CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, DIRECTOR

April 19, 2013

Cindy Hom
City of Milpitas
Planning Division
455 East Calaveras Boulevard
Milpitas, CA 95035

SUBJECT: Traverse Residential Project (City of San Jose File OA13-003)

Dear Ms. Hom:

On April 5, 2013, the City of San José received a referral for the proposed redevelopment and expansion of the Traverse Project in Milpitas. The City of San José appreciates the opportunity to review and provide comments on the proposed project. Please consider the following in relation to the project review including CEQA analysis:

Transportation Level of Service

The project site is located within close proximity of the planned Milpitas BART station and includes partial construction of a street which would serve as a primary transportation linkage between the BART station and areas planned for intensification to support use of the BART system. Specifically, the street identified as "Journey Street" on the project plans should be designed to accommodate significant pedestrian and bicycle traffic (e.g., 10 foot sidewalks, designated bicycle lanes) and also to accommodate vehicle traffic that could be generated in connection to operation of the BART station. Promoting transit use is a critical component of both local and regional efforts to reduce traffic congestion and greenhouse gas emissions.

Impacts to San Jose transportation facilities should be evaluated according to San Jose's transportation impact policy and guidelines (Council Policy 5-3).

Bay Checkerspot Butterfly / Nitrogen Deposition

The City of San Jose has recently adopted the Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan (SCVHP) developed in partnership with the County of Santa Clara, the City of Morgan Hill, the City of Gilroy, the Valley Transportation Agency and the Santa Clara Valley Water District. The SCVHP establishes a framework for development projects to comply with several state and federal regulatory processes and standardized avoidance, minimization, mitigation and compensation requirements set forth in federal and state laws, including the California Environmental Quality Act (CEQA). CEQA requires that any public agency approving or carrying out a project for which there is substantial evidence of a potentially significant impact must identify measures necessary to mitigate impacts to a less-than-significant level (Pub. Res. Code § 21081).

The SCVHP establishes standardized, equitable, feasible and enforceable measures by which participating jurisdictions can mitigate impacts upon species covered by the SCVHP to a less-than-significant level. The impact and mitigation analyses in the SCVHP are based on extensive analysis and the best available science and have resulted in the identification and design of feasible mitigation that may not have been identified in prior environmental documents. The SCVHP establishes standards for

mitigation of impacts to several species that depend on serpentine soils, such as the Bay checkerspot butterfly. Potentially significant impacts to such species include indirect, cumulative, and highly dispersed impacts such as nitrogen deposition. In the past, the effects of nitrogen deposition on special-status plants and wildlife have been underestimated or were not understood; however, this is no longer true, and nitrogen impacts are articulated in detail in the SCVHP.

Nitrogen deposition is known to have deleterious effects on many of the serpentine plants in the SCVHP area, as well as the host plants that support the Bay Checkerspot Butterfly. Nonpoint sources such as automobiles emit nitrogen compounds into the air. Because serpentine soils tend to be nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. Non-native annual grasses grow rapidly, enabling them to out-compete serpentine species. The displacement of these species, and subsequent decline of the several federally-listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County (the last remaining population of butterflies). Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentines, so that fertilization impacts could persist for years and result in cumulative habitat degradation. The invasion of native grasslands by invasive and/or non-native species is now recognized as one of the major causes of the decline of the Bay Checkerspot Butterfly.

All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area including from within your jurisdiction. Therefore, even relatively small amounts of increased nitrogen deposition resulting from new development could contribute to a cumulatively significant impact by diminishing the population sizes of serpentine species and possibly the chances of survival of the threatened butterfly and the serpentine-specific plant species within Santa Clara County.

Because CEQA requires implementation of all feasible mitigation measures, even for impacts that cannot be mitigated to a less-than-significant level, including cumulatively significant impacts, and the mitigation program developed for the SCVHP includes feasible mitigation measures for the impacts of nitrogen deposition upon serpentine habitat and the Bay Checkerspot Butterfly, similar feasible mitigation should be developed and included for the subject project, correlated to the amount of new vehicle trips that the project is expected to generate. Given the development of feasible mitigation measures for the SCVHP, it will likely be difficult for a lead agency to adopt a Statement of Overriding Considerations if no similar mitigation measures are incorporated in the project.

Thank you for providing the City of San Jose with the opportunity to comment on the Traverse Residential Project in the City of Milpitas. If you have questions, please contact me at (408) 535-7893 or by email at andrew.crabtree@sanjoseca.gov or contact David Keyon at (408) 535-7898 or by email at david.keyon@sanjoseca.gov.

Sincerely,

Andrew Crabtree

Andrew Crabtree
Division Manager

Cc: Santa Clara Valley Habitat Plan Agency

SANTA CLARA
Valley Transportation Authority

April 30, 2013

City of Milpitas
Planning Division
455 East Calaveras Boulevard
Milpitas, CA 95035-5479

Attention: Cindy Hom

Subject: City File No.: SD13-00xx / Traverse Residential Project

Dear Ms. Hom:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Initial Study and Transportation Impact Analysis (TIA) for 206 multi-family residences, street improvements, and a public park at 569-625 Trade Zone Boulevard. We have the following comments.

Land Use & Density

VTA supports the reuse and intensification of this important site within walking distance of VTA's Montague Light Rail Station and future Milpitas BART station. However, the proposed density of 16 units per acre is lower than the density recommended in the Milpitas Transit Area Specific Plan (TASP), which designates the site as "High Density Transit Oriented Residential" with a minimum average gross density of 21 units/acre (Milpitas Transit Area Specific Plan, Amended April 2009, pg. 3-4). Reductions in residential density in the TASP area could impact the goals of the TASP in terms of housing production, support for existing and future transit ridership, and revenue generation to support multimodal infrastructure improvements. VTA encourages the City to work with the applicant to increase the density of the proposal. VTA recognizes that increased density could exacerbate traffic impacts associated with the project, however we believe that the benefits of increasing density in a transit-oriented area are an appropriate offsetting measure to these potential impacts.

Pedestrian and Bicycle Accommodations

The TIA describes a number of pedestrian improvements that will be completed by the Trumark project, such as a new crosswalk and pedestrian signal phase across Montague Expressway and additional sidewalk frontage. VTA supports these recommendations and suggests that the new sidewalks along the project frontage be required as a specific, enforceable Conditions of Approval for the project.

The TIA notes that, "The TASP calls for the addition of bike lanes on Trade Zone Boulevard, which would complete the bike lane network in the area. Most of Trade Zone Boulevard is already wide enough for bike lanes. The Warmington project will widen Trade Zone Boulevard along its frontage, which will provide sufficient width for bike lanes" (pg. 17).

VTA recommends that the City condition the project to not only provide the necessary street width, but also stripe the bike lanes along Trade Zone Boulevard.

Transit Accommodations
VTA recommends installing two bus duckouts to improve on traffic congestion and safety within this project. Both bus stops are located just outside the Montague/Trade Zone intersection and will connect to Community Lines, Express Lines, Shuttles as well as Light Rail and BART. VTA encourages the City to work with the developers of the Trumark and Warmington projects to implement these improvements.

1. Bus stop at NB Montague Expressway, far side of Trade Zone Boulevard.

   Following improvements needed:
   -Typical Bus Duckout designed for Expressways.
   -8' x 40' Passenger Pad with 7' x 25' Shelter Pad.
   -Pole mounted solar light with ADA compliant activation button on bus stop pole.

2. Bus stop at WB Trade Zone, near side of Ringwood Avenue.

   Following improvements needed:
   -Modified Bus Duckout
   -8' x 40' Passenger Pad with 7' x 25' Shelter Pad.
   -Pole mounted solar light with ADA compliant activation button on bus stop pole.

Improved transit connectivity would encourage daily tasks to be accomplished by using public transportation, reducing automobile trips and greenhouse gas emissions. VTA recommends that the above mentioned transit improvements be included as specific, enforceable Conditions of Approval for the project.

CMP Intersection Methodology
According to VTA TIA guidelines chapter 5, CMP intersections are analyzed under Existing, Background Conditions (existing + approved projects), Project Conditions (existing + approved projects + project). Trumark residential development has been approved and is currently under construction. Trade Zone Boulevard / Montague Expressway is a CMP intersection which is operating at LOS F (Table 4).

VTA recommends the following:

- Trips generated by Trumark residential development be included under background conditions;
- Trips generated by Traverse development should be calculated separately under Project Conditions
- Average control delay should be calculated under project conditions and
- Mitigation measures should be identified if the average control delay due to project trips is more than 4 seconds and project traffic increases the critical v/c value by 0.01 or more.

Study Intersection Level of Service

Page 11 and table 4 of the traffic operational analysis report discusses an increase in average delay. According to VTA TIA guidelines the delay for signalized intersection should be average control delay. Please clarify.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

Roy Molseed
Senior Environmental Planner

ML1303

County of Santa Clara
Roads and Airports Department

101 Skyport Drive
San Jose, California 95110-1302
1-408-573-2400

April 30, 2013

Cindy Hom
City of Milpitas
455 E. Calaveras Boulevard
Milpitas, CA 95035

SUBJECT: Mitigated Negative Declaration-Traverse Residential Project

Dear Ms. Hom:

The County of Santa Clara Roads and Airports Department appreciates the opportunity to comment on the Mitigated Negative Declaration (MND) for the Traverse Residential Project. The County is submitting the following comments:

1. Pages 26-28: The MND indicates that the project will have 'No Impact' on the existing circulation system and on the applicable congestion management program (Page 26, Table XVI - Items 1 and 2). The results of the Transportation Impact Analysis (TIA), however, clearly indicates that the project will have an impact to the Montague Expressway/Trade Zone Boulevard intersection based on VTA's TIA Guidelines, which state:

   Project impacts an intersection determined to have been at LOS F under background conditions if:

VTA TIA Guideline	Project TIA Findings
Addition of the project traffic increases the average control delay for critical movements by four (4) seconds or more, ***and*** Project traffic increases the critical v/c value by 0.01 or more	**AM Peak** Avg Critical Delay = +27.8 seconds Crit V/C = +0.024
OR	
Project increases the critical v/c value by 0.01 or more when change in average control delay is negative.	**PM Peak** Avg Critical Delay = -31.6 seconds Crit V/C = +0.353

Board of Supervisors: Mike Wasserman, District 2 Vacant, Dave Cortese, Ken Yeager, S. Joseph Simitian
County Executive: Jeffrey V. Smith

Page 28 of the MND indicates that "the project would incorporate the TASP EIR mitigation measures for traffic impacts including but not limit [sic] to traffic impact fees and dedication of land for the future widening of Trade Zone Blvd." These traffic impact fees should also be collected for the Montague Expressway widening project to mitigate the negative impacts at the Montague Expressway/Trade Zone Boulevard intersection. With this mitigation measure, Items 1 and 2 on Table XVI (page 26) could be checked "Less Than Significant With Mitigation Incorporated."

2. According to the TIA, the proposed project adds 50 additional trips in the PM peak hour to the heavily congested Montague Expressway eastbound right turning movement. The County requests that the project be required to add a free running right-turn for this movement. The County is amenable to working with the developer on design/signal options that will ensure the free running right turn will not negatively impact bicyclists and pedestrians.

If you have any questions about these comments, please contact me at 408-573-2465 or dawn.cameron@rda.sccgov.org.

Sincerely,

Dawn S. Cameron
County Transportation Planner

c: MA, AP