



March 8, 2021

City of San José, Department of Planning, Building, and Code Enforcement
Attn: Thai-Chau Le, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113-1905

Via USPS and email: Thai-Chau.Le@sanJoseca.gov

Subject: Re: Comments on First Amendment to Draft Environmental Impact Report for the 3896 Stevens Creek Commercial Project

Dear Ms. Le:

Thank you for including the City of Santa Clara (Santa Clara) in the environmental review process for the 3896 Stevens Creek Commercial Project (Project). We have reviewed the First Amendment to the Draft Environmental Impact Report (Amended DEIR), including responses to Draft EIR (DEIR) comments. Upon review of the Amended DEIR, Santa Clara offers the following comments with regard to transportation:

1. Vehicle Cut-Through Intrusion: Santa Clara requested the Project's Transportation Analysis address potential vehicle cut-through traffic intrusion to Santa Clara neighborhoods. The Amended DEIR states "There is no CEQA threshold for cut-through traffic, nor a City of San José policy addressing it; therefore, the Draft EIR did not evaluate cut-through traffic in San José or Santa Clara neighborhoods.". Additionally, the Amended DEIR claims that "it is clear that the total percentage of peak hour trips traveling to/from Santa Clara to the project site would be minimal and cut through traffic would not affect local roadway operations." Figure 10 of the EIR's Transportation Analysis indicates that 69 PM peak hour trips are protected to make a left turn onto westbound Stevens Creek at the intersection of Stevens Creek and Saratoga Avenue and that 55 PM peak hour trips are projected to make a right turn onto northbound Kiely Boulevard at the intersection of Stevens Creek Boulevard and Kiely Boulevard. Due to the proximity of Serenity Way to the intersection Stevens Creek and Kiely Boulevard, Santa Clara is concerned that the 55 PM peak hour trips may cut-through Serenity to access Kiely Boulevard. Additionally, residents along Serenity Way have voiced their concerns regarding speeding on their street. As such, Santa Clara reiterates its request that this impact be analyzed in a supplemental Transportation Analysis and that the Project be required to conduct a post-construction traffic calming study for this neighborhood in Santa Clara due to the size of the Project. Additionally, the Project should be required to contribute sufficient funding to address potential traffic calming issues.

2. Parking Reduction and Spillover Impacts: Santa Clara requested that the TDM Plan include analysis of the parking impacts related to the project's proposed 43% parking reduction; for regular parking surveys to be conducted; and for mitigation of impacts related to parking issues. Instead, the TDM Plan determines whether parking demand must be reduced based on whether the parking spots are generally full and an annual employee survey. Additionally, it allows continuous and countless revisions to the TDM Plan if parking demand must be reduced, which fails to guarantee spillover impacts will be effectively mitigated.

Page 1 of the TDM Plan states that the Planning Director may reduce the required number of parking spaces for a project if "the reduction in parking will not rely upon or reduce the public parking supply." Page 9 states that the applicant must provide replacement parking if the project fails to maintain a TDM program. The City of San José's (San José) 2018 Traffic Analysis Handbook states that projects may be required to conduct parking surveys in nearby neighborhoods prior to implementation and after full operation of a project to evaluate parking intrusion. In line with these considerations, the TDM Plan should be revised to include neighborhood surveys to determine whether spillover impacts are occurring and warrant parking demand reduction measures. At minimum, neighboring uses should have the ability to report if spillover parking is occurring, and these reports should be considered in addition to parking counts and employee surveys. Further, it is inappropriate to allow the TDM Plan to be continuously modified if multiple rounds of modifications fail to reduce excessive parking demand. Accordingly, the TDM Plan should be revised to state that replacement parking will be provided if no improvement is shown after two rounds of adding TDM measures.

3. VMT Analysis: Santa Clara's comment letter on the DEIR noted that the VMT analysis for the fitness center is oversimplified, resulting in an unsupported determination that the Project will result in reduced VMT. Santa Clara's concern is not that the model labels the 304 fitness center trips as "jobs" or "employee trips," but that the analysis assumes that each of these 304 trips will be rerouted from Bay Club facilities in Santa Clara and Los Gatos. The analysis provides no support for this assumption, and it is unreasonable, in the absence of evidence, to assume the fitness center will not generate any new trips of its own. Thus, the Amended DEIR fails to respond to this issue raised by Santa Clara's comment. The DEIR must be revised to either provide the required justification or rerun the VMT analysis with supported assumptions.
4. Santana West Settlement Agreement: Santa Clara understands that LOS is no longer a CEQA metric and that San José adopted VMT to measure transportation CEQA impacts per City Council Policy 5-1. Accordingly, Santa Clara clarifies that it requests that the *record*, rather than the EIR, provide the requested information: (1) a LOS analysis for Stevens Creek Boulevard/Saratoga Avenue intersection with the pedestrian improvement implemented, and (2) a discussion of the Santana West Settlement Agreement and how the proposed improvement addresses settlement agreement requirements to mitigate the additional 97 PM peak hour trips at the Winchester Boulevard/Stevens Creek Boulevard intersection. Though this analysis and information may not be mandated under CEQA, San José is contractually obligated to comply with the terms of the

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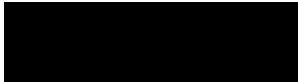
Santana West Settlement Agreement. While Santa Clara has expressed willingness to accept the proposed pedestrian related improvements in lieu of the \$325,047 mandated under the settlement agreement, this acceptance is conditioned on San José likewise exhibiting good faith in addressing Santa Clara's concerns and providing the requested information in the record.

Santa Clara appreciates San José's assertion that it "is committed to addressing the Santana West Settlement Agreement and will continue to coordinate with Santa Clara to fulfill needed requirements." However, Santa Clara remains concerned that San José has failed to provide a formal response explaining how it will comply with the terms of the Santana West Settlement Agreement.

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Thank you for your consideration of and attention to Santa Clara's comments on the Amended DEIR for the 3896 Stevens Creek Commercial Project. Should you have any questions regarding this letter, please contact Michael Liw, Assistant Director/City Engineer via email at mliw@santaclaraca.gov or phone 408-615-3002.

Best Regards,



Andrew Crabtree
Director of Community Development

cc: Rosalynn Hughey, Director of Planning, Building and Code Enforcement, City of San Jose
Matt Cano, Director of Public Works, City of San Jose
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Craig Mobeck, Director of Public Works, City of Santa Clara