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SECTION 1.0  INTRODUCTION

Pursuant to Section 15132 of the CEQA Guidelines, a 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 responses of the Lead Agency to significant environmental points raised in the review and consultation process
e) Any other information added by the Lead Agency.

This response to comments document, together with the Draft Environmental Impact Report (Draft EIR), constitutes the Final Environmental Impact Report (FEIR) for the Civic Center Master Plan project.

1.1  PURPOSE OF THE FINAL EIR

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

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

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

b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.
SECTION 2.0   DRAFT EIR RECIPIENTS

CEQA Guidelines Section 15086 requires that a 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 following agencies received a copy of the Draft EIR or Notice of Availability (NOA) for the Draft EIR from the County of Santa Clara or via the State Clearinghouse:

1. Bay Area Air Quality Management District
2. California Air Resources Board
3. California Department of Conservation
4. California Department of Fish and Wildlife, Region 3
5. California Department of Parks and Recreation
6. California Department of Toxic Substances Control
7. California Department of Transportation, District 4
8. California Department of Transportation, Division of Aeronautics
9. California Department of Water Resources
10. California Highway Patrol
11. California Office of Emergency Services
12. California Resources Agency
13. City of San Jose
14. Native American Heritage Commission
15. Regional Water Quality Control Board, Region 2
16. Santa Clara County Airport Land Use Commission
17. Santa Clara Valley Transportation Authority
18. Santa Clara Valley Water District
19. State Office of Historic Preservation
20. State Water Resources Control Board, Division of Drinking Water
21. State Water Resources Control Board, Division of Water Rights

The NOA for the Draft EIR was sent to the following organizations and businesses:

1. Japantown Business Association
2. MidPen Housing
3. Preservation Action Council of San Jose
4. Rosemary Gardens Neighborhood Association
5. San Francisco Bay Area Planning and Urban Research Association (SPUR)
6. San Jose State University Environmental Resource Center
7. Santa Clara Valley Audubon Society
8. Silicon Valley Bike Collaboration
9. Sustainable Silicon Valley
10. TransForm
SECTION 3.0 RESPONSES TO DRAFT EIR COMMENTS

In accordance with CEQA Guidelines Section 15088, this document includes written responses to comments received by the City of Santa Clara 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 comment directly following. Copies of the actual letters and emails received by the City of Santa Clara are included in their entirety in Appendix C of this document. Comments received on the Draft EIR are listed below.

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3.1 REGIONAL AND LOCAL AGENCIES

A. Santa Clara Valley Transportation Authority – June 15, 2018

**Comment A.1:** Santa Clara Valley Transportation Authority (VTA) staff have reviewed the DEIR and Draft Master Plan for the Civic Center area located at the 40-acre site northwest and southwest of the W. Hedding Street/N. First Street intersection. VTA appreciates the County of Santa Clara’s ongoing coordination with us and other stakeholders to develop a shared, phased vision for the Civic Center complex. We have the following comments.

**Land Use**
VTA supports the proposed land use intensification of this site, generally bound by N. First Street, W. Mission Street and W. Younger Street, located near the VTA Civic Center Light Rail station and multiple bus routes. By consolidating County facilities and including mixed-use development, the Project should incrementally reduce automobile trips and greenhouse gas emissions per capita compared to the current site. This location is identified as a Corridor in VTA’s Community Design & Transportation (CDT) Program Cores, Corridors and Station Areas framework, which shows VTA and local jurisdiction priorities for supporting concentrated development in the County. The CDT Program was developed through an extensive community outreach strategy in partnership with VTA Member Agencies, and was endorsed by all 15 Santa Clara County cities and the County.

**Response A.1:** This comment does not raise a specific environmental issue under CEQA; therefore, no further response is required. VTA’s support of the project is acknowledged and noted in the public record for consideration by the decision makers.

**Comment A.2:** Potential Impacts to Transit Safety and Operations
The proposed project will likely increase the amount of pedestrian crossings of W. Younger Avenue by employees and visitors traveling between the Social Service Agency parking structure (SSA) and SSA Building 2, located across W. Younger Avenue, which includes the VTA light rail tracks. VTA strongly recommends that pedestrian crossings occur at controlled and protected locations to minimize the potential for conflicts between pedestrians and light rail vehicles. VTA requests the full cooperation of the County in designing and implementing safety treatments to prevent mid-block pedestrian crossings of W. Younger Avenue between San Pedro Street and N. First Street. Such safety treatments could include fencing, railing, or other contextually-sensitive vertical barriers that direct pedestrians to the signalized intersections of W. Younger Avenue at San Pedro Street and N. First Street to facilitate street crossings.

**Response A.2:** As discussed in Section 2.0 (Project Description) of the Draft EIR, the proposed Master Plan “is intended to provide the County with a conceptual roadmap for maximizing the potential of the site through replacement of many outdated government facilities with new buildings designed to consolidate services to the community.” Section 2.0 also notes that this is a 20-year plan and that as currently conceived, the SSA buildings and associated parking structure would be in Phase 3. As this is a long-term project, and future funding and County facility needs are not fully known, the ultimate plan for the SSA structures could change. Nevertheless, at such time as the County has a specific development proposal for that portion of the plan, subsequent environmental review would be required. At that time, the County would coordinate with VTA on any potential operational issues.
Comment A.3: VTA strongly discourages any new automobile turning movements that cross the light rail tracks. Any access to the proposed parking garages (SSA and FG) along W. Younger Street that allows vehicles to cross the light rail tracks should be prohibited.

Currently, the W. Younger Avenue and San Pedro Street intersection has minimal auto use, but VTA is concerned that the additional left-turn movements from W. Younger Avenue to San Pedro Street throughout the day and during peak times could hinder VTA train movements. The TIA states that this intersection will operate at LOS B in the Background Plus Project scenario. However Level of Service may not take in to account the additional effects of auto queuing and possible future signal timing or phase changes on transit operations. VTA requests a meeting with the County and Hexagon to further discuss the details of this intersection and any future proposed signal timing or phasing adjustments.

Response A.3: Please refer to Response A.2 regarding the SSA and FG garages.

As noted by the commenter, the intersection of W. Younger Avenue and San Pedro Street would operate at LOS B under Background Plus Project conditions. As shown in Table 3.13-9 (page 192) of the Draft EIR, implementation of Phase 1 of the proposed project would result in a decrease in average intersection delay in the AM Peak Hour compared to Background conditions (would be reduced from 16.5 to 14.0 seconds). Furthermore, the average intersection delay would not change compared to Background conditions in the PM Peak Hour (would remain at 14.9 seconds). As such, the implementation of Phase 1 would not result in additional autos queuing at the intersection, and would not require changes to the signal timing. There would be no change to transit operations.

Comment A.4: VTA recommends analyzing in the Final EIR/TIA the impact of the number of delivery vehicles using the logistics hub the project will create on W. Younger Avenue. It is not apparent if the 61 total estimated deliveries shown in the Delivery Vehicle chart in the Master Plan (page 129) are included in the overall trip generation for the project in the DEIR, and how these will affect transit operations. These deliveries often occur outside of peak hours when VTA is most likely to use W. Younger Avenue for operations.

Response A.4: The logistics hub is part of the future Master Plan implementation and there is no specific development proposal for the logistics hub, or any other development envisioned for Lot C. At such time as the County has a specific development proposal for the logistics hub, subsequent environmental review would be required, including the effects of project generated traffic. As the final size, design, and location of the logistics hub is not known, the total estimated delivery trucks cannot be accounted for in the analysis at this time.

Comment A.5: Expansion of the Civic Center complex and potential introduction of controlled access parking facilities with paid parking could impact the VTA employee parking lot next to the Guadalupe light rail maintenance facility. Any potential spillover parking from Civic Center visitors or employees would create an operational and safety impact to VTA’s light rail service. If the County elects to charge for parking as a TDM strategy, VTA’s parking lot could become burdened by County visitors and employees. VTA requests the full cooperation of the County to identify a solution for limited access to only VTA employees or visitors and implement this restriction in the Final EIR/TIA.
Response A.5: At such time as the County has a specific development proposal for structures proposed for Lot C, subsequent environmental review would be required. At that time, the County would coordinate with VTA on any potential operational issues.

Comment A.6: VTA supports the County’s proposal to extend the sidewalk along W. Younger Street into VTA’s parking lot to enhance the local pedestrian network and support other modes.

Response A.6: This comment does not raise a specific environmental issue under CEQA; therefore, no further response or analysis is required. VTA’s support of the proposal to extend the sidewalk along W. Younger Avenue is acknowledged and noted in the public record for consideration by the decision makers.

Comment A.7: Public Utilities Commission (CPUC) Permits
Should effects of this project modify existing crossings of light rail tracks, specifically but not limited to W. Younger and N. First Street or W. Younger and San Pedro Street, the project will require review by the CPUC of the project’s effect on the existing light rail crossings, specifically the filing of the G088-B application and others per CPUC General Order 88-B. VTA requires CPUC’s concurrence related to modifications to these crossings. For more information about the CPUC Crossing GL88-B application process, please contact Felix Ko, VTA’s CPUC Crossing representative at (415) 703-3722, felix.ko@cpuc.ca.gov or Willard Lam at (415) 703-1327, willard.lam@cpuc.ca.gov.

Response A.7: This comment does not raise a specific environmental issue under CEQA; therefore, no further response or analysis is required. VTA’s statements regarding the CPUC permit requirements are acknowledged.

Comment A.8: Pedestrian and Bicycle Accommodations
VTA supports the redesign of Hedding Street by physically separating bike lanes from automobiles and widening sidewalks to enhance the pedestrian experience. VTA also supports building the Amenity Hub in the Phase 1 project because it supports multiple Transportation Demand Management (TDM) features with bicycle lockers, onsite retail, showers and activities for site users. It is unclear from the DEIR/TIA where additional onsite bicycle parking will be located aside from the Amenity Hub. TIA Guidelines Section 9.3 and VTA’s Bicycle Technical Guidelines provide guidance for determining the best location and supply for bicycle parking and storage. VTA recommends updating the Final EIR/TIA to include bicycle parking locations and quantity for Phase 1 of the Civic Center Master Plan.

Response A.8: As noted on page 105 of the Master Plan, bike racks and secure, sheltered bike parking will be available at all buildings on-site. In addition, page 105 shows the proposed bicycle parking areas for Phase 1 and potential bicycle parking areas for the future phases. The number of bicycle spaces will be determined by the County based on assessed need.

Comment A.9: VTA supports the removal of the mid-block pedestrian paseo across W. Younger Street. Draft versions of the site plan for the full buildout of the Master Plan area showed a mid-block pedestrian paseo across W. Younger Street between N. First Street and San Pedro Street, crossing VTA’s light rail tracks at-grade. VTA opposes such a crossing due to the significant safety
and operational issues it would pose. VTA understands that the County has removed such a paseo crossing from the Master Plan.

Response A.9: There is no mid-block crossing of W. Younger Avenue proposed in the Master Plan. This comment does not raise a specific environmental issue under CEQA; therefore, no further response is required.

Comment A.10: Vehicle Miles Traveled (VMT) and Congestion Management Program (CMP) Analysis

The DEIR notes that “While the traffic analysis of the Phase 1 development program through 2024 presented above is based on Level of Service, i.e. forecasts of increased congestion in relation to roadway capacity, this EIR’s evaluation of full Master Plan buildout in 2040 is based on VMT, which is consistent with the mandates of Senate Bill 743 and the City of San Jose’s Transportation Analysis Policy 5-1” (page 185). VTA commends the County for performing a VMT analysis for the full Master Plan buildout and for committing to complete a Local Transportation Analysis report consistent with City of San Jose policy when future projects under Phases 2, 3, and 4 are proposed (page 195).

VTA notes that the DEIR and TIA reports include the required Congestion Management Program (CMP) analysis for the Phase 1 project, but a CMP analysis was not performed for the full Master Plan buildout. Per the VTA CMP TIA Guidelines, this project may be considered a Phased Project with Phased Entitlement (addressed in TIA Guidelines Section 11.2) or a Long-Term General Planning Effort (addressed in Section 11.3) with a specific Phase 1 development project. The Final EIR should reflect that a CMP analysis per the VTA TIA Guidelines will be required when future projects under Phases 2, 3, and 4 are proposed.

Response A.10: Please refer to page 32 of this Final EIR for the proposed text revision.

Comment A.11: The TIA Report for Phase 1 did not include an Auto Trip Reduction Statement as required in the latest (2014) version of the VTA TIA Guidelines. Please include the completed ATRS in the Final EIR/TIA report.

Response A.11: The Auto Trip Reduction Statement is provided in Appendix A of this Final EIR.

Comment A.12: Freeway Analysis
The DEIR identifies that the Phase 1 Project would have significant impact on mixed-flow lanes of 27 freeway segments and HOV lanes on 10 freeway segments. The DEIR also determines that these impacts would be significant and unavoidable, stating in part that “Furthermore, no comprehensive project to increase freeway capacity on the study freeways has been developed by Caltrans or VTA, so there is no identified improvement projects in which to pay fair share fees (DEIR page xix). However, the TIA report correctly states that “The VTA’s Valley Transportation Plan (VTP) 2040 identifies freeway express lane projects along US 101 between Cochrane Road and Whipple Avenue, and along all of SR 87…On US 101, converting the existing HOV lane to an express lane and adding an express lane in each direction would increase the capacity of the freeway and would fully mitigate
the freeway impacts. The project should make a fair-share contribution toward the cost of the identified express lane program along US 101” (TIA page iii).

VTA notes that voluntary contributions to regional transportation improvements can be included as mitigation measures in CEQA documents even in the absence of a comprehensive funding strategy, and recommends that the County provide a voluntary contribution to the US 101 Express Lanes project to help reduce the project’s freeway impacts. VTA also notes that the County could identify appropriate multimodal efforts to offset these impacts. Examples may include but are not limited to enhanced transit infrastructure, transit signal priority or improved bike facilities on N. First Street.

Response A.12: Most of the project’s freeway impacts would occur on SR 87 and I-880. The addition of express lanes of these roadways would not mitigate the project’s impacts to less than significant, as discussed below.

While the TIA does state that project impacts would be mitigated on US 101 with conversion of the existing HOV lane to an express lane and adding a second express lane in each direction, the addition of express lanes on the freeway segments identified above would not technically increase capacity of the freeway segments impacted by the proposed project. Furthermore, while the express lanes may reduce the project’s impacts in the near term, express lanes could also encourage more people to drive, thereby increasing Vehicle Miles Traveled (VMT), by providing a mechanism to allow non-carpool vehicles to utilize current HOV lanes.

As noted in the TIA, the freeways are under the jurisdiction of Caltrans and, at this time, Caltrans does not have an approved project with CEQA clearance and a fair-share funding mechanism that would allow the County to pay fair-share fees as mitigation under CEQA. As noted in the TIA, the project’s impact to local freeways is significant and unavoidable.

Comment A.13: Transportation Demand Management/Trip Reduction
VTA strongly supports the long list of conceptual TDM measures presented in the Master Plan (page 109); the effectiveness of these programs however, depends on strategic implementation and whether financial incentives are included to employees. In an effort to reduce future parking demand in development Phases 2–4, establishing early successful TDM measures in Phase 1 will set the foundation to augment the TDM program with more rigorous methods in the future.

VTA notes that a 10% trip reduction credit was applied to the base ITE trip estimates in the DEIR/TIA, as discussed on page 34 of the TIA Report. This reduction appears to follow the Peer/Study-Based Trip Reduction approach in the VTA’s TIA Guidelines (Section 8.2.3) which allows projects to take a reduction larger than the Standard Reductions “based on a project’s similarity to other projects with demonstrated trip reductions or a project occupant’s record of reducing trips at other sites.” VTA notes, however, that while this approach does not require the applicant to commit to a specific trip reduction target or enforcement, it does require a commitment to periodic monitoring of trip reduction, and sharing of summary level monitoring data.

VTA recommends that the County provide the observed mode split data from the project TDM Plan prepared by Arup in the Final EIR/TIA to justify this trip reduction, and requests that the County commit to monitoring and data sharing as described above VTA still strongly recommends the
County establish clear target based trip reductions measures as outlined in Section 8.2 of the TIA Guidelines. The Master Plan cites the strategic value of what target based measures bring in terms of greenhouse gas reduction and trip reduction when coupled with an effective monitoring program by a third-party (Master Plan page 180).

**Response A.13:** As stated in Table 7 of the TIA, the 10 percent reduction was based on the observed mode split data for the Civic Center contained in the TDM Plan prepared by ARUP in March, 2017. This reduction was used in place of the standard VTA trip reduction for employment within 2,000 feet of a light rail station.

While the County anticipates that a more substantive trip reduction will be achieved over time with implementation of the TDM Plan, for the purposes of the Draft EIR and TIA, reductions were capped at 10 percent because it is supportable under the Phase 1 conditions. Consistent with current practices, the County will monitor the TDM Plan. Setting specific reduction targets for future phases are not reasonable at this time, but will be determined at the time site-specific development is proposed based on the monitoring data from Phase 1 as well as the transit/alternative transportation modes network in place at that time.

**Comment A.14:** VTA Real Estate and Guadalupe Yard Master Plan

VTA again appreciates County staff’s ongoing discussions with VTA regarding co-locating in future facilities on Site B, potential shared parking options on Site C, and other improvements VTA is considering for the Guadalupe Yard, including additional rail access from N. First Street. VTA has currently hired a consultant and is in the process of reviewing four yard entrance alternatives to determine how these options may be impacted by the County Civic Center Master Plan. When the study is complete and VTA’s operational needs are further refined, VTA intends to author another letter to the County and share our findings. The importance of a 2nd yard entrance cannot be understated. It will provide redundancy in the event of a failure or emergency on W. Younger Street and improve VTA’s system performance goals. VTA looks forward to continuing to work with Santa Clara County during the development of the Civic Center Master Plan.

**Response A.14:** The County will continue to work with VTA during implementation of the Civic Center Master Plan. This comment does not raise a specific environmental issue under CEQA; therefore, no further response or analysis is required.
B. City of San Jose – June 15, 2018

Comment B.1: Thank you for the opportunity to review and comment on the Civic Center Master Plan Draft Environmental Impact Report (DEIR). Generally, City staff requests that the DEIR be revised to include more information to adequately assess consistency with the Envision San Jose 2040 General Plan. The following are detailed comments.

Response B.1: Please refer to responses to specific comments below.

Comment B.2: Project Description
Although the project objectives are well crafted, the project description does not describe the site plan adequately for Sites A, B, C, and D and the build-out of Phases 1 through 4 at a programmatic level. In particular, Site A – Phase 1 is seeking project-level CEQA clearance through this environmental assessment under CEQA. However, the project description currently does not include details of on-site and off-site improvements for Phase 1. The project description, particularly for Phase 1 on Site A, does not have the level of detail needed for a project-level CEQA analysis.

As stated in the DEIR, demolition of the Annex Building located on Site D is planned as a construction staging areas for construction of Phase 1. Consequently, the project description needs to include the demolition of the Annex as part of the Phase 1 description, subsequently followed with analysis under relevant sections such as cultural resources.

Response B.2: Demolition of the Annex as part of the Phase 1 project is described in Section 2.2.6.1 of the Project Description (page 12, third paragraph). Specifically, the DEIR states:

“In addition, Phase 1 would also include demolition of the six-story annex building adjacent to the former San Jose City Hall on Site D. (see Figure 2.0-3) Demolition of the annex building would be required to provide a staging area for construction of two potentially overlapping County capital facilities projects, including the previously approved jail replacement facility adjacent to the North Main Jail (at the southwest corner of San Pedro and Hedding Streets), and the currently proposed Public Safety and Justice Center as well as an approximately 180-space parking lot. An approximately 2.0-acre area would be paved for the parking/staging area. A landscape buffer is proposed along North First Street and the lawn/landscaping currently located between the annex and North First Street would be maintained. Bioswales would also be installed to treat the runoff resulting from the parking lot.”

Potential impacts from demolition of the Annex are provided when applicable including in Aesthetics, Cultural Resources, Energy, Hazardous Materials, and Hydrology and Water Quality. Please note that since circulation of the Draft EIR, the County has determined that the Annex site would not be needed as a staging area; as such, it is no longer proposed. The Annex is, however, still proposed to be demolished to allow for construction of a parking lot. Please see page 31 of this Final EIR for the proposed text amendments

Comment B.3: The County may need to request permits from the City for demolition of the Annex to the former City Hall. Additionally, other potential land-use related approvals may be required from the City.
Response B.3: The Annex is a County owned building located on County property, which would be demolished to support County facilities and operations. No land use approvals are required from the City for demolition of the Annex. See Response B.4 regarding permitting for site access from North First Street.

Comment B.4: The City may be a Responsible Agency under CEQA. The list of potential discretionary approvals from the City should be included in the DEIR. Please assume that the County will need entitlements for all non-government uses from the City of San Jose. The City has discretionary review authority over certain aspects of the Phase 1 (Site A0, including but not limited to encroachment permits).

Response B.4: While no private development is proposed under the Master Plan, as noted in the Draft EIR, if there is any non-County development on Site D under a future phase, subsequent environmental review would be required per City of San Jose standards with San Jose as the Lead Agency.

The County is already coordinating with the City regarding a temporary curb cut off North First Street for demolition of the Annex Building, should the demolition be approved. The County will coordinate, as needed, with the City of all phases of the Master Plan where work would be completed within the City’s right of way.

Comment B.5: Information and Analysis

There are some other topics, such as future land uses, transportation, TDM, phasing, evaluation of potential historic properties, and construction impacts where the DEIR does not include adequate analysis for the City to understand the implications for land use planning, historic preservation, and transportation. Consequently, the City requests project-level adequate information and analysis of Phase 1 on Site A. Similarly, there are subject-specific comments and concerns described below.

Land Uses
As the County is already aware, the City of San Jose is funded and progressing with the North 1st Street Urban Village planning during Fall-Winter 2018-19. The North 1st Street Urban Village overlaps with Site D of the Master Plan. As currently planned for private office uses by the County, Site D will need a General Plan amendment to modify the currently land use designation from Public/Quasi-Public [PQP] to a commercial land use designation. Similarly, Site D will require rezoning from the R-1-8 Single-Family Residential Zoning District to a commercial zoning district.

Response B.5: The proposed project is assumed to be offices for County facilities only. The County is not proposing private development for Site D. The Master Plan project is for 3.13 million square feet of new County offices.

It is unclear from the City’s comment what additional project-level information and analysis the City is seeking. Please refer to the project-level analysis provided within the Draft EIR.

Comment B.6: The City understands that the County may not require permits from the City for government-related land uses on County-owned land. However, there are several City policies that are relevant to the County’s vision, and we encourage conformance with such policies.
Response B.6: The City’s comment is acknowledged. See Response B.7.

Comment B.7: Aesthetics
The Envision San Jose 2040 General Plan policies apply to development within the City of San Jose. Please include the Envision San Jose 2040 General Plan as part of the regulatory setting for all sites, particularly pertinent for Site D. Additionally, Site D, Phase 4 private development will be subject to the City’s standards for commercial development and other subsequent adopted urban village policies, standards, and design guidelines.

Response B.7: The City’s comment regarding private development on Site D is acknowledged. The Draft EIR states “To the extent Site ‘D’ on the project site were to include development of private projects subject to land use approval by the City of San Jose, such projects would be subject to applicable policies of the City’s General Plan through separate environmental review by the City.” (Section 3.10.3.2). For development of County facilities for public use, the County has intergovernmental immunity from building and zoning regulations, including compliance with the general plans of other local agencies. Therefore, no change to the regulatory setting is required. It should be noted that the County has voluntarily referenced Envision San Jose 2040 General Plan policies in Section 3.11 (Noise and Vibration) as deemed appropriate to analyze noise and vibration impacts given that the County’s General Plan policies and ordinances are not applicable to development in urban areas.

Comment B.8: Air Quality and Greenhouse Gas Emissions
The proposed mitigation measures include TDM measures or reduction of trips in the Greenhouse Gas section for the overall operation of the project (i.e., The GHG Plan). But the DEIR does not identify the responsible agency to choose the strategies from that plan in order to meeting the objective of trip reductions by more than 10 percent.

Response B.8: The County is the Lead Agency and would be responsible for determining the final TDM Plan for the Master Plan project. If the future development of Site D were to change from County offices to private development, the City of San Jose would be the appropriate agency to determine TDM measures for Site D.

Comment B.9: Cultural – Historic Resources
The historic resources assessment for significance and eligibility, both within and adjacent to the Master Plan site is brief and does not have enough information to make more definitive findings of significance/eligibility. Additionally, DPR forms are not included. Because this is a Program EIR, a more adequate historic resource assessment of certain properties and features. The City is in the process of completing a comprehensive historic resources survey. Soon additional information would be available to help evaluate these properties.

Response B.9: It is unclear from the City’s comment which properties and features the City believes had an inadequate analysis. Without specific information, no response is possible.
Please note that DPR forms were completed for all buildings assessed within the Master Plan area and the findings are provided in the Historic Survey Report. The DPR forms are available upon request.

**Comment B.10:** Demolition and Construction Impacts to Former City Hall
Since the Annex to the former City Hall will be demolished and this area used for construction staging for implementation of Phase 1, the following issues should be analyzed and mitigation measures similar to the few listed below added to the DEIR.

- Include the staging area schematic as part of the project description under Phase 1. Evaluate the existing conditions and include a plan for protection of eligible historic resources.

- The estimated vibration levels for proposed demolition should be included in the analysis. Also describe demolition methods for the Annex that are needed to avoid exceedance of vibration thresholds the former City Hall (sic).

- Vibration Mitigation Measure: Prior to construction or demolition, the historic buildings such as the former City Hall should be surveyed for existing cracks to establish the baseline conditions. The survey should include a written description and photos of interior and exterior cracks. The survey should be submitted to the City of San Jose’s Environmental Supervisor before construction. A post-construction survey shall be prepared analyzing each building’s condition and compared to the pre-construction survey, and submitted to the Environmental Supervisor. The County shall repair any new and expanded building cracks or other damage after all construction of Phase 1 is completed and the site around former City Hall is no longer used as construction staging area (sic).

- What other on-going vibration monitoring will be implemented after the demolition and during the construction of Phase 1?

**Response B.10:** The potential impacts to the former City Hall from demolition of the Annex and use of the Annex site as a construction staging area are assessed in Section 3.4.3.5 (page 87) of the Draft EIR. Mitigation measures, including measures that address vibration hazards, are identified to protect the former City Hall. With implementation of all identified mitigation measures, the impact to the former City Hall was found to be less than significant.

Regarding the City’s recommended Vibration Mitigation Measure, a comparable measure is already included under MM CUL 3-1 (see fourth bullet point). As the County would be the Lead Agency overseeing demolition of the Annex, use of the Annex site as a staging area, and construction of the future parking lot, there is no requirement to submit the existing conditions report or the post-construction survey to the City.

The analysis did not identify any other historic structures that could be impacted by demolition or construction as a result of implementation of the Master Plan.

Please note that since circulation of the Draft EIR, the County has determined that the Annex site would not be needed as a staging area; as such, it is no longer proposed. The Annex is,
however, still proposed to be demolished to allow for construction of a parking lot. Please see page 31 of this Final EIR for the proposed text amendments.

**Comment B.11:** Lead and Asbestos Removal during Demolition: These materials are likely present in the former City Hall and demolition of the Annex will require lead removal and asbestos abatement protocols. We recommend revisions to the Hazards sections to include relevant mitigation measures to complete project-level CEQA clearance.

**Response B.11:** The potential for asbestos and lead-based paint impacts resulting from demolition of the Annex and other buildings on the project site is addressed in Section 3.8.3.3 of the Draft EIR (page 130). As stated in the Draft EIR, “The project is required by law to conform to the following regulatory programs and to implement the following measures, consistent with OSHA requirements, to reduce impacts due to the presence of ACMs and/or lead-based paint.” The measures listed are consistent with the Standard Permit Conditions required by the City of San Jose. No revisions are required.

**Comment B.12:** Airport-Specific Comments

Land Use – The Land Use section should include the requirements of referral of the Master Plan to the Airport Land Use Commission (ALUC) for a Comprehensive Land Use Plan (CLUP) consistency determination. The discussion should also address overall compliance with the applicable CLUP height, safety, and noise policies (perhaps with cross-references to other sections of the document), including the policy that development include the property owner granting avigation easements to the City of San Jose.

The ALUC’s Comprehensive Land Use Plan (CLUP) for the Mineta San Jose International Airport should be identified in the local regulatory framework because the entire master plan area is within the CLUP’s “Airport Influence Area.” (Section 3.8.1.4, pages 121 and following).

**Response B.12:** The CLUP has policy restrictions related to building height, land use compatibly related to noise, and safety. Per the CLUP, height restrictions are based on the FAA Federal Aviation Regulations (FAR) Part 77 obstruction standards and the FAR Part 25.121 one engine-inoperative standards. As discussed in Section 3.8.3.3 (page 131) of the Draft EIR, the project will comply the FAA regulations.

As shown on Figure 5 of the CLUP, the majority of the project site is outside the 65 CNEL (dB) noise contour for the airport. The northwest corner of Site A is located within the 65 CNEL noise contour but outside the 70 CNEL contour. As a result, the project would be consistent with the noise policies in the CLUP.

As shown on Figure 7 of the CLUP, the project site is outside all identified airport safety zones. Please note that County projects are not subject to the avigation easement policy.

Please refer to page 32 of this Final EIR for the proposed text amendment.

**Comment B.13:** Hazards – Under “Hazards”, subsection 3.8.1.4, the top paragraph is partially incorrect and should more appropriately be replaced by a paragraph stating that: 1) the proposed Master Plan, given its location within the CLUP’s Airport Influence Area, is required to be referred
to the ALUC for a CLUP consistency determination; and b) a portion of the project site falls within the CLUP’s “Turning Safety Zone,” which has associated land use and density policy restrictions (page 127).

**Response B.13:** It is believed that the commenter intended to reference Section 3.8.2.6 (page 126) of the Draft EIR, where the existing setting as it relates to Mineta San Jose international airport is discussed. The County has referred the Master Plan to the ALUC. Please refer to Response B.12.

**Comment B.14:** The discussion under “Airport Safety Hazard” is partially incorrect and not complete, and should be revised as follows:

- *In the first paragraph under “Airport Safety Hazard,” the fourth through the last sentence (beginning with “Pursuant to...”) should be replaced with the more accurate information provided in the City of San Jose’s NOP comment letter of April 5, 2017 regarding “Hazards and Hazardous Materials”:*  
  For the project site, any proposed structure taller than approximately 25-30 feet above ground would require filing with the Federal Aviation Administration (FAA) for airspace review. Proposed structures that would exceed a Part 77 obstruction surface for San Jose International Airport, such as the described Phase 1 buildings (up to 195 feet in height above ground) should be required to obtain and comply with any conditions for the FAA’s “determination of no hazard” to avoid creating a significant hazard impact.

- In the second paragraph under “Airport Safety Hazard”, the first two sentences should be deleted, with the third (last) sentence added to the first paragraph as revised immediately above.

**Response B.14:** The discussion under Airport Safety Hazard on page 131-132 of the Draft EIR is based on specific information provided to the County from the ALUC. As such, no amendments to the text are proposed.

**Comment B.15:** Discussion of ALUC policies should be presented in a separate new paragraph that: a) simply states that compliance with the FAA airspace review regulatory process would in turn comply with the CLUP height policies; and b) addresses compatibility with the applicable CLUP “Turning Safety Zone” policies.

**Response B.15:** Please refer to Response B.12.

**Comment B.16:** Transportation & Traffic – Within the “Transportation & Traffic” section, given the checklist criterion regarding air traffic patterns, a cross-reference to the “Hazards and Hazardous Materials” discussion of project compliance with the FAA airspace review process (for all proposed buildings of more than 25-30 feet in height) should be added. With regard to construction impacts, it should also be added that temporary construction equipment, such as cranes, are also subject to federal regulatory review under FAR Part 77.

**Response B.16:** Please refer to page 33 of this Final EIR for the proposed text revision.
Comment B.17: Noise – The Regulatory Setting should include a discussion of the City of San Jose 2040 General Plan noise (EC-2.1, EC-1.3, EC-1.7, EC-1.9) and vibration (EC-2.3) standards. The City of San Jose typically uses those General Plan policies as its CEQA thresholds. Discussion should be added regarding compliance with CLUP noise policies, noting that a portion of the project site is within the projected 65 dB CNEL impact area of Mineta San Jose International Airport.

Response B.17: Section 3.11.1.1 of the Noise Regulatory Setting (page 151) discusses City of San Jose 2040 General Plan policies EC-2.1, EC-1.3, EC-1.7, and EC-2.3. Policy EC-1.9 requires noise studies for land use protocols where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. It also addresses new residential development. Policy EC-1.9 was not included as it was not deemed applicable to the proposed project. Nevertheless, the policy has been added per the City’s request. Please refer to page 32 of this Final EIR for the proposed text amendment.

Please refer to Response B.12.

Comment B.18: Public Utilities – Public Works Comments
Hydrology and Drainage – The City of San Jose has not conducted a capacity analysis of the existing storm sewer system in the project vicinity as it relates to the proposed project. Although Phase 1 of the project is required to implement low impact design (LID) measures to address storm water management, a storm sewer capacity analysis will still be required.

Response B.18: As discussed in Section 3.9.3.3 (page 140) of the Draft EIR, the stormwater control plan will incorporate stormwater management measures such as parking filter strips and pervious paving consistent with the NPDES Municipal Regional Permit (MRP) and the LID requirements. In addition, the Master Plan notes that the project would maximize water reuse and aim to capture and treat stormwater and greywater on-site. The project site is already adequately served by the existing storm drainage system and implementation of Phase 1 of the proposed project would result in stormwater runoff equal to or less than the existing conditions, which consists of mostly impervious surfaces. As such, the County found that there would be sufficient capacity in the existing storm drainage lines. Furthermore, by design, compliance with the MRP would reduce the overall volume of stormwater runoff existing the project site.

Once the final stormwater control plan for Phase 1 is complete, the County will submit the necessary documentation to the City to confirm the reduction in stormwater runoff.

Comment B.19: Phases 2, 3, and 4 are program-level so the storm drain capacity assessment mentioned in MM HYD 1-2 should be prepared and submitted to the City of San Jose, Department of Public Works prior to the issuance of an Inter-Agency Encroachment Permit.

Response B.19: This comment is acknowledged. The County will implement the mitigation measures identified in the Draft EIR for Phases 2, 3, and 4.

Comment B.20: Sanitary Sewer/Wastewater Impacts, Sanitary Sewer Capacity Analysis
As noted in this section, City of San Jose staff has previously reviewed and conducted a sanitary sewer capacity analysis for this project, and was able to conclude that there was sufficient capacity for the proposed project. However, this capacity analysis assumed a rate of discharge based on the...
square footage and usage of the proposed buildings. A rate of discharge was not provided as the project has been described in this Draft EIR. As such, the City of San Jose would like to re-evaluated the sanitary sewer capacity analysis based on the rate of discharge provided in the Draft EIR.

**Response B.20:** In April 2017, the County Planning Department formally requested the City’s Public Works Department to prepare a sanitary sewer assessment based on the proposed square footages provided by County staff and their design team. The square footages provided to the City in April 2017 are consistent with the project description in the Draft EIR. The City was also provided a copy of the Water Supply Assessment for the project. The Water Supply Assessment was prepared by San Jose Water Company and provided to the City in May 2017.

The final model results, provided to the County in July 2017, did not show what development assumptions were used by the City in the model run, but it was assumed that the City utilized the data provided by the County. Email communications regarding the Sanitary Sewer Capacity Analysis between County and City staff can be provided on request.

If the City believes that the project they modeled is inconsistent with the proposed project outlined in the Draft EIR, the County requests that the City provide the specific data inputs used and coordinate with County staff.

**Comment B.21:** Circulation and Transportation Comments

The City of San Jose’s Department of Transportation (DOT) has overarching comments on the Master Plan related to the site plan, parking, building frontage, TDM, and implications for reductions in Vehicle Miles Traveled (VMT), and pedestrian environments. We understand that transportation analysis using VMT was not required and not conducted for the purposes of this DEIR.

**Transportation Analysis and VMT**

1. The Civic Center is strategically located with access to light rail, bus services, and regional freeways. The subject site is also within the City’s low-VMT areas (refer to City Council Transportation Analysis Policy 5-1 for VMT analysis methodology). The site offers an unparalleled advantage to increase use of transit and leverage the objectives of the State’s recently adopted SB743 and City Council Policy 5-1.

2. When Phases 2 through 4 move from programmatic to project-level stages, we encourage the County to conduct transportation analysis using City Council Policy 5-1. For any proposed development subject to City land use approvals, transportation analysis under City Council Policy 5-1 may be required. Please refer to additional information on the City’s website at: http://sanjoseca.gov/index.aspx?nid=5571.

**Response B.21:** The Draft EIR’s analysis of the build out of the Master Plan over the next 20 years used VMT. As stated in Section 3.13.7.1 (page 195) of the Draft EIR, “At such time as future projects under Phases 2, 3, and 4 are proposed, a Local Transportation Analysis report shall be completed consistent with San Jose Policy as part of the subsequent environmental review for that project.”
Comment B.22: 3. Council Policy 5-1 defines the CEQA evaluation methodology for identifying potential project VMT impacts; and tools for evaluating VMT in San Jose. Future Master Plan projects are encouraged to evaluate VMT impacts using the policy criteria and adhere to the City’s Transportation Analysis Handbook. In support of VMT goals, Phase 1 as well as Phase 2, 3, and 4 should evaluate:

a. Potential parking reductions its effects (sic) on transit use, VMT reductions
b. Pedestrian/bicycle connectivity to support project VMT reductions; Implementing planned bikeways along Hedding Street, connecting to the regional Guadalupe parkway bike facility to the west, and to the future BART station to the east.

Response B.22: Phase 1 of the proposed Master Plan was evaluated under San Jose Transportation Policy 5-3 as it was the formal adopted policy of the City at the time the Notice of Preparation was circulated and the analysis was initiated.

While San Jose’s recently adopted VMT Policy was utilized for the long-term full build out analysis, the accompanying guidelines were not published at the time of the analysis. As such, the VMT analysis in the Draft EIR just covers automobile trips. As stated in the Draft EIR, all future projects under Phases 2, 3, and 4 will be required to complete subsequent environmental review and will need to provide a transportation analysis consistent with City policy.

Comment B.23: 4. To facilitate the project master plan, City staff recommend considering an alternative location of the light rail (LRT) station location at North 1st Street and Hedding Street to better serve the County project. The Master Plan proposes to relocate activity north from the existing LRT station, which would discourage transit riders and VMT reduction. Alternatives include:

a. Relocate the station north of the North 1st Street and Hedding intersection,
b. Expanding the existing LRT Civic Center north while reducing the number of travel lanes from two to one along North 1st Street (south of Hedding) to accommodate an expanded LRT station.

Response B.23: The City’s comments are acknowledged. The VTA would be the public agency responsible for relocating a LRT station, and has indicated no need to do so. The proposed Master Plan does not include relocation or expansion of the existing LRT station, nor did the DEIR’s analysis indicate any environmental nexus for relocating the LRT station, as the current location will continue to be a convenient walking distance to the County government center.

Comment B.24: 5. Conform to the Council Policy 5-1 for the VMT evaluation included in the report and include the supporting documentation.

Response B.24: The VMT analysis provided in the Draft EIR was based on available City of San Jose directions regarding policy implementation at that time.

Comment B.25: Access and Pedestrian Connectivity
To further support VMT reduction and facilitate pedestrian, bicycle and transit, City staff recommends that Phase 1 of the Master Plan improve Hedding Street bike facilities to a protected
bikeway in conformance with the State Complete Street Act of 2008 (AB1358) and the City of San Jose Complete Streets Standards and Guidelines. The following are other specific recommendations:

1. Revisions to the site circulation to encourage vehicular traffic to utilize the existing Hedding/San Pedro signal.
2. Private street north of building PSJ-1 be relocated to underneath a canopy in-between buildings PSJ-2 and PSJ-1 to directly connect the PSJ Parking building to San Pedro Street and improve operations at the existing Younger-San Pedro signal.
3. As currently proposed, City DOT staff does not support installation of a new traffic signal along West Hedding Street at the new private street due to insufficient spacing between the existing two signals.

Response B.25: The California Department of Transportation (DOT) specifically identifies two types of “protected” bike lanes, a buffered bike lane (a bike lane separated from the automobile travel lane by chevron or diagonal markings painted on the roadway) and a separated bikeway (a bike lane physically separated from motor traffic with a vertical feature). It is unclear from the comment what type of protected bike lane with City is recommending.

There are already buffered bike lanes on both sides of Hedding Street along the project frontage, with the exception of approximately 290 feet of bike lane immediately east of the N. San Pedro Street/W. Hedding Street intersection (in the eastbound lane) where the two lane road merges into a single lane. The County proposes to include buffered bike lanes on W. Hedding Street after the minor street alignment to straighten out the roadway which is already proposed as part of the Phase 1 project (page 12 of the Draft EIR).

The remaining recommendations from the City are acknowledged and will be provided as part of the public record for consideration by the decision makers.

The City’s position regarding the proposed traffic signal along West Hedding Street is acknowledged. The County will consult with the City as needed during future design under the Master Plan.

Comment B.26: Parking
Overall, the Civic Center Master Plan is providing substantial automobile parking, and should reexamine the amount of parking. The City understands the numerous services the County provides to the public at this location as well as the large staff needed to support these services.

However, the amount of proposed parking appears to be counter to the goal of reducing single-occupancy vehicle trips. Parking supply and demand for single-occupancy automobile trips and transit use are highly correlated, and abundant parking availability is likely counter-productive to reducing vehicle miles traveled.

Staff highly encourages examining reductions in parking. At a minimum, the County should include parking management and a single-occupancy vehicle trip reduction plan.
Response B.26: The County is in the process of issuing an RFP for a TDM study to allow for a reduction in future parking needs at the Civic Center.

Comment B.27: Other Transportation-Specific Comments
1. “MTC and Association of Bay Area Governments (ABAG) adopted the final Plan Bay Area in July 2013 which...” [Section 3.13.1.1 (p. 1690)]
Comment: The most recent final Plan Bay Area was adopted in July 2017.

Response B.27: Please refer to page 32 of this Final EIR for the proposed text revision.

Comment B.28: 2. “The County’s General Plan and Zoning Ordinance do not apply to incorporated areas or to County-owned facilities. Therefore, given that the Civic Center project is located in San Jose...” [Section 3.13.1.5 (p. 170)]
Comment: Please include the regulatory setting that is applicable from the City of San Jose’s General Plan, Zoning, Policies and other long-range plans. Such regulations and policies will apply to all future County non-governmental land uses and non-County-owned sites.

While the current traffic study was scoped prior to the City’s adoption of City Council Policy 5-1, future development-project-level analysis will require conformance with City Council Policy 5-1.

Response B.28: The Draft EIR outlines both San Jose City Council Policy 5-3 (the previous Level of Service policy) and the recently adopted Council Policy 5-1. Please see pages 185 and 187. While no private development is proposed under the Master Plan, as noted in the Draft EIR, if there is any non-County development on the project site under a future phase, subsequent environmental review would be required per City of San Jose standards with San Jose as the Lead Agency and subject to the City’s General Plan and Municipal Code.

Comment B.29: 3. “Hedding Street has two lanes in each direction west of Ruff Drive and one lane on each direction with buffered bike lanes east of Ruff Drive...” [Section 3.13.2.3 (p. 170)]
Comment: Hedding Street has one lane in each direction with buffered bike lanes along its entire length, but the section west of Ruff was complete in the fall of 2017 after the Notice of Preparation. Therefore, for the purpose of this EIR, Hedding Street is assumed to have two lanes in each direction west of Ruff Drive and one lane on each direction with buffered bike lanes east of Ruff Drive.

Response B.29: Please refer to page 33 of this Final EIR for the proposed text amendment.

Comment B.30: 4. “First Street...Access to the project site is provided via Hedding Street.” [Section 3.13.2.3 (p.170)]
Comment: If access to the project site is also provided via Younger Avenue, please state so.

Response B.30: A discussion of access to the project site via Younger Avenue is provided on page 171 of the Draft EIR.

Comment B.31: 5. “Fourth Street...Access to the project site is provided via Hedding Street.” [Section 3.13.2.3 (p.170)]
Comment: If access to the project site is also provided via Younger Avenue, please state so.
Response B.31: Please refer to Response B.30.

Comment B.32: 6. “Hedding Street – along its entire length east of Spring Street” [Section 3.13.2.4 (p. 172)]
Comment: Also include that Class II bike lanes have recently been provided on Hedding Street west of Spring Street since the fall of 2017.
Response B.32: Please refer to pages 33 of this Final EIR for the proposed text amendment.

Comment B.33: 7. “Based on the City of San Jose’s policies, an acceptable operating level of service is defined as LOS D or better at all City controlled intersections except protected intersection...” [Section 3.13.3 (p.176)]
Comment: The City’s LOS standard is applicable to not only all City controlled intersections but also any signalized intersections located within the City’s boundary.
Response B.33: The County acknowledges that San Jose’s LOS standard of D is applied to any intersections located within the City. Additionally, the County also has a policy which establishes a goal of LOS D for all intersections (Policy C-TR 12) as noted on page 176 of the Draft EIR.

Comment B.34: 8. “Existing Transit Services” [Figure 3.13-3 (p. 177)]
Comment: The figure title should be “Study Intersections” and indicate the CMP facilities and protected intersections.
Response B.34: The name on the figure has been corrected. Please refer to pages 33 and 34 of this Final EIR for the proposed correction. Table 3.13-3 lists all study intersections by number corresponding to Figure 3.13-3. Within the table, all CMP and protected intersections are designated. No modifications to the figure are proposed.

Comment B.35: 9. Instead of summarizing unacceptable operations by ”CMP Intersections” and “City of San Jose Intersections”, categorize them into “CMP requirements” and “City of San Jose requirements”. Not just two (#18 and #22) but all four intersections (#12, #13, #18, #22) would operate unacceptably per the City of San Jose requirements. [Section 3.13.3.2 (p. 179)]
Response B.35: The County acknowledges the City’s recommended edits, but the text as presented in the Draft EIR is correct as written in that it currently describes all four intersections would operate unacceptably per the City’s standards. Therefore, no text amendment is proposed.

Comment B.36: 10. “Based on the City of San Jose’s Transportation Analysis Handbook
Transportation Analysis Policy (Council Policy 5-1), the project site does not meet the screening criteria and, as a result, a VMT analysis required” (Section 3.13.4 (p.185))
Comment: Conform to the TA Handbook for VMT requirements as it was unclear how the above conclusion was reached. Elaborate which screening criteria are not met by the Master Plan. State that the screening criteria are based on the City of San Jose’s Transportation Analysis Policy (Council Policy 5-1).
Response B.36: Please note that the Section referenced by the commenter [Section 3.14.3, Methodology – Long Term Analysis (Full Master Plan Build Out)] specifically identifies that the analysis is based on San Jose’s Council Policy 5-1. In addition, the text cited is the introductory setting language. Full explanation of the use of the screening criteria and the City’s VMT evaluation tool is provided in the impact analysis discussion in Section 3.13.7.1 (page 195).

Comment B.37: 11. “an employment project’s transportation impact would be less than significant if the project VMT is at least 15 percent below the existing Citywide average per capita VMT” (Section 3.13.4 (p. 185)).
Comment: The transportation impact of an employment component of the Master Plan would be less than significant if the project VMT is at least 15 percent below the existing regional average VMT per employee.

Response B.37: The Draft EIR’s statement referenced above incorrectly notes the Citywide average as opposed to the regional average. The analysis was completed based on the regional average as suggested by the comment. Please see page 33 of this Final EIR for the proposed text amendment.

Comment B.38: 12. “For long-term build out of the project (Phases 2-4), VMT has been used as the threshold instead of the LOS standards.” (Section 3.13.5 (p. 186)).
Comment: It is recommended that the VMT analysis for Phase 1 is included for informational purposes in the Appendix.

Response B.38: As the commenter previously noted, the Notice of Preparation was issued in 2017, prior to adoption of the City’s new VMT policy in February 2018. Therefore, the near-term analysis of Phase 1 was based on the City’s LOS policy and no VMT analysis was prepared for Phase 1 of the Master Plan. The Phase 1 vehicle trips are, however, accounted for in the full build out VMT analysis. To further clarify this, the above referenced text has been modified to represent all phases of the project. Please see page 33 of this Final EIR for the proposed text amendment.

Comment B.39: 13. “The City of San Jose threshold is 12.21 miles VMT per employee, 15 percent below the Citywide regional average.” (Section 3.13.5.2 (p.188)).

Response B.39: Please refer to Response B.37.

Comment B.40: 14. VMT Thresholds are set per employee and residential use in City of San Jose Council Policy 5-1. The residential threshold in Policy 5-1 is based on the City’s average, and the employee threshold is based on the regional average. (p. 188)

Response B.40: Please note that the residential threshold is not applicable to the proposed project, which is proposed to be office space. Please refer to Response B.37.

Comment B.41: 15. The project has proposed protected bike ways along the Hedding frontage of the project. Staff recommends including this improvement to the Phase1 one (sic) of Master Plan. (p. 194).
Response B.41: Please refer to Response B.25.

Comment B.42: 16. Transportation Impacts (Section 3.13.7 (p. 195)).
   a. Include the VMT analysis results in Appendix H, Transportation Analysis Report.

Response B.42: The Long-Range Traffic Impact Analysis, prepared by Hexagon and dated April 18, 2018, includes a VMT analysis and reports the results.

Comment B.43: b. List the selected VMT reduction strategies that would lead to the reduction of Project VMT from 12.88 to 9.66.

Response B.43: As discussed in Section 3.13.7.1 of the Draft EIR (page 195), the VMT reduction identified is based on the County providing free transit passes to all employees.

Comment B.44: c. A VMT calculation report output from the San Jose VMT Evaluation Tool should be included in Appendix H and referenced in Section 3.13.7.

Response B.44: The output report from the VMT calculation is attached. Please see Appendix B of this Final EIR.

Comment B.45: d. In Appendix H, indicate how the Project VMT per employee of 12.88 is calculated using the San Jose VMT Evaluation Tool, which measures Project VMT by parcel. If the Project VMT per employee of 12.88 is based on an aggregated weighted average of the VMT for all parcels in the project, describe in the document.

Response B.45: The VMT number of 12.88 is not based on an aggregate of parcels. It is based on Assessor’s Parcel Number 230-37-041. Please see the attached VMT calculation report in Appendix B of this Final EIR.

Comment B.46: 17. Conform to the CMP guidelines for evaluation of the transit system.

Response B.46: The CMP guidelines require an evaluation of the project’s effect on transit travel times. The analysis is presented in Table 12 (page 68) of the transportation impact analysis provided in Appendix H of the Draft EIR.

Comment B.47: 18. Provide a quantitative discussion of the TDM measures proposed that support the conclusion that single occupancy vehicle trips will not be significantly more than currently estimated.

Response B.47: The transportation impact analysis takes a 10 percent reduction in the trip generation estimate for the project based on counts/surveys of existing County employees. The counts are documented in the March 22, 2017, TDM Plan prepared by Arup for the project and referenced in the traffic study. The primary TDM measure implemented by the County is that all employees receive a free transit pass, good on buses and light rail. It should be noted that the San Jose VMT calculation tool shows a 25 percent reduction in VMT with the free transit passes, but the traffic study assumed only a 10 percent reduction.

Comment B.48: Construction and Mitigation Plan Phase 1
The City expects the County to further include specific and proactive construction impact mitigation plan measures to the extent possible for the Phase 1 project-specific CEQA clearance. For example, the measures could include:

- A traffic/transportation management plan that outlines the timing of street, trail and transit service closures and alternative routes for all travelers;
- A detailed outreach and impact mitigation approach that proactively addresses the needs of residents, employees, and other visitors, with clear, culturally competent and multilingual communication channels, processes and points of contracts;
- Advance information about the processes for construction easements and/or damages,
- Truck haul routes that avoid further exacerbating construction impacts
- The construction outreach and impact mitigation should be well-planned and coordinated in advance of the start of construction, so that any negative impacts can be quickly, and thoroughly addressed. This will provide assurance and certainty for the City, community, and institutions (schools), and residents impacted by construction of the long tenure project.

**Response B.48:** The County has a process for notification of construction impacts to the neighborhoods within the project area, which includes an email communications to the County’s notification list and neighborhood groups. The information will also be available on the County’s website. In addition, consistent with standard procedure, a transportation management plan would be provided as part of the encroachment permit process.

**Comment B.49:** Agency Jurisdiction, Environmental Compliance and Implications for City

The DEIR fails to clearly identify and explain the roles and responsibilities of various other public agencies, including the City, who will be required to issue or approve various discretionary agreements, permits or licenses as part of the project. The City seeks certainty about which agency is intended to have jurisdiction for various aspects of the project, i.e. roles, responsibilities, and resource commitments.

The City encourages the County to clarify the City’s obligations and responsibilities for the Civic Center Master Plan Project. Any work affecting the public right-of-way (ROW) will require an Inter-agency Encroachment Permit from the City of San Jose. As part of this permit, work affecting the public ROW will be reviewed and determinations made by the City of San Jose. This includes, but is not limited to, sidewalk widths, bike lanes, realignment of West Hedding Street, mid-block pedestrian crossing, plazas, etc.

**Response B.49:** For certain aspects of the project involving City facilities, such as work within the public right-of-way or use of the sanitary sewer system, the City of San Jose would be a Responsible Agency.
C. California Department of Transportation – June 20, 2018

Comment C.1: Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. In tandem with the Metropolitan Transportation Commission’s (MTC) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), Caltrans new mission signals a modernization of our approach to evaluating and mitigating impacts to the State Transportation Network (STN). Caltrans Strategic Management Plan aims to reduce vehicle miles traveled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Draft Environmental Impact Report (DEIR).

Project Understanding

This proposed project is located adjacent to the State Route 87 (SR-87) and Interstate 880 (I-880). The project site is an approximately 40-acre portion of the approximately 55-acre County of Santa Clara Civic Center complex. Located northwest and southwest of the West Hedding Street/North First Street intersection in the City of San Jose, the project site is comprised of four major areas (made up of twelve parcels).

The project is a Master Plan for near- and long-term development of the Civic Center site, with the overarching goal of consolidating and modernizing County facilities to improve public service and reduce the cost of operations. The entire project site is designated Public/Quasi-Public in the San Jose General Plan, and all but a narrow corridor along North First Street is zoned R-1-8 Residential District. The majority of Site D is also located within the First Street Urban Village plan area which extends from I-880 south to Julian Street. The San Jose General Plan calls for 2,520 jobs and 1,678 dwelling units within this plan area. Full build-out of the Master Plan would include up to approximately three million square feet of new development in four phases. Sites A, B, and C would be primarily County offices. Site D is anticipated to be a mix of County offices, residential, and commercial/retail.

Response C.1: Please note that Site D is proposed to be developed with County offices. No residential or commercial/retail space is proposed.

Comment C.2: Lead Agency

As the lead agency, the County is responsible for all project mitigation, including any needed improvements to the STN and for VMT reduction. The project’s fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully disclosed for all proposed mitigation measures.

Response C.2: All required information for the proposed mitigation measures is provided in the Draft EIR.

Comment C.3: Hydraulics

When it becomes available, Caltrans Hydraulics must review the storm water control plan to ensure that there will be no development-related impacts to drainage systems underneath both SR-87 and I-880.
Response C.3: The County will provide the necessary information to Caltrans as it becomes available. Also, please refer to Sections 3.9 and 3.14 of the Draft EIR for analysis of the storm drainage system.

Comment C.4: Encroachment Permit
Please be advised that any sign or work within Caltrans ROW will require an encroachment permit prior to construction. To apply for an encroachment permit, please complete an encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW, and submit to the following address: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660. Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process.

Response C.4: The County will comply with all applicable requirements regarding any required permits.
3.2 ORGANIZATIONS AND INDIVIDUALS

D. Santa Clara Valley Audubon Society – June 6, 2018

Comment D.1: The Santa Clara Valley Audubon Society appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Santa Clara County Civic Center Master Plan Project (Plan). During the preliminary stages of the planning process, our organization advocated for the inclusion of bird-safe design policies and guidelines, and we are grateful for the Board of Supervisors support. However, we are concerned that the DEIR and Draft Design Guidelines are ambiguous and fall short of addressing the potential for bird-collisions at the Civic Center.

The DEIR and the Draft Design Guidelines state the building design shall “Utilize known standards for bird-safe buildings, such as glazing treatments, architectural screening, and opaque surfaces” (DEIR page 10, Guidelines page 24) and “The proposed structures would have glass panes interspersed with solid walls and variation in the articulation of the facades” (DEIR page 68). We believe these standards are vague, open to broad interpretation, and suggest that significant amounts of glass may be permitted in the design. Additionally, graphics and images in the Draft Design Guidelines imply that building facades will be predominately glass.

In the absence of robust and specific policy for bird-safe design, we are concerned that the Plan has not mitigated for impacts to local and migratory bird populations to a less than significant level. The DEIR acknowledges that the Project is 900 feet east of the Guadalupe River, and science shows that many birds migrate near or along riparian corridors.

Response D.1: The analysis of bird strikes in Section 3.3.3.4 (page 68) of the Draft EIR outlines the physical barriers (i.e., the built environment) around the proposed development sites (in particular Site A for the Phase 1 development) that would limit the likelihood of bird strikes. Furthermore, the County is committed through the design guidelines in the Master Plan to incorporate known standards for bird-safe buildings. In addition to the County’s commitment that the proposed structures would have glass panes interspersed with solid walls and variation in the articulation of the facades, the proposed Design Guidelines also require the building design to avoid or limit the use of highly reflective materials. These design guidelines meet the intent of bird-safe design measures adopted by other Bay Area agencies. The specific standards to be used have not yet been determined but would be incorporated into the final design of the Phase 1 buildings.

As this is a Master Plan, building elevations shown in the plan for Phase 1 are conceptual. There are no building plans for any future phases; future phase buildings will be designed in accordance with the development standards outlined in the project description and the bird-safe design standards determined by the County.

The County will commit to having a qualified biologist review the designs of Phase 1 and all future phases of the Master Plan to confirm consistency with the proposed bird safe design standards.
Comment D.2: Additionally, light pollution is an issue of concern that is not addressed in the DEIR. Numerous studies confirm that urban glow attracts migratory birds towards the built environment. As birds stopover in these areas, they are vulnerable to collisions with glass buildings, predation by cats, and other unintended consequences of urban life.

Response D.2: The project site is located in the middle of a highly urbanized area of the City of San Jose, which is a major metropolitan City. Light pollution already exists in and around the project site. In addition, the proposed Design Guidelines specify that the project will avoid unnecessary light pollution and integrate a smart lighting system that is motion-activated and adjusts for the amount of natural illumination available. Furthermore, there is no threshold to address light pollution effects on birds in a dense urban area already subject to substantial lighting. The commenter’s concerns are acknowledged and will be provided as part of the public record for consideration by the decision makers.

Comment D.3: We urge the County to include robust guidelines for the minimization of bird-collisions at the new Civic Center, and integrate detailed bird-safe design policy and mitigations for light pollution into the Plan. We attach the bird-safe design guidelines from the North Bayshore Previse Plan in Mountain View as a leading example of how local jurisdictions are addressing bird-collisions within Santa Clara County.

Response D.3: Please refer to Responses C.1 and C.2.
E. Sustainable Silicon Valley – June 11, 2018

Comment E.1: Sustainable Silicon Valley commends your team on embarking on designing a new civic center for the County of Santa Clara that “builds community, offers exceptional experiences, and is a champion of resiliency.” We reviewed the Draft Environmental Impact Report (EIR) for the County of Santa Clara’s Civic Center Master Plan for the portion that involves water use and reuse and were pleased to see intentions to treat and reuse water onsite.

Onsite reuse can increase the County’s water resilience by adding to our local water sources. This is important given potential stresses to our water supply due to projections of population growth, climate change and our current dependence on importing 55% of our water that must be stored in a declining snowpack. In addition, it is important the County of Santa Clara take a leadership role in water conservation for our community and progress towards meeting County’s (sic) Environmental Stewardship Goal of beneficially reusing 100% of wastewater.

We respectfully request the following information be addressed in the final EIR.

1. Table 3.2.5: The Master Plan would maximize water reuse and aim to capture and treat stormwater and greywater on-site. (pg 47)
   a. Commercial buildings typically do not have sufficient greywater for a reuse system to make sense financially.
      i. How much greywater can be produced?

Response E.1: Specifics on how much greywater can be produced through implementation of the Civic Center Master Plan were not developed during this phase. Greywater reuse was not, however, recommended as a sole source due to the limited supply from commercial buildings and the need to dual plumb outflow to separate greywater.

Comment E.2: ii. Are you planning on storing stormwater, as this water source is seasonal?

Response E.2: As part of the Phase 1 (PSJC), the Master Plan recommends that the County investigate the use of rainwater collection and storage for toilet flushing in the PSJC buildings during schematic design. Given that this water source is seasonal, the Master Plan does recommend connecting all buildings to the recycled water main on W. Hedding Street to serve all non-potable loads, including toilet flushing.

Comment E.3: iii. Will you consider blackwater treatment?

Response E.3: Phase 1 recommends implementation of a stand-alone demonstration of a blackwater treatment system at the Amenity building to process toilet and kitchen waste and reuse water for toilet flushing and landscaping. Additionally, Phase 1 will allocate space in the Central Utility Plant area for a potential future water treatment system.

Comment E.4: b. Will there be goals set for the number of gallons of water the on-site systems will provide?
Response E.4: Goals for the number of gallons of water provided by a potential on-site system were not set during this phase of project development. This would take place during schematic design of Phases 2 and 3, where the County would further investigate the cost of on-site water treatment relative to current and future water pricing and municipal recycled water availability.

Comment E.5: 2. Section 3.14.3.3: …there is an opportunity to extend recycled water mains on North San Pedro Street, north and south of West Hedding Street. Recycled water can be used for irrigation purposes and future dual-plumbing for the buildings. (pg 222)

a. If the centrally treated water is not available in the future because of plans to use centrally treated water for indirect and direct potable water reuse, will the water needs of the Civic Center be met with potable water or will an onsite water treatment system be added?

Response E.5: The Civic Center will maximize recycled water use wherever possible and will evaluate an on-site water system during Phases 2 and 3. Please refer to Response E.4.

Comment E.6: b. If an onsite system is added later will there be space for the treatment system and storage tanks as well as a budget to retrofit an onsite system?

Response E.6: Given that the project is a 20-year Master Plan which will be designed and implemented in Phases, the question raised by the commenter is too speculative to answer at this time. This comment does not raise a specific environmental issue under CEQA; therefore, no further response is required.
## SECTION 4.0   DRAFT EIR TEXT REVISIONS

This section contains revisions to the text of the Civic Center Draft EIR dated May 2018. Revised or new language is underlined. All deletions are shown with a line through the text.

<table>
<thead>
<tr>
<th>Page and Section</th>
<th>Text Revisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary – Page vii</td>
<td>The following text will be <strong>ADDED</strong> after the listed biological resources mitigation measures:</td>
</tr>
<tr>
<td></td>
<td><strong>Less Than Significant Impact With Mitigation</strong></td>
</tr>
<tr>
<td>Section 2.2.6.1 – Page 12</td>
<td>The text of the second paragraph under Table 2.2-1 will be <strong>REVISED</strong> as follows:</td>
</tr>
<tr>
<td></td>
<td>As noted above, the former Armory building and two storage buildings on Site A would be demolished to accommodate the proposed project. In addition, Phase 1 would also include demolition of the six-story annex building adjacent to the former San Jose City Hall on Site D. (see Figure 2.0-3) Demolition of the annex building would be required to provide a staging area for construction of two potentially overlapping County capital facilities projects, including the previously approved jail replacement facility adjacent to the North Main Jail (at the southwest corner of San Pedro and Hedding Streets), and the currently proposed Public Safety and Justice Center as well as for construction of an approximately 180-space parking lot. An approximately 2.0-acre area would be paved for the parking/staging area. A landscape buffer is proposed along North First Street and the lawn/landscaping currently located between the annex and North First Street would be maintained. Bioswales would also be installed to treat the runoff resulting from the parking lot.</td>
</tr>
<tr>
<td>Section 2.3 – Page 15</td>
<td>The following item will be <strong>ADDED</strong> to the numbered list:</td>
</tr>
<tr>
<td></td>
<td><strong>5. Approval of permits by the City of San Jose, as needed within their right of way or for infrastructure within their jurisdiction.</strong></td>
</tr>
<tr>
<td>Section 3.3.3.3 – Page 68</td>
<td>The following text will be <strong>ADDED</strong> after MM BIO-1.3:</td>
</tr>
<tr>
<td></td>
<td>With implementation of the identified mitigation, the proposed project would have a less than significant impact on birds and bird nests. <strong>(Less Than Significant Impact with Mitigation)</strong></td>
</tr>
<tr>
<td>Page and Section</td>
<td>Text Revisions</td>
</tr>
<tr>
<td>-----------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Section 3.5.2.4 – Page 101</td>
<td>The text of the first bullet point under “Class II bike lanes” will be <strong>REVISED</strong> as follows: Hedding Street – along its entire length, east of Spring Street</td>
</tr>
</tbody>
</table>
| Section 3.8.1.4 – Page 121 | The following text will be **ADDED** after the text outlining the County Ordinance Code:  

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

The Norman Y. Mineta San José International Airport is located approximately 0.5 miles from 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 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 Airport Comprehensive Land Use Plan (CLUP). |
| Section 3.11.1.1 – Page 152 | The following text will be **ADDED** after Policy EC-1.7:  

Policy EC-1.9: Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms. |
| Section 3.13.1.1 – Page 169 | The first paragraph will be **REVISED** as follows:  

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and Association of Bay Area Governments (ABAG) adopted the final Plan Bay Area in July 2013 which includes the region’s Sustainable Communities Strategy and the most recently adopted Regional Transportation Plan (2040). |
<table>
<thead>
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<th>Page and Section</th>
<th>Text Revisions</th>
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</thead>
<tbody>
<tr>
<td>Section 3.13.2.3 – Page 170</td>
<td>The text of the second paragraph will be <strong>REVISED</strong> as follows:</td>
</tr>
<tr>
<td></td>
<td><strong>Hedding Street</strong> is an east-west roadway that extends from I-880 to US 101. Hedding Street has <strong>two lanes in each direction west of Ruff Drive</strong> and <strong>one lane on each direction with buffered bike lanes east of Ruff Drive</strong>. Access to the project site is provided via San Pedro Street and a right-in/right-out driveway along Hedding Street.</td>
</tr>
<tr>
<td>Section 3.12.2.4 – Page 172</td>
<td>The text of the first bullet point under “Class II bike lanes” will be <strong>REVISED</strong> as follows:</td>
</tr>
<tr>
<td></td>
<td><strong>Hedding Street</strong> – along its entire length, east of Spring Street</td>
</tr>
<tr>
<td>Figure 3.13-3 – Page 177</td>
<td>The title of the figure has been <strong>REVISED</strong> as shown on page 34 of this Draft EIR.</td>
</tr>
<tr>
<td>Section 3.13.4 – Page 186</td>
<td>The third paragraph will be <strong>REVISED</strong> as follows:</td>
</tr>
<tr>
<td></td>
<td>In accordance with Policy 5-1, an employment project’s transportation impact would be less than significant if the project VMT is at least 15 percent below the existing <strong>Citywide regional average per capita VMT</strong>. If project VMT per employee does not meet the established thresholds, mitigation measures would be required.</td>
</tr>
<tr>
<td>Section 3.13.5 – Page 186</td>
<td>The last sentence will be <strong>REVISED</strong> as follows:</td>
</tr>
<tr>
<td></td>
<td>As noted above, for long-term build out of the project (Phases 2 – 4), VMT has been used as the threshold instead of the LOS standards.</td>
</tr>
<tr>
<td>Page 195</td>
<td>A new section will be <strong>ADDED</strong> as follows:</td>
</tr>
<tr>
<td></td>
<td><strong>3.13.8 Other Transportation Impacts</strong></td>
</tr>
<tr>
<td></td>
<td>Please refer to Section 3.8.2.6 for a discussion of the project’s compliance with the operational requirements of Mineta San Jose International Airport.</td>
</tr>
</tbody>
</table>
FIGURE 3.13-3

LEGEND:

- Project Site Location
- Study Intersection
- City of San Jose

# AUTO TRIP REDUCTION STATEMENT

**PROJECT INFORMATION**

**Project Name:** Santa Clara County Civic Center Master Plan  
**Location:** San Jose, CA

**Description:**
This project proposes the development of two buildings, totaling 750,000 s.f. of office space, and a 2,400 space parking garage adjacent to the buildings.

### Size (net new):

<table>
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<tr>
<th>D.U. Residential</th>
<th>0</th>
<th>750,000 Sq. Ft. Comm.</th>
<th>8.6 Acres (Gr.)</th>
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<td>D.U. / Acre</td>
<td>2</td>
</tr>
</tbody>
</table>

Is the project located within 2000 feet walking distance of an LRT, BRT, BART or Caltrain station or major bus stop?  
Yes

### Project Auto Trip Generation

- **Auto Trips Generated:** 863 AM Pk Hr, 826 PM Pk Hr, 5,464 Total Weekday
- **Methodology (check one):**  
  - [ ] ITE
  - [ ] Other (Please describe below)

### Auto Trip Reduction Approach

- **Type of Reduction:**  
  - Standard
  - Peer/Study-Based
  - Target-Based
  - None Taken

### Trip Reduction Requirements

- **Is the project required to meet any trip reduction requirements or targets?**  
  - No
  - If so, specify percent: __%

Reference code or requirement: n/a

---

## Trip Reduction Approaches

### A. Standard Approach

<table>
<thead>
<tr>
<th>Type of Reduction</th>
<th>% Reduction from ITE Rates</th>
<th>Total Trips Reduced (AM/PM/Daily)</th>
<th>Total Reduction Claimed</th>
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</thead>
<tbody>
<tr>
<td>Transit</td>
<td>10</td>
<td>84/12/96</td>
<td>10/96</td>
</tr>
<tr>
<td>Mixed-Use</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial Incentives</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shuttle</td>
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</table>

### B. Peer/Study-Based Approach

<table>
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<tr>
<th>Basis of Reduction</th>
<th>Total Reduction Claimed</th>
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<tbody>
<tr>
<td></td>
<td>%</td>
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</table>
### C. TARGET-BASED APPROACH

**Type of Reduction (check all that apply)**

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<tr>
<th>Description</th>
<th>% Trip Reduction</th>
<th>% SOV mode share</th>
<th>Trip Cap</th>
<th>%</th>
<th>Trips</th>
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</thead>
</table>

**TOTAL REDUCTION CLAIMED**

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<th>Time period for reduction</th>
<th>Peak Hour</th>
<th>Peak Period</th>
<th>Full Day</th>
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</thead>
<tbody>
<tr>
<td>AM/PM</td>
<td>AM/PM</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### OTHER TDM/REDUCTION MEASURES

<table>
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<tr>
<th>Bicycle/Pedestrian</th>
<th>Yes/No</th>
<th>Relevant TIA Section:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking Management</td>
<td>Yes/No</td>
<td>Relevant TIA Section:</td>
</tr>
<tr>
<td>Transit</td>
<td>Yes/No</td>
<td>Relevant TIA Section:</td>
</tr>
<tr>
<td>Site Planning and Design</td>
<td>Yes/No</td>
<td>Relevant TIA Section:</td>
</tr>
<tr>
<td>TDM Program</td>
<td>Yes/No</td>
<td>Relevant TIA Section:</td>
</tr>
</tbody>
</table>

### IMPLEMENTATION

Have the project sponsor and Lead Agency agreed to any of the following measures?

- [ ] Monitoring
- [ ] Enforcement
- [ ] Data Sharing

_Last updated 11/4/2014_
SECTION 6.0  APPENDIX B: VMT CALCULATION REPORT
SECTION 7.0  APPENDIX C: DRAFT EIR COMMENT LETTERS
June 15, 2018

County of Santa Clara
Department of Planning and Development
70 W. Hedding Street
San Jose, CA  95110

Attention: David Rader

Subject: Santa Clara County Civic Center Master Plan

Dear Mr. Rader:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the DEIR and Draft Master Plan for the Civic Center area located at the 40-acre site northwest and southwest of the W. Hedding Street/N. First Street intersection. VTA appreciates the County of Santa Clara’s ongoing coordination with us and other stakeholders to develop a shared, phased vision for the Civic Center complex. We have the following comments.

Land Use
VTA supports the proposed land use intensification of this site, generally bounded by N. First Street, W. Mission Street and W. Younger Street, located near the VTA Civic Center Light Rail station and multiple bus routes. By consolidating County facilities and including mixed-use development, the Project should incrementally reduce automobile trips and greenhouse gas emissions per capita compared to the current site. This location is identified as a Corridor in VTA’s Community Design & Transportation (CDT) Program Cores, Corridors and Station Areas framework, which shows VTA and local jurisdiction priorities for supporting concentrated development in the County. The CDT Program was developed through an extensive community outreach strategy in partnership with VTA Member Agencies, and was endorsed by all 15 Santa Clara County cities and the County.

Potential Impacts to Transit Safety and Operations
The proposed project will likely increase the amount of pedestrian crossings of W. Younger Avenue by employees and visitors travelling between the Social Service Agency parking structure (SSA) and SSA Building 2, located across W. Younger Avenue, which includes the VTA light rail tracks. VTA strongly recommends that pedestrian crossings occur at controlled and protected locations to minimize the potential for conflicts between pedestrians and light rail vehicles. VTA requests the full cooperation of the County in designing and implementing safety treatments to prevent mid-block pedestrian crossings of W. Younger Avenue between San Pedro Street and N. First Street. Such safety treatments could include fencing, railing, or other contextually-sensitive vertical barriers that direct pedestrians to the signalized intersections of W. Younger Avenue at San Pedro Street and N. First Street to facilitate street crossings.
VTA strongly discourages any new automobile turning movements that cross the light rail tracks. Any access to the proposed parking garages (SSA and FG) along W. Younger Street that allows vehicles to cross the light rail tracks should be prohibited.

Currently the W. Younger Avenue and San Pedro Street intersection has minimal auto use, but VTA is concerned that the additional left-turn movements from W. Younger Avenue to San Pedro Street throughout the day and during peak times could hinder VTA train movements. The TIA states that this intersection will operate at LOS B in a Background Plus Project scenario. However Level of Service may not take in to account the additional effects of auto queuing and possible future signal timing or phase changes on transit operations. VTA requests a meeting with the County and Hexagon to further discuss the details of this intersection and any future proposed signal timing or phasing adjustments.

VTA recommends analyzing in the Final EIR/TIA the impact of the number of delivery vehicles using the logistics hub the project will create on W. Younger Avenue. It is not apparent if the 61 total estimated deliveries shown in the Delivery Vehicle chart in the Master Plan (page 129) are included in the overall trip generation for the project in the DEIR, and how these will affect transit operations. These deliveries often occur outside of peak hours when VTA is most likely to use W. Younger Avenue for operations.

Expansion of the Civic Center complex and potential introduction of controlled access parking facilities with paid parking could impact the VTA employee parking lot next to the Guadalupe light rail maintenance facility. Any potential spillover parking from Civic Center visitors or employees would create an operational and safety impact to VTA’s light rail service. If the County elects to charge for parking as a TDM strategy, VTA’s parking lot could become burdened by County visitors and employees. VTA requests the full cooperation of the County to identify a solution for limited access to only VTA employees or visitors and implement this restriction in the Final EIR/TIA.

VTA supports the County’s proposal to extend the sidewalk along W. Younger Street into VTA’s parking lot to enhance the local pedestrian network and support other modes.

Public Utilities Commission (CPUC) Permits
Should effects of this project modify existing crossings of light rail tracks, specifically but not limited to W. Younger and N. First Street or W. Younger and San Pedro Street, the project will require review by the CPUC of the project’s effect on the existing light rail crossings, specifically the filing of the GO88-B application and others per CPUC General Order 88-B. VTA requires CPUC’s concurrence related to modifications to these crossings. For more information about the CPUC Crossing GO88-B application process, please contact Felix Ko, VTA’s CPUC Crossing representative at (415) 703-3722, felix.ko@cpuc.ca.gov or Willard Lam at (415) 703-1327, willard.lam@cpuc.ca.gov.
Pedestrian and Bicycle Accommodations
VTA supports the redesign of Hedding Street by physically separating bike lanes from automobiles and widening sidewalks to enhance the pedestrian experience. VTA also supports building the Amenity Hub in the Phase 1 project because it supports multiple Transportation Demand Management (TDM) features with bicycle lockers, onsite retail, showers and activities for site users. It is unclear from the DEIR/TIA where additional onsite bicycle parking will be located aside from the Amenity Hub. TIA Guidelines Section 9.3 and VTA’s Bicycle Technical Guidelines provide guidance for determining the best location and supply for bicycle parking and storage. VTA recommends updating the Final EIR/TIA to include bicycle parking locations and quantity for Phase 1 of the Civic Center Master Plan.

VTA supports the removal of the mid-block pedestrian paseo across W. Younger Street. Draft versions of the site plan for the full buildout of the Master Plan area showed a mid-block pedestrian paseo across W. Younger Street between N. First Street and San Pedro Street, crossing VTA’s light rail tracks at-grade. VTA opposes such a crossing due to the significant safety and operational issues it would pose. VTA understands that the County has removed such a paseo crossing from the Master Plan.

Vehicle Miles Traveled (VMT) and Congestion Management Program (CMP) Analysis
The DEIR notes that “While the traffic analysis of the Phase 1 development program through 2024 presented above is based on Level of Service, i.e. forecasts of increased congestion in relation to roadway capacity, this EIR’s evaluation of full Master Plan buildout in 2040 is based on VMT, which is consistent with the mandates of Senate Bill 743 and the City of San Jose’s Transportation Analysis Policy 5-1” (page 185). VTA commends the County for performing a VMT analysis for the full Master Plan buildout and for committing to complete a Local Transportation Analysis report consistent with City of San Jose policy when future projects under Phases 2, 3, and 4 are proposed (page 195).

VTA notes that the DEIR and TIA reports include the required Congestion Management Program (CMP) analysis for the Phase 1 Project, but a CMP analysis was not performed for the full Master Plan buildout. Per the VTA CMP TIA Guidelines, this project may be considered a Phased Project with Phased Entitlement (addressed in TIA Guidelines Section 11.2) or a Long-Term General Planning Effort (addressed in Section 11.3) with a specific Phase 1 development project. The Final EIR should reflect that a CMP analysis per the VTA TIA Guidelines will be required when future projects under Phases 2, 3, and 4 are proposed.

The TIA Report for Phase 1 did not include an Auto Trip Reduction Statement as required in the latest (2014) version of the VTA TIA Guidelines. Please include the completed ATRS in the Final EIR/TIA report.

Freeway Analysis
The DEIR identifies that the Phase 1 Project would have significant impact on mixed-flow lanes of 27 freeway segments and HOV lanes on 10 freeway segments. The DEIR also determines that these impacts would be significant and unavoidable, stating in part that “Furthermore, no comprehensive project to increase freeway capacity on the study freeways has been developed
by Caltrans or VTA, so there is no identified improvement projects in which to pay fair share fees (DEIR page xix). However, the TIA report correctly states that “The VTA’s Valley Transportation Plan (VTP) 2040 identifies freeway express lane projects along US 101 between Cochrane Road and Whipple Avenue, and along all of SR 87… On US 101, converting the existing HOV lane to an express lane and adding an express lane in each direction would increase the capacity of the freeway and would fully mitigate the freeway impacts. The project should make a fair-share contribution toward the cost of the identified express lane program along US 101” (TIA page iii).

VTA notes that voluntary contributions to regional transportation improvements can be included as mitigation measures in CEQA documents even in the absence of a comprehensive funding strategy, and recommends that the County provide a voluntary contribution to the US 101 Express Lanes project to help reduce the project’s freeway impacts. VTA also notes that the County could identify appropriate multimodal efforts to offset these impacts. Examples may include but are not limited to enhanced transit infrastructure, transit signal priority or improved bike facilities on N. First Street.

**Transportation Demand Management/Trip Reduction**

VTA strongly supports the long list of conceptual TDM measures presented in the Master Plan (page 109); the effectiveness of these programs however, depends on strategic implementation and whether financial incentives are included to employees. In an effort to reduce future parking demand in development Phases 2-4, establishing early successful TDM measures in Phase 1 will set the foundation to augment the TDM program with more rigorous methods in the future.

VTA notes that a 10% trip reduction credit was applied to the base ITE trip estimates in the DEIR/TIA, as discussed on page 34 of the TIA Report. This reduction appears to follow the Peer/Study-Based Trip Reduction approach in VTA’s TIA Guidelines (Section 8.2.3) which allow projects to take a reduction larger than the Standard Reductions “based on a project’s similarity to other projects with demonstrated trip reductions or a project occupant’s record of reducing trips at other sites.” VTA notes, however, that while this approach does not require the applicant to commit to a specific trip reduction target or enforcement, it does require a commitment to periodic monitoring of trip reduction, and sharing of summary level monitoring data.

VTA recommends that the County provide the observed mode split data from the project TDM Plan prepared by Arup in the Final EIR/TIA to justify this trip reduction, and requests that the County commit to monitoring and data sharing as described above VTA still strongly recommends the County establish clear target based trip reductions measures as outlined in Section 8.2 of the TIA Guidelines. The Master Plan cites the strategic value of what target based measures bring in terms of greenhouse gas reduction and trip reduction when coupled with an effective monitoring program by a third-party (Master Plan page 180).
VTA Real Estate and Guadalupe Yard Master Plan
VTA again appreciates County staff’s ongoing discussions with VTA regarding co-locating in future facilities on Site B, potential shared parking options on Site C, and other improvements VTA is considering for the Guadalupe Yard, including additional rail access from N. First Street. VTA has currently hired a consultant and is in the process of reviewing four yard entrance alternatives to determine how these options may be impacted by the County Civic Center Master Plan. When the study is complete and VTA’s operational needs are further refined, VTA intends to author another letter to the County and share our findings. The importance of a 2nd yard entrance cannot be understated. It will provide redundancy in the event of a failure or emergency on W. Younger Street and improve VTA’s system performance goals. VTA looks forward to continuing to work with Santa Clara County during the development of the Civic Center Master Plan.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 546-7985.

Sincerely,

Brent Pearse
Transportation Planner III

cc: Patricia Maurice, Caltrans
    Brian Ashurst, Caltrans

CO1701
June 15, 2018

VIA E-MAIL AND US MAIL ONLY
David Rader, Santa Clara County Planning Office
County Government Center
70 West Hedding Street, 7th Floor East Wing
San José, CA 95134-1927

RE: City of San José’s Comment Letter on the Civic Center Master Plan, Draft Environmental Impact Report

Dear Mr. Rader,

Thank you for the opportunity to review and comment on the Civic Center Master Plan Draft Environmental Impact Report (DEIR). Generally, City staff requests that the DEIR be revised to include more information to adequately assess consistency with the Envision San José 2040 General Plan. The following are detailed comments.

PROJECT DESCRIPTION

Although the project objectives are well crafted, the project description does not describe the site plan adequately for Sites A, B, C, and D and the build-out of Phases 1 through 4 at a programmatic level. In particular, Site A-Phase 1 is seeking project-level CEQA clearance through this environmental assessment under CEQA. However, the project description currently does not include details of on-site and off-site improvements for Phase 1. The project description, particularly for Phase 1 on Site A, does not have the level of detail needed for a project-level CEQA analysis.

As stated in the DEIR, demolition of the Annex Building located on Site D is planned as a construction staging area for construction of Phase I. Consequently, the project description needs to include the demolition of the Annex as part of the Phase 1 description, subsequently followed with analysis under relevant sections such as cultural resources.

The County may need to request permits from the City for demolition of the Annex to the former City Hall. Additionally, other potential land-use related approvals may be required from the City.
The City may be a Responsible Agency under CEQA. The list of potential discretionary approvals from the City should be included in the DEIR. Please assume that the County will need entitlements for all non-governmental uses from the City of San José. The City has discretionary review authority over certain aspects of the Phase 1 (Site A), including but not limited to encroachment permits.

INFORMATION AND ANALYSIS

There are some other topics, such as future land uses, transportation, TDM, phasing, evaluation of potential historic properties, and construction impacts where the DEIR does not include adequate analysis for the City to understand the implications for land use planning, historic preservation, and transportation. Consequently, the City requests project-level adequate information and analysis of Phase 1 on Site A. Similarly, there are subject-specific comments and concerns described below.

LAND USES

As the County is already aware, the City of San José is funded and progressing with the North 1st Street Urban Village planning during Fall-Winter 2018-19. The North 1st Street Urban Village overlaps with Site D of the Master Plan. As currently planned for private office uses by the County, Site D will need a General Plan amendment to modify the current land use designation from Public/Quasi-Public [PQP] to a commercial land use designation. Similarly, Site D will require rezoning from the R-1-8 Single-Family Residence Zoning District to a commercial zoning district.

The City understands that the County may not require permits from the City for government-related land uses on County-owned land. However, there are several City policies that are relevant to the County’s vision, and we encourage conformance with such policies.

AESTHETICS

The Envision San José 2040 General Plan policies apply to development within the City of San José. Please include the Envision San José 2040 General Plan as part of the regulatory setting for all sites, particularly pertinent for Site D. Additionally, Site D, Phase 4 private development will be subject to the City’s standards for commercial development and other subsequently adopted urban village policies, standards, and design guidelines.

AIR QUALITY AND GREENHOUSE GAS EMISSIONS

The proposed mitigation measures include TDM measures or reduction of trips in the Greenhouse Gas section for the overall operation of the project (i.e., The GHG Plan). But the
DEIR does not identify the responsible agency to choose the strategies from that plan in order to meet the objective of trip reductions by more than 10 percent.

CULTURAL —HISTORIC RESOURCES

The historic resources assessment for significance and eligibility, both within and adjacent to the Master Plan site is brief and does not have enough information to make more definitive findings of significance/eligibility. Additionally, DPR forms are not included. Because this is a Program EIR, a more adequate historic resource assessment of certain properties would be needed as specific discretionary approvals come in for alterations or demolition of properties and features. The City is in the process of completing a comprehensive historic resource survey. Soon additional information would be available to help evaluate these properties.

Demolition and Construction Impacts to Former City Hall

Since the Annex to the former City Hall will be demolished and this area used for construction staging for implementation of Phase 1, the following issues should be analyzed and mitigation measures similar to the few listed below added to the DEIR.

- Include the staging area schematic as part of project description under Phase 1. Evaluate the existing conditions and include a plan for protection of eligible historic resources.
- The estimated vibration levels for proposed demolition should be included in the analysis. Also described specific demolition methods for the Annex that are needed to avoid exceedance of vibration thresholds the former City Hall.
- Vibration Mitigation Measure: Prior to construction or demolition, the historic buildings such as the former City Hall should be surveyed for existing cracks to establish the baseline conditions. The survey should include a written description and photos of interior and exterior cracks. The survey should be submitted to the City of San José’s Environmental Supervisor before construction. A post-construction survey shall be prepared analyzing each building’s condition and compared to the pre-construction survey, and submitted to the Environmental Supervisor. The County shall repair any new and expanded building cracks or other damage after all construction of Phase 1 is completed and the site around former City Hail is no longer used as construction staging area.
- What other on-going vibration monitoring will be implemented after the demolition and during the construction of Phase 1?
- Lead and Asbestos Removal during Demolition: These materials are likely present in the former City Hall and demolition of the Annex will require lead removal and asbestos abatement protocols. We recommend revisions to the Hazards sections to include relevant mitigation measures to complete project-level CEQA clearance.
AIRPORT-SPECIFIC COMMENTS

Land Uses

The Land Use section should include the requirement of referral of the Master Plan to the Airport Land Use Commission (ALUC) for a Comprehensive Land Use Plan (CLUP) consistency determination. The discussion should also address overall compliance with the applicable CLUP height, safety, and noise policies (perhaps with cross-references to other sections of the document), including the policy that development include the property owner granting avigation easements to the City of San José.

The ALUC’s Comprehensive Land Use Plan (CLUP) for the Mineta San Jose International Airport should be identified in the local regulatory framework because the entire master plan area is within the CLUP’s “Airport Influence Area.” (Section 3.8.1.4, pages 121 and following).

Hazards

Under “Hazards”, subsection 3.8.1.4, the top paragraph is partially incorrect and should more appropriately be replaced by a paragraph stating that: a) the proposed Master Plan, given its location within the CLUP’s Airport Influence Area, is required to be referred to the ALUC for a CLUP consistency determination; and b) a portion of the project site falls within the CLUP’s “Turning Safety Zone,” which has associated land use and density policy restrictions (page 127).

The discussion under “Airport Safety Hazard” is partially incorrect and not complete, and should be revised as follows:

- In the first paragraph under “Airport Safety Hazard,” the fourth through the last sentence (beginning with “Pursuant to...”) should be replaced with the more accurate information provided in the City of San José’s NOP comment letter of April 5, 2017 regarding “Hazards and Hazardous Materials”:
  For the project site, any proposed structure taller than approximately 25-30 feet above ground would require filing with the Federal Aviation Administration (FAA) for airspace review. Proposed structures that would exceed a Part 77 obstruction surface for San Jose International Airport, such as the described Phase 1 buildings (up to 195 feet in height above ground) should be required to obtain and comply with any conditions of the FAA’s “determinations of no hazard” to avoid creating a significant hazard impact.

- In the second paragraph under “Airport Safety Hazard”, the first two sentences should be deleted, with the third (last) sentence added to the first paragraph as revised immediately above.
Discussion of ALUC policies should be presented in a separate new paragraph that: a) simply states that compliance with the FAA airspace review regulatory process would in turn comply with CLUP height policies; and b) addresses compatibility with the applicable CLUP “Turning Safety Zone” policies.

Transportation & Traffic
Within the “Transportation & Traffic” section, given the checklist criterion regarding air traffic patterns, a cross-reference to the “Hazards and Hazardous Materials” discussion of project compliance with the FAA airspace review process (for all proposed buildings of more than 25-30 feet in height) should be added. With regard to construction impacts, it should be added that temporary construction equipment, such as cranes, are also subject to federal regulatory review under FAR Part 77.

Noise
The Regulatory Setting should include a discussion of the City of San José 2040 General Plan noise (EC-1.2, EC-1.3, EC-1.7, EC-1.9) and vibration (EC-2.3) standards. The City of San José typically uses those General Plan policies as its CEQA thresholds. Discussion should be added regarding compliance with CLUP noise policies, noting that a portion of the project site is within the projected 65 dB CNEL impact area of Mineta San Jose International Airport.

PUBLIC UTILITIES-PUBLIC WORKS COMMENTS

Hydrology and Drainage
The City of San José has not conducted a capacity analysis of the existing storm sewer system in the project vicinity as it relates to the proposed project. Although Phase 1 of the project is required to implement low impact design (LID) measures to address storm water management, a storm sewer capacity analysis will still be required.

Phases 2, 3, and 4 are program-level so the storm drain capacity assessment mentioned in MM HYD 1-2 should be prepared and submitted to the City of San José, Department of Public Works prior to the issuance of an Inter-Agency Encroachment Permit.

Sanitary Sewer/Wastewater Impacts, Sanitary Sewer Capacity Analysis
As noted in this section, City of San José staff has previously reviewed and conducted a sanitary sewer capacity analysis for this project, and was able to conclude that there was sufficient capacity for the proposed project. However, this capacity analysis assumed a rate of discharge based on the square footage and usage of the proposed buildings. A rate
of discharge was not provided as the project has been described in this Draft EIR. As such, the City of San José would like to re-evaluate the sanitary sewer capacity analysis based on the rate of discharge provided in the Draft EIR.

CIRCULATION AND TRANSPORTATION COMMENTS

The City of San Jose’s Department of Transportation (DOT) has overarching comments on the Master Plan related to the site plan, parking, building frontage, TDM and implications for reductions in Vehicle Miles Traveled (VMT), and pedestrian environments. We understand that transportation analysis using VMT was not required and not conducted for the purposes of this DEIR.

Transportation Analysis and VMT

1. The Civic Center is strategically located with access to light rail, bus services, and regional freeways. The subject site is also within the City’s low-VMT areas (refer to City Council Transportation Analysis Policy 5-1 for VMT analysis methodology). The site offers an unparalleled locational advantage to increase use of transit and leverage the objectives of the State’s recently adopted SB743 and City Council Policy 5-1.

2. When Phases 2 through 4 move from programmatic to project-level stages, we encourage the County to conduct transportation analysis using City Council Policy 5-1. For any proposed development subject to City land use approvals, transportation analysis under City Council Policy 5-1 may be required. Please refer to additional information on the City’s website at: http://www.sanjoseca.gov/index.aspx?nid=5571

3. Council Policy 5-1 defines the CEQA evaluation methodology for identifying potential project VMT impacts; and tools for evaluating VMT in San Jose. Future Master Plan projects are encouraged to evaluate VMT impacts using the policy criteria and adhere to the City’s Transportation Analysis Handbook. In support of VMT goals, Phase 1 as well as Phase 2, 3, and 4 should evaluate:
   a. Potential parking reductions its effects on transit use, VMT reductions
   b. Pedestrian/bicycle connectivity to support project VMT reductions: Implementing planned bikeways along Hedding Street, connecting to the regional Guadalupe parkway bike facility to the west, and to the future BART station to the east.

4. To facilitate the project master plan, City staff recommend considering an alternative location of the light rail (LRT) station location at North 1st Street and Hedding Street to better serve the County project. The Master Plan proposes to relocate activity north from the existing LRT station, which could discourage transit riders and VMT
reduction. Alternatives include:

a. Relocate the station north of the North 1st Street and Hedding intersection,
b. Expanding the existing LRT Civic Center north while reducing the number of travel lanes from two to one along North 1st Street (south of Hedding) to accommodate an expanded LRT station.

5. Conform to the Council Policy 5-1 for the VMT evaluation included in the report and include the supporting documentation.

Access and Pedestrian Connectivity

To further support VMT reduction and facilitate pedestrian, bicycle and transit, City staff recommends that Phase 1 of the Master Plan improve Hedding Street bike facilities to a protected bikeway in conformance with the State Complete Street Act of 2008 (AB1358) and the City of San Jose Complete Streets Standards and Guidelines. The following are other specific recommendations:

1. Revisions to the site circulation to encourage vehicular traffic to utilize the existing Hedding/San Pedro signal.

2. Private street north of building PSJ-1 be relocated to underneath a canopy in-between buildings PSJ-2 and PSJ-1 to directly connect the PSJ Parking building to San Pedro Street and improve operations at the existing Younger—San Pedro signal.

3. As currently proposed, City DOT staff does not support installation of a new traffic signal along West Hedding Street at the new private street due to insufficient spacing between the existing two signals.

Parking

Overall, the Civic Center Master Plan is providing substantial automobile parking, and should reexamine the amount of parking. The City understands the numerous services the County provides to the public at this location as well as the large staff needed to support these services.

However, the amount of proposed parking appears to be counter to the goal of reducing single-occupancy vehicle trips. Parking supply and demand for single-occupancy automobile trips and transit use are highly correlated, and abundant parking availability is likely counterproductive to reducing vehicle miles traveled.
Staff highly encourages examining reductions in parking. At a minimum, the County should include parking management and a single-occupancy vehicle trip reduction plan.

Other Transportation-Specific Comments:

1. "MTC and Association of Bay Area Governments (ABAG) adopted the final Plan Bay Area in July 2013 which..." [Section 3.13.1.1 (p.169)]
   Comment: The most recent final Plan Bay Area was adopted in July 2017.

2. "The County’s General Plan and Zoning Ordinance do not apply to incorporated areas or to County-owned facilities. Therefore, given that the Civic Center project is located in San Jose..." [Section 3.13.1.5 (p.170)]
   Comment: Please include the regulatory setting that is applicable from the City of San Jose’s General Plan, Zoning, Policies and other long-range plans. Such regulations and policies will apply to all future County non-governmental land uses and non-County-owned sites.

While the current traffic study was scoped prior to the City’s adoption of City Council Policy 5-1, future development-project-level analysis will require conformance with City Council Policy 5-1.

3. "Hedding Street has two lanes in each direction west of Ruff Drive and one lane on each direction with buffered bike lanes east of Ruff Drive..." [Section 3.13.2.3 (p.170)]
   Comment: Hedding Street has one lane in each direction with buffered bike lanes along its entire length, but the section west of Ruff was complete in the fall of 2017 after the Notice of Preparation. Therefore, for the purpose of this EIR, Hedding Street is assumed to have two lanes in each direction west of Ruff Drive and one lane on each direction with buffered bike lanes east of Ruff Drive.

4. "First Street...Access to the project site is provided via Hedding Street." [Section 3.13.2.3 (p.170)]
   Comment: If access to the project site is also provided via Younger Avenue, please state so.

5. "Fourth Street...Access to the project site is provided via Hedding Street." [Section 3.13.2.3 (p.170)]
   Comment: If access to the project site is also provided via Younger Avenue, please state so.

6. "Hedding Street – along its entire length east of Spring Street" [Section 3.13.2.4 (p.172)]
   Comment: Also include that Class II bike lanes have recently been provided on Hedding Street west of Spring Street since the fall of 2017.
7. "Based on the City of San José's policies, an acceptable operating level of service is defined as LOS D or better at all City controlled intersections except protected intersection..." [Section 3.13.3 (p.176)]
Comment: The City’s LOS standard is applicable to not only all City controlled intersections but also any signalized intersections located within the City’s boundary.

8. "Existing Transit Services" [Figure 3.13-3 (p.177)]
Comment: The figure title should be “Study Intersections” and indicate the CMP facilities and protected intersections.

9. Instead of summarizing unacceptable operations by “CMP Intersections” and “City of San José Intersections”, categorize them into “CMP requirements” and “City of San José requirements”. Not just two (#18 and #22) but all four intersections (#12, #13, #18, #22) would operate unacceptably per the City of San José requirements. [Section 3.13.3.2 (p.179)]

10. “Based on the City of San José's Transportation Analysis Handbook Transportation Analysis Policy (Council Policy 5-1), the project site does not meet the screening criteria and, as a result, a VMT analysis required” (Section 3.13.4 (p.185))
Comment: Conform to the TA Handbook for VMT requirements as it was unclear how the above conclusion was reached. Elaborate which screening criteria are not met by the Master Plan. State that the screening criteria are based on the City of San José’s Transportation Analysis Policy (Council Policy 5-1).

11. “an employment project’s transportation impact would be less than significant if the project VMT is at least 15 percent below the existing Citywide average per capita VMT” (Section 3.13.4 (p.185)).
Comment: The transportation impact of an employment component of the Master Plan would be less than significant if the project VMT is at least 15 percent below the existing regional average VMT per employee.

12. “For long-term build out of the project (Phases 2-4), VMT has been used as the threshold instead of the LOS standards.” (Section 3.13.5 (p.186)).
Comment: It is recommended that the VMT analysis for Phase 1 is included for informational purposes in the Appendix.

13. “The City of San José threshold is 12.21 miles VMT per employee, 15 percent below the Citywide regional average.” (Section 3.13.5.2 (p.188)).

14. VMT thresholds are set per employee and residential use in City of San José Council Policy 5-1. The residential threshold in Policy 5-1 is based on the City’s average, and the employee threshold is based on the regional average. (p.188)
15. The project has proposed protected bike ways along the Hedding frontage of the project. Staff recommends including this improvement to the Phase 1 one of Master Plan. (p.194).

16. Transportation Impacts (Section 3.13.7 (p.195)).
   a. Include the VMT analysis results in Appendix H, Transportation Analysis Report.
   b. List the selected VMT reduction strategies that would lead to the reduction of Project VMT from 12.88 to 9.66.
   c. A VMT calculation report output from the San Jose VMT Evaluation Tool should be included in Appendix H and referenced in Section 3.13.7.
   d. In Appendix H, indicate how the Project VMT per employee of 12.88 is calculated using the San Jose VMT Evaluation Tool, which measures Project VMT by parcel. If the Project VMT per employee of 12.88 is based on an aggregated weighted average of the VMT for all parcels in the project, describe in the document.

17. Conform to the CMP guideline for evaluation of the transit system.

18. Provide a quantitative discussion of the TDM measures proposed that support the conclusion that single occupancy vehicle trips will not be significantly more than currently estimated.

Construction and Mitigation Plan Phase 1

The City expects the County to further include specific and proactive construction impact mitigation plan measures to the extent possible for the Phase 1 project-specific CEQA clearance. For example, the measures could include:

- A traffic/transportation management plan that outlines the timing of street, trail and transit service closures and alternative routes for all travelers;
- A detailed outreach and impact mitigation approach that proactively addresses the needs of residents, employees, and other visitors, with clear, culturally competent and multilingual communication channels, processes and points of contacts;
- Advance information about the processes for construction easements and/or damages,
- Truck haul routes that avoid further exacerbating construction impacts
- The construction outreach and impact mitigation should be well-planned and coordinated in advance of the start of construction, so that any negative impacts can be quickly, and thoroughly addressed. This will provide assurance and certainty for the City, community, the institutions (schools), and residents impacted by construction of this long tenure project.
Agency Jurisdiction, Environmental Compliance and Implications for City

The DEIR fails to clearly identify and explain the roles and responsibilities of various other public agencies, including the City, who will be required to issue or approve various discretionary agreements, permits or licenses as part of the project. The City seeks certainty about which agency is intended to have jurisdiction for various aspects of the project, i.e. roles, responsibilities, and resource commitments.

The City encourages the County to clarify the City’s obligations and responsibilities for the Civic Center Master Plan Project. Any work affecting the public right-of-way (ROW) will require an Inter-Agency Encroachment Permit from the City of San Jose. As part of this permit, work affecting the public ROW will be reviewed and determinations made by the City of San Jose. This includes, but is not limited to, sidewalk widths, bike lanes, realignment of West Hedding Street, mid-block pedestrian crossing, plazas, etc.

Again, thank you for the opportunity to comment on the Santa Clara Civic Center Master Plan DEIR. Staff is available to further discuss the issues raised in this comment letter. The City looks forward to continued collaboration, communication, and implementation of the Civic Center Master Plan.

If you have any questions, please feel free to contact Meenaxi Panakkal, Supervising Environmental Planner at meenaxi.panakkal@sanjoseca.gov or (408) 535-7895.

Sincerely,

Rosalynn Hughey, Director
Department of Planning, Building and Code Enforcement

C: City Attorney’s Office
   Department of Public Works
   Department of Transportation
June 20, 2018

Mr. David Rader
Santa Clara County
70 W. Hedding Street
7th Floor, East Wing
San Jose, CA 95112

Subject: Santa Clara County Civic Center Master Plan – Draft Environmental Impact Report

Dear Mr. Rader:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. In tandem with the Metropolitan Transportation Commission's (MTC) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), Caltrans new mission signals a modernization of our approach to evaluating and mitigating impacts to the State Transportation Network (STN). Caltrans Strategic Management Plan aims to reduce vehicle miles traveled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Draft Environmental Impact Report (DEIR).

Project Understanding

This proposed project is located adjacent to the State Route 87 (SR-87) and Interstate 880 (I-880). The project site is an approximately 40-acre portion of the approximately 55-acre County of Santa Clara Civic Center complex. Located northwest and southwest of the West Hedding Street/North First Street intersection in the City of San José, the project site is comprised of four major areas (made up of twelve parcels).

The project is a Master Plan for near- and long-term development of the Civic Center site, with the overarching goal of consolidating and modernizing County facilities to improve public service and reduce the cost of operations. The entire project site is designated Public/Quasi-Public in the San Jose General Plan, and all but a narrow corridor along North First Street is zoned R-1-8-Residential District. The majority of Site D is also located within the First Street Urban Village plan area which extends from I-880 south to Julian Street. The San Jose General Plan calls for 2,520 jobs and 1,678 dwelling units within this plan area. Full build-out of the Master Plan would include up to approximately three million square feet of new development in

“Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability”
four phases. Sites A, B, and C would be primarily County offices. Site D is anticipated to be a mix of County offices, residential, and commercial/retail.

**Lead Agency**

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

**Hydraulics**

When it becomes available, Caltrans Hydraulics must review the storm water control plan to ensure that there will be no development-related impacts to drainage systems underneath both SR-87 and I-880.

**Encroachment Permit**

Please be advised that any sign or work within Caltrans ROW will require an encroachment permit prior to construction. To apply for an encroachment permit, please complete an encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW, and submit to the following address: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process.

See the website link below for more information:


If you have any questions, please contact Michael Meloy, Associate Environmental Planner, at (510) 286-5433 or michael.meloy@dot.ca.gov.

Sincerely,

PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"
June 6, 2018

Santa Clara County Planning Office
70 W. Hedding Street
7th Floor East Wing
San Jose, CA 95110

Re: Comments on the DEIR for the Civic Center Master Plan

Dear Mr. Rader,

The Santa Clara Valley Audubon Society appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Santa Clara County Civic Center Master Plan Project (Plan). During the preliminary stages of the planning process, our organization advocated for the inclusion of bird-safe design policies and guidelines, and we are grateful for the Board of Supervisors support. However, we are concerned that the DEIR and Draft Design Guidelines are ambiguous and fall short of addressing the potential for bird-collisions at the Civic Center.

The DEIR and the Draft Design Guidelines state that building design shall “Utilize known standards for bird-safe buildings, such as glazing treatments, architectural screening, and opaque surfaces” (DEIR page 10, Guidelines page 24) and “The proposed structures would have glass panes interspersed with solid walls and variation in the articulation of the facades” (DEIR page 68). We believe these standards are vague, open to broad interpretation, and suggest that significant amounts of glass may be permitted in the design. Additionally, graphics and images in the Draft Design Guidelines imply that building facades will be predominantly glass (Figure 1).

(Figure 1: graphics from the Draft Design Guidelines)
In the absence of robust and specific policy for bird-safe design, we are concerned that the Plan has not mitigated for impacts to local and migratory bird populations to a less than significant level. The DEIR acknowledges that the Project is 900 feet east of the Guadalupe River, and science shows that many birds migrate near or along riparian corridors.

Additionally, light pollution is an issue of concern that is not addressed in the DEIR. Numerous studies confirm that urban glow attracts migratory birds towards the built environment. As birds stopover in these areas, they are vulnerable to collisions with glass buildings, predation by cats, and other unintended consequences of urban life.

We urge the County to include robust guidelines for the minimization of bird-collisions at the new Civic Center, and integrate detailed bird-safe design policy and mitigations for light pollution into the Plan. We attach the bird-safe design guidelines from the North Bayshore Precise Plan in Mountain View as a leading example of how local jurisdictions are addressing bird-collisions within Santa Clara County.

Thank you for your time and consideration.

Sincerely,

Mackenzie Mossing
Environmental Advocacy Associate
Santa Clara Valley Audubon Society
Dear Mr. Rader,

Please find the attached comments from the Santa Clara Valley Audubon Society regarding the Draft Environmental Impact Report for the Civic Center Master Plan. I have also attached screenshots of bird-safe design policy from the North Bayshore Precise Plan, as referenced in our letter. You may access the full precise plan here: [https://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=15050](https://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=15050).

Sincerely,

Mackenzie Mossing  
Environmental Advocacy Associate  
Santa Clara Valley Audubon Society  

[contact information]

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5.2 Bird Safe Design

To minimize adverse effects on native and migratory birds, new construction and major renovations will incorporate design measures to promote bird safety. These measures will help reduce the likelihood of building collision fatalities through façade treatments and light pollution reduction. These measures apply to both residential and non-residential and uses except where specified.

**Standards**

1. **Bird Safe Design Requirements.** All new construction, building additions, and/or building alterations shall adhere to the Bird Safe Design standards in this section.

2. **Facade treatments.** No more than 10% of the surface area of a building’s total exterior façade shall have unobstructed glazing between the ground and 60 feet above ground. Examples of bird-friendly glazing treatments include the use of opaque glass, the covering of clear glass surface with patterns, the use of paneled glass with fenestration patterns, and the use of external screens over non-reflective glass.

3. **Occupancy sensors.** For non-residential development, occupancy sensors or other switch control devices shall be installed on non-emergency lights. These lights should be programmed to shut off during non-work hours and between 10:00 pm and sunrise.

4. **Funneling of flight paths.** New construction shall avoid the funneling of flight paths along buildings or trees towards a building façade.

5. **Skyways, walkways, or glass walls.** New construction and building additions shall avoid building glass skylights, walkways, freestanding glass walls, and transparent building corners. New construction and building additions should reduce glass at tops of buildings, especially when incorporating a green roof into the design.

6. **Exceptions to the bird safe design requirements.** If, based on analysis by a qualified biologist, the proposed construction will pose a collision hazard to birds.

**Guidelines**

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1. The portion of the building most likely to sustain bird strikes is the area between the ground and 60 feet above ground.

2. Bird-friendly glazing treatments must reduce visual obstructions. Visible line patterns of windows that are at least 3/4-inch wide at a maximum spacing of 4 inches, or have horizontal elements at least 1/2 inch wide at a maximum spacing of 2 inches.
1. **Bird collision best management practices.** The following are several voluntary best management practices (BMPs) to promote bird safety.
   a. **Collision monitoring.** To reduce hazards in high-collision areas, building owners and tenants are encouraged to monitor locations of bird collisions (e.g., based on dead or injured birds or imprints of feathers on windows) and implement "retrofit" measures, such as application of patterns to existing windows or use of internal blinds, where collisions occur.
   b. **Window coverings.** Building owners and tenants are encouraged to install window coverings above the ground floor.
   c. **Work station lighting and window coverings.** Businesses are encouraged to turn off lighting at employee work stations and draw office window coverings at the end of the day.
   d. **Daytime maintenance.** Businesses are encouraged to schedule maintenance during the day or to conclude before 10:00 pm.

2. **Handling of food waste.** Appropriate handling of food waste is encouraged so it is not accessible to, and does not attract, nuisance wildlife such as gulls, crows, ravens, jays, skunks, and raccoons. Appropriate handling includes providing adequate waste receptacles with closing lids, emptying them regularly, and ensuring food waste in dumpsters is covered (e.g., with closing lids) to minimize availability to nuisance species.
Cindy Clark, Sr. Water Director  
Sustainable Silicon Valley  
1793 Lafayette St. #210  
Santa Clara, CA 95050

June 11, 2018

Dave Rader, Senior Planner  
County of Santa Clara Department of Planning and Development  
70 West Hedding Street  
San Jose, CA 95110

Dear Dave,

Sustainable Silicon Valley commends your team on embarking on designing a new civic center for the County of Santa Clara that “builds community, offers exceptional experiences, and is a champion of resiliency.” We reviewed the Draft Environmental Impact Report (EIR) for the County of Santa Clara’s Civic Center Master Plan for the portion that involves water use and reuse and were pleased to see intentions to treat and reuse water onsite.

Onsite reuse can increase the County’s water resilience by adding to our local water sources. This is important given potential stresses to our water supply due to projections of population growth, climate change and our current dependence on importing 55% of our water that must be stored in a declining snowpack. In addition, it is important the County of Santa Clara take a leadership role in water conservation for our community and progress towards meeting County’s Environmental Stewardship Goal of beneficially reusing 100% of wastewater.

We respectfully request the following information be addressed in the final EIR:

1. *Table 3.2.5:* The Master Plan would maximize water reuse and aim to capture and treat **stormwater and greywater** on-site. (pg 47)  
   a. Commercial buildings typically do not have sufficient greywater for a reuse system to make sense financially.  
      i. How much greywater can be produced?  
      ii. Are you planning on storing stormwater, as this water source is seasonal?  
      iii. Will you consider blackwater treatment?
   b. Will there be goals set for the number of gallons of water the on-site systems will provide?

2. *Section 3.14.3.3:* ...there is an **opportunity to extend recycled water mains** on North San Pedro Street, north and south of West Hedding Street. Recycled water can be used for irrigation purposes and future dual-plumbing for the buildings. (pg222)  
   a. If the centrally treated water is not available in the future because of plans to use centrally treated water for indirect and direct potable reuse, will the water needs of the Civic Center be met with potable water or will an onsite water treatment system be added?  
   b. If an onsite system is added later will there be space for the treatment system and storage tanks as well as a budget to retrofit an onsite system?

Best regards,

Cindy Clark  
Sr. Water Director