

Appendix A
Transportation RTC Memorandum



Memorandum

Date: April 19, 2024
To: Ms. Juliet Martin, Circlepoint
From: Brian Jackson
Subject: Responses to Comments on the Draft EIR Prepared for the Proposed Mixed-Use Project on Seely Avenue in San Jose, California

Hexagon Transportation Consultants, Inc. is pleased to submit the following responses to traffic related comments on the Draft EIR prepared for the mixed-use project on Seely Avenue in north San Jose, California.

County of Santa Clara Comments (January 26, 2024)

Comment A-1.1: The County will not permit a new traffic signal on Montague expressway. A signal at this location does not meet county standards and conflicts with County and City plans for Montague and Trimble. This position is consistent with County correspondence to the City in response to the notice of preparation. Remove the option from the EIR.

Response: The project is no longer proposing a new traffic signal at Seely Avenue and Montague Expressway. The "New Project" scenario (evaluated in Chapter 6 of the Transportation Analysis) presents the currently proposed project.

Comment A-1.2: The City should identify and provide fair share contribution for the following two interchanges as identified in the North San Jose Settlement agreement:

- Montague Expressway and 880 Interchange
- McCarthy Boulevard-O'Toole Avenue and Montague Expressway interchange.

Response: (This comment should be directed to City of San Jose staff.)

Comments A-1.3 and A-1.4: The turn pocket described below is actually SB left from River Oaks to EB Montague. If no signal is installed at Montague/Seely, the project should recommend alternative mitigation measures to address the queuing issue at Montague/River Oaks. A possible alternative would be constructing the project as described in TIA Chapter 6 - New Project analysis, which assumes no new traffic signal (i.e., no left-turn access) at the Seely Avenue/Montague Expressway intersection and a reduction in retail space compared to the originally proposed larger project.

It is stated that *The queuing analysis indicates that the maximum vehicle queues for the westbound left-turn movement at the Montague Expressway/River Oaks Parkway intersection currently exceed the existing vehicle storage capacity and would continue to do so under background and project alternative conditions during both the AM and PM peak hours of traffic.*

- The maximum westbound left-turn vehicle queue under project alternative conditions would block access to the existing commercial driveway on River Oaks Parkway. The driveway is situated approximately 400 feet from Montague Expressway. The westbound left-turn pocket cannot be extended due to the presence of back-to-back left-turn pockets.



- The project would actually reduce the westbound left-turn vehicle queue at the Montague Expressway/River Oaks Parkway intersection due to the reassignment of existing vehicle trips that would result from installing a new traffic signal at the Seely Avenue/Montague Expressway intersection.

Response: The vehicle queuing at the Montague Expressway/River Oaks Parkway intersection is an existing condition and is not created by the project. Furthermore, vehicle queuing is an operational issue and is not a CEQA related issue. The project is no longer proposing a new traffic signal. The “New Project”, as recommended in the comment, is the currently proposed project.

Comment A-1.5: Appendices are not provided in the current draft of EIR. It is unclear whether planned improvements at Trimble, McCarthy, and 880 were included in the traffic analysis.

Response: The planned improvements at Trimble Road, McCarthy Avenue, and I-880 were not included in the transportation analysis because these improvements are not funded.

Comment A-1.6: Installation of crosswalk crossing Montague at Seely was not included in the initial traffic analysis. Is this a signal-controlled crosswalk at the new signal?

Response: The project never proposed a crosswalk crossing Montague Expressway. The previously proposed traffic signal, which is no longer being considered, included a crosswalk crossing Seely Avenue only.

Comment A-1.7: The proposed single eastbound left turn storage lane at Seely is 300 ft, which will cut into existing westbound left lanes at Trimble and a potential future flyover.

Response: Since the project is no longer proposing a traffic signal, an eastbound left-turn pocket on Montague Expressway and Seely Avenue will not exist and therefore will not conflict with westbound turn lanes at Trimble or the potential future flyover.

Comment A-1.8: Please include queuing analysis at:

- westbound right at Montague Expressway and Seely Ave for both AM and PM peak hours.
- northbound right at Montague Expressway and Trimble Rd for both AM and PM peak hours.
- turning movements at 880 ramps.

Response: Since the project is not proposing a traffic signal at Montague/Seely, there will be no movements that conflict with the right-turn movement from westbound Montague Expressway to northbound Seely Avenue. Therefore, there will be no vehicle queues for this westbound right-turn movement. Also, the project will not add any trips to the right-turn movement from northbound Trimble Road to eastbound Montague Expressway because no traffic signal will be built at Seely Avenue/Montague Expressway that would allow for left turns from eastbound Montague Expressway onto northbound Seely Avenue. Note that all the metering lights at the I-880 on-ramps from Montague Expressway have been either decommissioned or removed. Therefore, there are no vehicle queues on the I-880 on-ramps where the project would add trips.

Comment A-1.9: Some vehicles may cut through the nearby office park to access Trimble instead. Did TIA consider this, and are there any impacts?

Response: The traffic study did not assign any traffic to cut through the office park. The office park (Cadence Design Systems) would undoubtedly take steps to prevent cut-through trips if they were to occur. In addition, other less circuitous routes are available to access the surrounding roadway

network. For the purpose of the Transportation Analysis, outbound project generated vehicle trips were assigned to eastbound Montague Expressway via River Oaks Parkway. Drivers exiting the project site and intending to travel eastbound on Montague Expressway would first travel northbound on Seely Avenue, turn left onto River Oaks Parkway, and then turn left onto Montague Expressway.

Comment A-1.10: The project has identified in San Jose's Better Bike Plan 2025 future Class IV separated bikeway improvements along Montague. We wanted to mention that the County's draft Active Transportation Plan calls for a Class I – Shared Use Path. Since the project has identified to make a fair-share monetary contribution toward the future Class IV separated bikeway improvements that are planned along Montague Expressway as described in the San Jose Better Bike Plan 2025, we ask that the fair-share be utilized for the more updated recommendation out of the County's Active Transportation Plan so that it is consistent with County policy and ROW on Montague Expressway. If possible, the County recommends the project to dedicate some ROW for proposed bike improvements.

Response: (This comment should be directed to City of San Jose staff.)

VTA Comments (March 11, 2024)

Comment A-5.1: VTA disagrees with the statement on Page 238 of the DEIR that states, "The existing and planned networks of pedestrian and bicycle facilities exhibit good connectivity and would provide residents, visitors, and retail employees of the project with safe routes to transit stops and other points of interest in the project vicinity." VTA generally sees the VMT mitigation measures as reasonable, but several parts of the DEIR are conflicting and do not seem to go far enough to positively impact pedestrian connectivity. For example, the TIA and DEIR are inconsistent on the construction of a new crosswalk at the intersection of Seely Avenue and Montague Expressway. The new crosswalk is not shown on the DEIR Site Plan and we have no information about whether crosswalks would be provided across Montague Expressway. Providing a safe and comfortable crossing of Montague Expressway at Seely Avenue will be critical to helping the project generate transit ridership and VMT reduction. Page 239 of the DEIR states that this project would generate 45 new transit trips per peak hour (10 percent transit mode share), which would be nearly impossible without improving the pedestrian crossings across and along Montague Expressway. Right now, if a resident of this new development were starting at the project site and wanted to take VTA bus Route 20, they would need to cross Montague Expressway on one leg of their trip. Currently, the only opportunities to cross Montague Expressway are at Trimble Road, a very unfriendly intersection where someone would have to cross between 10 and 12 lanes of traffic depending on the leg, at McCarthy Boulevard (also unfriendly), or the Coyote Creek Trail under Montague Expressway, which has major sidewalk gaps on the south side. Because of these reasons, the developer should contribute to pedestrian crossing improvements at Montague Expressway and Seely Avenue, which would include coordinating with the County.

VTA has previously commented that the project should provide a sidewalk from the end of the cul-de-sac at the south end of the proposed Comice Way to Montague Expressway, but it is unclear if that pedestrian connection is provided in the site plan.

Response: At one point the project proposed a traffic signal at Seely/Montague, but that idea was rejected by County Roads and Airports. The Project does not propose a crosswalk across Montague. A pedestrian connection between Comice Way and Montague is infeasible due to the grade differential and conflicts with the proposed well site for ramping.

Comment A-5.3: VTA recognizes that the DEIR identifies that the project would generate residential VMT per capita above the City's threshold, requiring mitigation (Impact TR-1). As stated previously, the set of mitigation measures seems generally reasonable, and we specifically support the proposal for unbundling parking. We do want to note that per the City's VMT Tool which is based on industry research, "Surrounding streets must have parking restrictions in place, such as metered parking, time limits restricting overnight parking, and residential parking permits (RPP) for which Project residents are not eligible." However, right now, it looks like parking on Seely Avenue is completely unrestricted.

The section on TDM monitoring on Page 25 of the LTA is more detailed and stronger than in the DEIR on Page 243. VTA recommends the monitoring to be done by a third-party rather than just self-reporting.

Response: Although Seely Avenue currently has street parking, all street parking along the project frontage on Seely Avenue and along the west side of Seely Avenue will be removed once the future bicycle facility improvements (Class IV bikeway along the project frontage and Class II bike lanes along the west side of Seely Avenue) are implemented by the project. The project complies with the City's TDM policy measures in place at the time the project application was deemed complete. The Project's Annual Monitoring Report will be conducted in consultation with the traffic engineering firm responsible for the Project's Transportation Demand Management Plan and City Staff.

River Oaks Neighborhood Association Comments (March 11-21, 2024)

Comment B-2.1: There is no Trimble Flyover and there are no future plans in the works. The EIR makes assumptions based on there being a flyover. There will not be a light at Seely and Montague, per Santa Clara County. The EIR is based on there being an intersection with a signal on Seely and Montague. These two assumptions falsely project traffic mitigation that will not happen.

Response: The Trimble Road flyover is listed as an Expressway Project in the draft VTP 2050 projects list. The Trimble Road flyover is a potential future project but a funding source for this Expressway Project has not been identified. The project is no longer proposing a new traffic signal at Seely Avenue and Montague Expressway. The "New Project" scenario of the Transportation Analysis (TA) presents the currently proposed project. The proposed mitigation will reduce the significant VMT impact identified under the New Project scenario to a less-than-significant level, based on the City of San Jose's VMT Evaluation Tool, which satisfies CEQA requirements. For clarity, the Project's traffic analysis did not count on either the Trimble flyover nor a signal at Montague/Seely to evaluate the traffic impacts.

Comment B-3.1: The Transportation Appendix P by Hexagon Transportation Consultants still is based on a project design that has a light at Seely and Montague (pg. 30) and a Grocery Store (pg. 60). Based on information we received from Manuel Atienza at the end of this past June, the county denied the light and the developer submitted a new plan without the light and changed commercial usage to not include a grocery and rebalance residential and commercial usage.

Surprisingly, the appendix Executive Summary reflects the new residential unit count but does not seem to reflect the removal of the light and reduction of commercial usage. The removal of the light is a fundamental change to the traffic flow and should have been reflected in the analysis. It is also possible the new balance of residential and commercial usage affects traffic demand. If we are understanding the situation correctly, we think this needs to be corrected as soon as possible by updating the traffic analysis and starting a new EIR review cycle.

Response: The project is no longer proposing a new traffic signal at Seely Avenue and Montague Expressway, and the project no longer includes a supermarket. The “New Project” scenario of the Transportation Analysis (TA) presents the currently proposed project, which was utilized for the traffic analysis in the Draft EIR.

Adams Broadwell Comments (March 11, 2024)

Comment C-3.30: The DEIR’s transportation impacts analysis fails to accurately describe and address the Project’s impacts, most notably with respect to the Project’s vehicle miles traveled (“VMT”) impacts. The DEIR’s Transportation Analysis Fails to Analyze or Disclose the Project’s True Significant and Unmitigated VMT Levels.

As explained in detail in transportation expert Norman Marshall’s comments, the DEIR’s VMT analysis contains a crucial flaw that led to an underestimation of the Project’s significant impacts. The DEIR acknowledges that the project would lead to a significant VMT impact, with projected VMT per capita exceeding the city’s established threshold. To mitigate this impact, the DEIR proposes MM TR-1.1, which would implement a series of mitigation measures, with the most significant reduction attributed to the “Voluntary Travel Behavior Change Program.”

However, Mr. Marshall highlights why the DEIR overestimates the efficacy of this mitigation strategy. Particularly, he explains the flaw in assuming 100% participation in the Voluntary Travel Behavior Change Program. First, Mr. Marshall highlights that the Voluntary Travel Behavior Change Program’s travel diary requirement will decrease participation due to the burdensome nature of travel diaries. Mr. Marshall emphasizes how uncommon such a requirement is, stating that he has been unable to find any recent voluntary travel reduction programs with travel diaries documented anywhere in the United States. Second, Mr. Marshall points out that simply providing information to residents or employers will not yield the projected 4% reduction in VMT as assumed in the DEIR. Instead, “A more realistic participation rate is 10%, with the VMT reduction reduced proportionally to 0.4% as shown in Figure 12. The resulting VMT per capita with all six measures would be 10.71, i.e., 5.8% higher than the City’s threshold of 10.12.”

In light of these findings, the DEIR lacks substantial evidence supporting the conclusion that the proposed mitigation measures will mitigate the Project’s VMT impacts to less than significant levels. The analysis provided by Mr. Marshall calls into question the accuracy of the projected reductions and highlights the need for a more realistic and comprehensive analysis that addresses the significant VMT impact associated with the Project. Indeed, if the analysis was done accurately, the DEIR would have identified a significant VMT impact. Therefore, the DEIR should be revised to accurately disclose the Project’s VMT, and to include all feasible mitigation.

Response: The San Jose TP18 “Provide Voluntary Travel Behavior Change Programs” does not include language or requirements for travel diaries. Travel diaries are not a requirement of a Voluntary Travel Behavior Change Program (VTBCP), only one example of many options available as part of a VTBCP.

In San Jose’s and VTA’s VTBCP descriptions, the measure calls for the applicant to “Provide a voluntary travel behavior change program that targets individual attitudes and behaviors towards travel and helps individuals analyze and alter their travel choice and behavior.” This means a program is presented, promoted, and communicated to all (100%) occupants as they are considered participants in the project’s commuter program (regardless of whether they opt for an alternative mode or show up for a commuter fair). All residents will receive travel behavior change information designed to encourage the use of alternative transportation.

TDM programs include many options to promote alternative transportation and are presented to all residents. A TDM plan is a package of measures, and VTBCP is just one measure that complements and leverages other measures to achieve a trip reduction goal of a TDM plan. VTBCP “contributes” to the ultimate participation percentage, which is the number of residents who use alternative transportation and reduce VMT.

Note that the percentage reduction for this TDM measure comes from the City of San Jose’s established VMT Evaluation Tool, which has been adopted and used extensively by San Jose to determine appropriate trip reduction measures (i.e., TDM measures) and the reductions associated with each. Consequently, the DEIR does adequately disclose the VMT impacts, and its conclusions are supported by substantial evidence.

Comment C-3.31: The DEIR concludes that the Project would not substantially increase hazards due to a geometric design feature (such as dangerous intersections). However, as demonstrated by Mr. Marshall, the Project will indeed result in hazards due to a dangerous intersection. As Mr. Marshall explains, “With the proposed project and DEIR intersection design, the DEIR estimates that queues would extend into the upstream intersection during the AM peak hour . . . The Project therefore will result in traffic blockages.” Therefore, it is imperative that the DEIR analyze, disclose and mitigate the risks made evident in the DEIR’s own traffic analysis.

Response: The commenter is claiming that the previously considered traffic signal at Montague Expressway and Seely Avenue would qualify as a “dangerous intersection” due to vehicle queues. The project is no longer proposing a new traffic signal at this intersection. Therefore, the vehicle queuing described in this comment will not occur.