SIERRA CLUB
LOMA PRIETA

SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

June 2, 2020

San Jose Mayor and City Council
via email

Re: 6/9/20 Council Item 5.1, Actions Related to the **Charcot Avenue Extension** (impacting Orchard School Students)

Dear City of San Jose Mayor Liccardo and City Council Members,

The mission of Sierra Club and our Loma Prieta Chapter's 40,000 members and supporters includes a wide range of environmental concerns in order to protect natural resources through efficient planning. And, **we advocate for environmental justice**. We wish to protect the **health and safety of our most vulnerable, children**, and those in underserved communities, often people of color, including the students of Orchard School K-8 and residents who would be most impacted by the Charcot Project.

We are also troubled by **the impact of the project on climate** and the City's global leadership in addressing it. The approach that our local leadership takes toward this project while addressing the needs of our community and infrastructure upgrades will be a litmus test of **our willingness to meet the 21st century climate and equity challenges before us**.

Please support the no project alternative D or bicycle and pedestrian only alternative E. The savings of tens of millions of dollar by these alternative can be allocated to other Measure B priorities that are more effective in reducing traffic congestion in a people centered, climate friendly way. Please consider new paradigms to reduce traffic congestion including improving the electronic infrastructure that would help close the student achievement gap and continue the non-commute work opportunities that COVID-19 shelter-in-place orders have enlightened us about.

Children should not be forced to risk injury or death crossing a chaotic 4 lane intersection nor should they be forced to damage their lungs breathing the increased air pollution that this project would bring in order to improve mobility of technology workers living in outlying areas.

Technical and legal arguments have been and can continue to be debated but understand, the **Bay Area Air Quality Management District (BAAQMD), Valley Transportation Authority (VTA), and Orchard School District share concerns expressed by environmental and neighborhood activists.** BAAQMD understands that the planners have used "regional" air quality projections to avoid analysis of the impact on "sensitive receptors", Orchard students. VTA understands the dangers of young children crossing a busy roadway. Parents have expressed their common sense understanding of the situation regardless of CEQA requirements.

The problem with this project lies with several of the project objectives as listed in the DEIR and especially their juxtaposition to the school.

The DEIR states, "*The objectives for the proposed project are as follows:*
[PO1] *Improve connectivity between the east side of I-880 and the west side of I-880;* [implied as **for automobiles** as described elsewhere in the document]
[PO2] *Increase the capacity for east/west travel across the I-880 corridor;* [implied as **for automobiles** as described elsewhere in the document]
[PO3] *Provide a safe bicycle/pedestrian facility over I-880, in compliance with San José's Complete Streets Policy;*
[PO4] *Implement a programmed roadway network improvement project identified in the Envision San José 2040 General Plan; and*
[PO5] *Implement a planned major roadway improvement project, as set forth in the North San José Area Development Policy and the North San José Deficiency Plan."*

In regards to PO1 and PO2, we suggest the **project goal *should be* to provide for circulation of people and their business needs not necessarily automobiles.**

Only a block away from the project to the south is east/west connectivity via E. Brokaw Rd., a major arterial. East/west capacity is also available to automobile traffic just a few blocks to the north at Montague Expressway. With those two major arterials, there are already 12 high rate of speed east/west lanes plus separate turn lanes in the span of just 1.35 miles.

The DEIR implies that the project will not increase automobile usage -- because it does not evaluate its long term effects. This was the assumption when the Montague and Brokaw were widened previously. After only a dozen years automobile usage rose to the point that we are now asked to sacrifice the health and safety of our children to allow more automobiles on the roadways. This exemplifies the need to provide better bus, transit, and non-commute options, not more lanes jammed through school grounds.

Our City and State has a century of experience of attempts to alleviate congested roadways by adding capacity only leading to more automobiles and congestion. Alternative modes of circulation are needed rather than degrading the living standards and quality of life of children and all of us.

California legislators realize we need to avoid adding additional automobile capacity for many reasons including the need to mitigate climate change. So CEQA rules now directs the use Vehicle Miles Traveled (VMT) analysis. Screening away from this analysis was only done for this project because of the bikeway since it "*substantially improves conditions for pedestrians, cyclists, and/or transit, including but not limited to:*
o Protected and separated Class IV bikeway
o Pedestrian refuges, bulb-outs, and elements that shorten pedestrian crossing distances
o Consistency with the San José Complete Streets Design Standards and Guidelines and/or other applicable design guidelines;".

Yet, the Alternative E providing for bicycles and pedestrians was deemed infeasible for not meeting the automobile objectives, a failed and outdated automobile centric false dilemma.

Objectives PO4 and PO5 do reflect the expectations of planners and it is understandable why they have come about. But built into the General Plan itself is an ongoing revision process including a 4 year review cycle, one of which is beginning now. We believe it is time to reevaluate the *North San José Area Development Policy and the North San José Deficiency Plan* with new perspectives especially in regard to circulation.

Reflecting our current knowledge and with dictate from State law, we now have the **VMT rules**, a **Climate Smart Plan** including "***Developing integrated, accessible public and active transport infrastructure reduces the dependency on the car*** *to move within the City*", and a **resolution of "Climate Emergency"**, acknowledging our need to rapidly change our dependency on GHG producing activities.

The Measure B resources to be expended on this project should be shifted to other projects or toward, "*7.4.2* ***Alternative E: New Overcrossing for Bicycles and Pedestrians Only****.*

Alternative E would consist of constructing a new bicycle/pedestrian overcrossing of I-880/O'Toole Avenue on the same alignment as that proposed for the Charcot Avenue Extension. The overcrossing would connect to the existing bike lanes and sidewalks along Charcot Avenue west of O'Toole Avenue. On the east side of I-880, the overcrossing would connect to Silk Wood Lane."

The benefits of this alternative over the project are tremendous for the health and safety of the children of the neighborhood and entire community. *"Since this alternative would not include any travel lanes for motor vehicles, its cross-section/footprint would be much smaller than that of the proposed project. On the west side of I-880, this alternative would not require the elevation of Charcot Avenue between Paragon Drive and O'Toole Avenue and access to properties along this segment of Charcot Avenue would be maintained. Unlike the proposed project, this alternative would also not require the removal of most of the trees that line both sides of Charcot Avenue between Paragon Drive and O'Toole Avenue. On the east side of I-880, the footprint of Alternative E would fit within the right-of-way reserved by Super Micro for the Charcot Avenue Extension and within the existing Silk Wood Lane right-of-way. No right-of-way from Orchard School would be required and there would be no direct impacts to the school's playground and playing field. The noise and air quality impacts of the project to the residences located on the north side of Silk Wood Lane and the school located on the south side of Silk Wood Lane would not occur under this alternative since there would be no increase in traffic. Finally, tree removal along Silk Wood Lane would be minimal, if any."*

Are we serious about learning lessons from COVID-19 to remake our economy in a more sustainably and equitable way? Do we really believe black lives matter and work to protect the health of our children including those of color? Please redirect the efforts of staff to wiser uses of Measure B funds.

Sincerely,

[redacted]

David W. Poeschel, Sierra Club Loma Prieta Chapter Open Space Committee Chair

Katja Irvin, Gladwyn d'Sousa, Sierra Club Loma Prieta Conservation Committee Co-chairs

From: Robin Roemer
Sent: Thursday, June 4, 2020 8:55 AM
To: District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>
Cc: City Clerk <city.clerk@sanjoseca.gov>
Subject: CC 6/9 Item 5.1. - Charcot Extension project

Dear Mayor and Council,

On June 9th, you will vote - under item 5.1. - on whether or not staff shall pursue the Charcot Extension project near Orchard School in North San José. This is the school where my oldest daughter just finished 2nd grade, where her little sister – together with about a hundred new friends – will start Kindergarten in August.

This project will build a new 2 to 4 lane road next to the back of our school. A quiet street with currently 700 cars will have to make room for over 13,000 cars including trucks and oversized SUVs.

You are asking, you are demanding our community to shoulder the burden of this new overpass. Staff has threatened to sue the school to take the land our school's playground is built on. But why? For what purpose?

Because the project is in a plan for North San José from 15 years ago?

Maybe we should ask instead, how well has that plan worked out for us? Commercial development in NSJ is mostly stuck and building more housing is blocked. The plan is failing us - and this extension even more so. There is nothing in the EIR or the staff memo - besides flowery words - to suggest that building the Charcot Extension will change any of that.

Staff concludes:

"The proposed extension will provide little to no measurable travel time savings when considering the size of the proposed Charcot extension in relation to the overall roadway system in the project area and the projected development growth." (Response BB.92)

You may wonder, that this might be true for now, but what about the future? Again, staff has given us an answer:

"The evaluation of 20-year [into the future] traffic demand projections is speculative and the design of roadway facilities to accommodate such demand may result in over design of roadways." (Responses R.58 & BB.142)

To say it differently: We cannot pave our way out of congestion. Yet, this project plans to pour a river of concrete down a neighborhood street to give to cars what should belong to children.

The project is based on plans that are inconsistent with San José's Climate Smart goals. That this project will increase daily VMT by more than 1,500 miles a day should be reason alone to stop it. We can't solve the climate crisis by postponing hard decisions and building "just one more" capacity increasing project.

It is difficult to understand why staff is proposing to choose the most environmentally harmful alternative out of the feasible alternatives examined. It is incomprehensible and haunting that DOT staff prioritizes minimal changes to vehicle delay and avoidance of rear-end collisions over pedestrian safety, reduction of air pollution, of noise and of VMT. (see comparison attached).

The staff memo is dense with technical detail, but short on empathy for the community affected.

To understand how the Charcot Extension will impact the Orchard community and our neighbors, you should visit our school, stand where grass will be turned into asphalt and experience the visual and human detail that engineering drawings keep from you.

Put yourself into the spot where according to staff "eastbound traffic on the future arterial will be traveling downhill at a high rate of speed approaching the future street crossing to the school site to the south".

If you can't make it to the school, which I understand given the hectic, turbulent times, please, take at least a moment to go through the attached photo essay to understand why we are worried.

This project carries significant, real risks from air pollution to Vision Zero, yet little practical benefit. Please follow the ancient principle of "Primum non nocere – First do no harm".

City Council has - you have - an opportunity to peacefully retire a project that has outlived its purpose but whose impact would be felt by our children for decades to come.

Please consider the presented attachments and vote against the Charcot Extension project on June 9th.

I would appreciate the opportunity to meet with you and answer any question you have.

Robin Roemer

PS: The attachments include a list of 35 important outstanding questions about the Charcot project, responses to which should guide your decision how the project should move forward, if at all.

PPS: The FEIR also contains various errors and false statements, identifies errors in the DEIR but refuses to correct them and does not include or answer adequately all comments raised during the DEIR commenting period. I will provide you with more details and documentation showing these inadequacies before the hearing on June 9th.

Impressions from Orchard School

- Charcot Extension -

Photos by Tess Rosenberg
Captions by Robin Roemer

Orchard School in North San José

Silk Wood Lane

The residential street next to Orchard school that will be widened to 4 lanes.

View from a backyard bordering on Silk Wood Lane.

Silk Wood Lane / Orchard ball field

The Charcot Extension project will require right-of-way from the school cutting into the ball field and cutting down the trees.

Instead of the fence, a feet high sound wall will go up, eliminating all views of the field from the road.

Land reserved for Charcot Extension

Orchard school
4/5th grade classroom building in the back on the right.

Extension will be on top of the grass area going towards the fence.

Most, if not all this area will be used for the new road.

Land reserved for Charcot Extension – view across

Students will have to cross 3 lanes of traffic to enter the school from this side.

The view from the classroom building will be blocked off by retaining wall and noise barrier.

The EIR describe this location as follows:

"Three adjoining buildings of Orchard School are completely screened by existing dense tree planting and have no views facing the right-of-way."

(DEIR, Appendix D, p. 11)

Land reserved for Charcot Extension

The road project will require all the land on the left side of the fence plus about another 10 ft of the school's current property.

The playground will need to be relocated.

Orchard classroom

Students discussing the Charcot Extension in class.

Oakland Road

Orchard school fence on the left.

Air Pollution Study

In February/March 2020 Orchard students and students from Santa Clara University cooperated to study air pollution near Orchard School.

This included on-site air measurements and traffic counts.

You can read the final report here and the poster here.

Please vote “No” on the Charcot Extension!

Open Questions on the Charcot Extension project

This is a list of 35 questions, that City Council should be asking and considering before deciding on the Charcot Extension project near Orchard Elementary school.

Questions marked * have further background below.

Connectivity / Project benefit

1. If the project were not in the current General Plan and NSJADP, would staff propose to put it in?
2. Why do we need more road capacity between North San José and the Milpitas/ Berryessa area than there is capacity between SF and Oakland or SF and Marin County?*
3. Why is a "local" connection (Statement of Overriding Considerations C1) to a 1.5-mile stretch of Oakland Road "critical" (Statement of Overriding Considerations C2) to the development of NSJ?*
4. There are 88 car lanes going in and out of the South NSJ (N1st/Brokaw/Trimble) area. What would really change if we had 90?*
5. If impacts on VHT and speed are as minimal as described, why is this project so critical?*
6. What is the average travel time savings per driver in the area studied?
7. According to the NSJ Deficiency Plan, the stated purpose of Charcot is the improvement to Congestion Management Program (CMP) facilities. Does the project achieve that goal?*

Traffic data and model

"For road projects, the accuracy of traffic demand forecasts are crucial to the validity of any subsequent impact assessments [...]. These forecasts form the basis for estimates for a wide range of impact factors, including time savings, emissions, and noise. [...] traffic demand seems to be underestimated for road projects on average." [1]

8. According to the DEIR, rush hour volume on Montague eastbound is between 1000 and 2000 vehicles. Numerous other recent traffic studies state the volume as approximately 3000 to 4000 vehicles instead. Why is the Charcot data such an outlier? *
9. According to the DEIR and the Statement of Overriding Considerations, Brokaw is heavily congested during rush hour with a peak volume for both directions of 2,130 cars.[2] This short

[1] Petter Næss, Morten Skou Nicolaisen and Arvid Strand (2012), "Traffic Forecasts Ignoring Induced Demand: a Shaky Fundament for Cost-Benefit Analyses," European Journal of Transport and Infrastructure Research, Vol. 12 (3), pp. 291-301; at www.ejtir.tbm.tudelft.nl/issues/2012_03/pdf/2012_03_02.pdf

[2] DEIR, Appendix K, Table 8, Line 5

video (https://www.videezy.com/transportation/45771-light-road-traffic) is representative of a 6-lane arterial carrying 2,940 cars per hours (~38% more than Brokaw during rush hour) and shows absolutely no congestion.
Can staff please explain the cause for the obvious discrepancy?*

10. A 2017 City study said that in 2040 there would be 20,900 cars on Charcot next to the school. The DEIR says it will only be 13,900. Which study is right and why?*
11. A 2017 study calculated that Charcot would add 15,785 VMT/day, a 2018 study calculated that it would add 11,439 VMT, the DEIR says it will add 2,386 VMT.*
    a. Which study is right and why?
    b. Why bother with the model if the model is wrong two times out three?
    c. What is the decision that the model was wrong the first two times based on?
    d. Is the underlying traffic model assuming that we will achieve the 2040 Climate Smart VMT goals? How big is the difference between the 2040 Climate Smart goals and the 2040 conditions as assumed in the model?
12. Is the increase in VMT from drivers doing more trips or from drivers doing longer trips?
13. What is the impact of the project on mode share in percentage points?
14. The travel times analysis in the EIR suggests that travel times on Charcot will (miraculously) not be affected by rush hour congestion. Why?*
    a. Would staff be comfortable to use this methodology for other roadway projects for example evaluate travel time savings from grade separations (e.g. Montague/McCarthy)?
15. How many people are doing the trip that is supposedly be shortened by 9 minutes as mentioned in the Statement of Overriding Considerations C-3? Out of how many trips total in that area?
16. The EIR assumes that Charcot will not induce demand.*
    a. What if that assumption is wrong?
    b. What has staff done to verify its assumption is correct?
17. Could we end up in a situation where we are accidentally making traffic worse because of a faulty analysis?*

Impacts and mitigation

18. How will the City make sure the future crosswalk is safe?*
19. How many two-lane residential or collector roads in San Jose have sound walls on both side like Charcot will have?
20. What is the basis for the conclusion that sound walls are an aesthetic improvement? Would sound walls improve the plaza at City Hall? St. James park?

21. The projects air pollution impact (PM2.5) of 0.26 µg/m3 is getting close to the BAAQMD threshold of 0.3 µg/m3. What is the margin of error for this analysis?*
22. The EIR argues that in 2040 despite increasing VMT the project would decrease overall GHG because of improvements to travel speed.*
    a. What is the margin of error for this analysis?
    b. If we can decrease GHG while increasing VMT. Why do we as a City and State have a VMT goal?
23. Was equity considered in the planning of this project?*

Overview of Alternatives

24. While the FEIR argues that any widening of Brokaw is infeasible, the VTA of Board of Directors will on June 4th consider a proposal to submit the widening of Brokaw Bridge over Coyote Creek as a project to MTC for consideration in Plan Bay Area 2050. Why would VTA submit this project if it is infeasible?[3]
25. In evaluating the alternative why does staff focus on driver delay and prevention of rear-end collisions instead of reducing air pollution and noise and improving pedestrian safety?

Cost

26. What is the cost difference between the feasible alternatives?
27. The "Traffic Fee Impact Report 2018-2019" presented to Council last year[4] stated the project cost as "$54,955,800". The staff memo for the June 9th states that the "proposed project is estimated to cost approximately $50 million." Which estimate is correct?*
28. Given that projects often increase in costs as they move through design and bid phase: Is there a limit to the amount of money staff would be willing to spend on this project or when would the project become economically infeasible?*

Community engagement

29. Can staff please share their notes from the community meetings in 2018 and 2019 with the Council and the public?*

[3] http://santaclaravta.iqm2.com/Citizens/FileOpen.aspx?Type=4&ID=9553, Item 87.
[4] CC 12/10/19, 19-1172, Item 6.1

Other

30. Has the City of Santa Clara ever brought up Charcot - in particular in the context of renegotiating the NSJ settlement?
31. Why shouldn't we wait with moving forward on Charcot till we have the result of the NSJ EIR update as requested by Council in May 2019?*
32. The 1994 SJ General Plan couldn't even fathom the idea that by 2020 BART would reach San Jose and therefore required Charcot as mitigation measure for commuters from the East Bay. Why wasn't Charcot eliminated from the General Plan when the plans for BART to SJ were made?*

School site*

33. Why did the City of San José in the 1980/90s approve housing in the industrial area along Oakland Road if it did not want a school being built close by?
34. What exactly did the school reply to the City's concerns over the location (assuming that those alleged City concerns were actually expressed to the school administration and Board)?
35. Why didn't the City reserve enough land next to the school when the adjacent neighborhood was built (in ~2003) instead of potentially using eminent domain now?

Further background

2. Why do we need more road capacity between North San José and the Milpitas/ Berryessa area than there is capacity between SF and Oakland or SF and Marin County?

NSJ is connected to Milpitas and the Berryessa area by a total of 24 lanes over I-880 (6 on each of SR-237, Tasman, Montague and Brokaw Road). This is almost 2.5 the capacity of the Bay Bridge (10 lanes) and 4 times the capacity of the Golden Gate Bridge (6 lanes).

3. Why is a "local" connection (Statement of Overriding Considerations C1) to a 1.5-mile stretch of Oakland Road "critical" (Statement of Overriding Considerations C2) to the development of NSJ?*

According to the EIR, Charcot will not actually improve movement or shorten travel times between NSJ and Milpitas/Berryessa/East Bay. The statement of overriding consideration summarizes: This is a "local facility" (Statement of Overriding Considerations, C1) with limited effects east of Oakland Rd, north of Montague or south of Brokaw.

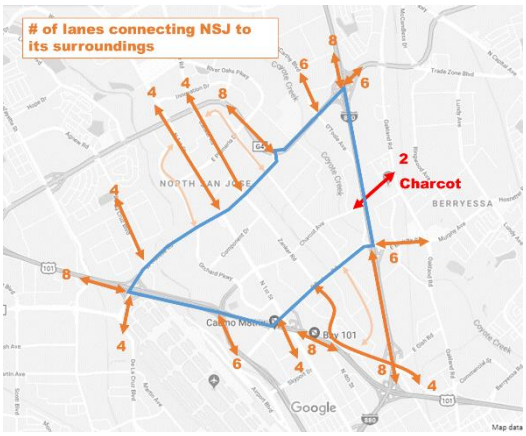
The planned growth in NSJ includes 26,7M sq ft of industrial uses, 1,7M sq ft of commercial uses and 32,000 residential units. (Statement of Overriding Considerations, C2)

Statements C1 and C2 seem in contradiction with each other.

4. There are 88 car lanes going in and out of the South NSJ (N1st/Brokaw/Trimble) area. What would really change if we had 90?*

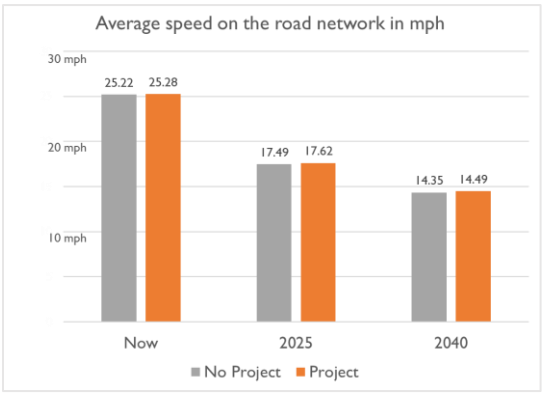
Generally, staff has argued that NSJ has a high degree of accessibility and connectivity.

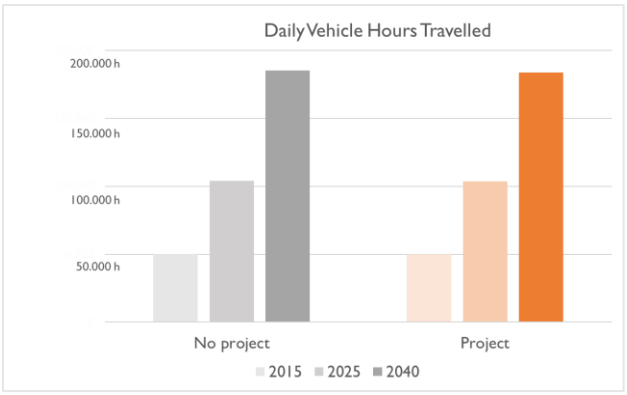
- "North San José provides a strategic location for job growth because of its proximity to the San José Norman Y. Mineta International Airport and the Downtown, along with a high degree of accessibility from several major freeways including Highway 101, Interstate 880, State Route 237 and State Route 87. The area is also well served by other transportation facilities including an existing light rail line and the Guadalupe River and Coyote Creek trail systems." [5]



[5] North San José Area Development Policy, p. 7, http://www.sanjoseca.gov/DocumentCenter/View/43619 also: "**One of North San Jose's greatest strengths is its connection to the regional transportation infrastructure.** The area is located adjacent to the Norman Y. Mineta San Jose International Airport and is bounded by multiple major highways that provide direct access to the rest of Silicon Valley, San Francisco, and East Bay communities. Multiple VTA light-rail stations also connect area residents and workers directly to Downtown San Jose. Furthermore, the area has relatively easy access to two existing Caltrain stations and two future BART stations (Berryessa and Alumn Rock), all of which provide even greater regional connectivity." "NSJ Retail Strategy", http://sanjose.granicus.com/MetaViewer.php?meta_id=624592"

5. If impacts on VHT and speed are as minimal as described, why is this project so critical?*





7. According to the NSJ Deficiency Plan, the stated purpose of Charcot is the improvement to CMP facilities. Does the project achieve that goal?*

- *"The City of San Jose has identified several physical improvements to non-CMP intersections that will further offset CMP [i.e. LOS] deficiencies. […]: Charcot Avenue Extension" (p. 13-15 NSJ Deficiency Plan)*
- *"It is the objective of the NSJDP to set forth a comprehensive solution to LOS deficiencies at CMP intersections in North San Jose to avoid the need for strict adherence to LOS standards at CMP intersections for which no localized mitigation is feasible."* (*Hexagon Transportation Consultants)*[6]

8. According to the DEIR, rush hour volume on Montague eastbound is between 1000 and 2000 vehicles. Numerous other recent traffic studies state the volume as approximately 3000 to 4000 vehicles instead. Why is the Charcot data such an outlier? *

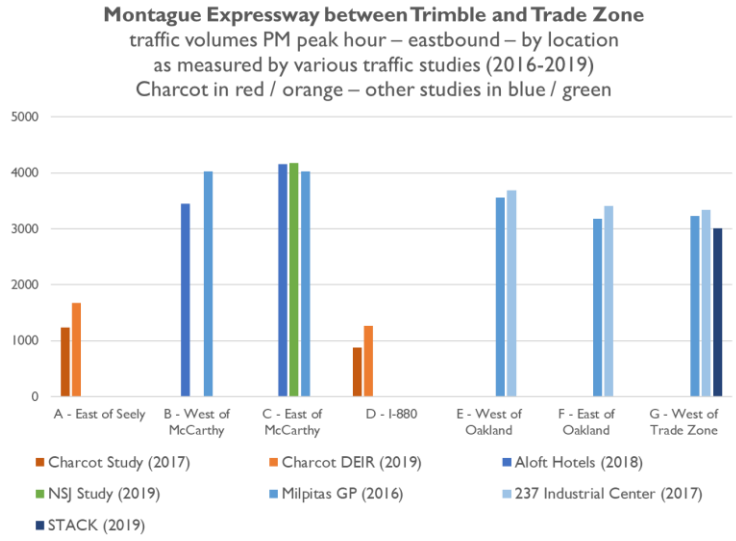
The County Roads and Airports department noted this as well in its comments to the DEIR:

"Comment B.8: Page 143, Table 3.17-1 shows existing peak hour directional volumes on Montague Expressway which are much lower than CMP PM counts and 2013 County AM counts."

Staff argues: "The referenced volume is not reflective of the entire extent of Montague Expressway and was not used for the purpose of evaluating project impacts. Rather, the volumes and roadway analysis were provided to provide a general comparative evaluation of the effects of the proposed project on a few select roadways." (Response B.8).

Although the traffic counts seem indeed irrelevant for evaluating impacts in the traffic analysis which is focused solely on VMT, these counts are used to estimate future volumes along Charcot Road and as such are used as input to analyze e.g. noise and air pollution impacts, which are relevant to CEQA. The question is if staff by using lower counts as input has underestimated future volumes on Charcot?

[6] http://www.hextrans.com/featured-work



9. According to the DEIR and the Statement of Overriding Considerations, Brokaw is heavily congested during rush hour with a peak volume for both directions of 2,130 cars. This short video (https://www.videezy.com/transportation/45771-light-road-traffic) is representative of a 6-lane arterial carrying 2,940 cars per hours (~38% more than Brokaw during rush hour) and shows absolutely no congestion.
Can staff please explain the cause for the obvious discrepancy?

The video shows 18 cars passing through the left frame of the picture in 22 seconds. This is roughly equal to 49 cars per minute equal to 2,940 cars per hour.

10. A 2017 City study said that in 2040 there would be 20,900 cars on Charcot next to the school. The DEIR says it will only be 13,900. Which study is right and why?

Charcot Avenue Extension Over I-880 – Traffic Impact Analysis May 23, 2017

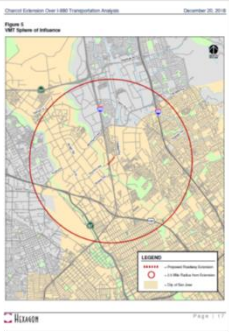
Table 4
Year 2040 Project Roadway Segment Volumes

Study Segment #	Road Name	Segment	ADT				AM Peak Hour Traffic				PM Peak Hour Traffic			
			2040 No-Project	2040 Project	Volume Change	Percent Change	2040 No-Project	2040 Project	Volume Change	Percent Change	2040 No-Project	2040 Project	Volume Change	Percent Change
1	Charcot Avenue	East of 1st Street	34,400	38,600	4,200	11%	2,400	2,720	320	12%	3,240	3,610	370	10%
2	Charcot Avenue	East of Zanker Road	26,500	38,600	12,100	31%	1,600	2,470	870	35%	2,880	4,080	1,200	29%
3	Charcot Avenue	East of Junction	21,900	[illegible]	15,700	42%	1,400	2,660	1,260	47%	2,440	3,970	1,530	39%
4	Silkwood Lane	West of Oakland Road	800	20,900	20,100	96%	100	1,590	1,490	94%	50	2,420	2,370	98%
5	Brokaw Road	East of Zanker Road	70,900	66,600	-4,300	-6%	4,300	4,090	-210	-5%	5,140	4,780	-360	-8%
6	Brokaw Road	East of Junction	75,700	69,800	-5,900	-8%	4,940	4,650	-290	-6%	5,280	4,770	-510	-11%

Table 10
Year 2040 and Year 2040 Plus Project Roadway Segment Traffic Volumes

#	Roadway	Location	AM				PM				ADT			
			Year 2040	Year 2040+ Project	Change Volume	Change Percent	Year 2040	Year 2040+ Project	Change Volume	Change Percent	Year 2040	Year 2040+ Project	Change Volume	Change Percent
1	Charcot Avenue	East of 1st Street	2,150	2,390	240	11%	2,700	2,980	280	10%	30,100	33,400	3,300	11%
2	Charcot Avenue	East of Zanker Road	920	1,480	560	61%	1,850	2,540	690	37%	16,900	24,500	7,600	45%
3	Charcot Avenue	East of Junction Avenue	1,020	2,050	1,030	101%	2,090	3,390	1,300	62%	16,800	[illegible]	12,600	75%
4	Silkwood Lane	West of Oakland Road	120	1,490	1,370	1,142%	50	1,720	1,670	3,340%	700	13,900	13,200	1,886%
5	Brokaw Road	East of Zanker Road	3,170	2,900	-270	-9%	4,020	3,730	-290	-7%	53,700	[illegible]	-4,300	-8%
6	Brokaw Road	East of Junction Avenue	3,910	3,450	460	12%	4,500	3,940	560	12%	64,800	56,800	8,000	12%

11. A 2017 study calculated that Charcot would add 15,785 VMT/day, a 2018 study calculated that it would add 11,439 VMT, the DEIR says it will add 2,386 VMT.



	2017 Study	2018 Draft for DEIR	2019 DEIR
Study area	Local street network	Area within 2.5 miles radius	Area within 1.5 miles radius
Total Daily VMT 2040 in study area (no project)	692,609	6,080,580	2,659,078
Total Daily VMT 2040 in study area (project)	708,394	6,092,019	2,661,463
Absolute Change	**+15,785**	**+11,439**	**+2,386**

The total VMT obviously changes with the size of area under consideration but the absolute change in VMT should remain similar.

Why bother with the model if the model is wrong two times out three? What is the decision that the model was wrong the first two times based on?

14. The travel times analysis in the EIR suggests that travel times on Charcot will (miraculously) not be affected by rush hour congestion. Why?

To estimate travel time savings (mentioned for example in Statement of Overriding Considerations C-3) staff used an unusual methodology not based on the official travel demand model but on manual calculations based on Google Maps.

The validity and margin of error of the calculations are not clear. The results e.g. Charcot seemingly not affected by rush hour seem improbable and require further explanation. Staff has refused to share the underlying calculations for the table below.

Charcot Extension Over I-880 Transportation Analysis — April 8, 2019

Table 12
Reduction in Travel Times Due to Charcot Extension

Origin	Destination	Peak Hour	Westbound Travel Times (min) via shortest existing route	Westbound Travel Times (min) via Charcot extension	Westbound Travel Times (min) Reduction	Eastbound Travel Times (min) via shortest existing route	Eastbound Travel Times (min) via Charcot extension	Eastbound Travel Times (min) Reduction
A	E	AM	13	17	none	7	12	none
		PM	6	12	none	10	12	none
	F	AM	12	12	none	5	7	none
		PM	7	7	none	9	**7**	2
	G	AM	12	13	none	7	8	none
		PM	9	9	none	11	**8**	3
B	E	AM	10	**9**	1	7	9	none
		PM	7	9	none	10	10	none
	F	AM	8	**4**	4	6	**5**	1
		PM	6	**4**	2	10	**5**	5
	G	AM	8	**6**	2	8	**6**	2
		PM	6	6	none	9	**6**	3
C	E	AM	13	**11**	2	9	11	none
		PM	9	10	none	13	**11**	2
	F	AM	8	**6**	2	8	**6**	2
		PM	6	**5**	1	15	**6**	9
	G	AM	8	**7**	1	7	7	none
		PM	6	7	none	8	**7**	1
D	E	AM	13	13	none	11	12	none
		PM	10	11	none	14	**12**	2
	F	AM	7	8	none	6	7	none
		PM	5	6	none	8	**7**	1
	G	AM	9	10	none	6	8	none
		PM	5	8	none	7	8	none

Notes:
Travel time data collected from Google Maps between October 9, 2018 and October 11, 2018.
Travel times denoted in **bold** indicate less travel time with the Charcot extension compared to travel time using the shortest existing route.

16. The EIR assumes that Charcot will not induce demand. a. What if that assumption is wrong? b. What has staff done to verify its assumption is correct?

For example, staff could have run the traffic model once accounting for induced demand and once without accounting for it.

17. Could we end up in a situation where we are accidentally making traffic worse because of a faulty analysis?

Road expansion projects have generally led to more suburban development and sprawl. [7] [8] [9] [10] [11]

- *"Maybe you are saying, "But at least in this way you can escape the hell of the city once the workday is over." There we are, now we know: "the city," the great city which for generations was considered a marvel, the only place worth living, is now considered to be a "hell." Everyone wants to escape from it, to live in the country. Why this reversal? For only one reason. The car has made the big city uninhabitable. It has made it stinking, noisy, suffocating, dusty, so congested that nobody wants to go out in the evening anymore. Thus, since cars have killed the city, we need faster cars to escape on superhighways to suburbs that are even farther away. What an impeccable circular argument: give us more cars so that we can escape the destruction caused by cars."* [12]

- *"We should not expect that adding capacity to the road network will provide more than short-run relief from traffic congestion. […] we should expect that transportation infrastructure leads to cities that are less dense, even if metropolitan area population increases" (Local Transportation Policy and Economic Opportunity Matthew A. Turner Brown University, January 2019)* [13]

- *"The flight to the suburbs and the decentralization of American cities, the report says, was fueled not only by the commuting benefits that highways provided but by the desire of more affluent urbanites to escape the negative effects of increased noise and air pollution that these roads inflicted."* [14]

- *"Our congested commutes are the result of decisions that stretch back decades, to when Americans began to build their communities around cars. Today, the ways in which we plan and invest in transportation continue to contribute to problems like congestion, lack of accessible and affordable*

[7] https://sanjosespotlight.com/fearer-the-elephant-in-the-room-is-san-joses-sprawl/
[8] "Equating mobility with building more roads nurtured a tendency towards increased motorisation, reinforcing an ever-increasing inclination to expand the road network. The result was a range of unintended adverse environmental, social and economic consequences. Most of these are rooted in the high priority given to private vehicles." https://theconversation.com/four-ways-our-cities-can-cut-transport-emissions-in-a-hurry-avoid-shift-share-and-improve-106076
[9] "The Commuting Principle That Shaped Urban History", https://www.citylab.com/transportation/2019/08/commute-time-city-size-transportation-urban-planning-history/597055/
[10] https://www.theatlantic.com/ideas/archive/2019/07/car-crashes-arent-always-unavoidable/592447/ also see: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3345366
[11] "Driving and the Built Environment The Effects of Compact Development on Motorized Travel, Energy Use, and CO2 Emissions" (Transportation Research Board) http://onlinepubs.trb.org/onlinepubs/sr/sr298.pdf
[12] http://unevenearth.org/2018/08/the-social-ideology-of-the-motorcar
[13] https://www.brookings.edu/wp-content/uploads/2019/01/Turner_PP_web_20190128.pdf
[14] https://www.citylab.com/transportation/2019/07/freeway-revolts-interstate-highway-system-data-urban-history/594082/

transportation options, and a sprawling, unsafe, and ecologically destructive built environment." ("Stop trying to solve traffic and start building great places")[15]

In contrast, limiting car access to an area is much more likely to densify an area and result in compact, high-density, mixed-use neighborhoods.[16] [17]

- *"People who live in more compact and mixed used developments in cities tend to own fewer cars and take fewer trips compared to their suburban counterparts. These results show that traditional transport planning models are overestimating the traffic impacts and parking needs of new 'smart growth' schemes which may in turn be discouraging the spread of such developments. […]Guidelines for trip and parking generation in the United States come mainly from the Institute of Transportation Engineers (ITE). The ITE Trip Generation Manual and Parking Generation manuals are considered "bibles" in transportation planning. However, these manuals focus on suburban locations with limited transit and pedestrian access. As a result, they overestimate vehicle trips and parking demands generated at urban sites" [such as future NSJ].*[18]

- *"more cars make the city a less congenial place for strollers, bicyclists and people who take public transit to their destinations. The cars push out frolicking kids, quiet afternoons reading on a bench and sidewalk cafes. So we give up our public space, our neighbor-to-neighbor conversations and ultimately our personal mobility for the next car, and the next one."*[19]

Even adding thousands of residents to an area does not necessarily lead to an increase vehicle traffic:

- *"Seattle, almost alone among American cities, has managed to grow without putting more cars on its roadways. Average daily traffic has stayed flat, and even declined a little, as its hot economy added 116,000 new residents."*[20]

18. How will the City make sure the future crosswalk is safe?

Drivers regularly fail to yield to pedestrians in crosswalk resulting in horrific deaths.

- Pedestrian killed in hit-and-run crash in San Jose (KRON4)
- Woman killed in San Jose hit-and-run (KTVU)
- Crossing Guard Dead, Girl Hurt After Being Hit By Car In Valley Glen (KCAL)
- Dash cam captures car almost hitting pedestrian in Richmond (Globalnews)

City staff themselves have argued that "eastbound traffic on the future four lane arterial will likely be traveling downhill at a high rate of speed approaching the […] street crossing to the school site." (SJ City Staff memo to Planning Commission, February 19, 2004)?

[15] https://www.brookings.edu/blog/the-avenue/2019/03/20/stop-trying-to-solve-traffic-and-start-building-great-places/
[16] https://sf.curbed.com/2019/10/15/20916092/market-street-sf-ban-cars-vehicles-san-francisco-vote
[17] https://www.strongtowns.org/journal/2018/10/30/a-literal-bridge-from-the-past-to-the-future
[18] https://blogs.lse.ac.uk/usappblog/2018/12/14/transport-planning-bibles-overestimate-car-and-parking-needs-and-this-may-be-hurting-smart-growth-development/
[19] https://www.nytimes.com/2018/04/25/opinion/cars-ruining-cities.html
[20] https://www.politico.com/interactives/2019/what-works-next-2019-seattle-carless-city/

Hawk

According to information by the City of San José 3% of drivers do not comply and yield to pedestrians at HAWKs[21].

"Studies have shown that 97% of drivers comply and yield to pedestrians at HAWKs" (San Jose Streets Smart "HAWK Pedestrian Signal Guide", p1). Given that 13,900 cars will use Charcot every day by 2040 (DEIR, p. 157), this equals to an average of 417 cars per day[22] that will not comply with the HAWK signal and yield to pedestrians in this school crossing. Other studies have shown even lower compliance rates. [23] [24]

"One truck barreled on through the red light at the HAWK traffic signal that had been activated by pushing a button around 11 a.m. Thursday, signaling that all vehicles should stop for a pedestrian to cross the street near the Pittsburg County Courthouse. While other drivers stopped, the driver of the truck didn't even slow down. A similar situation occurred at the site of a second HAWK traffic signal on Carl Albert Parkway."[25]

21. The projects air pollution impact (PM2.5) of 0.26 µg/m3 is getting close to the BAAQMD threshold of 0.3 µg/m3. What is the margin of error for this analysis?

Factors that could have let the EIR to underestimate the impact:

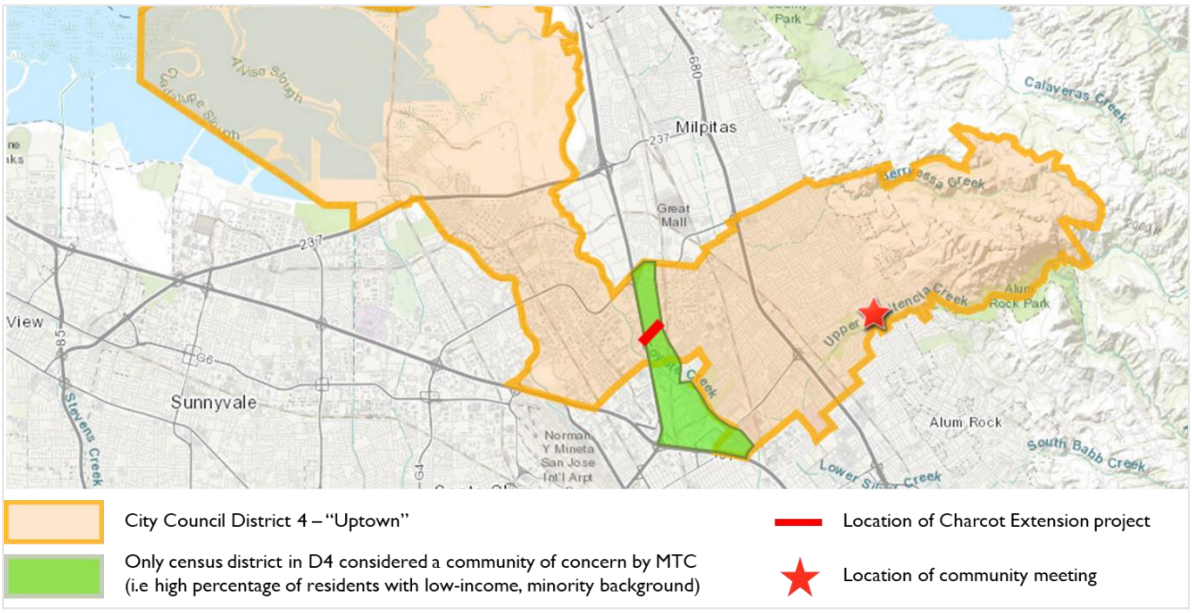
- What if traffic volumes are higher because of the issues described above?
- The air pollution analysis assumes traffic is relatively free flowing at 25mph. What if, Charcot like every other east-west connection is instead heavily congested during rush hours? How would that impact air pollution?
- Travel speed in 2040 is speculation ("Furthermore, the projection of travel speeds 20 years in the future would be speculative." (BB.123)), wouldn't the air quality analysis for 2040 based on such speeds than be speculation as well?
- As no measurements were taken on site for existing conditions, the cumulative impact could be higher than calculated. Staff argues that measurements weren't taken because it isn't "necessary" and "real-time air measurements are not […] equivalent to what was modeled." (Response BB.46)
- Staff says that the impact of noise walls on dispersion of pollutions could not be assessed. "Under certain wind conditions, barriers could cause "downwash" effects that result in higher concentrations directly behind a structure." (Response O.14)

[21] "Studies have shown that 97% of drivers comply and yield to pedestrians at HAWKs" (San Jose Streets Smart "HAWK Pedestrian Signal Guide", p1). 100%-97%=3% of drivers who do not comply.
[22] (13,900 cars/day * .03 = 417)
[23] Also see: Godavarthy, R.P., Russell, E.R., Study of pedestrian hybrid beacon's effectiveness for motorists at midblock pedestrian crossings, Journal of Traffic and Transportation Engineering (English Edition) (2016), doi: 10.1016/j.jtte.2016.01.007 ;
FHWA: Safety Effectiveness of the HAWK Pedestrian Crossing Treatment
https://www.fhwa.dot.gov/publications/research/safety/10042/10042.pdf
[24] Federal Highway Administration "Pedestrian Hybrid Beacon Guide– Recommendations and Case Study", https://safety.fhwa.dot.gov/ped_bike/tools_solve/fhwasa14014/fhwasa14014.pdf
[25] https://www.mcalesternews.com/news/hawk-pedestrian-crossings-installed-some-drivers-ignoring-signals/article_e97b71fc-9995-11e7-a0be-c319d82642f6.html

22. The EIR argues that in 2040 despite increasing VMT the project would decrease overall GHG because of improvements to travel speed.

- Travel speed in 2040 are speculation ("Furthermore, the projection of travel speeds 20 years in the future would be speculative." (BB.123)), wouldn't the air quality analysis for 2040 based on such speeds than be speculation as well?
- The GHG analysis is based on the average speed in the area, but since GHG emissions vary greatly at different speeds[26] an GHG analysis should then needs compute GHG emissions at various speeds. The EIR does not dispute the underlying issue but evades it by simply stating "There is no modeling technique available to predict the various changes in speed by roadway and time as well and future traffic conditions." (Response BB.234)
- As stated above the increase in VMT might be higher than the values used for the EIR.

23. Was equity considered in the planning of this project?



27. The "Traffic Fee Impact Report 2018-2019" presented to Council last year stated the project cost as "$54,955,800". The staff memo for the June 9th states that the "proposed project is estimated to cost approximately $50 million." Which estimate is correct?

The staff memo also states an "approximate $4.9 million local match […] would be needed during the right-of-way, engineering and construction phase". The FEIR states that $7.7 million alone will be needed for right-of-way (Response BB.337). That seems to imply that VTA Measure B will cover some of the right-of-way costs, is that correct?

[26] "Vehicle emissions in congestion: Comparison of work zone, rush hour and free-flow conditions" (https://sph.uth.edu/kaizhang/files/2014/02/Zhang-2011-AE.pdf)

28. Given that projects often increase in costs as they move through design and bid phase: Is there a limit to the amount of money staff would be willing to spend on this project or when would the project become economically infeasible?

It should be noted, that

- there is limited visibility of impacts of COVID-19 to roadway construction costs
- staff has stated "the City is not proposing to utilize federal monies for the project" (FEIR, Response BB.263).

29. Can staff please share their notes from the community meetings in 2018 and 2019 with the Council and the public?*

"**The City Council** was presented with, and has independently reviewed and analyzed, the FEIR and other information in the record and **has considered** the information contained therein, including the written and **oral comments received at the public hearings on the FEIR and the Project**."

At the both scoping meetings and the DEIR meeting, the community was told that oral comments would not be recorded, which seems to be in violation of the City's "Public Outreach Policy For Pending Land Use And Development Proposals"-Policy:
"An important aspect of staff's role at community meetings is to understand and record public comment so that staff can transmit community input to the decision-makers"[27] and rendered oral comments at the various meetings basically meaningless as input for the City Council decision.

32. Why shouldn't we wait with moving forward on Charcot till we have the result of the NSJ EIR update as requested by Council in May 2019?*

In May 2019, City Council directed staff to:

"return to Council in early August [2019] with a workload and feasibility assessment of various options that forward the goal of advancing housing with an enhanced amount and incentives for affordable housing, including but not limited to the following options:[…] Commencing a new programmatic environmental impact study on North San Jose, utilizing statewide adoption of VMT to guide creation of a new development policy."

33. The 1994 SJ General Plan couldn't even fathom the idea that by 2020 BART would reach San Jose and therefore required Charcot as mitigation measure for commuters from the East Bay. Why wasn't Charcot eliminated from the General Plan when the plans for BART to SJ were made?*

In 1994 when the 2020 GP was written, no one thought that bringing BART to San José by 2020 would be possible or even be attempted. In 1994, the need for Charcot arose because the traffic model used presumed that if SJ allows for more jobs in NSJ it will need to provide more "access" from the East for people living in the East Bay. Since no significant public transportation network was envisioned for these commuters, the computer traffic model demanded that more lane capacity was added at the (randomly chosen) screen line (880). Since BART to Milpitas/Berryessa together with VTA bus and light rail is addressing the very same corridor, shouldn't Charcot have been reevaluated as BART was planned?

[27] "Public Outreach Policy For Pending Land Use And Development Proposals"; https://www.sanjoseca.gov/home/showdocument?id=12813 p. 3

34.-36. School site

The City has frequently (and without proof) argued that Orchard School was strongly advised by the City not to move to its current location due to concern about Charcot and about placing a school in an industrial area. No record of any such concern ever be expressed could be located. In the FEIR staff writes (Response BB.286):

"The City's written records of Planning Commission actions date back to 1997, which is subsequent to the 1994 referral from the Orchard School District. Therefore, ***although former staff recall expressing concerns verbally regarding the proposed school site, it is unknown whether a written response was prepared.****"*

Summary of Charcot Extension EIR results

FEASIBLE ALTERNATIVES	PROPOSED PROJECT	NO PROJECT (ALT. D)	BIKE-PED CROSSING (ALT. E)	ALT. F	ALT. G	ALT. H
				(alternative lane configurations)		
Overpass	Yes	No	Bike-ped only	Yes	Yes	Yes
Charcot at Oakland Road	4 lanes (2EB+2WB)	2 lanes (existing)	2 lanes (existing)	3 lanes (2EB+ 1WB)	3 lanes (1EB+ 2WB)	2 lanes (1EB+1WB)
Right-of-way required[1] - Orchard School District - Supermicro + PS Business Park	- 19,410 sq ft - 28,600 sq ft	- 0 sq ft - 0 sq ft	- 0 sq ft - 0 sq ft	- 11,480 sq ft - 28,600 sq ft	- 12,770 sq ft - 28,600 sq ft	- 5,590 sq ft - 28,600 sq ft
Maximum width needed (from Orchard SD)	42 ft	0 ft	0 ft	31 ft	31 ft	20 ft
Increase in VMT over base line (2025)[2]	+1,793 / day	0	0	+1,793 / day	+1,793 / day	+1,793 / day
Change in average speed (2025)[3]	-0.13 mph	0	0	-0.13 mph	-0.13 mph	-0.13 mph
Vehicle delay at Charcot & Oakland[4]	22.25 s	N/A	N/A	26.05 s	29.65 s	LOS D (PM)[5]
Impact on vehicle trips in the study area	Redistribution	No impact	No impact	Redistribution	Redistribution	Redistribution
Increased risk of rear-end collisions[6]	No	No	No	No	Yes	Yes
Increase to air pollution (PM2.5) at school[7] [BAAQMD Threshold 0.3 µg/m^3]	+0.26 µg/m^3	No impact	No impact	+0.23 µg/m^3	+0.25 µg/m^3	+0.23 µg/m^3
Average noise level (DNL, dBa)[8]	63	58.2	58.2	62.7	62.7	63
Crossing distance for pedestrians[9] - At Oakland Road - At Silk Wood Lane (HAWK)	- 60 ft - 59 ft	- 38 ft - no road	- 38 ft - no road	- 49 ft - 47 ft	- 49 ft - 54 ft	- 38 ft - 45.6 ft
Impact to school drop-off/pick-up[10]	Yes	No	No	Yes	Yes	Yes
Economic Cost-Benefit analysis	Not provided	Not provided	Not provided	Not provided		
Order of environmental superiority acc. to DEIR	6th most harmful	1st Least harmful	2nd	4th	5th	3rd
Staff judgement in Resolution[11]	proposed	rejected	rejected	rejected	rejected	rejected

Summary of Charcot Extension EIR results

[1] DEIR p. 11, DEIR p. 188ff
[2] DEIR, Table 3.17-4. [It needs to be noted that earlier drafts of the EIR traffic study show a much higher increase in VMT / day than the number used in the DEIR]
[3] DEIR, p. 161
[4] Appendix K, p. 23, average of AM and PM delay for "Year 2025 plus project conditions"
[5] Exact vehicle delay for this alternative not disclosed in EIR.
[6] "The extended queue along eastbound Charcot Avenue may not be clearly visible to drivers travelling eastbound along Charcot Avenue due to the vertical alignment of the Charcot Avenue overcrossing of I-880." Draft City Council Resolution, p. 18/19.
[7] DEIR p. 41, p. 194, Maximum Annual PM 2.5 Concentration at School MEI added by the project
[8] DEIR, Table 7.4-2- Average noise level on all receivers analyzed [It is acknowledged that averaging these noise levels is a problematic methodology and done here only for comparative, illustrative purposes]
[9] DEIR Figures 2.1-4, 7.4-1, 7.4-2, 7.4-3 (based on: cross sections D & E for Project; cross section D & F for ALT F, G, H; ALT D and ALT E assume same cross section on Oakland Road as ALT H – 2 lanes)
[10] Eliminating legal curb-side parking on north side of Silk Wood Lane
[11] Draft City Council Resolution

From: Erin McCarthy
Sent: Friday, June 5, 2020 12:35 PM
To: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>
Subject: June 9 Council meeting agenda item 5.1 Charcot Avenue Extension

Please submit this as a public comment. Thank you.

Re: 6/9/20 Council Item 5.1, Actions Related to the Charcot Avenue Extension (impacting Orchard School Students)
Please let the record reflect that the Orchard Teachers Association opposes the Charcot Avenue Extension Project. I have spoken to this council on several occasions reflecting our communities feelings in regard to this use of tax payer funds. Our students deserve to be a priority for the community that they live in. Building this road will prove to the community that cars and expansion are valued above children and that should not be the case.
I have worked at Orchard for 20 years and in that time the ability of our students to walk to school has decreased exponentially due to increased traffic. This overpass will increase it even more. As you know, traffic causes pollution and pollution is not good for children. Noise near their learning environment also creates havoc for their internal processing. Their safety should be paramount. In the last few years we have had several cars crash onto our campus. Another major roadway will only increase the likelihood that one of our students will be injured. When that happens, it will be your fault.
Is there anything that we as a society should value more than children? The only correct answer is no. If you turn on the news, you will only see the effects of the mistakes we have made as a society with our current priorities of expansion. This project has reportedly been in the plan since before the housing development across the street was even a plan. At that time the council could have purchased some of the land to make way for an overpass, but it did not. Instead the value was placed on property tax revenue. Someone must have decided at that point that the school and the students were not as important. Someone figured the city could simply take part of our campus to make way for a road. Those thoughts should be behind us now. It is time to think about people and their well being especially in regards to our underserved and underrepresented communities. How likely would it be that this road would be paved next to a school in a wealthier community rather than ours? It wouldn't happen. Approving this road will only prove that students who live in the wrong zip code do not matter as much as others. That is an unacceptable message.
Voting 'No' on an overpass and redirecting the Measure B resources to be expended on this project towards other projects or toward, "7.4.2 Alternative E: New Overcrossing for Bicycles and Pedestrians Only is what I recommend. I have yet to meet a community member who is in favor of this project. Building this overpass will only show the community that you do not value their input nor do you value what should be most important to all of us; children.
Thank you,
Erin P. McCarthy
Orchard School Teacher
Orchard Teachers Association- President

From: Jeff Segall
Sent: Monday, June 8, 2020 12:59 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Agenda Item 5.1 Charcot extension - support Alternative E

Dear Mayor Liccardo and council members,

I have worked near the proposed Charcot extension for several years and am a frequent bike commuter. Interstate 880 is a major obstacle for bikes. I saw in this proposed extension as a way of addressing this problem.

After reading the DEIR and reading about the local opposition to the road extension, I am neutral whether the roadway extension is overall a good project. I do not live there. However, I do support Alternative E - New Overcrossing for Bicycles and Pedestrians Only if the Council should decide not to support the roadway over crossing.

Thank you.

Jeff Segall
Mountain View resident

From: Robin Roemer
Sent: Monday, June 8, 2020 11:59 AM
To: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>
Cc: City Clerk <city.clerk@sanjoseca.gov>
Subject: CC 6/9; Item 5.1. - Charcot EIR inadequate

Dear Mayor Liccardo and Councilmembers,

I respectfully submit the attached comments to the record. They show that

1. the FEIR fails to include all comments submitted to the DEIR in the FEIR
2. the FEIR fails to respond to all statements made in the comments submitted
3. the FEIR fails to adequately respond to comments submitted and frequently admits that conclusions presented are merely speculations (which under CEQA is not allowed) especially in the areas of
    1. The transportation analysis
    2. The travel times savings analysis
    3. Air pollution
    4. impact to GHG
    5. Impacts pedestrians and bicyclists
    6. Impact on North San José
    7. Question of the project will be locally or regionally serving
    8. Discussion of the Brokaw Road alternative
    9. Impact to parking / Fox Lane

The document also identifies

- Revisions that were identified but not made
- New typos
- Incorrect cross-references in the responses provided
- New statements that seem factually incorrect, are inconsistent with other parts of the EIR or generally questionable.

For all these reasons, I would like to ask you to not certify the EIR till all open issues and comments are addressed.

At this time I would like to also share with you a number of relevant statements from the FEIR

Staff statements in the EIR

- **The evaluation of 20-year traffic demand projections is speculative** and the design of roadway facilities to accommodate such demand **may result in over design of roadways**. In addition, the evaluation of Year 2040 conditions would be of little value since **there is no support to provide additional vehicular capacity as part of the proposed project by the City or other stakeholders**. (Response BB.142)

- This is an indication that the **project will provide little benefit to travel routes originating or bound for destinations outside of the immediate project area**. (Response BB.72)

- **Commuters will drive longer distances to shorten their travel time** (DEIR p. 31/40)

- There is **no modeling technique available to predict the various changes in speed by roadway** and time as well **and future traffic conditions**. (Response BB.234)

- There is **no requirement to show consistency with the General Plan** or other traffic studies **in regard to projected traffic volumes**. (Response BB.109, BB.110)

- **On induced demand:**

    - **it is recognized that <u>some</u> in the transportation industry argue that improving roads induces people to drive** rather than use alternate modes (Response BB.91)

    - The City of San José Travel Forecasting **Model that was used** predict traffic volumes for this project **does not account for induced traffic demand**. (Responses BB.92)

    - **Traffic generation is based on the known travel** characteristics of the specific land uses and is **not affected by capacity of the roadway network**. (Response BB.91)

- The DEIR shows that **areawide daily vehicle hours traveled will <u>more than triple</u> by year 2040**, as compared to existing conditions. (Response BB.63)

- The City is **not currently committing to any specific traffic calming measures** because **the degree to which traffic will cut-through the neighborhood is purely speculative**. (Response J.7)

- The City's written records of Planning Commission actions date back to 1997, which is subsequent to the 1994 referral from the Orchard School District. Therefore, **although former staff recall expressing concerns verbally regarding the proposed school site, it is unknown whether a written response was prepared**. (Response BB.286)

- The **shadows created by a wall of up to 12 feet in height would be minimal.**

- Regarding a comment stating that **drivers can't see through solid noise walls** to see if children are present on school grounds: "**This comment is an opinion that is unsupported by any facts or studies.** The City is unaware of any information or studies that support this opinion." (Response BB.129)

- The **presence of humans** at various land uses along a roadway **is not considered a "vivid element"** that contributes to the visual setting. **A vivid element is a stationary feature such as trees, buildings**, vistas, etc. (Responds BB.190)

Public comments submitted that the FEIR doesn't contradict:

- **The DEIR fails to acknowledge the City's Vision Zero plan** and the compliance or noncompliance of the project and alternatives with this plan. (Comment BB.275)

- **Current SJ VMT policy unproven to actually reduce VMT City-wide** (Comment W.3)

- **There seems to be no evidence** in the project's traffic study, VTA CMP reports, CalTrans data, Google Map data or personal observation **that freeway on-ramps to 880 from Montague or Brokaw are close to being congested** to a point where it would restrict traffic on those roads.

- MM HAZ-2.1: **Hazardous Material Site Management and Removal Plan**: Given the proximity of the site to sensitive receptors at school and residential area, **it is unclear if an adequate mitigation** such as a Site Management Plan or Removal Action **Plan can be developed**.

Kind regards,

Robin Roemer

Comments to the Final Environmental Impact Report – "Charcot Avenue Extension Project"

File No. PP18-044

June 8th, 2020

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1. Complete Comments not included in draft EIR

According to CEQA Guidelines Section 15132

> "The final EIR shall consist of:
>
> (a) The Draft EIR or a revision of the draft.
>
> **(b) Comments and recommendations received on the Draft EIR either verbatim or in summary.**
>
> (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
>
> (d) The 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."

The FEIR prepared by the City of San José fails to include at least 2 comments received during the commenting period. (See below for parts of one of these comments)

Charcot Avenue Extension Project File No. PP18-044

From: Clemence Tiradon [redacted])
To: meenaxi.raval@sanjoseca.gov
Cc: mayoremail@sanjoseca.gov; district4@sanjoseca.gov; district3@sanjoseca.gov
Date: Sunday, November 3, 2019, 10:12 AM PST

Dear Meenaxi Raval,

I'm writing to you in reference to the Charcot Avenue Extension Project (File No. PP18-044).

This project is based on outdated plans and assumptions. It doesn't fit into the City's new vision of itself as a vibrant, active place.
It will increase traffic and pollution to unacceptable levels and will make it less pleasant and safe to walk.

The City needs to consider how polluted the air in the area already is and how the school and the recreational space are a refuge for the community. The environmental study done for the City does not adequately consider the current situation in the neighborhood, already so close to a major highway and other major roads. How is it acceptable in 2019 to ignore the scientific data available linking air pollution to negative impact on children and their development? The scientific research is very clear. See the report from the World Health Organization or from the American Lung association to cite only 2.

"Children are society's future. But they are also its most vulnerable members. The immense threat posed to their health by air pollution demands that health professionals respond with focused, urgent action. Although more rigorous research into how air pollution affects children's health will continue to be valuable, there is already ample evidence to justify strong, swift action to prevent the damage it clearly produces. Health professionals must come together to address this threat as a priority, through collective, coordinated efforts. For the millions of children exposed to polluted air every day, there is little time to waste and so much to be gained." (WHO)

And if science is not enough, then please listen to our elected representatives themselves:

San José Mayor Liccardo said:

"As I experience children who simply cannot engage in daily activities because of asthma, as I see premature deaths, particularly in low income communities, caused by this kind of air, it makes me furious."

"We know it's a problem when we see much higher rates of asthma in low-income communities in the eastern part of my city where we know there are neighborhoods built closer to freeways.

2. Statements that were submitted as part of Comment BB and not addressed in the FEIR responses

The following quotes were submitted as part of a comment to the DEIR. The FEIR failed to provide any responses to them. At the minimum, the FEIR should have stated that they are noted for the record and for consideration by City Council.

"the General Plan alone is not enough to meet the State's [or City's] carbon commitments, let alone align with the decarbonization rates implied by the Paris Agreement"
("Climate Smart San José")

"It is imperative that road expansions stop […] Over the years, many road expansion projects have been created through these deficiency plans, through mitigations for development agreements or through the California Environmental Quality Act (CEQA). But local, regional and state policy goals have changed since these projects were proposed, and political leaders have come to embrace more compact, transit-oriented growth. VTA should work with its member agencies to update existing transportation mitigation programs and congestion management program deficiency plans to reflect these new policies. […]
This approach could apply […] to projects in the 2006 North San Jose Deficiency Plan"
(**SPUR**, "Freedom to Move - How the Santa Clara Valley Transportation Authority can create better transportation choices in the South Bay")

"We know it's a problem when we see much higher rates of asthma in low-income communities in the eastern part of my city where we know there are neighborhoods built closer to free-ways. We know it's directly resulting from transportation, particularly automobiles. We know we have much farther to go. […] As I experience children who simply cannot engage in daily activities because of asthma, as I see premature deaths, particularly in low income communities, caused by this kind of air, it makes me furious."
(**Mayor Sam Liccardo**, October 29, 2019)

"Sept. 12 marks two years since the funeral of my 15-month-old son, Liam. He had been in a stroller, being pushed through a pedestrian crosswalk in suburban Los Angeles by my sister-in-law, who was 15 years old at the time. She had done everything right: pressed the button, waited for the lights to change and then started walking. Other cars stopped, but one didn't. Police later estimated that the car was going 35 to 40 mph as it smashed into Liam and my sister-in-law. The car was driven by a 72-year-old woman. She was drunk and behind the wheel at 3:30 in the afternoon. […] Liam's injuries were devastating. Doctors soon told my wife, Mishel, and me that our son was brain-dead."
(Marcus Kowal, **"I lost my infant son to a drunk driver."** Washington Post, September 11, 2018)

"Two days ago, a driver took the life of a four-year-old girl named Alessa. Alessa's mother was walking her daughter to preschool. A left-turning driver crashed into them as they walked across Olympic Boulevard at Normandie Avenue in the city of Los Angeles' Koreatown neighborhood. Alessa was pronounced dead at Childrens Hospital."
("Driver Killing Koreatown 4-Year-Old Sparks Protest Push For Vision Zero", Streetsblog LA, October 18, 2019)

"My 12-year-old son was killed in a crash in front of our home on Oct. 8, 2013. Sammy kissed me goodbye and said, "I love you Mommy." I never imagined those would be his last words. Sammy was bright, kind, athletic and had a huge heart. We miss him every day."

(Amy Cohen, as quoted in **"Cars Are Death Machines. Self-Driving Tech Won't Change That."** New York Times, October 4, 2019)

"We can't stay being a car-oriented community any longer"

(**Councilmember Lan Diep**, November 1, 2019)

"The 'fundamental rule' of traffic: building new roads just makes people drive more"

(**Joseph Stromberg**, Vox.com, May 18, 2015)

"On that Monday afternoon, Abigail Blumenstein and her mother, the actress Ruthie Ann Miles, had been crossing 9th Street with two friends, Lauren Lew and her 1-year-old son, Joshua. They had a WALK signal. A woman named Dorothy Bruns was waiting in her car across Fifth Avenue, and for whatever reason — the Daily News reported that she said she'd had a seizure — she drove through the red light. She hit the two mothers, the two kids, and another man. In the worst nightmare imaginable, the car continued on for about 350 feet, dragging the stroller, eventually crossing the median lines and crunching into a parked car. The two children died at the scene."

(**"What New York Should Learn From the Park Slope Crash That Killed Two Children"**, New York Magazine, March 30, 2018)

"Every day I have a layer of pollutants on my car that we have to dust off. This [project] was set up in 1994. This is a blatant disrespect for human life. I have to deal with this every day. I have to keep my windows closed, […] to think to add more pollution […] it's terrible. We have a lot of old people in our park. there are a lot of respiratory problems."

(**Resident of Casa del Lago mobile home park**, Charcot Community meeting, September 26, 2019)

"Classmates and teachers of Angel Garcia, the 6-year-old kindergartner who was struck by a car and killed along with his mother, marched about a mile from their school to the crash site Thursday to mourn them[…]. The children sang, "We love you, Angel, I'm going to let it shine," to the tune of "This Little Light of Mine" and placed candles at 26th Avenue and Foothill Boulevard, while about 200 neighbors, teachers and parents watched, many with tears in their eyes. Garcia, his mother Alma Vasquez, 30, and Garcia's 20-year-old uncle were crossing the street at 26th Avenue and Foothill Boulevard a little before sunset on Saturday when they were struck in a hit-and-run."

(**"Classmates of boy killed in hit-and-run call on Oakland for safer street"**, East Bay Times, April 18, 2019)

3. Comments and questions not adequately addressed

Transportation Analysis

A number of comments to the DEIR raised questions about the data and methodology used for the transportation analysis and especially the roadway segment analysis.

This includes for example

- **Existing volumes measured that are inconsistent with previous studies** (much lower inputs used here than elsewhere, potentially underestimating future traffic on Charcot
- **Projected future volumes that are higher than maximum physical capacity of a roadway** (volume can physically not be higher than capacity)
- **Inconsistency in projected traffic density** (2-lane road carrying as much traffic as a parallel 6-lane road)
- **Disregard for empirical speed-volume relationship** (traffic volume is highest at approximately 40mph, if traffic is congested volumes are much lower than at free-flowing conditions; under certain conditions increasing volumes signify less congestion not more)[1]
- **Limitations to the modelling software especially under congested conditions**

The FEIR does not discuss these comments in detail but disregards them by stating multiple times that the roadway segment analysis is provided for information purposes only and not used to consider impacts under CEQA as the only traffic impact in CEQA is now VMT. The FEIR goes as far as to say that estimating speeds or congestion 20 years into the future would be speculation, which is not allowed under CEQA.

Unfortunately, the EIR's noise, GHG and air pollution analysis are dependent on accurate forecasts from the traffic analysis. If the forecasts (especially for segments along Charcot) are speculative then the noise, GHG and air pollution analysis based on these forecasts are speculative as well and therefore cannot be used for CEQA purposes. <u>The FEIR can therefore not be certified.</u>

Travel times savings analysis

The travel times savings analysis that is used to conclude that Charcot could provide potential travel time savings is not based or rooted in any scientific methodology.

Staff has refused to provide detailed insight into how the values were exactly calculated and the few tidbits that were shared are inconsistent with other parts of the EIR, in particular the intersection delay analysis.

[1] Marshall, Norman. (2018). Forecasting the impossible: The status quo of estimating traffic flows with static traffic assignment and the future of dynamic traffic assignment. Research in Transportation Business & Management. 29. 10.1016/j.rtbm.2018.06.002 https://www.researchgate.net/publication/326452294_Forecasting_the_impossible_The_status_quo_of_estimating_traffic_flows_with_static_traffic_assignment_and_the_future_of_dynamic_traffic_assignment .

Air pollution

In addition to the issues arising from the transportation analysis regarding traffic volumes and speed, the local air pollution analysis is also admittedly (e.g. Comments O.14 & BB.219) limited and can't assess effects specific to this project such as the overpass affecting release heights or the impact of the proposed sound barriers.

Impact to GHG

The GHG analysis is also highly speculative as it is based on speeds and VHT from the DEIR[2], which the FEIR itself calls speculative. [3]

It is also limited as it is based on very general averages (which are, again, potentially false/speculation to begin with, see transportation analysis above) and cannot account for effects variations in speed

- e.g. a car slowing down from 10mph to 5mph causes more pollution than a car going 45 instead of 40mph hour saves, despite their combined average speeds ((5+45)/2 = (10+40)/2 = 25 mph) being equal. [4]

Impacts on pedestrians and bicyclists

The impact on pedestrian and bicyclists has not been adequately assessed. Neither does DEIR provide an adequate description of existing conditions, it also fails to address future conditions besides mentioning that sidewalks and bike paths will be installed.

The EIR does not address compliance with San José Complete Streets Guidelines or Vision Zero.

It provides no data of the impact on mode share.

Impact on North San José in general

A number of very detailed comments raised the question of if the project will actually meet the goals of the North San José policy to promote economic growth and create a dense, walkable neighborhood and if the project will actually improve traffic in North San José. The comments provide numerous sources and studies why the project might have unintended and conflicting impacts.

The EIR provides no adequate responses to these comments, but states that as the project is in the plan and the plan has been approved multiple times, it must work, regardless of scientific studies to the contrary.

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[2] "The DEIR air quality analysis modeled traffic emissions that take into account VMT, traffic speed and vehicle delay." (Response R.83)

[3] An analysis of future travel speeds is not required. Furthermore, the projection of travel speeds 20 years in the future would be speculative. (Response BB.123)

[4] The comment states that since GHG emissions vary greatly at different speeds the air quality analysis then needs to compute GHG emissions at various speeds. The analysis used the average travel speeds to reflect the overall changes that might occur. There is no modeling technique available to predict the various changes in speed by roadway and time as well and future traffic conditions. (Response BB.234)

Local serving

The EIR also makes a mistake in labelling the planned roadway a “local facility”. If the facility were indeed serving mostly local trips and providing more connectivity by shortening trips, overall VMT would be reduced by the project.

The project does not reduce VMT, because – as the EIR itself states – drivers (coming from farther away) will take longer trips to achieve shorter travel times. Charcot will therefore be used by regional traffic even if the resulting time savings are minimal or non-existent.

Brokaw Alternative

While the FEIR argues that any widening of Brokaw is infeasible, the VTA of Board of Directors has on June 4th approved a proposal to submit the widening of Brokaw Bridge over Coyote Creek as a project to MTC for consideration in Plan Bay Area 2050. Why would VTA submit this project if it is infeasible?

Parking / Fox Lane impact

The proposed project will heavily influence pick-up and drop-off activities on Silk Wood Lane. On several occasions the EIR argues incorrectly that those activities are supposedly illegal. Parking is legal on the north side of Silk Wood. As EIR itself states taking these parking spots away will lead to impacts at other sides of the school, especially Fox Lane.

Because of its unnecessary confusion about the legality of the existing activities (most of which are legal) the EIR fails to consider impacts to other roads from this change. Parents will need to park somewhere.

4. 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 ~~2~~ percent in the project area.*

Comment: Revision not made?

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 ~~2~~ percent.*

Comment: Revision not made?

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.*

Comment: Revision not made?

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.*

Comment: Revision not made?

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.*

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.

Response BB.136: Agrees with comment but no correction to the DEIR provided

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

Comment: Revision not made?

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 analy-sis*

Comment: Revision not made?

Revisions*: Ridder Park - North of Oakland Road*

Comment: Revisions only made in DEIR, not Appendix K.

5. 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.*

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

> Comments There was no scoping meeting in 2019. Presumably meant to say: "2017 community meeting and the 2018 scoping meetings."

Response BB.266: *McCay should be McKay*

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

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

> Comment: Is the statement on page 125 or 129?

Revision "Page 194": *The Maximum Annual PM~~10~~* ***2.5*** *Concentration*

Revision "Page 187" *east-east connection: Typo was copied into the Resolution.*

6. Incorrect References in Responses

***Response R.71**: "Please see Response R.56".*

Comment: Comment R.71 refers to detailed intersection analysis requests. Response R.56 states: "These are introductory comments regarding the discussion of inconsistency with plans. Detailed comments and responses on this topic are following."

***Response R.74**: "Please see Response R.56".*

Comment: Comment R.74 refers to detailed intersection analysis requests. Response R.56 states: "These are introductory comments regarding the discussion of inconsistency with plans. Detailed comments and responses on this topic are following."

***Response BB.99**: Please see Response BB.95*

Comment: Comment BB.99 is not answered in Response BB.95

***Response BB.294**: Please see Response BB.257*

The correct Response is presumably 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.

***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

***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

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

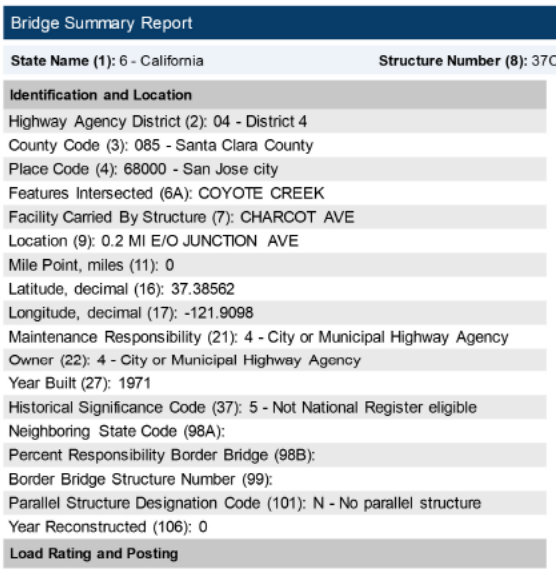
Comment: Comment BB.335 refers to alternatives to be studied. Response BB.313 addresses pedestrian counts

7. 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.*

> 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

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.*

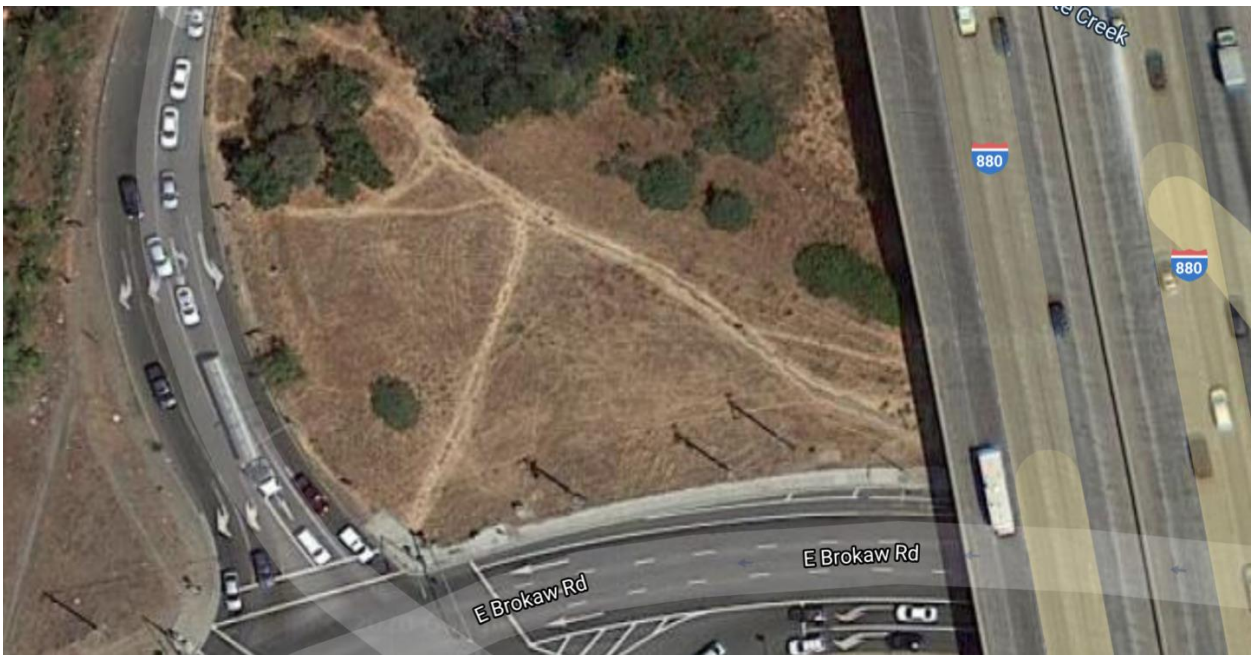
> Comment BB.16: According to the traffic data provided in the DEIR traffic volumes during the kindergarten dismissal period are actual higher than after 3pm. The response also fails to explain why traffic volumes after 3pm (25 minutes after dismissal time of 2.35pm) are relevant to school pick-up activities.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

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.

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



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.*

Comment BB.23: The comment refers to the staff memo that the FEIR itself links to at the bottom of the very same page.

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.*

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.

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

Comment: Lumentum is occupied. See https://www.lumentum.com/en/company/contact-us

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

Comment: Yes, it does in footnote 14 of the commenting document. Also see Comment/Response 23.

Comment BB.23: *Climate Smart San José assesses "the climate implications of building out the General Plan and finds that the General Plan alone is not enough to meet the [City's or] State's carbon commitments, let alone align with the decarbonization rates implied by the Paris Agreement." (Footnote: https://sanjose.legistar.com/View.ashx?M=F&ID=7740265&GUID=BDA753CC-B484-4112-BA30-0F346E4D1F96). Statement is inconsistent with staff memo for City of San José Transportation and Environment Committee October 7, 2019.*

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.*

Comment BB.23: The comment refers to the staff memo that the FEIR itself links to at the bottom of the very same page.

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

Comment: Inconsistent with Response: BB.24

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

Comment: Statement inconsistent with Response R.9 and according revision stating that retaining walls of 4 feet of height will be required.

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

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.

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.*

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.

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.*

Comment: The response confuses the project area of the Milpitas TASP with the study area used for traffic which includes the Charcot area.

"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.*

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.

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

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.

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*

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.

8. Further inconsistencies and questionable statements made in the FEIR

Response O.27: *The proposed project will provide for pedestrian and bicycle travel across I -880 along a two-lane roadway with much less vehicular traffic and a more direct connection to transit services along North First Street. [than Brokaw]*

Comment O.27: Access to light rail stations is actually less direct (longer distance) from Charcot than from Brokaw.

Response R.18: *The referenced VHT and average speeds are provided for informational purposes and are not presented for the purpose of determining project impacts.*

Comment R.18: Statement questionable as referenced VHT and average speeds are used as input for determining air pollution and GHG impacts.

Response B.7-1*: Figures 3.17-5 through 3.17-7 of the DEIR show that the trip redistribution effects of the project west of Zanker Road will not be substantial.*

Comment B.7-1: Figure 3.17-5 shows an increase in traffic volume on Charcot west of Zanker Road of 18%. As the City has not established criteria for what is considered "substantial", common sense suggests that this a substantial increase. The DEIR also fails to include most roads west of Zanker in the analysis, therefore effects on these roads aren't included in the analysis.

Response B.7-2: *The Charcot Extension's primary benefit is for east-west trips and First Street is a north-south facility. For these reasons, the project's effects on transit modes (e.g., light rail) along North First Street would be minor.*

Comment B.7-2: At not grade-separated intersections conflicts between light rail and perpendicular cross traffic are precisely what is causing significant impact (e.g. see intersection Montague & First). The response fails to acknowledge and discuss this potential conflict.

Response BB.14: *The proposed sound walls are shown on page 117. At the scale of the aerial photo it is difficult to depict the precise alignment, but the intent is that the sound wall would be constructed on the property line.*

Comment BB.14: Other maps and figures in the DEIR (e.g. engineering drawings) are also at the scale of the aerial photo. Should this imply that those drawings are also incorrect?

Response R.81*: the new connection will shorten the distance from Fire Station 29 to Orchard School by approximately 0.4 mile.*

Comment R.81: This is not the closest Fire Station to Orchard School. The distance to a selectively chosen Fire Station is irrelevant.

Response S.5: *The statement in this comment that pollution will double is not supported and, in fact, is contradicted by the DEIR's air quality analysis.*

> Comment: The DEIR shows that existing PM2.5 air pollution at the school MEI is 0.21µg/m3 and that the project will add 0.26 µg/m3, resulting in a total exposure of 0.47 µg/m3 this is indeed more than double of the existing exposure.

Response BB.30: *This comment is confusing "traffic circulation" with "trip reduction." The statements on pages 67 and 189 are both true: Regarding the statement on page 67, the project will reduce vehicle trips to the extent that future trips are made by bicyclists and pedestrians instead of driving. Regarding the statement on page 189, traffic circulation under the No Project Alternative and the Bicycle/Pedestrian Overcrossing Alternative Only Alternative will be the same because neither alternative includes a new vehicular overcrossing of I-880. Therefore, there is no inconsistency.*

> Comment BB.30: Since the bike-ped crossing would reduce vehicle trips similar to the proposed project, traffic circulation can't be the same as in the No Project Alternative as the numbers of cars is not identical due to mode shift reducing congestion and affecting traffic circulation.
> The confusion of the response seems to come from the fact that the model used cannot account for a shift in mode share, therefore assuming the same number of vehicles on the road for both alternatives, which according to its own statement is incorrect.

Response O.28: *The 1.5-mile radius selected for use in the VMT evaluation includes all major roadways (including Montague Expressway, Brokaw Road, Oakland Road, Ringwood Avenue, and others) within the area of the proposed roadway extension project. The 0.5-mile roadway extension project would have an immeasurable influence on other major roadways.*

> Comment: As earlier drafts and the data from the air quality analysis show, there would be a significantly higher impact on VMT in a larger area. Statement therefore incorrect.

Response BB.98: *An evaluation of VMT for all major roadways in the County was not completed since such an evaluation would be applicable to a major roadway improvement that provided capacity through the City or into adjacent jurisdictions.*

> Comment: The Transportation Analysis does not distinguish between major and minor improvements and demands it in all cases.

Comment BB.100: *Negligible increase in VMT: "The model results show that the proposed Charcot extension would result in only a negligible increase" (p. 16). Please define negligible as the project will add approximately 16 million VMT to San José's street between now and 2040.*
Response BB.100: *The comment's reference to an increase of 16 million in VMT is incorrect. Per Table 3 of Appendix K, the project will result in an increase of 2,386 VMT when compared to no project conditions in 2040. The referenced increase in VMT in this comment may be referring to a projected increase in VMT that would occur regardless of the proposed project.*

> Additional comment: As stated in the comment, the statement refers to the total amount throughout the years. (back of the envelope calculation: 2,386/day * 365 days * 20 years = 17.4 million VMT). The number in the statement was adjusted for a lower increase in VMT in the

earlier years). The response that the comment is incorrect is itself incorrect and could have been easily verified, if read carefully.

Response BB.102: *The commenter is referred to Appendix K which states […] The determination of project impacts per CEQA requirements are based solely on VMT analysis. The referenced roadway segment analysis was provided for informational purposes and is not presented for the purpose of determining project impacts. Therefore, the evaluation of additional roadways as the comment suggests is not required.*

Comment: The roadway segment analysis was used to evaluate project impacts in the noise, GHG and air quality analysis.

Response BB.123: *Existing travel speed data is provided in Table 7 of Appendix K. An analysis of future travel speeds is not required. Furthermore, the projection of travel speeds 20 years in the future would be speculative.*

Comment: Speeds are projected by the traffic analysis and used in the GHG analysis.

Comment BB.129: *Impact of noise walls on speed: Since noise walls will make it difficult for drivers to assess if children are present on school grounds, speeds will likely violate stated limits ("25 mph when children are present").*

Response BB.129: *This comment is an opinion that is unsupported by any facts or studies. The City is unaware of any information or studies that support this opinion. No changes to the DEIR are required as the comment does not identify any inadequacy in the analyses.*

Comment: the visualizations provided in the DEIR clearly show that drivers will not be able to see through solid walls onto school grounds.

Response BB.310: *Trees along the planned sidewalk next to Orchard School were not included in the visualizations in the Visual Impact Assessment of the Draft EIR.*

Comment: Inconsistent with Revision "Page 30" that replaces the visualization in the DEIR with a visualization that includes the trees.

Comment J.5: *Is a 10 ft soundwall effective in mitigating noise heard by a person on the 2nd story (house along Silk Wood Ln)?*

Response J.5: *Generally, a 2nd floor would not receive any notable benefit unless the soundwall blocks the line of sight to the roadway. If the line of sight is blocked by the soundwall, then the noise reduction would be roughly 5 dB.*

Comment J.5: The response concludes that the project will have a significant impact on residents using their rooms on the 2nd floor. This impact is needs to be adequately disclosed in the EIR.

Comment BB.43: *Roadway Capacity: Please provide maximum capacity for all roadway segments analyzed.*

Response BB.43: *A connector street is defined by the City of San José as being between 60 and 90 feet wide and with average daily traffic (ADT) volumes typically ranging from 2,000 to 16,000 vehicles*

Comment: The response does not provide the information requested as typical volumes are obviously not maximum capacity numbers and some of the roadway segments analyzed such as Montague or Brokaw are not connector streets.

Response BB.10: *US 101 is a north-south route. While SR 237 is an east-west corridor, it is outside of the project study area. Old Bayshore Highway is also outside of the project study area and is a local street with limited capacity.*

Comment: The original text in the DEIR doesn't refer to a specific study area but the NSJ area in general. "Currently, all east-west through traffic crossing between both sides of I-880 in the North San José Area". Therefore the roads should be mentioned in the EIR regardless of their size. While 101 might generally be a north-south route, in the vicinity of NSJ it is a east-west connection.

Also, if local streets with limited capacity are not relevant for connectivity in and out of NSJ than the Charcot extension, which is also supposedly a local facility with limited capacity can't be relevant for connectivity either.

Response BB.11: *The point being made by Response 39.3 is that a decrease in peak hour volumes/congestion on Montague Expressway would benefit users in both the mixed-flow and HOV lanes. This is because a decrease in congestion leads to higher travel speeds, thereby decreasing travel time.*

Comment: No, the point being made in Response 39.3 is that a decrease in peak hour congestion would NOT benefit users in HOV. Comment was misconstrued and not adequately answered.

Comment BB.48: *Additional Permits Required: The EIR should clearly acknowledge any additional permits required for the project such as the many tree removal permits or the National Pollutant Discharge Elimination System Construction General permit required for the project.*

Response BB.48: *This information has been added; see Section 5, Draft EIR Text Revisions.*

Comment: The revision does not disclose a complete list of permits required rather it states examples of permits required.

Response BB.62: *Regarding the last part of this comment, the degree to which various areas are served by existing transit is unrelated to the proposed project.*

Comment: This is highly related as transit provides additional capacity and connectivity for people and it's existence or not-existence is influencing traffic volumes.

Comment BB.65: *Staff has indicated in the time since the publication of the DEIR that this is a typo. Please provide any calculations that are potentially affected by this assumption, especially but not*

limited to underlying calculations for table 3.17-11 in DEIR so that it can be verified that there are no other "typos" in these calculations.

Comment: Response BB.65: does not provide the calculations asked for in the comment.

Response BB.78: *The purpose of this computer simulation is to provide an overview of the visual/aesthetic characteristics with the project in place, as contrasted to existing conditions. The features included in the simulation (e.g., signs, bicyclists, median, bike lanes, HAWK signal, soundwall, etc.) are scaled approximations of future conditions and are not intended to be used for judging what a future motorist might see.*

Comment: Statement incorrect: The visualizations are used in the Visual Impact analysis to describe and assess what a future motorist will see. (see. BB.176)

Response BB.82*: The alignment (in green) suggested by the commenter is not proposed because it would be on private property.*

Comment: The project will require significant right-of-way from private and public properties already. If it were infeasible for the City to propose projects on private property, this complete project could not be proposed.

Response BB.87: *The City does not agree that 3% of future drivers on Charcot Avenue will fail to comply with the HAWK signal each day.*

Comment: The 3% number is based on information from the City. Based on what information does the City disagree with its own statement?

Response BB.87: *The 97% compliance rate is a statistic based on data collected at numerous locations over time and cannot be used to predict driver behavior on any given day at any given location.*

Comment: Yes, this response accurately describes how statistics and averages work.

Comment BB.135*: Is the city working with businesses in the area to offer staggered working hours to their employees, metering of Montague expressway or congestion pricing in order to reduce peak hour demand considering the physical limitations of the use of public streets?*

Response BB.135*: This comment is unrelated to the proposed project or any existing issues at Orchard School associated with access.*

Comment: The comment goes to the heart of the need for the project as they would address congestion on parallel roadways.

Response BB.153: *The traffic analysis utilizes the City's General Plan Travel Demand Forecasting (TDF) Model. The TDF model utilizes the adopted Envision San José 2040 General Plan (Year 2040) roadway network. For details on the 2040 roadway network, please see the General Plan Transportation Network Diagram, available at: https://www.sanjoseca.gov/home/showdocument?id=22573.*

Comment: The Diagram provided is not an adequate description of 2040 conditions as it for example provides no information on major NSJ improvements such as the Trimble Flyover or the

Montague/McCarthy grade separation or lane configurations for major routes (e.g. will Montague be widened to 8 lanes throughout).

Response BB.128: *The City of San José will enforce the posted speed limit.*

Comments: The 85th percentile measured for the EIR on various roads suggests that San José is not enforcing speed limits.

Response BB.160: *The opposite is true: the truck trips would still occur, but some trips would inevitably be longer without the connection*

Comment: Statement inconsistent with statement that with the extension drivers will take longer trips to reduce travel times. There is no reason, this would not be true for truck drivers as well.

Response BB.171: *Pursuant to City policy, the project design will comply current design standards, safety criteria, and the Complete Streets Policy.*

Comment: Compliance with Complete Streets Policy has not been analyzed.

Response BB.175*: The FHWA guidance referenced in this comment is still used for all types of highway projects. Its methodologies focus on "viewer responses" to changes in the visual/aesthetic environment due to a proposed highway improvement project, regardless of its size. (Response BB.175)*

Comment: Project is not a highway project.

Comment BB.193: *What is the basis for the statement "With these proposed walls, the impacts to residents and school viewers would be moderate, and the potentially substantial visual impact to the tot lot would be reduced to a moderate or moderately low-level." Please provide studies that show that sound walls improve the aesthetics of a residential neighborhood and playground and recreational area.*

Comment: The response in FEIR provides still no basis for the statement.

Response BB.207: *Therefore, assuming the traffic volumes are the same in both directions of the roadway was appropriate.*

Comment: It seems that the inputs provided by the traffic analysis were inadequate in presenting the existing situation. This does not make this appropriate.

Comment BB.226*: Impact to Montague and I-880: In a January 2019 meeting it was indicated that the project would reduce air pollution in the I-880/Montague interchange area (northwest corner of Casa del Lago). Does DEIR support this statement?*

Response BB.226*: The comment provides no information as to the date or subject of this meeting, nor the source of – or context for - this statement.*

Comment: This referenced a non-public meeting by the commenter with Mayor Liccardo that was attended by three members from City staff and prepared by the project team. It is surprising that staff has no recollection of the meeting.

Response BB.234*: There is no modeling technique available to predict the various changes in speed by roadway and time as well and future traffic conditions.*

Comment: This is inconsistent with R. 83: "The DEIR air quality analysis modeled traffic emissions that take into account VMT, traffic speed and vehicle delay."

Response BB.257*: The resources needed to maintain an additional roadway of less than a mile in length would be miniscule.*

Comment: Miniscule is not defined. Please provide an accurate estimate of the resources needed to maintain the roadway and bridge structure.

Response BB.258

Comment: The response considers only potential crime on school grounds during school hours but fails to acknowledge potential crime on the proposed road or during community hours outside of school hours.

Response BB.261*: Deleting a planned infrastructure improvement would create a deficiency*

Comment: What is the deficiency that would be created?

Response BB.262: *Based on the following data and information contained in the DEIR, there is no evidence that the construction of the project would lead to a degradation of the school's programs or competitiveness: 1) construction adjacent to the school would occur during the summer when school is not in session, 2) both indoor and outdoor long-term noise levels would comply with applicable standards, 3) emissions of air pollutants would not exceed the thresholds established by BAAQMD, and 4) the school's recreational facilities will be reconfigured.*

Comment: The response fails to discuss if pollution below legal thresholds would have an impact.

Response BB.266*: Gran Paradiso Park is located on the corner of two residential streets, McCay Drive and Avenida Elisa. The use of these streets for cut-through traffic would not change because of the project. The use of McCay Drive as a cutthrough route provides no benefit in terms of shorter route distance from the surrounding streets of Brokaw Road, Murphy Avenue, Hostetter Road, and Lundy Avenue.*

Comment: If McK(!)ay would be used as a short-cut or not has not been analyzed. Statement is speculative.

Response BB.271*: Fiscal issues associated with constructing, operating, and maintaining the project are not physical impacts to the environment under CEQA. The analysis of the project under CEQA is focused on the 20+ subject areas contained in Chapter 3 of the DEIR.*

Comment: The original comment addresses consistency with the General Plan which is one of the 20+ subject areas under CEQA.

Response BB.274*: This statement is incorrect. The Bike Plan addresses bicycle and pedestrian facilities, not facilities for motor vehicles. Thus, the fact that the Bike Plan doesn't mention the roadway extension does not equate to an inconsistency, especially when the General Plan and other planning documents clearly show the roadway connection over I-880.*

Comment: Response is incorrect. The Bike Plan clearly differentiates between at-grade and not at-grade crossings. The Bike Plan 2020 might be inconsistent with the General Plan.

Response BB.285*: the failure to mention the Charcot Extension in a City of Milpitas document does not imply it is not an important infrastructure project for San José.*

Comment: The failure to mention it does imply that the City of San José is unreliable in informing other entities about the need to consider Charcot in their planning.

Response BB.289*: The 1994 opposition referenced in this comment was unrelated to the proposed project or other transportation improvements.*

Comment: The 1994 opposition was in opposition to many aspects of the General Plan including transportation improvements and how schools would be affected. Whether or not the Charcot Avenue Extension was specifically called-out in every document prepared by the 1994 opposition does not invalidate the fact that the City could have taken the school districts' concerns under closer consideration.

Response BB.328: *Equity is a social issue that is not an environmental impact under CEQA.*

Comment: According to a letter by CM Diep to the community, equity has been studied in the DEIR. The City fails to provide the results to the public.[5]

Comment BB.338: *The DEIR should discuss how efficient the feasible and infeasible alternatives would be in terms of reducing congestion and travel times.*

Response BB.338: *The discussion in Section 7 of the DEIR describes the transportation effects of each alternative in comparison to the proposed project.*

Comment: The DEIR does not describe the transportation effects of each alternative adequately.

[5] https://www.sanjoseinside.com/opinion/op-ed-councilman-diep-why-are-you-misleading-constituents/

Response BB.342: *For the reasons cited in Section 3.17 of the DEIR and previous responses, the loss of illegal stopping on Silk Wood Lane to drop-off and pick-up students is not an environmental impact of the project.*

Comment: The response is inadequate as the comment refers to the legal parking available on Silk Wood Lane, not the illegal stopping.

Response BB.343: *There is no need to provide further evidence that freeway ramp metering <u>can</u> result in reduced capacity on the referenced roadways.*

Comment: The comment did not ask for a theoretical discussion of the possibility of reduced capacity, but rather for data to substantiate the claim that this would happen at this location in the near future.

Response BB.91*: Traffic generation is based on the known travel characteristics of the specific land uses and is not affected by capacity of the roadway network.*

Comment: How can traffic generation not be affected by capacity of the roadway system?

Response R.49: *The proposed project will provide for improved connectivity for multi-modal travel in the area. The opportunity provided by the project for increases in multi-modal travel outweigh the minimal increases in VMT.*

Comment: The EIR includes no data to substantiate this statement. It is speculation and most likely untrue as it would require a significant number of pedestrians and bicyclists using the overpass to offset an increase in vehicle travel of more 1,500 miles per day.

Response B.8: *Traffic counts were collected in September 2018 and are presented in Appendix A of the April 8, 2019 traffic study. The referenced volume data is pulled from a raw 24-hour count collected directly on the Montague Expressway overpass of I-880. The referenced volume is not reflective of the entire extent of Montague Expressway and was not used for the purpose of evaluating project impacts. Rather, the volumes and roadway analysis were provided to provide a general comparative evaluation of the effects of the proposed project on a few select roadways.*

(referenced comment B.8: Page 143, Table 3.17-1 shows existing peak hour directional volumes on Montague Expressway which are much lower than CMP PM counts and 2013 County AM counts.)

Comment B.8: The referenced volumes are used to calculate projected volumes on the Charcot Extension and to evaluate impacts noise and air quality. If the data input is not reflective of existing conditions, the air pollution and noise analysis are incorrect.

Response J.7: *The City is not currently committing to any specific traffic calming measures because the degree to which traffic will cut-through the neighborhood is purely speculative. As stated in the traffic study, upon completion of the proposed project, should cut-through become a substantial issue, the implementation of traffic calming measures to address cut-through traffic can be considered by the City as part of a traffic calming study for the area.*

Comment J.7: Avoiding neighborhood cut-through traffic is a goal of the General Plan. If the project increases cut-through traffic this needs to be properly discussed and disclosed and not just speculated.

The City needs to define "substantial issue" and commit to evaluate the impact regularly and reserve funding from the project for any future traffic calming in the area.

Response O.9: *The impact of a vehicle's headlights as it drives by a residence is not significant because the headlights are aimed at the roadway in front of the vehicle. If such an effect was significant, then it would apply to every street lined with residences. At this location, the City points out that the existing and proposed sound walls block vehicle headlights from entering windows at all but the two residences on the corner.*

Comment O.9 The City seems to ignore that unlike most other roads in the City, the Extension will not completely be at grade level with the residences and other uses. It fails to analyze if the head-lights from coming down the eastbound overpass will shine lights into the residences, classrooms or offices.

Response O.14: *The DEIR analysis did not attempt to model the effects of a sound barrier on the dispersion of pollutants since there are no reliable methods to conduct this assessment. Under certain wind conditions, barriers could cause "downwash" effects that result in higher concentrations directly behind a structure. This is a complex effect that tends to be localized and short-term in nature. On the other hand, the barrier could disrupt dispersion of pollutants behind a barrier such that lower concentrations occur. There are no reliable dispersion modeling techniques to analyze this effect for sound walls. The California Air Resources Board (CARB) sponsored an investigation of the effectiveness of sound walls and vegetative barriers as air pollutant mitigation strategies. This study indicates that barriers, especially those with vegetation, could be effective in reducing the localized pollutant concentrations. However, the results are complex and dependent on receptor-barrier-roadway conditions, meteorological conditions, time of day, and traffic.*

Comment O.14: The EIR should clearly disclose that the effects of sound barriers on air pollution are unknown.

Response O.20: *There is no evidence that the project will result in violations of speed limits on Charcot Avenue. Further, there is no statement in the DEIR that tree removal will increase speeds as no such relationship has been established.*

Comment O.20: Staff themselves have said: "Eastbound traffic on the future four lane arterial will likely be traveling downhill at a high rate of speed approaching the [...] street crossing to the school site."

For relationship between trees and speed, please see for example: https://www.researchgate.net/publication/292767085_The_street_tree_effect_and_driver_safety

Response O. 26: *The methodology and adjustment process of the forecasted traffic volumes produced by the City's TDF model is consistent with that which has been used for the evaluation of other roadway network changes in the City.*

Comment O.26: The response raises doubts that the methodology has been shown to produce accurate results?

Response O.34*: The eight alternatives reflect the City's desire to be responsive to the requests of many community members that other options be explored. In fact, six of the eight alternatives were requested by residents.*

Comment: To summarize, for this project which would have a major impact on a public school, staff themselves would have considered only 2 alternatives, one of which is the legal necessary "no Project" alternative.

Four of the eight alternatives (the turn lane alternatives) are almost indistinguishable in their environmental impact and therefore can hardly be considered to be true alternatives.

Response R.17: *In any case, the portion of the project adjacent to the school will be constructed during the summer when school is not in session so as to avoid potential construction related impacts to the school.*

Comment R.17: How will the City mitigate project delays (e.g. from a global pandemic)

Response R.82: *The VMT data are based on the 2.5-mile radius network and contain different VMT, speed and delay information because this network uses a larger study area.*

Comment: This indicates that staff has not come a conclusion on what is the correct area that will be impacted by the Project.

Response BB.15: *The City does not need right-of-way from Caltrans at the I-880 crossing. Instead the City will obtain an encroachment permit from Caltrans or work within the Caltrans right-of-way.*

Comment BB.15: The City agrees that the original statement in the DEIR: "For many years dating back since 1994 when the City adopted its 2020 General Plan, the City has planned and maintained right-of-way for the proposed alignment of the Charcot Avenue extension over I-880 from its current terminus at O'Toole Avenue on the west side of I-880 to the current alignment of Silkwood Lane near Oakland Road." is incorrect since it will work within Caltrans right-of-way. This error should therefore be revised in the original text.

Response BB.49: *A line on a map designating a 2-lane highway does not imply a major facility that would cut through and divide an established neighborhood.*

Comment BB.49: The response seems to imply that Charcot will be a highway?

Response R.38 *refers to impacts on useable land available for Orchard School*

Comment: The response fails to disclose and discuss cumulative impacts resulting from easement requests made by the City for Fox Lane and the Oakland Road widening

Response BB.73: *The lower volumes and less congestion translate into higher speeds, as summarized in Table 3.17-10.*

Comment: In an adequate model, lower volumes (more congestion) could relate to lower not higher speeds.