (Hazards and Hazardous Materials), text section entitled "Norman Y. Mineta San Jose International Airport Comprehensive Land Use Plan", and Page 164 (Land Use and Planning), text section entitled "Compatibility with Airport Operations".**

- Both these text sections are essentially irrelevant since the project site is not located within the ALUC's Airport Influence Area. If staff determines that it's better at this point to retain these sections even if superfluous, then the following correction to Page 164 should be made.
- In the 3<sup>rd</sup> paragraph, the 2<sup>nd</sup> and 3<sup>rd</sup> sentences are not accurately presented. Suggest that the entire paragraph be deleted since it's largely repetitive of what's stated in the 1<sup>st</sup> paragraph; alternatively, it should be limited to only a cross-reference to Section 3.9.

As always, staff or the CEQA consultant are welcome to contact either myself or Ryan for any questions or clarifications.

Thanks,  
Cary

**From:** City of San Jose [mailto:webrequests@sanjoseca.gov]  
**Sent:** Friday, March 27, 2020 9:31 AM  
**To:** Greene, Cary <CGreene@sjc.org>  
**Subject:** Public Review Draft EIR for Avenues: The World Schools Project

**Public Review Draft EIR for Avenues: The World Schools Project**

*The Public Review Draft Environmental Impact Report for the Avenues: The World Schools Project is available online. The public review period starts on March 27, 2020, and ends on May 10, 2020.*

**Post Date:** 03/27/2020 8:07 AM

**NOTICE OF AVAILABILITY OF  
A DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR AVENUES: THE WORLD SCHOOLS  
AND PUBLIC COMMENT PERIOD**

**Project Description:** The proposed project is a private, regionally serving pre-kindergarten through 12th-grade school, for approximately 2,744 students and 480 daytime employees, including 285 faculty. The project includes seven buildings, approximately 642 vehicle parking spaces, and 751 bicycle parking spaces on the 11.87-acre project site. The project also includes outdoor recreational spaces for students and landscaping throughout the site.

The project site is currently developed with three office buildings (550 Meridian, 570 Meridian, 570 Meridian, 1401 Parkmoor Avenue), multiple warehouses (691, 581, 529 Race Street), parking garage, existing surface parking lots and associated landscaping. The site currently includes 362,568 square feet of existing buildings comprised of approximately 150,426 square feet of warehouse structures and 212,142 square feet of office space. The proposed school campus development would include both adaptive re-use of two existing buildings (550 Meridian, 570 Meridian) and new construction, resulting in a total of seven buildings, a theater, gymnasium and aquatic center, administrative space, and a sports field. Full build-out of the proposed project would include up to approximately 460,000 square feet of new development above grade and 80,000 gross square feet of the basement area.

The school is organized into three divisions – Early Learning Center, Primary Division, and Secondary Division. Early Learning Center would be comprised of students in nursery, pre-kindergarten, and kindergarten grades. The Primary Division would include students from grades one to five, and the Secondary Division would include students from grades six to twelve.

**Location:** Northwest corner of Parkmoor Avenue and Race Street

**Council District:** 6

**File Nos.:** CP19-013 and C19-013

The proposed project will have potentially significant environmental effects on Air Quality, Biological Resources, Cultural Resources, Hazardous Materials, Noise, and Transportation. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present at the project location. The project site is not listed on any toxic sites databases.

The Draft EIR and documents referenced in the Draft EIR are available for review online at the City of San Jose's "Active EIRs" website at [www.sanjoseca.gov/activeeirs](http://www.sanjoseca.gov/activeeirs). Usually, hard copies would be available at the following locations:

Department of Planning, Building,

and Code Enforcement

200 East Santa Clara St., 3<sup>rd</sup> Floor

San José, CA 95113

(408) 535-3555

Bascom Branch Library

1000 S Bascom Ave

San Jose, CA 95128

Willow Glen Branch Library

1157 Minnesota Ave

San Jose, CA 95125

Due to the current situation under the coronavirus related Shelter-in-Place policy, these locations are closed to the public. Therefore, if requested, a hard copy will be mailed to you. Please allow time for printing and delivery.

The public review period for this Public Review Draft EIR begins on **March 27, 2020, and ends on May 10, 2020**. Written comments must be received at the Planning Department by **5:00 p.m. on May 10, 2020**, to be addressed as part of the formal EIR review process. Comments and questions should be referred to Meenaxi Raval in the Department of Planning, Building and Code Enforcement via e-mail: [Meenaxi.Raval@sanjoseca.gov](mailto:Meenaxi.Raval@sanjoseca.gov), or by regular mail at the mailing address listed for the Department of Planning, Building, and Code Enforcement, above (send to the attention of Meenaxi Raval).

For the official record, please your written comment letter and reference **File Nos. CP19-013 & C19-013**.

Following the close of the public review period, the Director of Planning, Building, and Code Enforcement will prepare a Final Environmental Impact Report that will include responses to comments received during the review period. At least ten days prior to the public hearing on the EIR, the City's responses to comments received during the public review period will be available for review and will be sent to those who have commented in writing on the EIR during the public review period.

Having trouble viewing this email? [View on the website instead.](#)

[Change your eNotification preference.](#)

[Unsubscribe from all City of San Jose eNotifications.](#)



# County of Santa Clara

Roads and Airports Department  
Planning, Land Development and Survey

101 Skyport Drive  
San Jose, CA 95110-1302  
(408) 573-2460 FAX 441-0276

---



**April 15, 2020**

**Meenaxi Raval, AICP**

**Supervisor- Environmental Planning**

City of San Jose

200 E. Santa Clara Street, 3<sup>rd</sup> Floor Tower

San Jose, CA 95113

**SUBJECT: Notice of Availability: Public Review Draft EIR- Avenues: The World Schools**

The County of Santa Clara Roads and Airports Department (The County) appreciates the opportunity to review the Notice of Availability: Public Review Draft EIR- Avenues: The World Schools, and is submitting the following comments:

- The County would like to see included in the Traffic Report analysis at the following intersections:
  - Bascom at Moorpark
  - Bascom at Parkmoor
  - Moorpark at Leland
  - Moorpark at Leigh
  - Parkmoor at Leland
  - Parkmoor at Leigh

If you have any questions or concerns about these comments, please contact me at 408-573-2462 or [ben.aghegnehu@rda.sccgov.org](mailto:ben.aghegnehu@rda.sccgov.org)

Thank you.







**BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT**

**ALAMEDA COUNTY**

John J. Bauters  
Pauline Russo Cutter  
Scott Haggerty  
Nate Miley

**CONTRA COSTA COUNTY**

John Gioia  
David Hudson  
Karen Mitchoff  
(Secretary)  
Mark Ross

**MARIN COUNTY**

Katie Rice

**NAPA COUNTY**

Brad Wagenknecht

**SAN FRANCISCO COUNTY**

VACANT

Shamann Walton  
Tyrone Jue  
(SF Mayor's Appointee)

**SAN MATEO COUNTY**

David J. Canepa  
Carole Groom  
Davina Hurt

**SANTA CLARA COUNTY**

Margaret Abe-Koga  
Cindy Chavez  
(Vice Chair)  
Liz Kniss  
Rod G. Sinks  
(Chair)

**SOLANO COUNTY**

James Sperring  
Lori Wilson

**SONOMA COUNTY**

Teresa Barrett  
Shirlee Zane

Jack P. Broadbent  
EXECUTIVE OFFICER/APCO

Connect with the  
Bay Area Air District:



May 6, 2020

Meenaxi Raval

Department of Planning, Building and Code Enforcement  
City of San Jose  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San Jose, CA 95113-1905

RE: Avenues: The World Schools Project – Draft Environmental Impact Report

Dear Ms. Raval,

Bay Area Air Quality Management District (Air District) staff has reviewed the draft Environmental Impact Report (DEIR) for the proposed Avenues: The World Schools Project (Project). The Project would change the zoning designation for an 11.87-acre site in the City of San Jose from Industrial Park to Combined Industrial Commercial to develop a private school serving pre-kindergarten through 12<sup>th</sup> grade for approximately 2,744 students and 480 faculty and staff. This campus would include adaptive reuse of two existing buildings and new construction, resulting in a total of seven buildings including 128 classrooms, a theater, a gymnasium and aquatic center, administrative space, and a sports field.

School siting warrants particular care. California Education Code §17251 and California Code of Regulations (CCR) Title 5, §14001 - §14012, outline school siting requirements by the California Department of Education. Trucks traveling on public roads often contain hazardous materials. Highway setbacks for schools are recommended to be at least 2,500 feet when explosives are carried and at least 1,500 feet when gasoline, diesel, propane, chlorine, oxygen, pesticides, and other combustible or poisonous gases are transported. The Project site is located less than 500 feet from Interstate 280 and busy roadways. Although the Project is a private school not seeking state funding, it is important to consider these setback recommendations as they are designed to be health protective for school-aged children.

### **Health Risk Assessment and Toxic Air Contaminant Impacts**

Staff reviewed the Project Air Quality and Community Health Risk Assessment (Appendix B). The DEIR concludes that the exposure of sensitive receptors to health risk would be less than significant with mitigation incorporated. However, the modeling methodology concerning exposure of sensitive receptors to pollutant concentrations of toxic air contaminants and PM<sub>2.5</sub> deviates from practices recommended by the Air District and the State of California's Office of Environmental Health Hazard Assessment. The Air District is concerned that the

---

potential cancer risk and PM<sub>2.5</sub> concentrations may be underestimated because the modeling included several discrepancies, including reduced exposure time and frequency.

The Air District's comment letter dated August 1, 2019, regarding the Project's Notice of Preparation stated: "A site-specific analysis is recommended to evaluate the potential and cumulative health impacts due to nearby sources of air pollution, including Interstate 280 and Reed & Graham asphalt facility, which are both within ¼ mile from the fenceline of the Project site." The health risk assessment was missing relevant sources in the analysis, including the boilers and cooling racks onsite as well as the Reed & Graham facility offsite. In addition, while the health risk assessment did analyze Interstate 280, the emissions appear underestimated due to the low volume of diesel trucks and the exclusion of the freeway on-ramp, which is located about 250 feet from the new sports field.

Moreover, because construction is phased over 10-15 years, new sensitive receptors will be part of the Project site while construction continues. Thus, the health risk assessment should disclose the impact of construction and operation to new sensitive receptors at the Project site. Staff recommends that the City revise the air quality and health risk analysis and coordinate with the Air District on the best practices and protocols to ensure the most current methods are used.

### **Air District Rules and Regulations**

Air District staff advises the City to comply with the following rules and regulations.

- **Authority to Construct/Permit to Operate.** The Air District is responsible for the issuance of air quality permits for stationary equipment in the Bay Area and the management of the resulting air emissions. Because the Project includes two backup generators, boilers, and cooling towers, the project applicant will need to apply for an Air District Authority to Construct/Permit to Operate prior to construction. Please contact Barry Young, Senior Advanced Projects Advisor, at [byoung@baagmd.gov](mailto:byoung@baagmd.gov) or (415) 749-4721 to discuss permit requirements.
- **Asbestos Demolition.** The DEIR states that asbestos was found during the Phase I Environmental Site Assessment. Please ensure that the asbestos materials are removed pursuant to Regulation 11, Rule 2 (Asbestos Demolition, Renovation and Manufacturing) work practice and waste disposal requirements prior to disturbance during construction activities. An asbestos survey must be conducted by a Certified Asbestos Consultant (CAC) pursuant to Regulation 11, Rule 2, Section 303.8. A notification for removal of regulated asbestos containing materials, if present, must be made to the Air District 10 working days prior to disturbance. A separate notification for structural demolition must also be made to the Air District 10 working days prior to beginning demolition work. Please contact the Compliance & Enforcement Division's Asbestos group at [asbestosjobs@baagmd.gov](mailto:asbestosjobs@baagmd.gov) or (415) 749-4762 to discuss the requirements.

- 
- **Trackout Requirement.** Air District staff recommends including compliance with Regulation 6, Rule 6 (Prohibition of Trackout) as part of Mitigation Measure AIR-3 to limit particulate matter emissions by controlling trackout of solid materials onto paved public roads.

Air District staff is available to assist the City in addressing these comments. If you have any questions or would like to discuss Air District recommendations further, please contact Josephine Fong, Environmental Planner, at [jfong@baaqmd.gov](mailto:jfong@baaqmd.gov) or (415) 749-8637.

Sincerely,



---

Greg Nudd  
Deputy Air Pollution Control Officer

cc: BAAQMD Director Margaret Abe-Koga  
BAAQMD Vice Chair Cindy Chavez  
BAAQMD Director Liz Kniss  
BAAQMD Chair Rod G. Sinks



File: 34035  
Los Gatos Creek

May 8, 2020

Ms. Meenaxi Raval  
City of San Jose  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, 3<sup>rd</sup> Floor  
San Jose, CA 95113

Subject: Draft EIR – Avenues: The World School Campus Project – CP19-013

Dear Ms. Raval:

The Santa Clara Valley Water District (Valley Water) has reviewed the Draft EIR – Avenues: The World School Campus Project – CP19-013 (APNs 264-08-060, 264-08-063, 264-08-066, 264-08-067, 264-08-071, 264-08-072, 264-08-077, 264-08-078) dated March 27, 2020.

The proposed project is a private, regionally serving pre-kindergarten through 12th-grade school. The project site is currently developed with three office buildings, multiple warehouses, parking garage, existing surface parking lots and associated landscaping. The proposed school campus development would include both re-use of two existing buildings and new construction, resulting in a total of seven buildings, a theater, gymnasium and aquatic center, administrative space, and a sports field. Full build-out of the proposed project would include up to approximately 460,000 square feet of new development above grade and 80,000 gross square feet of the basement area.

Valley Water has the following comments to be taken into consideration when developing the Final EIR for this project:

Page 151 Section 3.10.1.2 – Hydrology and Drainage, incorrectly notes the Guadalupe River Watershed beginning at the confluence of Alamos Creek and Guadalupe Creek which is the beginning of the Guadalupe River. The Guadalupe River Watershed actually drains an area with headwaters within the Santa Cruz Mountains.

Page 151 Section 3.10.1.2 – Flooding and Other Hazards and page 158 Section 3.10.2.1 – Project Impacts, Lexington Dam should be referred to as James J. Lenihan Dam on Lexington Reservoir.



Ms. Meenaxi Raval

Page 2

May 8, 2020

Page 159 refers to the "Santa Clara Plain and Llagas subbasins;" however, the correct reference is "Santa Clara and Llagas subbasins." The word "plain" should be removed.

There is no Valley Water right of way or facilities at the project site; therefore, in accordance with Valley Water's Water Resources Protection Ordinance, a Valley Water encroachment permit is not required for the proposed improvements.

We appreciate the opportunity to review this document. If you have any questions, please contact me at (408) 630-2479 or [lbrancatelli@valleywater.org](mailto:lbrancatelli@valleywater.org).

Sincerely,

DocuSigned by:  
*Lisa Brancatelli*  
31B847ED896C45F...

Lisa Brancatelli

Assistant Engineer II

Community Projects Review Unit

cc: U. Chatwani, C. Haggerty, M. Martin, L. Brancatelli, File



May 11, 2020

City of San José  
Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San José, CA 95113

Attn: Meenaxi Raval, Environmental Project Manager  
Via Email: [meenaxi.raval@sanjoseca.gov](mailto:meenaxi.raval@sanjoseca.gov)

Subject: City File No. CP19-013 and C19-013, Avenues Silicon Valley Private School Project DEIR

Dear Meenaxi Raval:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the Avenues Silicon Valley Private School Project. VTA appreciates the early and ongoing coordination among the City of San José, California Public Utilities Commission (CPUC), Federal Railroad Administration (FRA), and VTA. VTA generally supports the overall proposed land use intensification of this project, located very near the Race Street Light Rail Station and Route 64b along Meridian Avenue. The school is expected to support approximately 2,700 students and 480 staff. Through ongoing coordination with the agencies, this project can facilitate shared City-VTA goals to increase ridership and provide safe and meaningful options for students and staff to arrive and depart from the site without the use of an automobile.

#### Pedestrian Accommodations

Currently, there is an approximately 200-foot sidewalk gap along the north side of Parkmoor Avenue. Parkmoor Avenue provides a pedestrian connection to the Race Street Light Rail Station. During development Phases 1 through 3, pedestrians attempting to walk from Race Street to Meridian Avenue along Parkmoor Avenue would have to utilize the sidewalk on the south side of Parkmoor Avenue. VTA recommends that the project provide an ADA-accessible sidewalk along the north side of Parkmoor Avenue as part of Phase I. VTA has documented prior pedestrian conflicts on the north side of Parkmoor Avenue with pedestrians utilizing the existing bicycle lane as a path of egress. Additionally, VTA has received complaints about the lack of ADA-accessible pedestrian access on the north side of Parkmoor Avenue between the existing bus stop located next to the crossing and the former medical offices located at the project site.

There appears to be inconsistent information presented in the DEIR Section 2.2.3 Site Access and Circulation Site Access, Parking and Circulation and the Appendix H Traffic Report. It is unclear where pedestrian and bicycle entrances will be located on the site plan. VTA recommends updating the site plan in the DEIR to document the location of the three pedestrian and bicycle gates discussed in Appendix H (p. 58). Entrances to the school for all modes of access should be clearly documented and understood.

Figure 13 in Appendix H Traffic Report (p. 41) still shows one curb ramp per intersection, which is unsafe for pedestrians. VTA recommends two curb ramps per corner to better direct pedestrians into the intersection.

### Bicycle Accommodations

There is an error on p. 207 of the DIER that states the City participates in the “Bay Area Ford GoBike bike share program.” This program is now owned by Lyft and is called BayWheels. All references to Bay Area Ford GoBike should be removed and references replaced with BayWheels.

### City of San José Vasona Corridor Quiet Zone

The Vasona Rail Corridor is located between the Dupont Street grade crossing and Kennedy Avenue grade crossing, inclusive of the Parkmoor Avenue and Race Street intersections adjacent to the project. The Vasona Rail Corridor is designated a Quiet Zone by the Federal Rail Administration and the City of San José has requested an extension of the Quiet Zone. The DEIR does not discuss whether or how the Quiet Zone affects the disclosed project impacts or whether the Quiet Zone creates any additional impacts. The DEIR should be revised to explain whether the Quiet Zone creates or affects any project impacts and the mitigations the City proposes.

### Safety Analysis

VTA supports the City in their position as the lead CEQA agency to ensure that the information required under the California Education Code Section 17251 and the California Code of Regulations, Title 5, sections 14001 through 14012 regarding school sites, including the Railroad Tracks California Code of Regulations, Title 5, Section 14010(d) would be considered in “determining the suitability of the project site for the proposed private school” (DEIR p. 130). Section 14010(d), establishes the following regulations pertaining to proximity to railroads:

If the proposed site is within 1,500 feet of a railroad track easement, a safety study shall be done by a competent professional trained in assessing cargo manifests, frequency, speed, and schedule of railroad traffic, grade, curves, type and condition of track, need for sound or safety barriers, need for pedestrian and vehicle safeguards at railroad crossing, presence of high pressure gas lines near the tracks that could rupture in the event of a derailment, preparation of an evacuation plan. In addition to the analysis, possible and reasonable mitigation measures must be identified.

The proposed development site is within less than 1,500 feet of the VTA light rail tracks, located adjacent to the southeast corner of the site. VTA requests that a safety study be prepared that complies with California Code of Regulations, Title 5, Section 14010(d) and be included in the Final EIR. Because of the increased pedestrian, bicycle and vehicular traffic the proposed development is expected to bring, the study should consider the impact of a Quiet Zone and safety enhancements at this location. The development, when completed, will accommodate 3,224 people on-site, parking for 646 vehicles and 870 bicycles, and increased vehicular traffic for drop-off and pick-ups.

### Construction Impacts

Noise generated by the project’s construction activities will be monitored as outlined in Appendix G, Avenues: The World School Noise and Vibration Assessment. Monitoring of decibel levels around the grade crossing will need to be undertaken to ensure that all rail warning devices are still sufficiently audible above the construction noise so that they serve their purpose effectively. To mitigate construction noise that may reduce the effectiveness of such warning devices, VTA is prepared to sound its train horns during construction should the City agree to modify the Quiet Zone at least temporarily.

### Transportation Demand Management (TDM) Strategies

VTA commends the City of San José for implementing a Target-Based trip cap (per VTA 2014 TIA Guidelines section 8.2.2) to minimize trips generated by the project and reduce VMT. VTA also requests the commitment of an enforcement structure to be stated in the TIA report (Appendix H) or in the DEIR.

This may take the form of a 'reinvestment clause' where the project applicant/owner is required to invest more in TDM trip reduction measures if the trip cap is not met after an enforceable time period.

VTA also requests that a summary of the monitoring data (e.g., auto trip generation rates, modes share) are submitted to VTA through San José on a biennial basis as part of the CMP Monitoring and Conformance Program.

A free shuttle and bus service will be provided for students in surrounding neighborhoods. VTA recommends this program prioritize students who live farther away and are in clusters to reduce Vehicle Miles Traveled (VMT). Students living nearby can also walk, bike or take transit. Nearby students should be given shuttle opportunities based on shuttle capacity.

#### Bus Stop Improvements

As stated in VTA's Notice of Preparation letter dated August 8, 2019, VTA noted there are two existing bus stops along two frontages of Avenues World School, Meridian Avenue and Parkmoor Avenue. VTA supports retaining the stop on Meridian Avenue at its current location. The DEIR does not adequately document the bus stop on northbound Meridian Avenue. VTA recommends that section 3.17.2.1 *Project Impacts for Transit Facilities* be updated to further describe the bus stop on Meridian Avenue. The bus stop on Parkmoor Avenue will be removed by the proposed off-site improvements; VTA accepts this change, as VTA service is no longer offered at this stop.

VTA has the following additional recommended improvements:

Northbound Meridian Avenue bus stop before Harmon Avenue:

- Update all site plans (including conceptual and landscape) to accurately display the location of the bus stop
- Install a new bus pad, 10'x55' minimum per VTA Standards, as a project improvement
- Replace the existing shelter with VTA's new standard shelter
- Remove any buffer trees along Meridian that may conflict with bus operations and replace and relocate those trees elsewhere onsite

Prior to any construction or bus stop impact, please contact [bus.stop@vta.org](mailto:bus.stop@vta.org) to ensure that such changes are consistent with VTA Construction Access Permit requirements.

Sincerely,

Brent Pearse  
Transportation Planner

CC: Alisar Aoun, Manjit Banwait, Steven Forster, Florin Lapustea, City of San José

SJ1912



**From:** [Project Specialist](#)  
**To:** [Raval, Meenaxi](#)  
**Subject:** World School Project - Developer Contact  
**Date:** Friday, March 27, 2020 3:32:08 PM

---

[External Email]

Hi Meenaxi,

My name is Gavin Lohry and I work for Catalyze SV with our Project Advocacy Committee. We were interested in reaching out to the developer of the World School Project (File Nos. CP19-013 & C19-013) about working with our organization and I was wondering if you could provide me with the developer contact?

Thanks for your time and have a great weekend!

Gavin Lohry  
Development Project Specialist | [CATALYZE SV](#)

M: (510) 330-8295  
E : [projects@CatalyzeSV.org](mailto:projects@CatalyzeSV.org)

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

This message is from outside the City email system. Do not open links or attachments from untrusted sources.