COUNCIL AGENDA: 6/9/20
FILE: 20-626
ITEM: 5.1

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Rosalynn Hughey

SUBJECT: CHARCOT AVENUE EXTENSION

DATE: June 9, 2020

Approved D.DSyL

Date 6/9/2020

COUNCIL DISTRICT: 4

SUPPLEMENTAL

REASON FOR SUPPLEMENTAL

The purpose of this supplemental memorandum is to provide responses to comments that Planning staff recently received on the First Amendment to the Draft Environmental Impact Report (DEIR) for the Charcot Avenue Extension project:

- Bay Area Air Quality Management District, email dated June 4, 2020
- Robin Roemer, email dated June 6, 2020

City staff and the EIR consultant team have reviewed these new comments and detailed responses are attached to this memorandum. Staff has concluded that the comments do not raise any substantive issues under the California Environmental Quality Act (CEQA) not previously addressed in the DEIR and/or First Amendment to the DEIR. Specific conclusions are as follows:

- The assumptions and methodologies used to prepare the EIR's air quality analysis and health risk assessment are consistent with BAAQMD's CEQA Guidelines and with procedures typically utilized for preparing such studies. None of the questions raised by BAAQMD in its June 4, 2020 letter would alter the conclusions of the air quality analysis and health risk assessment that all project-related impacts would be less-than-significant.

- Most of the comments from Robin Roemer dated June 6, 2020 are minor in nature and pertain to typos or incorrect cross-references in certain responses. None of Mr. Roemer's comments raise new issues of significance and none of the comments would materially change the analyses in the EIR or their conclusions.

/s/
ROSALYNN HUGHEY, Director
Planning, Building and Code Enforcement

For questions, please contact David Keyon, Supervising Planner, at david.keyon@sanjoseca.gov.

Attachments: Comments from BAAQMD, June 4, 2020, with responses
Comments from Robin Roemer, June 6, 2020, with responses

From: Josephine Fong
To: Raval, Meenaxi; John Hesler
Cc: Wendy Goodfriend
Subject: RE: Meenaxi Raval"s Zoom Meeting
Date: Thursday, June 4, 2020 6:32:48 PM
Attachments: Charcot Avenue Extension Project - Supplemental HRA Comments.docx

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Hi Meenaxi and John,

It was great speaking with you both this afternoon. Attached are the notes from our modeling team regarding the supplemental HRA.

Please let us know if you have any questions.

Thank you,
Josephine

From: Raval, Meenaxi <meenaxi.raval@sanjoseca.gov>
Sent: Thursday, June 4, 2020 5:28 PM
To: Josephine Fong <jfong@baaqmd.gov>; John Hesler <jhesler@davidjpowers.com>
Subject: Re: Meenaxi Raval's Zoom Meeting

Hello, Based on our phone meeting, please send us the discussed items. Thank you, Meenaxi

Meenaxi Raval, AICP

Supervisor- Environmental Planning

City of San Jose

200 East Santa Clara Street, 3rd Floor

San Jose, CA 95113-1905

From: Raval, Meenaxi
Sent: Thursday, June 4, 2020 4:43 PM
To: jfong@baaqmd.gov <jfong@baaqmd.gov>; John Hesler <jhesler@davidjpowers.com>
Subject: Meenaxi Raval's Zoom Meeting
When: Thursday, June 4, 2020 5:00 PM-5:30 PM.
Where: https://zoom.us/j/96656040087?pwd=WWYzT0FwekttWGxmaFhWQ1BSSjNaQT09

Meenaxi Raval is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

Comments on the Response from the City of San Jose Charcot Avenue Extension Project Air Quality and Greenhouse Gas Emissions Assessment San Jose, California – dated June 28, 2019

The City of San Jose is proposing the construction of a two lane extension of Charcot Avenue from Paragon Drive on the west to Oakland Road on the east (approximately 0.6 miles), a bridge overcrossing across O'Toole Avenue and Interstate 880, and bicycle/pedestrian walkway between Paragon Drive and Oakland Road. The project is expected to be completely built within 10 months.

The project is expected to impact the Orchard School where Charcot Avenue serves as the northern boundary of the school property. Orchard School in addition shares its building with an on-site preschool called Champions. The preschool serves children aged three to four years old and Orchard School serves elementary to middle school children who are five to thirteen years of age.

The following comments are addressing responses from the City of San Jose on the District's comment letter dated November 1, 2019. The responses included a First Amendment from the City of San Jose responding to the District's comments (pages 10-14) and an Air Quality and Greenhouse Gas Supplemental Analysis for Charcot Roadway Project (herein referred to as HRA) completed by Illingworth & Rodkin, Inc, dated March 3, 2020. The following comments refer to review of these documents and, as noted in my previous comments on this project, the review may be incomplete as the HRA contained over 140 pages of non-indexed tables.

Response to Comments from City of San Jose:

- Response A.2 Supplemental Analysis. The following comments refer to the supplemental HRA:
    - Exposure duration of 9 years was used to model risk to students at Orchard assuming first year of construction followed by 8 years of operations (page 4). The District's Air Toxics NSR Program Health Risk Assessment Guidelines, dated December 2016 states that "as a default cancer risk estimates for children at school sites will be calculated based on a 9-year exposure duration. However, this exposure duration may be refined based on the specific school under evaluation)." The Champions preschool accepts children from age 3 to 4 year of age while Orchard school accepts students from 5 to 13 years of age. Champion confirmed that they offer before and after-school care that starts at 6:30 am to 6 pm and are open year around. Champions operates school breaks camps during spring, winter, and summer for kindergarten to 8th grade. In

addition, Orchard school offers extended summer school from the end of school term to the day before July 4th every year. The District recommends that the child analysis be expanded to consider 11 years of exposure at 11.5 hours per day for 250 days per year. The project sponsor may want to consider the likelihood that the maximum exposed resident is a child that attends the Champions and Orchard school and resides in the community. In that case, risks associated with individual analysis of the resident and student exposures would be lower than the combined student/resident scenario.

  - Adjustments of specific factors such as breathing rates, age sensitivity, and exposure duration cannot be applied linearly given that the factors are grouped by age and then summed. The OEHHA breathing rate should be 861 L/kg-day to be consistent with the recommendation for using 95% percentile breathing rates for children at daycare facilities and schools. To account for hours of exposure during school term, either model the annual average concentrations for the hours of operation or ratio the annual average concentration by applying a factor of 24 hours/11.5 hours to reflect the actual hours the school is open (an increase exposure concentration of 2.1 times).

- There is some confusion in the text as to the number of days per year the child were exposed to the project. Page 4, paragraph 3 states "the students were assumed to be exposed to the modeled annual concentrations for 350 days per year rather than the reduced number of days when the school would be session (BAAQMD recommends a 180 day per year exposure period for school children)." The statement is contradicted in paragraph 4 where it states "… exposure would occur for 180 days per year at the school site, as recommended by BAAQMD." Page 157 shows the exposure frequency set at 180 days per year for the school child. As stated above, the District recommends 250 days per year for the school age.
- Default CARB road surface silt loading dust parameters and default CARB precipitation correction was used for major/collector road (page 5). The City of San Jose's response A.4 characterized the 2-lane local roadway with a projected (year 2040) ADT of 13,900 [as] not [a] "major" roadway. Under San Jose's own characterization, the project does not involve a major road and thus, the silt loading factor for local street of 0.32 grams/m2 is recommended instead of 0.032 grams/m2 used in the assessment.
- Truck percentages along I-880 of 6.1% and 7% for Charcot Avenue (page 6) appear reasonable if the percentage was used to represent heavy

heavy duty trucks. The assessment does not state whether the truck percentage was further split between light, medium, and heavy duty trucks.

- The maximum cancer risk from the school project moved 50 feet southwest from the MEI identified in the EIR (page 7). If the same modeling parameters and meteorology were used and the only difference is the emissions data, the MEI should have remained at the same location. Please provide explanation for the relocation of the MEI.
- The cumulative analysis includes risks and PM2.5 concentrations from Oakland Road, I-880, and five permitted sources (page 9). The risks and PM2.5 concentrations from I-880 are lower than District's modeled values of 26 cases in a million and 0.59 ug/m3, respectively. In addition, the project may consider other streets that are part of the project including Brokaw Road, Silkwood Lane, Paragon Drive, O'Toole Avenue, and Montague Expressway. The HRA also noted that emissions from the Union Pacific rail line located 450 feet from the project were excluded from the cumulative analysis. Switcher engines have the highest PM2.5 emissions and project may consider quantifying their emissions.
- The CT-EMFAC output files provided in attachment 2 are missing column headers for the second and third columns (page 101). Charcot Avenue extension is expected to divert traffic from Brokaw Road, Trimble Road, and Montague Expressway. Yet, the Charcot Avenue emissions model show no improvement (< 0.0%) in VMT in 2025 (page 103) and a reduction in speeds from 33 mph in 2020 to 23 mph in 2025. The speeds further decline to 18 mph in 2040 (page 105). Charcot traffic emission calculations show speeds of 25 mph for 2020 (page 116), 2025 (page 123), and 2040 (page 131). The diesel PM emissions are modeled with a release height of 3.4 meters (page 116) but PM2.5 is modeled with a release height of 1.3 meters (page 117). No explanation is provided for the reduce height when modeling PM2.5 emissions.
- The EIR and HRA do not address exposures to offsite workers. The 8 hour breathing rate for adult (16-30 years old) should be 230 L/kg-8 hour, not 240 L/kg-8 hour.
- Hourly traffic percentages are shown on page 117 and in subsequent tables. No explanation is provided as to the purpose of the hourly traffic data and the District is questioning whether the hourly traffic was used as the diurnal profile in the modeling. If so, the diurnal activity profiles are estimated by ratioing the hourly traffic volume by the average daily traffic volume. The values are then used to scale the unit emission rate during the AERMOD run so that the hourly unit emission rate reflect the actual emission rates. The percentages currently shown in the table

would significantly underpredict the emissions associated with roadway traffic if used as the diurnal profiles in the modeling.

- The report does not show how the 9 hours of construction hours per day was incorporated into the modeling.
- There are inconsistencies in the annual TAC concentration used to estimate the residential exposures. Page 154 shows annual DPM concentration of 0.00827 ug/m3 for 2020 for the 30 year resident from road traffic while on page 158, the annual DPM concentration for 2020 is 0.00811 ug/m3 for the combined construction and road traffic sources. Both scenarios are based on the proposed project and it is unclear how the emissions would be different in the year 2020 when the only source of emissions are Charcot Avenue and Oakland Road. Overall, the HRA report and attachments do not address the original comments that were raised in the EIR.

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality

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Cotati, CA 94931

Tel: 707-794-0400 *Fax: 707-794-0405*
www.illingworthrodkin.com *illro@illingworthrodkin.com*

M E M O

Date: June 8, 2020

To: **John Hesler**
David J. Powers & Associates, Inc.
1871 The Alameda, Suite 200
San José, CA 95126
jhesler@davidjpowers.com

From: **Mimi McNamara & James A. Reyff**
Illingworth & Rodkin, Inc.
429 E. Cotati Ave
Cotati, CA 94931

RE: Charcot Avenue Extension – San Jose, CA

SUBJECT: Reponses to Comments from BAAQMD on the Supplemental HRA for the Charcot Roadway Project
Job#17-229

This memo addresses the comments submitted by the Bay Area Air Quality Management District (BAAQMD) regarding the supplemental health risk analysis (HRA) prepared by Illingworth & Rodkin (I&R) for the Charcot Avenue Extension project in San José, California.[1] The comments were dated June 4, 2020.

Issue 1: Increased Cancer Risk Calculations - Incorrect Exposure Duration and, Breathing Rates for Students

Response: The exposure duration of 11.5 hours per day for 250 days per year over 11 years recommended by BAAQMD is a legitimate worst-case recommendation for this project based on the age range at the school and the year-round activity.

BAAQMD stated that "The OEHHA breathing rate should be 861 L/kg-day to be consistent with the recommendation for using 95% percentile breathing rates for children at daycare facilities and schools." The breathing rate referenced by the BAAQMD is for a 95% percentile residential child exposure (OEHHA Guidelines, Tale 5.7 Daily Breathing Rate Distribution by Age Group for Residential Stochastic Analysis (L/kg BW-day)).[2] The breathing rate used in the HRA for school

[1] Illingworth & Rodkin, Inc., 2020. *Air Quality and Greenhouse Gas Supplemental Analysis for the Charcot Roadway Project Memorandum*. March. Web: https://www.sanjoseca.gov/Home/ShowDocument?id=59123
[2] OEHHA, 2015. *Air Toxics Hot Spots Program Risk Assessment Guidelines, The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. Office of Environmental Health Hazard Assessment. February.

children and daycare children was the BAAMD recommended value of 520 L/kg-8 hours. As stated in the BAAQMD Guidelines "*To assess exposure to children at schools and daycare facilities, OEHHA recommends using the 95th percentile moderate intensity breathing rates from Table 5.8 of OEHHA's HRA Guidelines. As a default, the Air District recommends using the breathing rate for 2<16 years (520 L/kg-8 hours) for children at schools*." [3]

However, even with these adjustments to exposure duration and breathing rates, the student-child increased cancer risk from the project (construction and operation) would not exceed the BAAQMD single-source threshold of greater than 10.0 per million. At most, the student-child cancer risk would increase by a maximum of 2x, assuming an exposure duration of 11.5 hours per day for 250 days per year. Also it should be noted that the increased project cancer risk for the students was identified within the playground of the school with the assumption that the same student is staying in the playground for 9 hours a day, 180 days per year over 9 years and inhaling the same dosage during this entire period. The students, though, would be spending a majority of their day within the school buildings not on the playground or field. Therefore, the increased student cancer risk from the project would most likely be lower if risks were identified at the school buildings. In any case, though, the modeled results with or without the recommended adjustments would still be less than 10.0 per million.

Issue 2: Inconsistent Exposure Duration for Student Exposure in Text

Response: BAAQMD noted that on Page 4, paragraph 3 of the supplemental HRA, the exposure duration used for the construction modeling appears to be 350 days but then in paragraph 4 the text states that 180 days of exposure were used, which contradicts the previous paragraph. For the student exposure, the exposure duration used in the supplemental HRA was 180 days not 350 days. There is a typo in the last sentence and words are missing. The last sentence of paragraph 3 on page 4 should read, "***In the DEIR*** [Draft Environmental Impact Report] ***air quality report***, the students were assumed to be exposed to the modeled annual concentrations for 350 days per year rather than a reduced number of days when school would be in session (BAAQMD recommends a 180 day per year exposure period for school children)".

Issue 3: Incorrect Silt Loading Factor Used for Modeling Roadways

Response: In the December 2019 DEIR comment letter submitted by BAAQMD, the Air District identified Charcot Avenue as a "major roadway". The supplemental HRA modeled with the assumption that Charcot Avenue was a major/collector roadway to be consistent with BAAQMD's comment letter.

Issue 4: Truck Percentages Used for Charcot Avenue

Response: BAAQMD identifies that on page 6 of the supplemental HRA that truck percentages of 6.1 percent and 7 percent may have been used but that it is not clear if the percentages were used to only represent heavy-heavy duty tricks or if the truck percentages were further split between light, medium, and heavy-duty trucks. First, the truck percentage used for Charcot Avenue was 6.1 percent. The DEIR traffic report did not predict that many large trucks (semis) would be

[3] BAAQMD, 2016. BAAQMD Air Toxics NSR Program Health Risk Assessment (HRA) Guidelines. December.

using Charcot Avenue since Montague Expressway and Brokaw Road provide more direct access to the nearby regional freeways (i.e. U.S. 101 and I-880).[4] The report assumed that seven percent or less of the traffic on Charcot Avenue would be truck traffic.

Therefore, the 2017 Caltrans EMission FACtor (CT-EMFAC2017) model default truck fleet mix for Santa Clara County of 6.1 percent was used. CT-EMFAC2017 further refines the mix of trucks into Truck 1 and Truck 2 categories, where the Truck 1 category represents light duty/light-heavy duty vehicles and medium-heavy/heavy-heavy duty trucks are included in the Truck 2 category. The CT-EMFAC2017 calculated truck mix percentages were 2.6 percent for Truck 1 type trucks and 3.6 percent for Truck 2 type trucks. It should be noted that refined modeling was not conducted for traffic on Interstate-880. Refined modeling was used for modeling Charcot Avenue and Oakland Road.

Issue 5: Relocation of the Maximally Exposed Individual – Student Receptor

Response: BAAQMD is correct that the same meteorological data and methodology were used when modeling the construction and operational mobile emissions. The construction and operational emissions were computed differently from the previous emission calculations in response to previous BAAQMD comments. The current emission calculations used CalEEMod for construction and CT-EMFAC2017 for operation. As such, the relative magnitudes of the construction and operation emissions changed.

The total project maximum cancer risk was calculated by summing the increased cancer risk from construction and operation at the location of the sensitive receptor most impacted by both toxic air containment sources (TAC) sources. The modeling contained in the DEIR analysis was revised in response to comments previously received by the District for both construction and operation of the roadway. Because the emissions changed differently for each source, their contribution changed and so did the location of the maximally exposed individual (MEI) receptors. However, the difference of 50 feet is small and the maximum student cancer risk impact was identified in the same relative location.

Issue 6: Cumulative Risk Analysis – TAC Sources

Response: The comment state that the Air District's modeled risk values for Interstate 880 are higher than the ones reported in the supplemental HRA and the memorandum excludes other sources of TAC sources. The cumulative analysis was completed according the BAAQMD guidance and using BAAQMD tools.

The Interstate 880 concentrations and hazards were estimated using the BAAQMD Highway Screening Analysis Tool, which was a Google Earth tool that estimated risk and hazards from highways at varying distances.

The Air District also suggests that that project should include the following streets into the cumulative analysis: Brokaw Road, Silkwood Lane, Paragon Drive, O'Toole Avenue, and

[4] Hexagon Transportation Consultants, Inc. 2019. *Charcot Extension Over I-880*. April. Web: https://www.sanjoseca.gov/Home/ShowDocument?id=43351

Montague Expressway. Roadways included in the DEIR and supplemental analysis were those within 1,000 feet of the project and had over 10,000 daily vehicles on it, which is BAAQMD's recommend guidance for roadways.[5] Both Brokaw Road and Montague Expressway are well beyond 1,000 feet from the project. The existing traffic on Silkwood Lane, Paragon Drive, and O'Toole Avenue would not exceed 10,000 daily vehicles. Therefore, these roadways were not included in the cumulative analysis and their contribution would be quite small given the low traffic volumes and/or large distances from receptors. Note that the Charcot Avenue dispersion modeling included Silkwood Lane, so the increased traffic on this road was accounted for in the project HRA modeling.

Lastly, BAAQMD noted that the emissions from the Union Pacific rail line located approximately 450 feet east of the project were not included. The Air District states that switcher engines have the highest $PM_{2.5}$ emissions. This rail line was excluded from the cumulative since it is an infrequently used rail lines with a maximum of two switching trains per day and the MEIs are over 900 feet west of the rail line. Due to the little activity on the rail line and the distance, the risks would be negligible at the location of the MEIs.

Issue 7: CT-EMFAC Output Files, Charcot Avenue Modeled Traffic Speeds, and Emission Modeling Release Heights

CT-EMFAC2017 Output File

BAAQMD correctly noted that the second and third columns in the Charcot Avenue Emission Modeling on page 101 were missing headers. The second and third columns are emissions for the pollutants. The missing header is "Pounds/Day".

Modeled Traffic Speeds for Charcot Avenue

Response: The average speeds used in the Charcot Avenue Emission model (page 101, 103, and 104 of Attachment 2) were travel speeds computed by the traffic consultant for their Vehicle Miles Traveled Study Area analysis.[6] Those speeds were not specific travel speeds for Charcot Avenue. Therefore, an average speed of 25 miles per hour (mph) on Charcot Avenue was assumed for years analyzed. A travel speed of 25 miles per hour was assumed since Charcot avenue would be near residents and a school and that is the usual California speed limit, unless otherwise posted.

It is also worthwhile noting that TAC emissions from vehicles, in particular diesel fueled vehicles, will significantly decrease in the future. As such, for an 11-year exposure period of school/preschool children the maximum cancer risks would occur during the early years of project operation (2020 through 2031). The 25-mph aggregate vehicle average travel speed is a reasonable assumption.

[5] Bay Area Air Quality Management District (BAAQMD), 2012. *Recommended Methods for Screening and Modeling Local Risks and Hazards, Version 3.0.* May.
[6] Hexagon Transportation Consultant, Inc. 2018. *CEQA Traffic Analysis for the Charcot Avenue Extension Over I-880.* November

Release Heights for Diesel Particulate Matter and $PM_{2.5}$

The modeled release heights of 3.4 meters for DPM emissions and 1.3 meters for $PM_{2.5}$ emissions was based on U.S. EPA guidance for modeling $PM_{2.5}$ emissions from vehicles.[7] Since diesel particulate matter emissions are predominantly from large trucks a higher release height is recommended. $PM_{2.5}$ is emitted from all vehicles and the average release height for all vehicles is much lower than that of diesel fueled trucks.

Issue 8: Project HRA for Offsite Workers

Response: The DEIR analysis uses the BAAQMD CEQA Air Quality Guidelines that recommends health risk thresholds only for sensitive receptors. It is understood that BAAQMD addresses worker receptors as part of their permitting activities; however, they do not recommend this analysis for CEQA studies. The analysis addressed the risk and hazards from the project (construction and operation) for the most sensitive receptors, which were the nearby residents (assumed to all have infants and children) and the school students (assumed to be all children). It should be noted that workers, being considerably less sensitive to cancer-causing TACs would have lower risks.

The District also correctly notes that the 8-hour breathing rate for adults between the ages of 16-30 years old is 230 L/kg-8 hours not 240 L/kg-8 hours per OEHHA guidance.[8] The 230 L/kg-8 hours is for adults between the ages of 16-70 years. Within the attachments (pages 112, 157, and 161), the cancer risk parameters used show that the 8-hour breathing rate for an adult is 230 L/kg-8 hours. However, in the attachments that list the 230 L/kg-8 hours breathing rate, no adult risks were calculated using that rate only school child cancer risks were calculated.

Issue 9: Hourly Traffic Data Used in the Roadway Dispersion Modeling

Response: The average hourly diurnal traffic activity profiles for DPM emissions and $PM_{2.5}$ emissions were used in the modeling. These profiles were calculated based on procedures described in the BAAQMD's *Recommended Methods for Screening and Modeling Local Risks and Hazards*.[9] This method uses the Burden output with hour by hour traffic volume information from the EMFAC model. The use of this method was identified in the DEIR air quality report.

Issue 10: Construction Hours Incorporation into the Modeling

Response: The supplemental HRA follows the same construction methodology used in the DEIR air quality report. The construction emissions (DPM and Fugitive $PM_{2.5}$) were modeled for nine hours with construction occurring daily between 7 a.m. and 4 p.m.

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[7] EPA 2015 - *Transportation Conformity Guidance for Quantitative Hot-spot Analyses in PM2.5 and PM10 nonattainment and maintenance Areas, Appendix J*. November 2015

[8]Office of Environmental Health Hazard Assessment, 2015. *Air Toxics Hot Spot Program Risk Assessment Guidelines*. February. Web: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf

[9] Bay Area Air Quality Management District (BAAQMD), 2012. Recommended Methods for Screening and Modeling Local Risks and Hazards, Version 3.0. May 2012.

Issue 11: Inconsistencies in the Annual TAC Concentration Used to Estimate the Residential Exposure

Response: BAAMQD identified a difference in 2020 DPM concentrations from Project traffic versus the 2020 DPM concentration from both Project construction and traffic at the location of the residential MEI within the attachments of the supplemental HRA (page 154 and 158). The DPM emissions is due to (1) the models being for different scenarios and (2) the DPM concentrations being for different residential MEIs. The residential MEI most impacted from project traffic on Charcot Avenue and Oakland Road *is not the same* residential MEI most impacted from the combination of project construction and operational risks. The DPM emissions would differ then between these MEIs. There is no inconsistency.

Conclusion: Based on the above-described review of BAAQMD's June 4th comments, it is our professional judgment that the assumptions and methodologies used in our Supplemental HRA are appropriate and consistent with guidance provided by BAAQMD, EPA, and other regulatory agencies. Further, even with the worst-case recommendations from BAAQMD, the conclusions of the DEIR air quality report and the Supplemental HRA would not change. Specifically, the project would not result in a significant air quality impact.

From: Raval, Meenaxi
To: John Hesler
Subject: Fwd: Charcot Avenue Extension Project & EIR Hearing
Date: Sunday, June 7, 2020 6:42:24 AM
Attachments: FEIR_Detailed comments_2020-06-06.pdf

Hello John, Good morning. Here is the attached comments from the community member on the Charcot EIR. Please review and advise.

Thank you,
Meenaxi

P.s.: Sorry about sending this over the weekend following an epic difficult week.

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From: Robin Roemer <robin.roemer@ymail.com>
Sent: Saturday, June 6, 2020 10:45:18 PM
To: Raval, Meenaxi <meenaxi.raval@sanjoseca.gov>
Subject: Re: Charcot Avenue Extension Project & EIR Hearing

> [External Email]

Hi Meenaxi,

thank you for your quick response. And yes, I can access it online, I was just fact-checking and I had seen other EIRs that had explicitly stated,:please don't come to City Hall, if you need something we'll send it to you. So I was just wondering.

Attached is the promised list of things I found:

- Missing revisions
- Typos
- Incorrect references in responses (Response BB.306 and BB.307 send the reader on quite a goose chase)
- Statements that seem factually incorrect and might require additional revisions

I apologize if I misread something.

I was wondering if staff will publish a revision before the hearing on Tuesday?

Best,

Robin

On Saturday, June 6, 2020, 7:58:39 PM PDT, Raval, Meenaxi <meenaxi.raval@sanjoseca.gov> wrote:

Hello Robin, under usual normal business, the FEIR hard copy would be available at the City Hall.

There is no exception under the COVID-19 Emergency Lockdown conditions for EIRs.

I apologize for the inadvertent error in the FEIR. Are you able to access it online?
Are there any other comments?

Thank you for bringing it to my attention.

Sincerely,
Meenaxi

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From: Robin Roemer <robin.roemer@ymail.com>
Sent: Saturday, June 6, 2020 12:15:13 PM
To: Raval, Meenaxi <meenaxi.raval@sanjoseca.gov>
Subject: Re: Charcot Avenue Extension Project & EIR Hearing

[External Email]

Hi Meenaxi,

the FEIR says on page 1 that all documents referenced in the Final EIR are available for public review at City Hall during normal business hours. I thought City Hall was closed?
Is there an exemption for EIRs?

Best,

Robin

On Friday, May 29, 2020, 6:36:33 AM PDT, Raval, Meenaxi <meenaxi.raval@sanjoseca.gov> wrote:

To whom it may concern

The First Amendment to the Draft EIR for the Charcot Avenue Extension Project is now posted on the City's website.

The First Amendment includes responses to all comments to the Draft EIR, with Appendix A: Supplemental Air Quality and GHG Analysis, and Appendix B: Draft EIR Comment Letters. These documents are available on the City's website for the EIR at this link:
https://www.sanjoseca.gov/your-government/department-directory/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/charcot-avenue-extension-project

Charcot Avenue Extension Project | City of San Jose

pp18-044. The project proposes to extend Charcot Avenue from its eastern boundary at Paragon Drive, over I-880, to Oakland Road in the North San José area.

www.sanjoseca.gov

The direct links to the First Amendment to the DEIR: https://www.sanjoseca.gov/Home/ShowDocument?id=59127
Appendix A: Supplemental Air Quality and GHG Analysis"https://www.sanjoseca.gov/Home/ShowDocument?id=59123
Appendix B: Draft EIR Comment Letters. https://www.sanjoseca.gov/Home/ShowDocument?id=59125

Upcoming Public Hearing on the Project

The following City Council hearing is scheduled to consider the Charcot Avenue Extension Project and the EIR:
City Council Hearing
When: June 9, 2020 [please see City Council Agenda for details]
Where: City of San Jose City Hall-Online Hearing*

Agenda: https://www.sanjoseca.gov/your-government/departments/city-clerk/council-agendas-information/council-agendas

*Note: Please check the agenda prior to attending to confirm the item, time, details for online attendance, and participation.
* COVID-19 NOTICE *
Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79485 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting will not be physically open to the public and the City Council will be teleconferencing from remote locations.

Thank you.

Meenaxi Raval, AICP
Supervisor- Environmental Planning

City of San Jose
200 East Santa Clara Street, 3rd Floor
San Jose, CA 95113-1905

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

THE FOLLOWING COMMENTS ON THE FIRST AMENDMENT TO THE DRAFT EIR WERE SUBMITTED BY ROBIN ROEMER ON JUNE 6, 2020. THE TEXT IN RED FONT REPRESENTS THE CITY'S RESPONSES TO MR. ROEMER'S COMMENTS.

Missing revisions

Response BB.37: The referenced percent changes are correct. The referenced text is a typo and should read: The model results show that VHT would decrease by no more than approximately 1 percent in the project area.

Add. Comment: Revision not made? **Agreed. Section 5 of First Amendment should state that this typo in Appendix K was corrected.**

Response BB.38: The referenced percent changes are correct. The referenced text is a typo and should read…. The Charcot Avenue extension also would increase the travel speeds on the roadways within the area by approximately 1 percent.

Add. Comment: Revision not made? **Agreed. Section 5 of First Amendment should state that this typo in Appendix K was corrected.**

Response BB.7/BB.60: This comment is correct. The map on page 12 of Appendix K should not indicate an existing sidewalk along the south side of Silk Wood Lane.

Add. Comment: Revision not made? **Agreed. Section 5 of First Amendment should state that the referenced sidewalk was removed from page 12 of Appendix K.**

Response BB.84: The comment is correct in regard to the ¼-mile distance. The text should have stated that the proposed project will result in a reduction of travel distance of 1.1 miles between North First Street and Oakland Road in the proximate areas of their intersections with Charcot Avenue.

Add. Comment: Revision not made? **Agreed. Section 5 of First Amendment should state that the text on page 40 of Appendix K was revised from 0.25 miles to 1.1 miles.**

Response BB.96: As stated in Response BB.42, the total length of the project is approximately 3,000 feet, which equates to 0.5 or 0.6 miles, depending on rounding. However, lane miles refers to the total length, lanes in both directions of travel. Therefore, for example, a proposed 0.5-mile two-lane roadway extension would equate to 1.0 lane miles.

Add. Comment: As Response BB.42 states only the 1000 feet section between O'Toole and Silk Wood would actually provide new lane miles. Therefore the length of the new lane miles is 2 times 1000 feet. This needs to be revised. **Disagree. No revision needed because the context for this comment is the total project limits and, therefore, 1.0 lane miles is correct.**

Response BB.136: Agrees with comment but no correction to the DEIR provided. **No correction required as comment and response do not point out any error in the DEIR.**

Response BB.158: The inadvertent omission of a hyphen after the words “fiscally” and “economically” on page 11 of Appendix K is noted.

Add. Comment: Revision not made? **The omission of a hyphen did not warrant a formal text amendment.**

Response BB.217: The correct value should have been 0.18 miles and not 0.12 miles. This results in a minor change in emissions for the Build 2025 scenario that does not change the conclusion of the analysis

Add. Comment: Revision not made? **Agreed. Section 5 of First Amendment should state that the referenced value on page 86 of Appendix E should be 0.18 miles.**

Revisions: Ridder Park - North of Oakland Road

Add. Comment: Revisions only made in DEIR, not Appendix K. **Agreed. Section 5 of First Amendment should state that all references in Appendix K to “Ridder Park Drive north of Oakland Road” should be revised to state “Ridder Park Drive north of Brokaw Road.”**

Typos

Response BB.87: As part of the HAWK signal design, the control of all vehicular traffic will be considered and will likely include a signal head on the referenced ~~Silkwood~~ **Silk Wood** Lane approach to the Haw**k** signal. **Agreed. “Silkwood” should be “Silk Wood” and there is a “k” in Hawk.**

Response BB.124: requests made by the community at the 2018 community meeting and the 2019 scoping meetings.

Add. Comments There was no scoping meeting in 2019. Presumably meant to say: “2017 community meeting and the 2018 scoping meetings.” **Agreed. The community meeting was in 2017 and the scoping meetings were in 2018.**

Response BB.266: McCay should be McKay **Agreed**.

Response BB.28: Old Oakland Road should be Oakland Road (see Response BB.359) **Agreed.**

Response BB.327: This comment misinterprets the statement on page 125 of the DEIR. The statement on page 129 means that,…

Add. Comment: Is the statement on page 125 or 129? **125 is the correct page number.**

Revision “Page 194”: The Maximum Annual PM~~10~~ **2.5** Concentration **Typo noted.**

Revision “Page 187” east-east connection: Typo was copied into the Resolution.
Typo noted.

Incorrect References in Responses

Comment R.71 refers to detailed intersection analysis requests

Response R.71 states "Please see Response R.56". Response R.56 states: "These are introductory comments regarding the discussion of inconsistency with plans. Detailed comments and responses on this topic are following." **The cross-reference should be to Response R.57.**

Comment R.74 refers to a discussion of queueing impacts.

Response R.74 states "Please see Response R.56". Response R.56 which states: "These are introductory comments regarding the discussion of inconsistency with plans. Detailed comments and responses on this topic are following." **The cross-reference should be to Response R.57.**

Response BB.99: Please see Response BB.95

Add. Comment: Comment BB.99 is not answered in Response BB.95 **The cross-reference should be to Response BB.96.**

Response BB.294: Please see Response BB.257

The correct Response is presumably BB. 258. **The cross-reference should be to Response BB.258.**

Response BB.302: Please see Response BB.299. Response BB.299 "Please see Response to R.51"

Comment refers to impact on trees, Response R.51 refers to hazardous materials. **The cross-reference should be to Response BB.301.**

Response BB.303: Please see Response BB.299. Response BB.299 "Please see Response to R.51"

Comment refers to impact on trees, Response R.51 refers to hazardous materials. **The cross reference should be to Response BB.301.**

Response BB.306 and BB.307: Please see Responses BB.302 and BB.303.

Comment refers to mode share, comments BB.302 and BB.303 refer to trees. Responses BB.302 and BB.303 state "Please see Response BB.299". Response BB.299 states "Please see Response to R.51" Response R.51 refers to hazardous materials **The cross-reference should be to Response BB.301.**

Response BB.335: Responses to the material contained in Attachment F were previously provided in Response BB.313.

Add. Comment: Comment BB.335 refers to alternatives to be studied. Response BB.313 addresses pedestrian counts

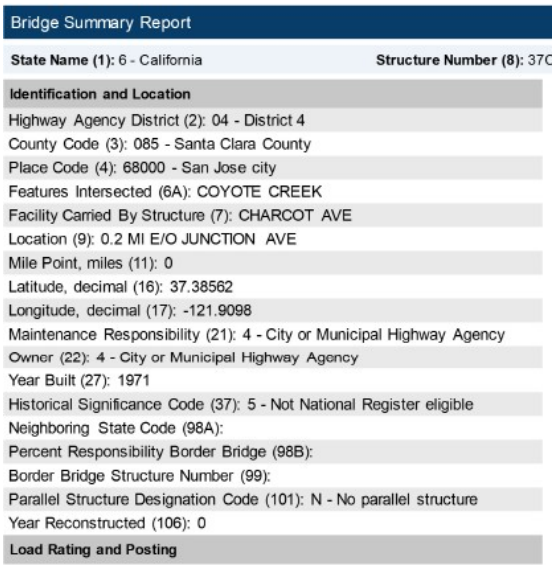
The cross-reference should be to Response BB.315.

Statements that seem factually incorrect and might require additional revisions

Coyote Creek bridge

Response O.18: Impacts to Coyote Creek will not occur because the project will not construct any improvements within 330 feet of that resource. The fact that traffic volumes will increase on the existing bridge over the creek does not equate to increased impacts because the bridge was constructed and evaluated under the assumption that Charcot Avenue would be extended to Oakland Road.

Add. Comment O.18: According to the National Bridge Registry, the Charcot bridge over Coyote Creek was built in 1971. It would have been incredible hindsight if the bridge was evaluated with an extension in mind that wasn't considered by anyone else before 1994.



Bridge Summary Report

State Name (1): 6 - California **Structure Number (8):** 37C

Identification and Location
Highway Agency District (2): 04 - District 4
County Code (3): 085 - Santa Clara County
Place Code (4): 68000 - San Jose city
Features Intersected (6A): COYOTE CREEK
Facility Carried By Structure (7): CHARCOT AVE
Location (9): 0.2 MI E/O JUNCTION AVE
Mile Point, miles (11): 0
Latitude, decimal (16): 37.38562
Longitude, decimal (17): -121.9098
Maintenance Responsibility (21): 4 - City or Municipal Highway Agency
Owner (22): 4 - City or Municipal Highway Agency
Year Built (27): 1971
Historical Significance Code (37): 5 - Not National Register eligible
Neighboring State Code (98A):
Percent Responsibility Border Bridge (98B):
Border Bridge Structure Number (99):
Parallel Structure Designation Code (101): N - No parallel structure
Year Reconstructed (106): 0
Load Rating and Posting

The word "could" should have been used instead of the word "would." The intent of the wording is to acknowledge that the bridge was not constructed assuming that volumes would remain static over its lifespan.

School observations

Response BB.16: The comment is correct in that kindergarten drop-off/pick-up was not observed. However, the focus of the observation was the later dismissal period which coincides with a greater volume of traffic on adjacent roadways. Traffic volumes during the kindergarten dismissal period at 12:35pm are much less than after 3pm.

Add. Comment BB.16: According to the traffic data provided in the DEIR traffic volumes during the kindergarten dismissal period are actual higher than after 3pm. The response also fails to explain why traffic volumes after 3pm (25 minutes after dismissal time of 2.35pm) are relevant to school pick-up activities. 3pm is also outside of the observation period done for the DEIR.

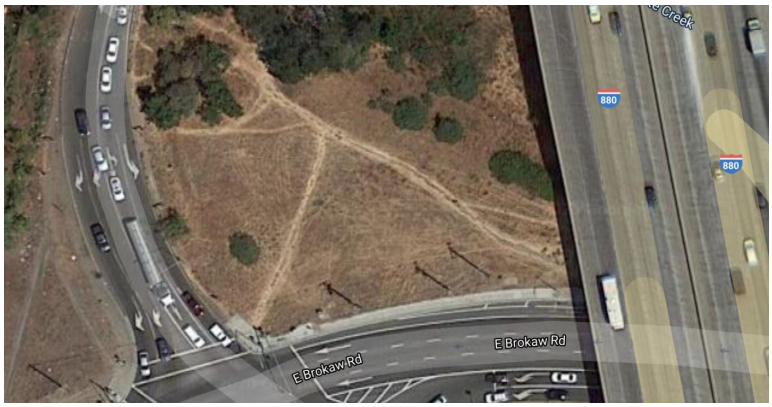
The intent of Response BB.16 was to point out the reasons why the kindergarten drop-off/pick-up was not observed. Regardless of any debate as to when observations should have taken place, the conclusion of the transportation analysis remains the same, namely that 1) there are no parts of the project that will not comply with current safety/design criteria and 2) the project includes features that will substantially enhance access for both bicyclists and pedestrians.

Fox Lane	EB/NB	WB/SB	Total
12-1pm	406	114	520
2-3 pm	186	320	506
3-4 pm	131	100	231

Sidewalks on Brokaw

Response BB.18: Figure 3 correctly notes that, consistent with the text on page 11, there are no sidewalks on the north side of Brokaw Road west of I-880.

Add. Comment BB.18: Sidewalks on Brokaw continue past I-880 to O'Toole. **Comment noted.**



Consistency of General Plan and Climate Smart

Response BB.23: This comment does not provide any information as to which staff memo the statement on page 80 of the DEIR is inconsistent with. Therefore, a detailed response is not feasible.

Add. Comment BB.23: The comment refers to the staff memo that the FEIR itself links to at the bottom of the very same page. **Thank you for pointing out the link to the staff memo. Upon reviewing the memo, the City does not find any inconsistency between the statement on page 80 of the DEIR and the staff memo. First, there is no dispute that the project is consistent with the City's General Plan and its GHG Reduction Strategy. Second, the staff memo provides an update to the City Council regarding the ongoing efforts to achieve the goals of the reduction strategy.**

Comment BB.39: Response 17.1 in Appendix B states "The portion of Silk Wood Lane adjacent to Orchard School is not a designated drop-off and pick-up location and is signed as a "No Stopping Any Time" zone." However, page 147 of the DEIR states "The north side of Silkwood Lane provides on- street parking" and page 50 of Appendix K states "The project will remove the existing on-street parking along the north side of Silkwood Lane."

Response BB.39: The comment omits the fact that the responses in Appendix B are not referring to Silk Wood Lane, but instead are referring to the school's official vehicular drop-off and pick-up area on Fox Lane. In contrast, the text on page 147 of the DEIR and on page 50 of Appendix K are referring to the parking on the north side of Silk Wood Lane. Therefore, there is no inconsistency.

Add. Comment: If the original response "The portion of Silk Wood Lane adjacent to Orchard School is not a designated drop-off and pick-up location and is signed as a "No Stopping Any Time" zone" is referring to Fox Lane than that should be corrected in the DEIR. **For clarification, the existing on-street parking along the north side of Silk Wood Lane will be removed as part of the project. The existing practice of dropping-off/picking up students in the "no stopping zone" along the south side of Silk Wood Lane will no longer be possible with the project in place. No impacts to the school's designated existing drop-off/pick-up facilities along Fox Lane will occur.**

Response BB.47: "Pending-but-not-yet-occupied projects such as Lumentum"

Add. Comment: Lumentum is occupied. See https://www.lumentum.com/en/company/contact-us **No revisions necessary as this statement was accurate at the time the DEIR was written.**

Response BB.52: This comment does not provide the source or context for the staff memo it references.

Add. Comment: Yes, it does in footnote 14 of the commenting document. Also see Comment/Response 23. **Please see response to BB.23, above.**

BB.127: The roadway design within Caltrans right-of-way is required to comply with Caltrans Highway Design Manual (HDM) requirements

Add. Comment: Inconsistent with Response: BB.24 **By definition, if the HDM allows local agencies to designate lane widths, then there is no inconsistency.**

Response BB.192: Soundwalls are not intended to serve as retaining structures. The grades on the two sides shall be approximately level.

Add. Comment: Statement inconsistent with Response R.9 and according revision stating that retaining walls of 4 feet of height will be required. **The effective soundwall heights will take the underlying retaining wall heights into account**.

Response BB.275: Pages 97-98 of the DEIR discusses the project's consistency with the City's Complete Streets Policy.

Add. Comment: Pages 97-98 include a reference to a discussion in chapter 3.14. But chapter 3.14 does not discuss consistency with the City's Complete Streets Policy. **The correct cross-reference should be to Section 3.17, not Section 3.14.**

Response BB.279: The City does not agree that the Berryessa Library is an inappropriate location for a community meeting as it is only 5 miles and a 10-minute drive from the Charcot Extension.

Add. Comment: Even during off-peak traffic, the library is more than a 10-minute drive from the Charcot Extension according to Google Maps. Meeting was held during rush-hour**. Whether the driving time is 10 minutes or somewhat longer, the point is that the City has held multiple meetings to inform the community of the project and the project's approval process.**

Response BB.285: According to Figure 2.1-2 of the EIR referenced in this comment, the study area for the Milpitas Transit Area Specific Plan did not extend south of Trade Zone Boulevard in Milpitas.

Add. Comment: The response confuses the project area of the Milpitas TASP with the study area used for traffic which includes the Charcot area. **As stated in Response BB.285, regardless of whether Milpitas chose to identify the Charcot Avenue Extension in one of its EIRs is unrelated to the Importance of the project to the City of San Jose.**

"Three adjoining service buildings of Orchard School are completely screened by existing dense tree planting and have no views facing the right-of-way. (Appendix D, p. 11)

Response BB.186: The tree survey prepared for the project (See Figure 3.1-1 and Appendix G of the DEIR) indicates that there is a row of approximately 15 trees between these buildings and the Charcot Avenue alignment. According to the opinion of the landscape architect who prepared the Visual Impact Assessment (DEIR Appendix D), these trees provide dense screening. The photo provided by the commenter does not show this row of trees from the angle at which it was taken. Further, there are no windows on the side of the building facing the project alignment. Therefore, no change to the text is warranted.

> Add. Comment: Please see additional photo below clearly showing views facing the project alignment. The statement that the trees provide dense screening continues to seem incorrect. This building is not a service building but a classroom building. **Even though the visual assessment characterized the structure as a service building, the City understands it is a classroom. Regardless, this does not affect the conclusion of the visual assessment, which is that the aesthetic impacts of the project along Silk wood Lane would be significant, but would be reduced to less-than-significant with mitigation.**

Revisions: Add Section 3.11.3 – Effects on Off-Street Parking

> Add. Comment: Since the EIR discloses impacts to off-street parking, it should also disclose impacts on on-street parking at the north side of Silk Wood Lane. **Section 3.11.3 discusses changes in land use. Unlike off-street parking that is directly related to a given land use, om-street parking is not a land use issue.**

Response O.29: When considering, that the proposed project will add only 1.0-lane miles to the hundreds of lane-miles in the proximate area of the project and thousands of lane miles in the larger area of North San José, the roadway extension project would have a minimal effect on VMT

Add. Comment O.29-1: The study area for the DEIR encompasses roughly 50% of NSJ plus additional neighborhoods east of NSJ and states the total number of lane miles in that area as 102. It is highly unlikely that that there are thousands of lane miles in the remaining 50% of the larger area of North San Jose.
Acc. To response BB.257 San José whole road network encompasses only 2,400 miles. **The approximately 2,400 miles of roadway maintained by the City is not the same as the total miles of roadway within the study area. The study area includes facilities maintained by the City, Caltrans, the County, and other cities. No revisions are necessary.**