Draft Environmental Impact Report

Santana Row
Planned Development Rezoning

March 2015

SCH# 2013122059

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

PREFACE

This document has been prepared by the City of San Jose as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 *et seq.*), and the regulations and policies of the City of San Jose. The purpose of this Environmental Impact Report (EIR) is to inform decision makers and the general public of the environmental effects of the proposed project.

In 2011, the City of San Jose approved the *San Jose 2040 General Plan*, which is a long-range program for the future growth of the City. The *San Jose 2040 General Plan FEIR* was a broad range analysis of the planned growth and did not analyze specific development projects. The intent was for the *San Jose 2040 General Plan FEIR* to be a program level document from which subsequent development consistent with the General Plan could tier.

This EIR has been prepared as part of the supplemental environmental review process needed to evaluate the proposed project in terms of the overall development envisioned in the *San Jose 2040 General Plan.*

Purpose of the EIR

In accordance with CEQA, this EIR provides objective information regarding the environmental consequences of the proposed project to the decisions makers who will be considering and reviewing the proposed project. The CEQA Guidelines contain the following general information of the role of an EIR and its contents:

> **§15121(a) – Informational Document.** An EIR is an informational document, which will inform public agency decision makers, and the public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR, along with other information that may be presented to the agency.
>
> **§15145 – Speculation.** If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.
>
> **§15151 – Standards for Adequacy of an EIR.** An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information that enables them to make a decision that intelligently considers environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good-faith effort at full disclosure.

Tiering From Previous EIRs

In accordance with CEQA, this EIR will tier from the *San Jose 2040 General Plan FEIR.* The CEQA Guidelines contain the following information on tiering an environmental document:

> **§ 15152 – Tiering.** (a) "Tiering" refers to using the analysis of general matters contained in a broader EIR (such as one prepared for a general plan or policy statement) with later EIRs and negative declarations on narrower projects; incorporating by reference the general discussions from the broader EIR; and concentrating the EIR or negative declaration solely on the issues specific to the later project.
>
> (b) Agencies are encouraged to tier the environmental analyses which they prepare for separate but related projects including general plans, zoning changes, and development projects. This approach can eliminate repetitive discussions of the same issues and focus the later EIR or negative declaration on the actual issues ripe for decision at each level of environmental review. Tiering is appropriate when the sequences of analysis is from an EIR prepared for a general plan, policy or program to an EIR or negative declaration for another plan, policy or program of lesser scope, or to a site-specific EIR or negative declaration. Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration. However, the level of detail contained in a first tier EIR need not be greater than that of the program, plan, policy, or ordinance being analyzed.

Noticing and Availability

In accordance with Section 15082 of the CEQA Guidelines, a Notice of Preparation (NOP) was circulated to the public and responsible agencies for input regarding the analysis in this EIR. This EIR addresses those issues which were raised by the public and response agencies in response to the NOP. The NOP and copies of the comment letters received are provided in Appendix H of this EIR.

This EIR and all documents referenced in it are available for public review in the Department of Planning, Building and Code Enforcement at San Jose City Hall, 200 E. Santa Clara Street, 3rd floor, during normal business hours.

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SUMMARY

The project proposes to expand the site boundary, increase office entitlements by 510,000 square feet, develop two new office buildings and a parking structure, rezone the project site to allow for the proposed changes, and "protection" of the Stevens Creek Boulevard/Monroe Avenue intersection, meaning the intersection level of service (LOS) would be allowed to degrade below LOS D.

The following is a summary of the significant impacts and mitigation measures addressed within this EIR. The project description and full discussion of impacts and mitigation measures can be found in *Section 2.0 Description of the Proposed Project, Section 4.0 Environmental Setting, Impacts, & Mitigation, and Section 6.0 Cumulative Impacts* of this EIR.

Significant Impacts	Mitigation Measures
Transportation – Section 4.2 of the EIR	
Impact TRAN-1: Implementation of the proposed project would have a significant impact on the Winchester Boulevard/Stevens Creek Boulevard, Monroe Street/Stevens Creek Boulevard, San Tomas Expressway/Stevens Creek Boulevard, and San Tomas Expressway/Moorpark Avenue intersections under background plus project conditions.	**MM TRAN-1.1:** Winchester Boulevard and Stevens Creek Boulevard: This intersection, which is also impacted under existing plus project conditions, has been identified by the City of San Jose as a protected intersection. Therefore, in lieu of physical improvements to the intersection, the project applicant shall construct offsetting improvements to other parts of the citywide transportation system. The final improvements required will be identified by the City of San Jose based on the traffic impact fees paid by the project. Offsetting improvements shall be required to be implemented prior to issuance of occupancy permits for the new buildings on Lots 9 and 17. Pursuant to the City's policy, the implementation of offsetting improvements would provide project benefits that outweigh the project's significant impact. **MM TRAN-1.2:** Monroe Street and Stevens Creek Boulevard: There are no feasible capacity improvements for this intersection due to right-of-way restrictions. The addition of project traffic to the intersection would result in a significant unavoidable impact. Therefore, the intersection is proposed for addition to the City's list of protected intersections. **MM TRAN-1.3:** San Tomas Expressway and Stevens Creek Boulevard: The LOS of this intersection would be improved to an acceptable LOS D with the addition of a fourth through lane. The Comprehensive County Expressway Planning Study identified the widening of San Tomas Expressway as a Tier 1 priority. The project applicant shall pay a fair share contribution towards the County's addition of new through lanes on San Tomas

Please see previous page.	Expressway. The payment of fair share fees would reduce the project's impact to a less than significant level. **MM TRAN-1.4:** San Tomas Expressway and Moorpark: The LOS of this intersection would be improved to an acceptable LOS D with the addition of a fourth through lane. The Comprehensive County Expressway Planning Study identified the widening of San Tomas Expressway as a Tier 1 priority. The project applicant shall pay a fair share contribution towards the County's addition of new through lanes on San Tomas Expressway. The payment of fair share fees would reduce the project's impact to a less than significant level. **Less Than Significant With Mitigation (with the exception of Monroe Street/Stevens Creek Boulevard which is Significant and Unavoidable.**
Impact TRANS-2: Implementation of the proposed project would have a significant impact on the westbound segment of I-280 between Meridian Avenue and I-880, one northbound segment of I-880 between I-280 and Stevens Creek Boulevard, and one southbound segment of I-880 between N. Bascom Avenue and Stevens Creek Boulevard.	There are no feasible mitigation measures available to reduce project impacts on local freeways to a less than significant level. **Significant Unavoidable Impact**
Air Quality – Section 4.3 of the EIR	
Impact AIR-1: Full build out of the PD zoning would have a significant ROG, NOx, and PM_{10} operational air quality impact.	There are no mitigation measures available to reduce identified ROG, NOx, and PM_{10} emissions impacts to a less than significant level. **Significant Unavoidable Impact**
Impact AIR-2: Construction of the proposed project would result in a temporary community risk impact.	**MM AIR 2-1:** All diesel-powered off-road equipment larger than 50 horsepower and operating at the site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent; **MM AIR 2-2:** All diesel-powered forklifts, aerial lifts, air compressors, and generators shall meet U.S. EPA

Please see previous page.	particulate matter emissions standards for Tier 4 engines or equivalent; or the construction contractor shall use other measures to minimize construction period diesel particulate matter emissions to reduce the predicted cancer risk below the threshold. Such measures may include the use of alternative-powered equipment (e.g., LPG-powered forklifts, electric compressors), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures, provided that these measures are approved by the lead agency; and **MM AIR 2-3:** Minimize the number of hours that equipment will operate, including the use of idling restrictions. **Less Than Significant Impact With Mitigation**
Noise – Section 4.5 of the EIR	
Impact NOI-1: Use of the proposed parking structure outside standard operating hours could have a significant effect on nearby residences.	**MM NOI-1.1:** The project applicant shall construct the eastern façade of the parking structure as a solid wall to shield nearby residences from project generated noise with the structure during sensitive evening hours. If it is not feasible to construct a solid wall on the eastern side of the parking structure, then the project applicant shall permanently prohibit, through the use of signs, gates, and/or movable barricades, parking within the two easternmost parking aisles (as demonstrated in Figure 4 of Appendix C) Monday through Saturday from 9:00 PM to 8:00 AM and Sunday from 7:00 PM to 8:00 AM.. **Less Than Significant Impact With Mitigation**
Geology and Soils – Section 4.7 of the EIR	
Impact GEO-1: Future development under the proposed PD rezoning could impact ground water.	**MM GEO-1.1:** To account for seasonal variations in the groundwater level and regional rise in the groundwater table during the life of the structures, the geotechnical report recommends the following measures to account for long-term groundwater levels greater than those currently encountered at the site: • Excavate an additional 12 to 18 inches below subgrade, place a layer of stabilization fabric at the bottom, and backfill with clean crushed rock. • Extend the wall drainage system to a depth of 42 feet below existing grades, and design the floor slabs and the portions of the walls below a depth of 42 feet to resist hydrostatic pressure. As an alternative, the

Please see previous page.	wall drainage system could be lowered to decrease the hydrostatic load on the walls and floor slab. • Dewatering shall adhere to all applicable laws and regulations, including those in the General Plan, to ensure potential impacts to groundwater are less than significant.

Biological Resources – Section 4.9 of the EIR	
Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.	**MM BIO 1-1:** The project applicant shall schedule construction to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February through August. **MM BIO 1-2:** If it is not possible to schedule demolition and construction between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests are disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests will not be disturbed during project construction.

Cumulative Impacts

Implementation of the proposed project would result in a 0.304 increase in V/C and a 126.9 second increase in critical delay in the PM Peak Hour exacerbating the LOS F under cumulative conditions at the Monroe Street/Stevens Creek Boulevard intersection. The additional project traffic represents a 25 percent increase in total traffic volume at this intersection. Please refer to Section 6.0 for a complete discussion.

Summary of Alternatives to the Proposed Project

CEQA requires that an EIR identify alternatives to the project as proposed. The CEQA Guidelines specify that an EIR identify alternatives which "would feasibly attain the most basic objectives of the project but would avoid or substantially lessen many of the significant environmental effects of the project."

Below is a summary of the project alternatives. A full analysis of the project alternatives is provided in Section 7.0 of this EIR.

A. NO PROJECT ALTERNATIVE

The CEQA Guidelines [§15126(d)4] require that an EIR specifically discuss a "No Project" alternative, which shall address both "the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project is not approved, based on current plans and consistent with available infrastructure and community services." Since the project site already developed but has existing entitlements for additional development, the no project alternative would be to build out the current Santana Row site with the remaining entitlements (see Table 2.1-1). It could also include construction of the 69,491 square foot, seven-story office building already entitled on the northern half of Lot 17 under a previously approved Planned Development Zoning (File No. PDC10-018). Lot 17 would not, however, become part of Santana Row and would remain an independent parcel. If the project applicant were to just build out the existing entitlements, there would be no new impacts beyond what has been disclosed in prior EIRs, mitigated negative declarations, and related addenda.

B. REDUCED DEVELOPMENT ALTERNATIVE

In an effort to avoid the significant traffic impacts that would result from the proposed project but still expand the existing Santana Row site and provide new office, retail, housing, and hotel space on-site, this alternative proposes a reduced development.

Under the reduced development alternative, the project would still propose a PD rezoning to allow for the inclusion of Lot 17 into the Santana Row site, construction of a new parking structure, an office building, and a mixed-use building and an increase in residential and hotel space. The PD rezoning would also continue to include the existing unbuilt entitlements including 348 residential units, 309,797 square feet of commercial/retail, and 228,200 square feet of office (Lot 11). The basic building design and orientation for Lots 9 and 17 would be the same as the proposed project and the project would still include all identified sustainable building design measures in an effort to achieve LEED Silver certification. This alternative would, however, propose a reduction in office square footage compared to the proposed project.

The proposed project causes impacts to three freeway segments: I-880 from I-280 to Stevens Creek Boulevard, I-880 from Bascom Avenue to Stevens Creek Boulevard, and I-280 from Meridian Avenue to I-880. To avoid the identified impacts on all three freeway segments based on one percent of segment capacity, the office component of the project would have to be reduced from 510,000 square feet to 344,491 square feet. This equates to a total reduction of 165,509 square feet.

The proposed project also identified impacts at four local intersections, Stevens Creek Boulevard/Winchester Boulevard, Monroe Street/Stevens Creek Boulevard, San Tomas Expressway/Stevens Creek Boulevard, and San Tomas Expressway/Moorpark. To avoid the identified impacts at the two CMP intersections along San Tomas Expressway, the office component of the project would have to be reduced from 510,000 square feet to 119,491 square feet, a total reduction of 390,509 square feet.

This reduction would not avoid the impacts to the Monroe Street/Stevens Creek Boulevard and Stevens Creek Boulevard/Winchester Boulevard intersections. If the project was reduced to 94,491 square feet (25,000 square feet of new development entitlements), a total reduction of 415,509 square feet, the impact to the Monroe Street/Stevens Creek Boulevard intersection would be avoided. Even with a total reduction of 415,509 square feet, the proposed development would still have an impact at the Stevens Creek Boulevard/Winchester Boulevard intersection.

The reduction in square footage would result in a proportionate reduction in criteria pollutant emissions. Implementation of the reduced development alternative would reduce the identified significant ROG emissions impact of the proposed project to a less than significant level.

The reduction in square footage would result in a proportionate reduction in water use, wastewater generation, solid waste generation, and electricity use, and would likely have a reduced construction schedule. While the proposed project would not have a significant unavoidable impact in any of these resource areas, implementation of the reduced development alternative would further reduce these effects of the project. All other identified impacts would be the same or less than those of the proposed project.

Areas of Known Controversy

Based on comments received from the general public, areas on known controversy include increased traffic and access for emergency vehicles.

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 OVERVIEW

1.1.1 Town & Country Final Environmental Impact Report and Subsequent Environmental Review

In 1998, the City of San José certified the Final Environmental Impact Report (FEIR) for the Town and Country Village project (Planning File No. PDC97-036), which analyzed the redevelopment of the Town and Country Village Shopping Center with a mixed-use development (now called Santana Row). The maximum development analyzed in the EIR for the project was 650,000 square feet of commercial/retail space, 1,200 residential units, and two 100-room hotels.[1] Since certification of the EIR, changes have been made to the project that were the subject of six addenda to the certified EIR and one Initial Study/Mitigated Negative Declaration. The changes included increases in the commercial square footage and a decrease in residential units. The existing entitlement allows for 214 hotel rooms, 1,182 residential units, and 940,700 square feet of commercial space (i.e., retail, office, and entertainment). Table 1.1-1 below outlines the approved changes to the original project approval.

TABLE 1.1-1
Summary of Modifications to Original Project Approval

File No.	Approved Changes
PDC00-095 Addendum Approved January 30, 2001	Planned Development (PD) Rezoning from C-3 Commercial to allow for a 30,000 square foot increase in retail, 14 additional hotel rooms, an increase in building height from 90 to 120 feet (Building 5), and incorporation of a 2.5 acre site fronting Winchester Boulevard.
PDC01-023 Addendum Approved June 26, 2001	PD Rezoning of 5.2 acres from General Commercial and neighborhood commercial to allow 75,000 square feet of commercial development, 190 hotel rooms, and one residential unit.
PDC02-005 Addendum Approved March 26, 2002	PD Rezoning to allow for a 15,200 square foot increase in entertainment commercial space (restaurant, bar, and nightclub uses).
PDC02-031 Addendum Approved July 10, 2002	PD Permit to allow for construction of 95,200 square feet of restaurant, bar, and nightclub uses.
PDC03-083 Addendum Approved December 2, 2003	PD Rezoning to allow health club uses to operate between 5:00 AM and midnight within Santana Row.

[1] The City, at the time of approval, limited the retail/commercial square footage to 575,000 square feet.

TABLE 1.1-1 Summary of Modifications to Original Project Approval	
File No.	**Approved Changes**
PDC05-030 Addendum Approved December 5, 2006	PD Rezoning to allow 1) up to 400 additional multi-family residences (if a second hotel is not built) or up to 210 multi-family residences (if a second hotel is built), 2) an additional 15,000 square feet of retail/commercial space, 3) up to 20,000 square feet of currently permitted retail/commercial space to be replaced with 20,000 square feet of restaurant space, and 4) a reduction in required parking.
PDC12-009 Mitigated Negative Declaration Approved August 7, 2012	PD Rezoning to allow an additional 228,200 square feet of office space, 46,458 square feet of restaurant/entertainment space, and 35,139 square feet of retail space.

The project site is currently developed with 644,395 square feet of commercial space, a 214 room hotel, and 834 residential units. This Environmental Impact Report (EIR) evaluates the impacts of the currently proposed project, including the expansion of the site boundary, an increase in office entitlements of 510,000 square feet, development of two new office buildings and a parking structure, rezoning of the project site to allow for the proposed changes, and the "protection" of the Stevens Creek Boulevard/Monroe Avenue intersection, meaning the intersection level of service (LOS) would be allowed to degrade below LOS D.

This EIR has been prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) and the City of San José. The purpose of this EIR is to provide objective information regarding the environmental consequences of the proposed project to the decision makers who will be reviewing and considering the proposed project.

1.2 PROJECT LOCATION

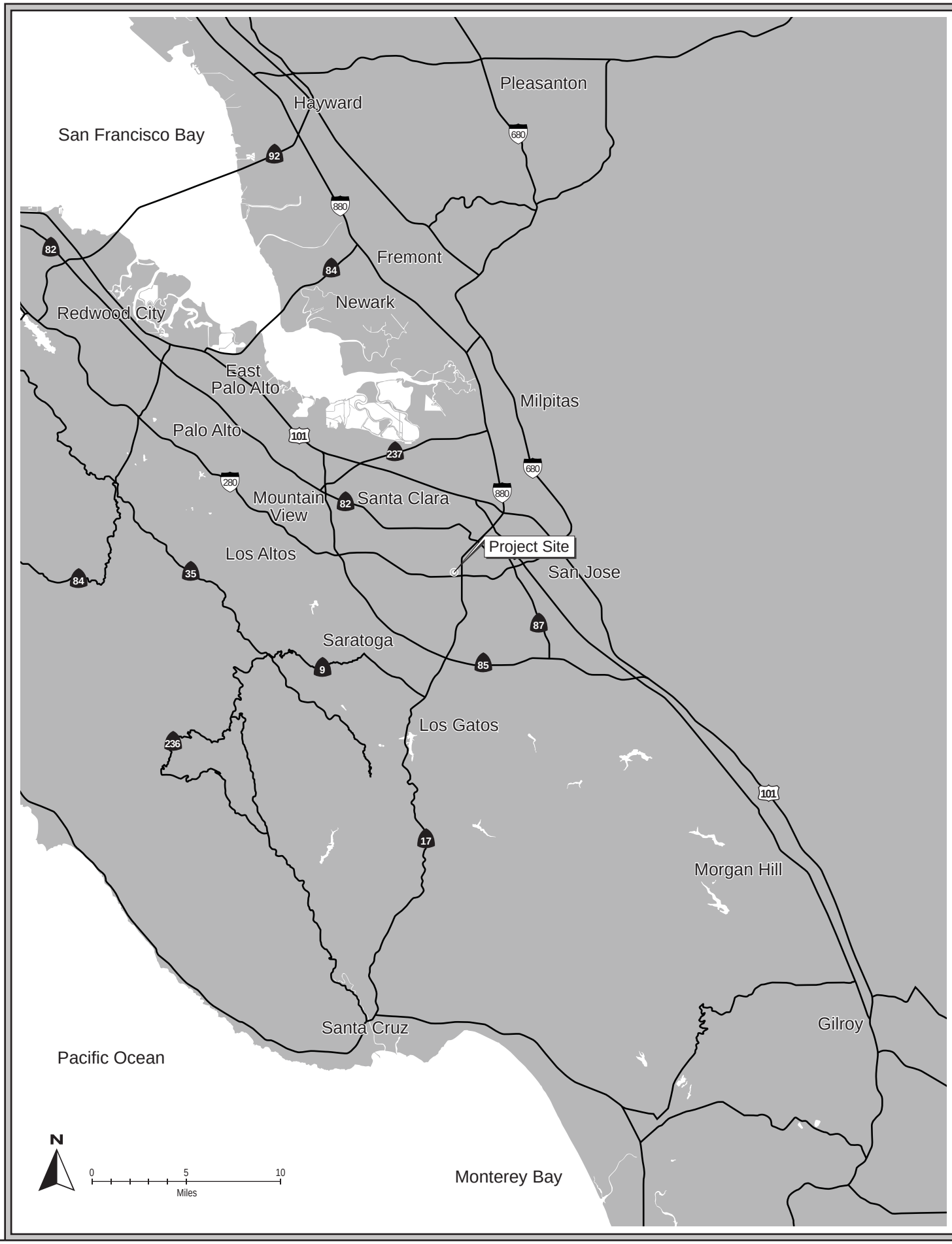
The 40.62-acre Santana Row project site is located at the southwest corner of Stevens Creek Boulevard and Winchester Boulevard in the City of San José. The adjacent 1.91-acre project site that would be added to the Santana Row zoning is located immediately south of Santana Row, at the northeast corner of Dudley Avenue and Tisch Way. (see Figures 1.0-1 and 1.0-2)

1.3 PROJECT OBJECTIVES

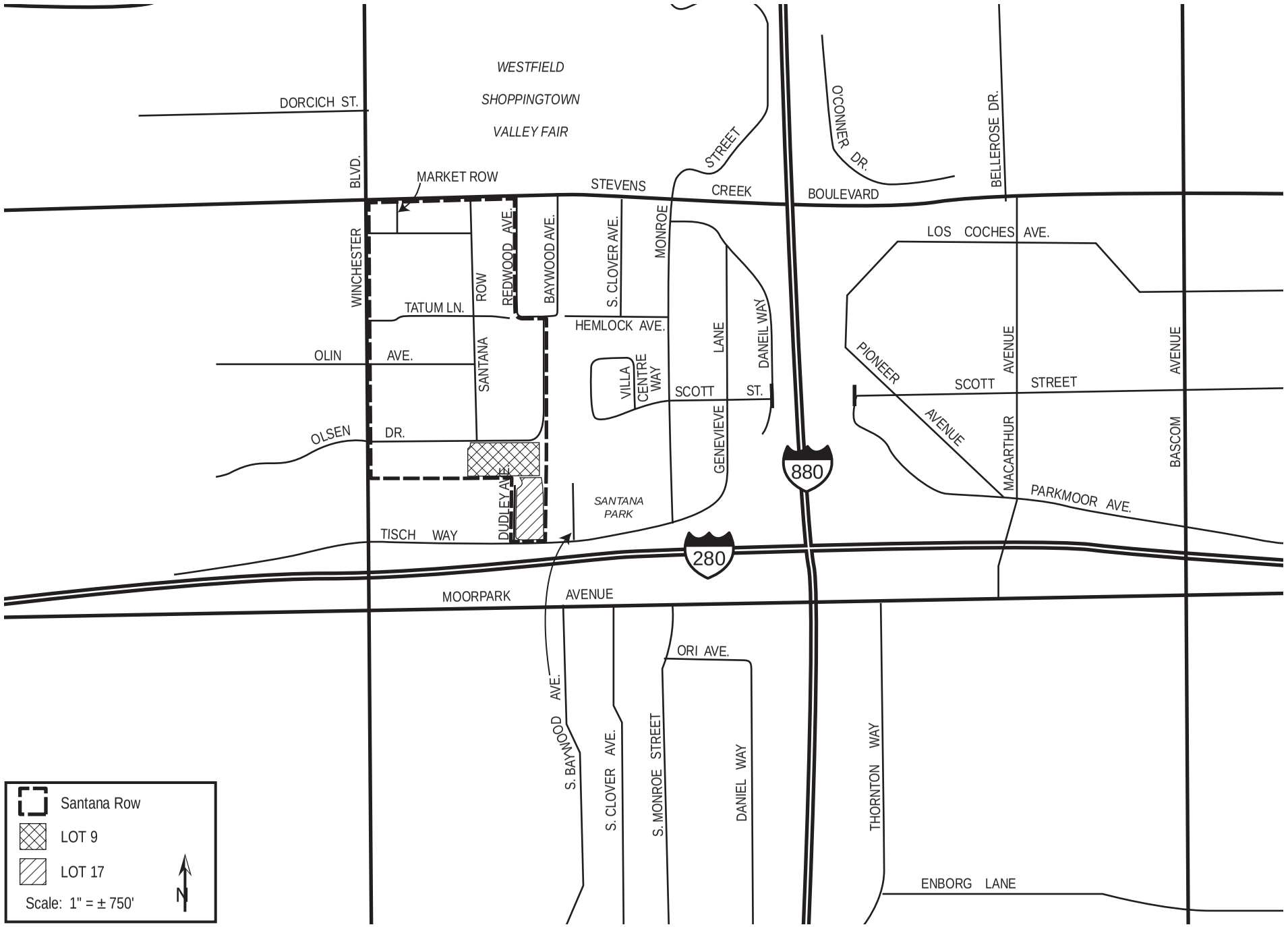
Pursuant to CEQA Guidelines Section 15124, the EIR must identify the objectives sought by the proposed project.

The stated objectives of the project proponent are to:

1. Modify the existing Santana Row Planned Development through the annexation of approximately 1.91 adjacent acres to permit additional urban development consistent with the goals and policies of the San Jose Envision 2040 General Plan.



REGIONAL MAP FIGURE 1.0-1



VICINITY MAP

FIGURE 1.0-2

2. Continue to provide for a development plan which integrates seamlessly with neighboring retail, office and residential uses, and with the existing Santana Row mixed-use project which itself increase a balanced mix of uses and densities supportive of San Jose's smart growth.

3. Continue to provide for a development plan which co-locates jobs, housing, and services in a pedestrian-friendly, economically-viable manner within an "urban village", a sustainable concept proven to reduce single passenger vehicle trips and related congestion.

4. Humanize the pedestrian experience by selectively widening sidewalks and by adding amenities such as new trees and integrated planters, pedestrian-scale lighting, convenient seating opportunities, and other visual interest on Olsen Drive between Winchester Boulevard and Hatton Street. Further enhance the open space environment with the creation of a new urban plaza as a means of showcasing the terminus of Santana Row.

5. Support San Jose's stated job creation and job retention objectives by providing up to an additional 510,000 square feet of Class A office space and up to an additional 55,641 square feet of theater space in a proven, convenient and attractive location.

6. Replace underutilized existing surface parking with an easily-accessed, efficient new parking structure of up to five stories above-grade on Lot 9.

7. Relieve local vehicular traffic impacts by providing bus and van drop-off lanes to encourage and expand alternative transportation and pedestrian access to the Planned Development.

1.4 USES OF THE EIR

This EIR is intended to provide the City of San Jose, other public agencies, and the general public with the relevant environmental information needed in considering the proposed project.

The City of San Jose anticipates that discretionary approvals by the City, including but not limited to the following, will be required to implement the project addressed in this EIR:

1. Planned Development Rezoning
2. Planned Development Permits, including Site and Architectural Review
3. Issuance of grading, building, and occupancy permits
4. Addition of the Stevens Creek Boulevard/Monroe Avenue intersection to the City's Protected Intersection list

SECTION 2.0 DESCRIPTION OF THE PROPOSED PROJECT

The proposed project is comprised of three components, (1) modify the existing Planned Development (PD) zoning for Santana Row to allow for *additional* office and movie theater square footage and *additional* hotel rooms and housing units on-site, (2) protection of the Stevens Creek Boulevard/Monroe Avenue intersection by its addition to the City's List of Protected Intersections, and (3) expansion of the existing Santana Row site to include four recently acquired parcels. The specific project details are discussed below.

2.1 Proposed Changes to the Santana Row Planned Development Zoning

The current PD zoning (PDC12-009) for the 40.62-acre Santana Row site allows a maximum of 940,700 square feet of commercial space, 214 hotel rooms, and 1,182 residential units. The project proposes to increase the size of the site by 1.91 acres and increase the allowable office entitlement by 510,000 square feet and the retail entitlement by 55,641 square feet. In addition, the project proposes to increase the allowable number of residential units by 47 and the allowable number of hotel rooms by six. Table 2.1-1 below outlines the existing and proposed entitlements.

TABLE 2.1-1
Existing Conditions, Zoning, and Proposal for Santana Row

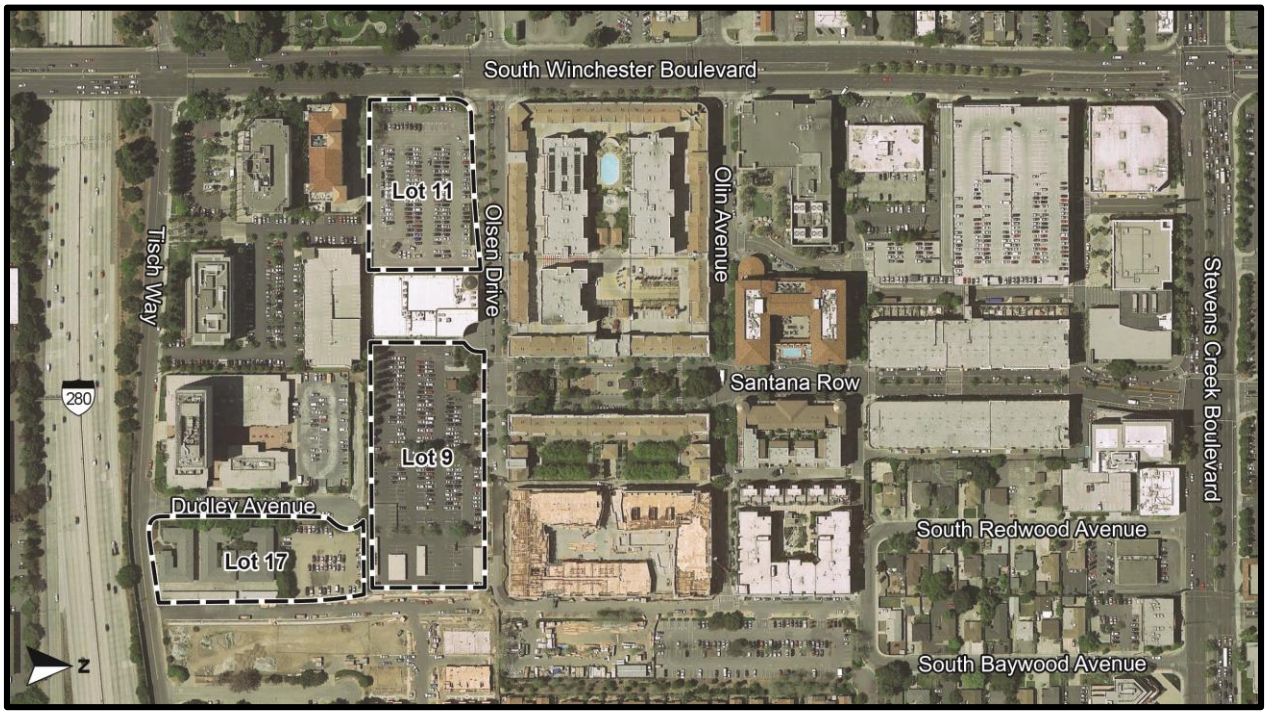
Comparison of Existing Conditions and Zoned Development			
Use	***Existing**	**‡Approved PD Zoning**	**Difference**
Total Land Area	40.62 acres	40.62 acres	--
Hotel rooms	214 rooms	214 rooms	--
Residential	834 units	1,182 units	348 units
Commercial space	644,395 sf	940,700 sf	309,797 sf
- *Retail Combined*	*584,395 sf*	*652,500 sf*	68,105 sf
- Retail[2]	479,176 sf	507,300 sf	28,124 sf
- Restaurant+	105,219 sf	145,200 sf	39,981 sf
- *Office*	*60,000sf*	*288,200 sf*	228,200 sf
Comparison of Existing PD Zoning and Proposed PD Zoning			
Use	**Approved PD Zoning**	**βProposed Zoning**	**Difference**
Total Land Area	40.62 acres	42.53 acres	1.91 acres
Hotel rooms	214 rooms	220 rooms	6 rooms
Residential	1,182 units	1,229 units	47 units
Commercial space	940,700 sf	1,506,341 sf	565,641 sf
- *Retail Combined*	*652,500 sf*	*708,141sf*	*55,641 sf*
- Retail	507,300 sf	562,941 sf	55,641 sf
- Restaurant+	145,200 sf	145,200 sf	--
- *Office*	*288,200 sf*	*798,200 sf*	510,000 sf

[2] For the purposes of this table, "Retail" refers to all non-restaurant or entertainment uses. Theater uses are included. "Retail" includes retail shops and service businesses. The specific land use designations of the site are discussed briefly below and in detail in Section 4.1, Land Use.

TABLE 2.0-1 *Continued* Existing Conditions, Zoning, and Proposal for Santana Row			
Comparison of Existing and Proposed Development			
Use	**Existing**	**Proposed**	**Difference**
Total Land Area	40.62 acres	42.53 acres	1.91 acres
Hotel rooms	214 rooms	220 rooms	6 rooms
Residential	834 units	1,229 units	395 units
Commercial space	644,395 sf	1,506,341 sf	861,946 sf
- *Retail Combined* - Retail - Restaurant+	*584,395 sf* 479,176 sf 105,219 sf	*708,141 sf* 562,941 sf 145,200 sf	*123,746 sf* 83,765 sf 39,981 sf
- *Office*	*60,000 sf*	*798,200 sf*	738,200 sf

*Existing conditions refers to the physical development on the ground, including development that is under construction as of August 2014.
‡Zoned Development is the total amount of development allowed by the existing PD Zoning on the Santana Row property.
ᵝProposed Development is the total amount of development that would be allowed if the proposed PD zoning is approved by the City for the entire Santana Row property.

This site is designated as *Regional Commercial* in the City's General Plan and zoned *A(PD)-Planned Development.* The current PD zoning on the 40.62-acre Santana Row site allows a maximum of 940,700 square feet of retail/commercial space, of which 482,941 is allocated to retail, 288,200 is allocated to office, 145,200 is allocated to restaurant/entertainment uses, and 24,359 is allocated to the movie theater. The current PD zoning also allows 214 hotel rooms and 1,182 residential units. Currently, 214 hotel rooms, 834 residential units, and 644,395 square feet of commercial space have been constructed.



Approximately 228,200 square feet of the existing office entitlement is slated for a single office building on Lot 11. For the purposes of this analysis, the proposed 510,000 square foot increase in office development would be allocated for construction of additional office space on Lots 9 and 17.

The future Lot 9 development will also include up to 30,000 square feet of retail/restaurant from the existing entitlement, as described in detail below.

Any proposed future changes to the PD Zoning not specifically addressed in this EIR will require supplemental environmental review.

2.1.1 Proposed Expansion of Santana Row Site Area

The project proposes to expand the existing boundary of the Santana Row PD zoning to include four adjacent parcels (collectively referred to as Lot 17). Lot 17 is comprised of four parcels (APNs 277-38-003, -004, -005, and -010) located at the northeast corner of Dudley Avenue and Tisch Way, immediately south of Santana Row Lot 9. The property was recently acquired by Federal Realty Investment Trust and is proposed to be incorporated into the Santana Row PD zoning as part of this project. The combined site area of these parcels is 1.91 acres. The southern portion of Lot 17 is currently developed with three apartment buildings with a total of 47 dwelling units. The northern portion of Lot 17 is currently a parking lot, but was previously entitled by the City for 69,491 square feet of office space.

2.1.2 Proposed Increase in Office Entitlement

The project proposes to increase the allowable office space entitlement on Santana Row by 510,000 square feet. Approximately 264,000 square feet will be constructed on Lot 9 and approximately 246,000 square feet on Lot 17 (as discussed below). This is in addition to the 228,000 square feet of office space already entitled on Lot 11 (under PD Rezoning PDC12-009). The site plan is shown on Figure 2.0-1.

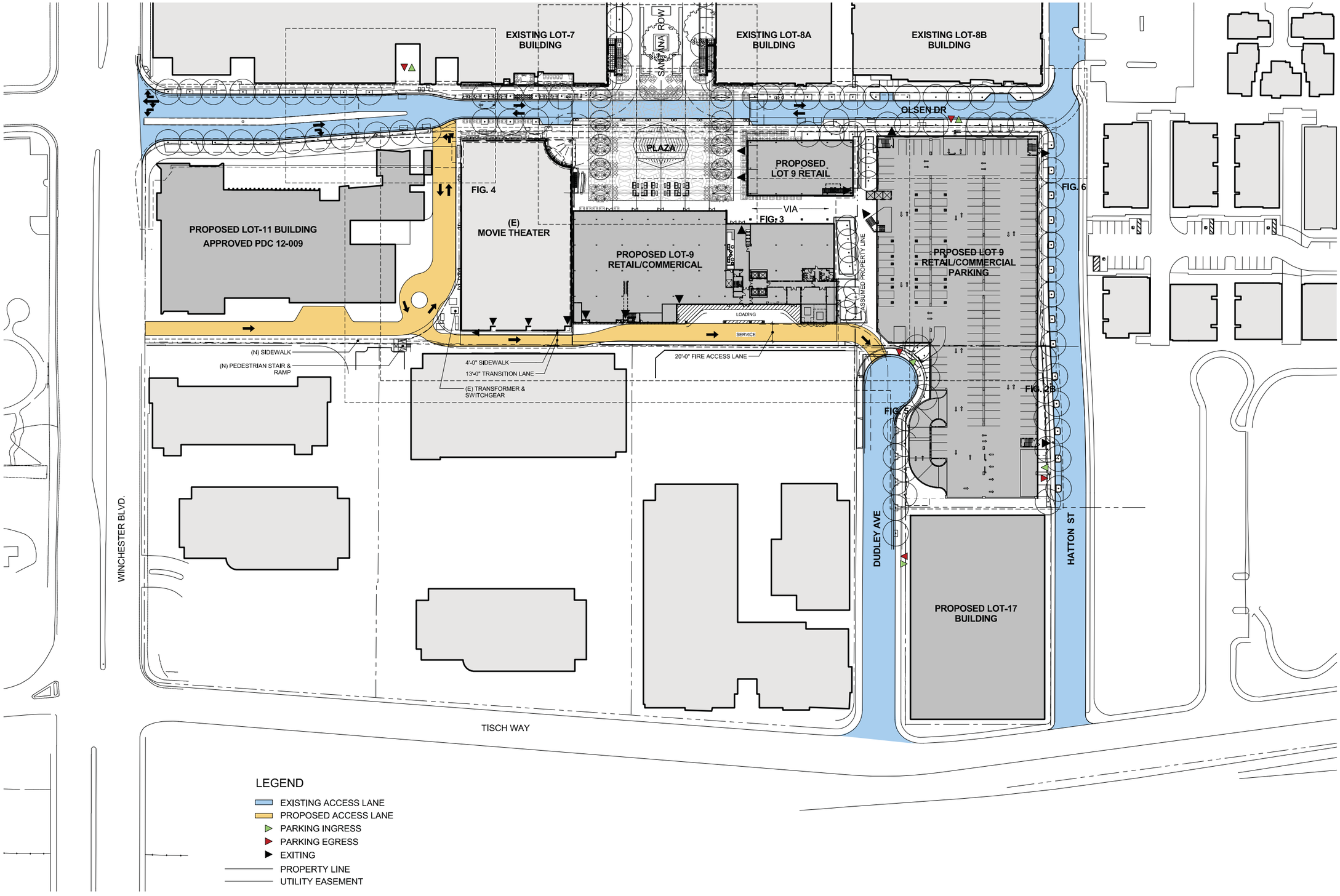
2.1.3 Proposed Lot 9 Development

The proposed Lot 9 development will consist of one mixed-use building that will include retail and office space. The mixed-use building would be located on the western half of Lot 9 and would be up to seven stories tall with a maximum height of 135 feet. The building will have 30,000 square feet of ground floor retail. The upper floors will be comprised 264,000 square feet of office space with the possibility of up to 55,641 square feet of retail space on the second floor.

Parking would be provided in a five-level (approximately 53 feet tall), above grade parking structure and one level of below-grade parking across all of Lot 9. The parking garage will be located along the eastern boundary of Lot 9 and extend south onto the northern portion of Lot 17. The total available parking on Lots 9 and 17 would be 1,275 spaces. The eastern façade of the parking structure will include an infill wall[3], elevated planter boxes, and green screens. On the roof level, a steel-frame trellis will be installed. The lower cement wall combined with the steel trellis would have a total combined height of over 10 feet.

Parking will be shared between office employees and Santana Row patrons. Specifically, during weekday hours (weekdays until 5:00 PM), the first floor of the parking structure and a portion of the

[3] A solid, concrete, half wall.



SITE PLAN FOR LOTS 9 AND 17

FIGURE 2.0-1

second floor would be available for Santana Row patrons. The underground level, the remainder of the second level, and levels 3-5 would be reserved for office employees and visitors. The entire garage and underground parking level would be available to Santana Row patrons on weekday evenings (after 5:00 PM), weekends, and holidays.

Access to the parking structure would be provided via Olsen Avenue and the newly opened Hatton Street. An exit-only driveway would provide access to Dudley Avenue.

Service, delivery and emergency vehicles will access Lot 9 via a service road extending from Olsen Drive west along the theater building to the southern end of Lot 9. This service road will connect to Dudley Avenue and via Dudley Avenue to Tisch Way.

The proposed building would be built to achieve LEED Silver certification. The project proponent anticipates that LEED certification would be achieved by implementing the following green building measures and design features:

- Exceed the State Title 24 California Energy Code requirements by 15 percent;
- Salvage or recycle at least 50 percent of construction waste;
- Use of recycled and/or local building materials;
- Cool roofs; and
- Water efficient landscaping and irrigation design.

The development of Lots 9 and 17 (discussed below) will be phased with Lot 9 construction occurring in the first phase. The total construction period is estimated to be 38 months.

2.1.4 Proposed Lot 17 Development

The southern half of Lot 17 is currently developed with three two-story apartment buildings (a total of 47 units) and the northern half of the site is a large surface parking lot. The project proposes to demolish the existing apartments and construct up to 246,000 square feet of office space on the southern end of the site. The office would be constructed above a parking podium with at least three levels of above-grade parking. One level of underground parking would also be constructed across the site. The proposed office building would be a maximum 180 feet in height. The northern half of Lot 17 would be developed with the five-level parking structure detailed in Section 2.1.3. As with the development on Lot 9, the office building would be built to achieve LEED Silver certification.

2.1.5 Increase in Retail Entitlement

As noted in Section 2.1.3 above, the development of Lot 9 could include additional movie screens or other retail uses. The site currently has six theater screens within a 24,359 square foot building between Lots 9 and 11. The rezoning would allow for an additional seven screens in 55,641 square feet, for a total of 13 screens and 80,000 square feet of movie theater space. Alternatively, the additional square footage could be utilized for service retail (i.e., retail that sells goods and services).

2.1.6 Increase in the Number of Hotel Rooms

The project proposes to increase the number of hotel rooms on-site from 214 to 220. The six additional rooms would be constructed within the existing Hotel Valencia building envelope through the consolidation and conversion of the hotel's existing service areas.

2.1.7 Increase in the Number of Housing Units (Transferred From Lot 17)

Lot 17 is currently developed with three apartment buildings with a total of 47 apartment units. While the development of Lot 17 would require the demolition of the existing apartments, the project proposes to transfer the development capacity from these apartments by increasing the number of allowable residential units on-site under the PD zoning by 47 for a total of 1,229 units on-site. The future location of these units has not yet been determined.

2.1.8 Modifications to Santana Row (Roadway) and Olsen Drive

The project proposes to permanently close Santana Row (a public roadway) to automobile traffic from Olin Avenue to Olsen Drive. The area between Olin Avenue and Olsen Drive will become a pedestrian thoroughfare. Emergency vehicles will continue to have unrestricted access to Santana Row at all times.

Olsen Drive will be improved with wider sidewalks, new paving and landscaping, and the addition of a dedicated valet stacking lane for inbound vehicles.

2.2 Protection of Stevens Creek Boulevard/Monroe Avenue Intersection

In the City of San José, traffic operations are measured based on the Level of Service (LOS), which is a qualitative description of operating conditions ranging from LOS A (free-flowing conditions) to LOS F (jammed conditions with excessive delays). Based on the City of San José's policies, an acceptable operating level of service is defined as LOS D or better at City controlled intersections. The City acknowledges, however, that maintaining a Level of Service D at major intersections which are built out to their maximum capacity is not always feasible. As a result, the City has designated certain intersections as "protected"[4], thereby allowing new development that would increase congestion and decrease the Level of Service below City standards.

The Monroe Avenue/Stevens Creek Boulevard intersection is completely built out and cannot maintain an LOS D while accommodating additional development in the project area. Therefore, the City Council will consider whether the intersection should be classified as protected while allowing the incremental growth at the Santana Row site and other growth anticipated by the *Envision 2040 General Plan* to occur.

[4] By definition, a protected intersection is an intersection that the City allows to operate below level of service D.

SECTION 3.0 CONSISTENCY WITH ADOPTED PLANS & POLICIES

In conformance with Section 15125(d) of the CEQA Guidelines, the following section discusses the consistency of the proposed project with relevant adopted plans and policies.

3.1 Bay Area 2010 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD), in cooperation with the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG), prepared the Bay Area 2005 Ozone Strategy (Ozone Strategy). The Ozone Strategy served as a roadmap showing how the San Francisco Bay Area will achieve compliance with the State one-hour air quality standard for ozone as expeditiously as practicable and how the region will reduce transport of ozone and ozone precursors to neighboring air basins. In 2010, BAAQMD adopted a new Clean Air Plan with the intent of updating the 2005 Ozone Strategy to comply with State air quality planning requirements as codified in the California Health and Safety Code.

The Bay Area 2010 Clean Air Plan (CAP) provides a comprehensive plan to improve Bay Area air quality and protect public health. The CAP defines a control strategy that the Air District and its partners will implement to: (1) reduce emissions and decrease ambient concentrations of harmful pollutants; (2) safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, with an emphasis on protecting the communities most heavily impacted by air pollution; and (3) reduce greenhouse gas (GHG) emissions to protect the climate.

Consistency: The proposed project would result in an intensification of office and retail development within the Valley Fair/Santana Row Urban Village of San Jose consistent with the *Envision San Jose 2040 General Plan.* The project would place new jobs within walking distance of housing, services, and transit and is consistent with the control measures in the CAP. Please see Section 4.4.3.1 for a complete discussion.

3.2 Santa Clara County Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the *Santa Clara County Congestion Management Program* (CMP). The relevant State legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gas tax revenues. The CMP legislation requires that each CMP contain the following five mandatory elements: 1) a system definition and traffic level of service standard element; 2) a transit service and standards element; 3) a trip reduction and transportation demand management element; 4) a land use impact analysis program element; and 5) a capital improvement element. The Santa Clara County CMP, which is updated at the end of every odd-numbered year, includes the five mandated elements and three additional elements, including: a county-wide transportation model and data base element, an annual monitoring and conformance element, and a deficiency plan element.

Consistency: The proposed project would have a significant impact on two CMP intersections (see Section 4.2, *Transportation*). The project would, however, place jobs near existing/proposed housing, retail, and services, as well as transit, to reduce overall vehicle trip lengths relative to existing commute patterns. The project is, therefore, consistent with the CMP.

3.3 San Francisco Bay Region Water Quality Control Plan

The State of California's Porter-Cologne Water Control Act provides the basis for water quality regulation within California and the Act assigns primary responsibility for the protection and enhancement of water quality to the State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards. These agencies are authorized to adopt regional water quality control plans, prescribe waste discharge requirements, and perform other functions concerning water quality control within their respective regions.

The Regional Water Quality Control Board (RWQCB) has developed and adopted a Water Quality Control Plan (the Plan) for the San Francisco Bay region. The Plan is a master policy document that contains descriptions of the legal, technical, and programmatic bases of water quality regulations in the San Francisco Bay region. The Plan provides a program of actions designed to preserve and enhance water quality, and to protect beneficial uses based upon the requirements of the Porter-Cologne Act. It meets the requirements of the U.S. Environmental Protection Agency (USEPA) and establishes conditions related to discharges that must be met at all times.

Consistency: As discussed in Section 4.8, *Hydrology and Water Quality,* future development on the site will be required to be implemented in conformance with the Municipal Regional Stormwater NPDES permit and the Construction General NPDES Permit requirements to ensure that there is no increase in erosion or sedimentation that could impact local waterways and that stormwater runoff from the site's impervious surfaces is treated prior to discharge to the stormwater system. Therefore, the project is consistent with the San Francisco Bay Regional Water Quality Control Plan.

3.4 City of San Jose General Plan

The City of San José's General Plan is an adopted statement of goals and polices for the future character and quality of development in the community as a whole. The following is a summary of relevant sections of the General Plan that would apply to the proposed project.

Policy CD-1.1: Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

> **Consistency:** The proposed project will be required to comply with the City's Design Guidelines as discussed in Section 4.1.2.2. Therefore, the proposed project is consistent with Policy CD-1.1.

Policy CD-1.12: Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

Consistency: The proposed project will be required to comply with the City's Design Guidelines as discussed in Section 4.1.2.2. Therefore, the proposed project is consistent with Policy CD-1.12.

Policy CD-1.17: Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.

Consistency: The new parking structure on Lots 9 and 17 will not be visible from the primary street frontages of the project site and will include architectural and landscaping treatments to provide visual interest and screening. Therefore, the proposed project is consistent with Policy CD-1.17.

Policy CD-1.23: Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

Consistency: The proposed project will plant new trees consistent with the City's tree replacement policy. Therefore, the project is consistent with Policy CD-1.23.

Policy CD-1.24: Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse affect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

Consistency: Implementation of the proposed project will result in the loss of trees on the project site. All trees removed, regardless of size or species, will be replaced in accordance with the City's tree replacement policy. Existing trees will be retained on parcels slated for development to the extent feasible. While there are ordinance sized trees, there are currently no designated heritage trees on the project site. Therefore, the project is consistent with Policy CD-1.24.

Policy CD-4.9: For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

Consistency: The proposed buildings on Lots 9 and 17 will be compatible in height, massing, and design to the developed portion of Santana Row and have been designed and sited to be sensitive to nearby residential land uses. Therefore, the project is consistent with Policy CD-4.9.

Policy CD-5.8: Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.

> **Consistency:** The proposed project is outside the FAA obstruction zone and the Mineta San Jose airport land use plan area. Proposed development on-site will not conflict with air safety or FAA regulations. Therefore, the project is consistent with Policy CD-5.8.

Policy CD-10.2: Require that new public and private development adjacent to Gateways and freeways (including 101, 880, 680, 280, 17, 85, 237, and 87), and Grand Boulevards consist of high-quality materials, and contribute to a positive image of San Jose.

> **Consistency:** The proposed project will be required to comply with the City's Design Guidelines as discussed in Section 4.1.2.2. Therefore, the proposed project is consistent with Policy CD-10.2.

Policy EC-1.1: Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:

Interior Noise Levels

The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meeting this standard. For sites with exterior noise levels of 60 dBA or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Environmental General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

Exterior Noise Levels

For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.

> **Consistency:** As discussed in Section 4.5, *Noise,* the proposed development on the project site is consistent with the City's noise standards. Therefore, the proposed project is consistent with Policy EC-1.1.

Policy EC-1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

Consistency: As discussed in Section 4.5, *Noise*, the proposed project site is consistent with the City's noise standards relative to the generation of new or increased noises at nearby sensitive receptors. Therefore, the proposed project is consistent with Policy EC-1.2.

Policy EC-1.3: Mitigate noise generation of new non-residential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

Consistency: As discussed in Section 4.5, *Noise*, the proposed project site is consistent with the City's noise standards relative to the generation of new or increased noises at nearby sensitive receptors. Therefore, the proposed project is consistent with Policy EC-1.3.

Policy EC-1.7: Construction operations within San José will be required to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

Consistency: As discussed in Section 4.5, *Noise*, all construction activities resulting from the proposed PD rezoning will comply with the City's requirements for noise suppression and hours of construction. Therefore, the proposed project is consistent with Policy EC-1.7.

Policy EC-2.3: Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

Consistency: As discussed in Section 4.5, *Noise*, all construction activities resulting from the proposed PD rezoning will comply with the City's requirements to control groundborne vibration from heavy equipment. Therefore, the proposed project is consistent with Policy EC-2.3.

Policy EC-3.1: Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.

> **Consistency:** As discussed in Section 5.0, *Public Facilities and Services,* all future development under the proposed PD rezoning will be constructed in accordance with applicable building codes to reduce the potential for safety and fire issues. Therefore, the proposed project is consistent with Policy EC-3.1.

Policy EC-3.2: Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.

> **Consistency:** As discussed in Section 4.7, *Geology and Soils,* the project site is not located within Alquist-Priolo Fault Zone, but is susceptible to sever ground shaking. As a result, all future development under the proposed PD rezoning will be constructed in conformance with the Building Code and a project specific geotechnical report. Therefore, the proposed project is consistent with Policy EC-3.2.

Policy EC-4.1: Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

> **Consistency:** As discussed in Section 4.7, *Geology and Soils,* all future development under the proposed PD rezoning will be constructed in conformance with the Building Code. In addition, the project will be required as a condition of approval to conform to all applicable municipal code requirements. Therefore, the proposed project is consistent with Policy EC-4.1.

Policy EC-4.5: Ensure that any development activity that requires grading does not impact adjacent properties, local creeks and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.

> **Consistency:** The proposed developments on Lots 9, 11, and 17 and all future development under the proposed PD rezoning will be constructed consistent with the City's NPDES Municipal Permit, urban runoff policies, and the Municipal Code as discussed in Section 4.7.3.3. Therefore, the project is consistent with Policy EC-4.5.

Policy EC-4.7: Consistent with the San José Geologic Hazard Ordinance, prepare geotechnical and geological investigation reports for projects in areas of known concern to address the implications of irrigated landscaping to slope stability and to determine if hazards can be adequately mitigated.

Consistency: As discussed in Section 4.7.3.2, the development proposed under the PD rezoning must be constructed in conformance with the recommendations of a site-specific geotechnical analysis as well as the most current California Building Code. Therefore, the project is consistent with Policy EC-4.7.

Policy EC-5.16: Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

Consistency: As discussed in Section 4.8.2.4, the proposed development on Lots 9, 11, and 17 and all future development projects under the proposed PD rezoning will be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional NPDES permit as they are applicable at the Development Permit stage. Therefore, the project is consistent with Policy EC-5.16.

Policy EC-7.1: For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.

Consistency: Section 4.10 identifies all known and potential hazardous materials issues on the project site. Therefore, the project is consistent with Policy EC-7.1.

Policy EC-7.2: Identify existing soil, soil vapor, groundwater, and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor, and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state, and federal laws, regulations, guidelines, and standards.

Consistency: Section 4.10 discusses all known and potential hazardous materials issues on the project site and identifies conditions of approval consistent with applicable regulatory requirements and existing development permit standards for the handling and disposal of contaminates found on-site. Therefore, the project is consistent with Policy EC-7.2.

Policy EC-7.4: On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.

Consistency: Section 4.10.3.2 discusses the known and potential sources of asbestos and lead-based paint on the project site and identifies the applicable regulatory standards for remediation which are included in the project as conditions of approval. Therefore, the project is consistent with Policy EC-7.4.

Policy ER-5.1: Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffered between such activities and active nests would avoid such impacts.

Consistency: As discussed in Section 4.9.3.2, construction of the proposed project could result in the loss of active raptor nests due to disturbance or removal of trees. Mitigation measures have been identified (Section 4.9.4.2) to reduce this impact to a less than significant level. Therefore, the project is consistent with Policy ER-5.1.

Policy ER-5.2: Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

Consistency: As discussed in Section 4.9.3.2, construction of the proposed project could result in the loss of active raptor nests as well as the nests of migratory birds due to disturbance or removal of trees. Mitigation measures have been identified (Section 4.9.4.2) to reduce this impact to a less than significant level. Therefore, the project is consistent with Policy ER-5.2.

Policy ER-8.1: Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) policies.

Consistency: As discussed in Section 4.8.2.4, proposed and future development projects would replace more than 10,000 square feet of impervious surface area on the project site. Therefore, proposed development on Lots 9, 11, and 17 and all future development projects under the proposed PD rezoning will be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional NPDES permit as they are applicable at the Development Permit stage. Therefore, the project is consistent with Policy ER-8.1.

Policy ER-8.3: Ensure that private development projects in San Jose includes adequate measures to treat stormwater runoff.

Consistency: As discussed in Section 4.8.2.4, proposed and future development projects would replace more than 10,000 square feet of impervious surface area on the project site. Therefore, proposed development on Lots 9, 11, and 17 and all future development projects under the proposed PD rezoning will be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional NPDES permit as they are applicable at the Development Permit stage. Therefore, the project is consistent with Policy ER-8.3.

Policy ER-8.5: Ensure that all development projects in San Jose maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.

Consistency: As discussed in Section 4.8.2.4, proposed and future development projects would replace more than 10,000 square feet of impervious surface area on the project site. Therefore, proposed development on Lots 9, 11, and 17 and all future development projects under the proposed PD rezoning will be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional NPDES permit as they are applicable at the Development Permit stage. Therefore, the project is consistent with Policy ER-8.5.

Policy ER-10.1: For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

> **Consistency:** Section 4.11 discusses the potential for subsurface artifacts, including archaeological and paleontological resources to be found on-site. The analysis found that the potential for subsurface resources is extremely low and no mitigation is required. The project is consistent with Policy ER-10.1

Policy ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced

> **Consistency:** It is highly unlikely that human remains would be found on-site. If, however, remains are found, all work in the area of the find will be stopped and all applicable State regulations will be implemented. Therefore, the project is consistent with Policy ER-10.2.

Policy ER-10.3: Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

> **Consistency:** Section 4.11 discusses the potential for subsurface artifacts, including archaeological and paleontological resources to be found on-site. The analysis found that the potential for subsurface resources is extremely low. If, however, as yet unknown subsurface resources are found on-site, all work in the area of the find will be stopped and all applicable local and State regulations will be implemented. Therefore, the project is consistent with Policy ER-10.3.

Policy ES-4.9: Permit development only in those areas where potential danger to the health, safety, and welfare of persons in that area can be mitigated to an acceptable level.

> **Consistency:** As discussed throughout this EIR, implementation of the proposed project will not impact the health, safety, or welfare of persons working or residing in the City of San Jose. Therefore, the proposed project is consistent with Policy ES-4.9.

Policy ES-3.9: Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publically-visible and accessible spaces.

> **Consistency:** As discussed in Section 5.0, the proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. Therefore, the project is consistent with Policy ES-3.9.

Policy IN-3.10: Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES).

> **Consistency:** As discussed in Section 4.8.2.4, the proposed development on Lots 9, 11, and 17 and all future development projects under the proposed PD rezoning will be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional NPDES permit as they are applicable at the Development Permit stage. Therefore, the project is consistent with Policy IN-3.10.

Policy IP-1.6: Ensure that proposals to rezone and prezone properties conform to the Land Use/Transportation Diagram, and advance *Envision General Plan* vision, goals and policies.

> **Consistency:** The proposed project is consistent with the Genera Plan land use designation and the goals and policies of the General Plan, including intensification of mixed-use development within an designated Urban Village. Therefore, the project is consistent with Policy IP-1.6.

Policy MC-3.1: Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreational needs or other area functions.

> **Consistency:** The final landscape design will be reviewed and approved by the City prior to issuance of building permits to ensure compliance with applicable City policies pertaining to water-efficient landscaping. Therefore, the project is consistent with Policy MC-3.1.

Policy MS-3.5: Minimize areas dedicated to surface parking to reduce rainwater that comes into contact with pollutants.

> **Consistency:** The project proposes to redevelop existing surface parking lots with structured parking and new commercial/retail and office buildings. By redeveloping existing parking lots, the project will reduce the amount of stormwater pollutants entering the storm drainage system. Therefore, the project is consistent with Policy MS-3.5.

Policy MS-10.1: Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.

> **Consistency:** The potential air emissions impacts from the proposed project were analyzed consistent with the BAAQMD CEQA Guidelines and State and Federal standards. Construction impacts were identified and mitigation measures proposed to reduce the identified impacts to a less than significant level. Therefore, the proposed project is consistent with Policy MA-10.1.

Policy MS-13.1: Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to

construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

> **Consistency:** As discussed in Section 4.3, *Air Quality*, the project includes all applicable control measures for construction emissions as required by the City. Therefore, the proposed project is consistent with Policy MS-13.1.

Policy MS-13.3: Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

> **Consistency:** As discussed in Section 4.10, *Hazards and Hazardous Materials,* the project will be required to comply with all applicable State and Federal laws pertaining to asbestos removal and exposure during construction. Therefore, the proposed project is consistent with Policy MA-13.3.

Policy MS-21.4: Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.

> **Consistency:** Implementation of the proposed project will result in the loss of mature trees on the project site. All trees removed, regardless of size or species, will be replaced in accordance with the City's tree replacement policy. Existing trees will be retained on parcels slated for development to the extent feasible. Therefore, the project is consistent with Policy MS-21.4.

Policy MS-21.5: As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse affect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.

> **Consistency:** Implementation of the proposed project will result in the loss of trees on the project site. All trees removed, regardless of size or species, will be replaced in accordance with the City's tree replacement policy. Existing trees will be retained on parcels slated for development to the extent feasible. While there are ordinance sized trees, there are currently no designated heritage trees on the project site. Therefore, the project is consistent with Policy MS-21.5.

Policy MS-21.6: As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.

> **Consistency:** Implementation of the proposed project will result in the loss of mature trees on the project site. All trees removed, regardless of size or species, will be replaced in

accordance with the City's tree replacement policy. Existing trees will be retained on parcels slated for development to the extent feasible. Therefore, the project is consistent with Policy MS-21.6.

Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

Consistency: A transportation impact analysis was prepared for the proposed project (See Section 4.2, *Transportation)* which identified four intersection and three freeway segment impacts. The project proposes mitigation to reduce the intersection impacts and will be required to pay fees for off-setting improvements to alternative modes of transportation including pedestrian and bicycle facilities. Therefore, the project is consistent with Policy TR-1.2.

Policy TR-1.4: Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

Consistency: The project proposes mitigation to reduce the identified intersection impacts and will be required to pay fees for off-setting improvements to alternative modes of transportation including pedestrian and bicycle facilities. Therefore, the project is consistent with Policy TR-1.4.

Policy TR-3.3: As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

Consistency: The proposed project will provide additional jobs within an existing mixed-use development in proximity to existing transit. Therefore, the project is consistent with Policy TR-3.3.

Policy TR-5.3: The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas. How this policy is applied and exceptions to this policy are listed in the following bullets:

- Vehicular Traffic Mitigation Measures. Review development proposals for their impacts on the level of service and require appropriate mitigation measures if development of the project has the potential to reduce the level of service to "E" or worse. These mitigation measures typically involve street improvements. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.

- Area Development Policy. An "area development policy" may be adopted by the City Council to establish special traffic level of service standards for a specific geographic area which identifies development impacts and mitigation measures. These policies may take other names or forms to accomplish the same purpose. Area development policies may be

first considered only during the General Plan Annual Review and Amendment Process; however, the hearing on an area development policy may be continued after the Annual Review has been completed and the area development policy may thereafter be adopted or amended at a public meeting at any time during the year.

- Small Projects. Small projects may be defined and exempted from traffic analysis per the City's transportation policies.

- Downtown. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, development within the Downtown is exempted from traffic mitigation requirements. Intersections within and on the boundary of this area are also exempted from the level of service "D" performance criteria.

- Special Strategy Areas. In recognition of the unique characteristics and particular goals of Special Strategy Areas, intersections identified as Protected Intersections within these areas, may be exempt from traffic mitigation requirements. Special Strategy Areas are identified in the City's adopted General Plan and include Urban Villages, Transit Station Areas, and Specific Plan Areas.
- Protected Intersections. In recognition that roadway capacity-enhancing improvement measures can impede the City's ability to encourage infill, preserve community livability, and promote transportation alternatives that do not solely rely on automobile travel, specially designated Protected Intersections are exempt from traffic mitigation measures. Protected Intersections are located in Special Planning Areas where proposed developments causing a significant LOS impact at a Protected Intersection are required to construct multimodal (non-automotive) transportation improvements in one of the City's designated Community Improvement Zones. These multimodal improvements are referred to as off-setting improvements and include improvements to transit, bicycle, and/or pedestrian facilities.

  Consistency: The proposed project will result in LOS impacts at four intersections. One intersection is currently designated by the City as a protected intersections. Another intersection, Monroe Street and Stevens Creek Boulevard, is proposed to be protected. With the payment of trip fees for the protected intersections, the project would have a less than significant impact. The remaining two intersections are CMP intersections with identified Tier 1 improvements. The project will be required to pay fair share fees toward the identified improvements which will improve the LOS of these intersections to an acceptable level. Therefore, the proposed project is consistent with Policy TR-5.3.

4.1 LAND USE

4.1.1 Existing Setting

The following discussion identifies the existing conditions on and adjacent to the project site.

4.1.1.1 Existing Land Use

The existing 40.62-acre Santana Row site is located at the southeast corner of the Stevens Creek Boulevard/Winchester Boulevard intersection, approximately 1,650 feet west of Highway 880 in the City of San Jose. The project site is a mixed-use development comprised of residential, retail, office, and restaurant/bar/entertainment space with maximum building heights of 90 to 120 feet. Specifically, the site is currently developed with multiple mixed-use buildings with 644,395 square feet of retail and restaurant space (including an approximately 28,000 square foot movie theater), 60,000 square feet of office space, 834 residential units, and 214 hotel rooms. There is also one six-level parking structure and three surface parking lots. All the existing buildings are oriented along the internal roadways.

A 228,200 square foot office building was approved in 2012 at the southeast corner of Winchester Boulevard and Olsen Drive (Lot 11 – an existing parking lot) but has not yet been constructed.

The project site has one primary and one secondary access on Stevens Creek Boulevard. The primary access is at the signalized intersection of Santana Row (the main roadway within the project site) and Stevens Creek Boulevard. The secondary access is a right-in/right-out only driveway at Market Row, approximately 200 feet east of Winchester Boulevard. The project site has five access points on Winchester Boulevard. The two primary access points are at the signalized intersections of Olin Drive/ Winchester Boulevard and Olsen Drive/Winchester Boulevard. Secondary access is provide at Tatum Lane, just north of Olin Drive, the parking structure entrance/exit ramp, and an ingress only driveway north of the parking structure on Alyssum Lane. The site can also be accessed from Hatton Street via Tisch Way, South Redwood Avenue, and South Baywood Avenue.

The 1.91-acre proposed expansion site (Lot 17) is located immediately south of Santana Row. The site extends from the southern boundary of Santana Row to Tisch Way. The northern half of Lot 17 is currently a surface parking lot. The southern half of the parcel is developed with three two-story apartment buildings with a total of 47 units. Lot 17 is currently accessed by Dudley Avenue. The Santana Row site, combined with Lot 17, is the project site.

Figure 4.1-1 shows an aerial of the project site and surrounding land uses.

4.1.1.2 Surrounding Land Uses

Development in the project area is a mix of retail/commercial, office, and residential land uses. Building heights vary by land use from one to 12 stories. The project site is bound by Stevens Creek

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES FIGURE 4.1-1

Boulevard to the north, the newly constructed Hatton Street and a residential neighborhood to the east, a seven-story senior housing facility, three office buildings (ranging from six to 12 stories), and a five level parking structure to the south and west, and Winchester Boulevard to the west.

Stevens Creek Boulevard is a six-lane roadway with a raised center median. On the north side of Stevens Creek Boulevard, directly across from the project site, is Valley Fair Shopping Mall. Valley Fair is an approximately 2,650,000 square foot, two-story shopping mall with a maximum building height of 65 feet. The mall is comprised of a main building, five detached commercial structures along the Stevens Creek Boulevard and Winchester Boulevard frontages, three parking garages, a parking deck, and surface parking lots.

The residential neighborhood to the east is comprised of one and two-story single-family houses, duplexes, low-rise apartments, small lot two-story single-family houses, and newly constructed three-story attached townhouses. The residential neighborhood is interspersed with commercial businesses near Stevens Creek Boulevard.

Winchester Boulevard is a six-lane roadway with a raised center median. On the west side of Winchester Boulevard, directly across from the project site, are the Century movie theaters (closed as of March 2014), the Winchester Mystery House (a historic landmark), several small one- and two-story commercial buildings, and a residential neighborhood comprised of single-family houses and a mobile home park.

4.1.1.3 Existing Land Use Designation and Zoning

The project site is designated *Regional Commercial* with an *Urban Village* overlay by the *Envision San Jose 2040 General Plan.* The project site is zoned *(A)PD – Planned Development*, consistent with the General Plan.

The General Plan designation allows for a wide variety of commercial, residential, and institutional land uses. The project site has already been extensively redeveloped and has entitlements for additional development on-site (as shown in Table 2.1-1). The General Plan allows for a building density of up to 10.0 floor area ratio (FAR) and residential densities up to 250 dwelling units per acre (DU/AC) within the Urban Village. The *Regional Commercial* designation applies primarily to existing regional shopping centers that support a wide range of commercial uses and densities. Under this designation, the General Plan allows for a building density of up to 12.0 FAR and building heights of one to 25 stories.

The *Envision San Jose 2040 General Plan* established the Urban Village concept to create a policy framework that directs most of the City's new job and housing growth to occur within designated areas that are walkable, bike friendly, and have good access to transit and other existing infrastructure and facilities. The concentration of development in the Urban Villages is intended to 1) support and encourage increased transit use, 2) protect open space and hillsides, 3) reduce greenhouse gases, 4) promote economic development, and 5) build more healthy communities.

4.1.1.4 Applicable Land Use Regulations and Policies

The *Envision San José 2040 General Plan* includes policies applicable to all development projects in San José.

Policy CD-1.12: Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

Policy CD-1.17: Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.

Policy CD-4.9: For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

Policy IP-1.6: Ensure that proposals to rezone and prezone properties conform to the Land Use/Transportation Diagram, and advance *Envision General Plan* Vision, goals and policies.

4.1.2 Land Use Impacts

4.1.2.1 Thresholds of Significance

For the purposes of this EIR, a land use impact is considered significant if the project would:

- Physically divide an established community;
- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect;
- Conflict with an applicable habitat conservation plan or natural community conservation plan;
- Convert prime farmland, unique farmland, or farmland of statewide importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses;
- Conflict with existing zoning for agricultural use, or a Williamson Act contract;
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use;
- Induce substantial population growth in an area, either directly or indirectly;

- Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; or
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

4.1.2.2 Land Use Conflicts

Land use conflicts can arise from two basic causes: 1) a new development or land use may cause impacts to persons or the physical environment in the vicinity of the project site or elsewhere; or 2) conditions on or near the project site may have impacts on the persons or development introduced onto the site by the new project. Both of these circumstances are aspects of land use compatibility. Potential incompatibility may arise from placing a particular development or land use at an inappropriate location, or from some aspect of the project's design or scope. Depending on the nature of the impact and its severity, land use compatibility conflicts can range from minor irritations and nuisance to potentially significant effects on human health and safety. The discussion below distinguishes between potential impacts *from* the proposed project *upon* persons and the physical environment, and potential impacts *from* the existing surroundings *upon* the project itself.

Consistency with the General Plan Land Use Designation and Zoning

The project site is currently designated *Regional Commercial* with an Urban Village overlay in the City of San José General Plan and is zoned (A) PD – Planned Development. The current development on the project site, which consists of high density retail, commercial and residential land uses, is consistent with the underlying General Plan designation and the Urban Village concept. Implementation of the proposed project will allow for an increase in office, retail, hotel, and residential development on-site that will further enhance the Urban Village in which it is located, providing both local and regional jobs, services, and housing along a major transportation corridor. Therefore, the project site is consistent with the General Plan land use designation.

The project proposes to rezone the site to allow for an increase in retail and office square footage over the existing approved development, as well as a small increase in hotel rooms and residential units. If the proposed rezoning is not approved, the new development proposed on Lots 9 and 17, as well as the additional hotel rooms and residential units, cannot be approved.

The current development standards state that the maximum height shall be set by Planned Development Permit for each building, except for structures within 30 feet of residentially zoned single-family units, the maximum height to be permitted is 35 feet. As proposed, the development standards would be revised to state the following:

"The maximum building height shall be 120 feet as provided per Title 20, Section 20.85.020 (provided that if said section is amended to allow a greater height within Urban Villages, then such greater height shall be allowed) with the following exceptions:

- Portions of structures within 30 feet of residentially zoned single-family units shall have a maximum building height of 35 feet.
- The overall maximum height of buildings on Lot 12 shall be 90 feet.

- The overall maximum height of commercial buildings on Lot 9 shall be 135 feet.
- The overall maximum height of commercial buildings on Lot 17 shall be 180 feet."

As proposed, the development on Lots 9 and 17 would meet the current development standards and the more refined proposed development standards. All future development on the project site, including development on Lots 9 and 17, will be required to conform to development standards established by the new PD Rezoning. Therefore, the mixed-use building on Lot 9 and the office building on Lot 17 will be consistent with the zoning for the site. If the proposed revisions to the development standards are not approved as part of the rezoning, the new development on Lots 9 and 17 cannot be approved at the proposed heights and would be restricted to the current height limit of 120 feet. **(Less Than Significant Impact)**

Land Use Impacts

Development surrounding the project site is a mix of office, commercial/retail, and residential land uses. The proposed rezoning would increase the allowable office and retail square footage as well as increase the total number of hotel rooms and residential units on-site. Existing entitlements for not yet constructed restaurant/entertainment space would remain in effect and no existing development would be removed or altered as part of this project.

The General Plan FEIR evaluated potential land use impacts resulting from high intensity development within Urban Villages adjacent to low density residential neighborhoods. These impacts could include visual intrusion from building height, shade and shadow impacts, noise, litter, and parking spillover. The project site is already developed with high density mixed-use development that has been analyzed and approved by the City. In addition, the project site has existing entitlements to develop an additional 309,797 square feet of retail/commercial space, 228,200 square feet of office space, and 348 residential units. As a result, the potential land use impacts relating to high density development on the project site have already been identified and mitigated or avoided. The proposed PD rezoning would increase the overall allowable retail square footage on-site by 55,641 square feet and office square footage by 510,000 square feet, and add six hotel rooms, and 47 residential units. It would not, however, introduce a new land use on the project site that has not been previous considered and analyzed.

Each development location on-site has specific issues related to the surrounding land uses, particularly development sites along the eastern boundary of the project site adjacent to existing housing. The General Plan FEIR concluded that land use conflicts, including impacts to adjacent residential development and existing businesses, from development within Urban Villages can be substantially limited or precluded with implementation of applicable General Plan policies and actions for planning and implementation as well as conformance with identified ordinances and adopted design guidelines. Future development on the Santana Row site will comply with all applicable City policies, actions and ordinances, and will be consistent with adopted design guidelines. Future development on-site would have a less than significant impact on surrounding land uses. **(Less Than Significant Impact)**

The proposed development on Lots 9 and 17 would remove two existing surface parking lots and 47 apartments and construct a seven-story mixed-use building (approximately 116 feet), a five-level parking structure (approximately 53 feet), and a maximum 180-foot tall office building over one

level of underground parking. Adjacent land uses to Lots 9 and 17 include three office buildings (ranging from six to 12 stories), a five-level parking structure, and nearby townhouses. The scale and height of the proposed office building on Lot 17 would be compatible with the existing adjacent office buildings. The City of San Jose had previously approved an office building on the northern half of Lot 17. This previous development proposal was found to be compatible with existing and planned development in the project area. Therefore, the office building, which would be located further away from off-site residences than the previously approved project, would have a less than significant impact on surrounding land uses.

The scale and height of the proposed mixed-use building and parking structure on Lot 9 are consistent with other development on the eastern boundary of the project site that is adjacent to single-family residences. The townhouses on the east side of Hatton Street are three stories and some of the units have private second floor balconies facing Lot 9. No substantive outdoor recreational space is provided. The proposed development on Lot 9 would not preclude the use of outdoor recreational areas by the nearby residents. As with all future development on-site, the proposed mixed-use building and parking structure will be required to comply with all applicable City policies, actions, ordinances, and design guidelines. Therefore, the development on Lot 9 would have a less than significant impact on surrounding land uses. **(Less Than Significant Impact)**

The proposed project would not physically divide an established community. The project site is in a developed urban area but is subject to an adopted Habitat Conservation Plan. Please see Section 4.9, *Biological Resources,* for a complete discussion of the projects consistency with the HCP. **(Less Than Significant Impact)**

4.1.2.3 Visual Intrusion (Privacy)

Visual intrusion addresses the general concern that windows or balconies from taller buildings will provide visual access to neighboring yards and windows of private residences. There are existing off-site single-family residences adjacent to the eastern boundary of the Santana Row site, and on the eastern side of Hatton Street. The proposed parking structure on Lots 9 and 17 would be five levels (approximately 53 feet) and would be located 80-feet from the nearest off-site residences.

In urban built-out environments properties are in close proximity to one another and complete privacy is not typical. Nevertheless, implementation of the proposed project would create a greater possibility of visual intrusion from the project site on the adjacent residential properties than what currently exists. The residences on the east side of Hatton Street do not have any private open space that is visible from the project site, but upper floor windows may be more visible from an elevated position on the parking structure than at ground level.

The parking structure includes design features to limit visual intrusion to the front facades of the nearby residences. The eastern façade of the parking structure will include an infill wall, elevated planter boxes, and green screens to block views from the parking structure. On the roof level, a steel-frame trellis will be installed to preclude persons from having unobscured views from the top of the structure. The lower cement wall combined with the steel trellis would have a total combined height of over 10 feet. These design features, combined with existing landscaping (trees) along both sides of Hatton Street, would limit direct line of site into the nearby residences.

The proposed mixed-use building on Lot 9 would have no direct line of site to the off-site residences. Views from the upper floors of the mixed-use building would be blocked by the proposed parking structure.

The proposed office building on Lot 17 would be set back approximately 200 feet from the nearest off-site residences. The distance between the buildings, combined with building orientation and visual barriers such as trees and other landscaping, would preclude direct views to the off-site residences.

For all these reasons, the proposed project would have a less than significant visual intrusion impact. **(Less Than Significant Impact)**

4.1.2.4 Shade and Shadow Impacts

As shown in Figure 4.1-2, the maximum off-site shading from the proposed development on Lots 9 and 17[5] would occur in the morning hours year round and afternoon hours in the winter. Minimal shading would occur the remainder of the year. Throughout the year, the proposed development on Lot 17 would shade the adjacent office buildings in the morning hours. The increase in shading on the adjacent office buildings is not considered a significant impact.

In the winter afternoon hours, the proposed development on Lots 9 and 17 would shade the nearby off-site residences and a small corner of Santana Park.

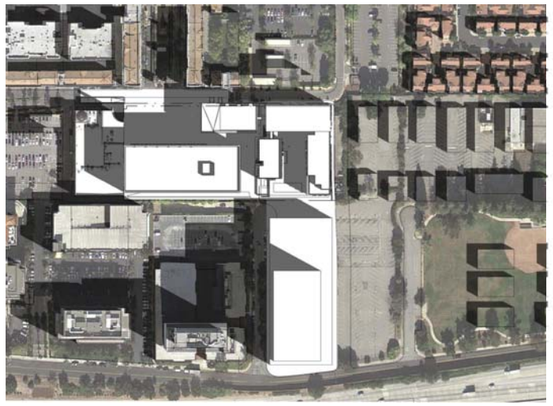
Neither the off-site residences nor the office buildings that would be shaded by the project have solar panels. As a result, implementation of the proposed project will not restrict solar access for existing panel systems.

The City of San José does not recognize the shading of private residential open space as a significant land use impact. The adjacent park will only be marginally affected by shadows from the proposed office building. The increase in shadows on the park will not preclude the usage of the park by nearby residents in the winter time. While the project would increase the amount of shade in the immediate project area in the winter months, the proposed project will not result in significant shade or shadow impacts. **(Less Than Significant Impact)**

4.1.2.5 Agricultural and Forestry Impacts

The proposed project site is a developed site in an urban area, is not designated as farmland or forestry land, and has not been used as farmland for more than 50 years. Because the project will not conflict with existing agricultural zoning or a Williamson Act contract, convert or facilitate the conversion of prime farmland to non-agricultural uses, or result in the loss of forest lands, implementation of the proposed project will have no impact on farmland or forest lands. **(No Impact)**

[5] Shading from the office building on Lot 17 is based on the maximum allowable building height of 180 feet.



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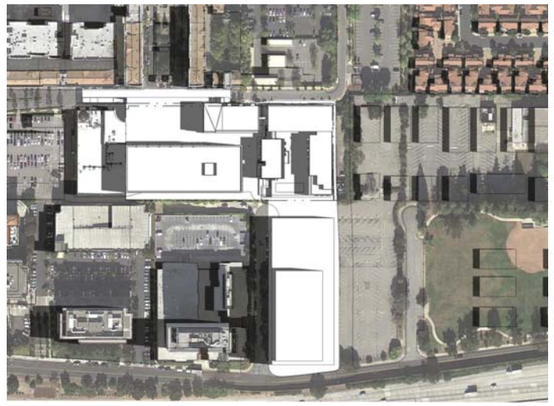

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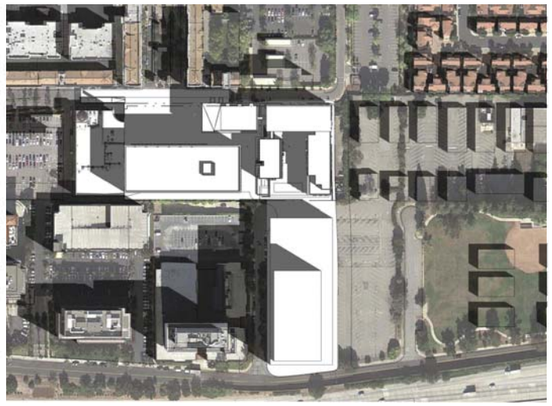

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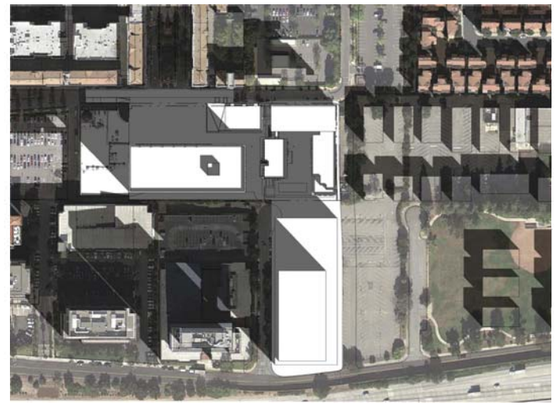

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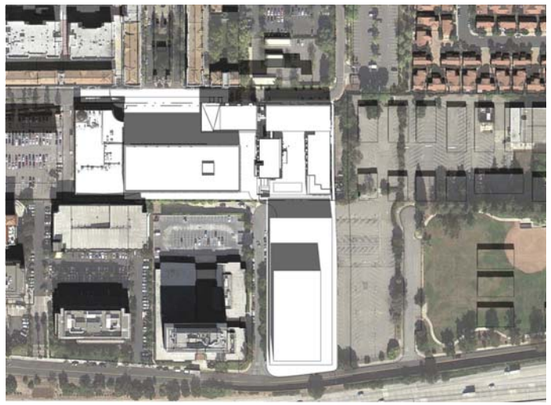

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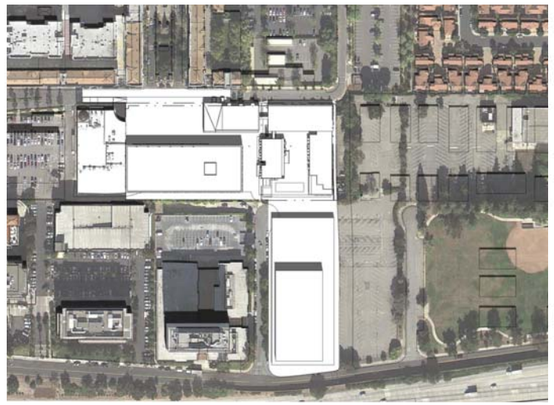

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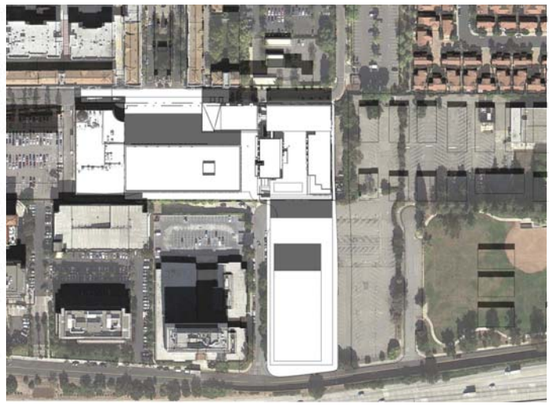

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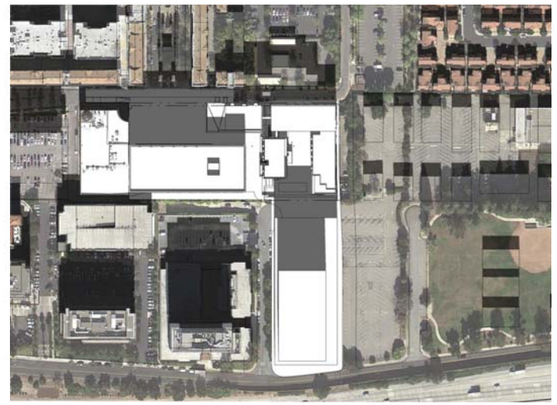

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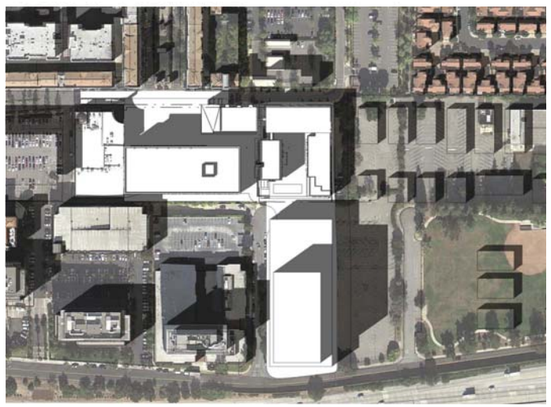

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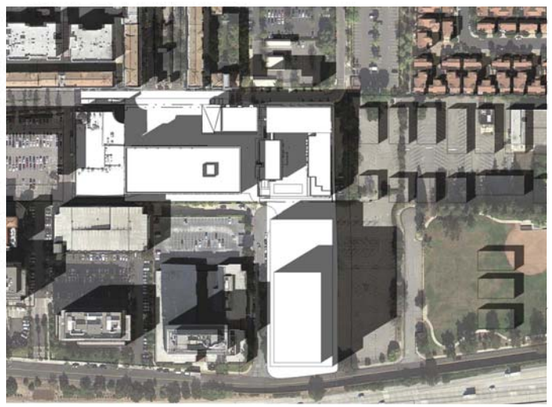
6 JUNE 21 - 3PM
1 : 1800



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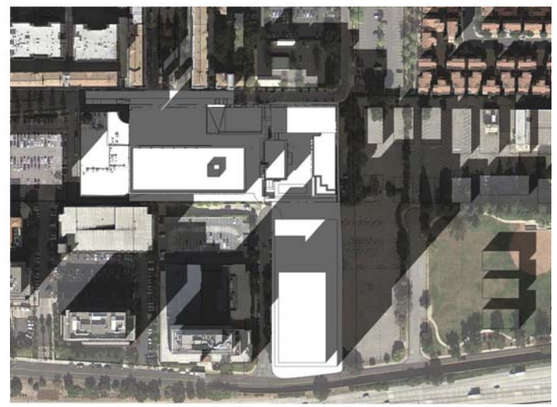


12 DECEMBER 21 - 3PM
1 : 1800

SHADE AND SHADOW STUDY FOR LOTS 9 AND 17

FIGURE 4.1-2

4.1.2.6 Population and Housing Impacts

According to California Department of Finance 2010 census data estimates for 2012, San José has a population of 957,405 persons. As of 2012 the City of San José had approximately 305,711 households with an average 3.13 persons per household and 1.6 employed residents per household. [6] By comparison, Santa Clara County has an average household size of approximately 2.9 persons. According to the City's General Plan, the projected population in 2035 will be 1.3 million persons occupying 429,350 households.

The jobs/housing balance is the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. This relationship is quantified by the jobs/employed resident ratio. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs. The jobs/employed resident ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing.

San José currently has a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident) but this trend is projected to reverse with full build-out under the current General Plan.

Continued development of the project site under the proposed PD rezoning would result in a net increase in jobs citywide. As noted above, San José currently has a higher number of employed residents than jobs. The increase in jobs will incrementally decrease the overall jobs/housing imbalance within the City.

The project will develop land already planned for job growth in the General Plan. Lot 9 has not been used for residential purposes in the past; therefore, the proposed development on this site will not displace existing housing or people. In addition, future development under the proposed PD rezoning would occur on the remaining surface lots within Santana Row or by reconfiguring existing developed areas within the site. No existing housing on the Santana Row site would be removed. Therefore, implementation of the proposed project will have a less than significant impact on population and housing in San Jose. **(Less Than Significant Impact)**

A portion of Lot 17 is currently developed with three apartment buildings, with a total of 47 residential units. The apartments on Lot 17 are proposed to be demolished and 47 new residential units are proposed to be constructed elsewhere on Santana Row as part of the PD rezoning. The project will result in the loss of housing on Lot 17, but the equivalent number of units will be constructed elsewhere on Santana Row and overall the project will not reduce the total number of housing units within the City and will not necessitate the construction of housing elsewhere. The current residents on Lot 17 will, however, be required to find replacement housing within the City. It should be noted, however, that a project's social and economic effects, if unrelated to the project's physical changes, are not environmental impacts under CEQA. There is no physical change to the environment that would result from the displacement of residents in the existing apartments, as a result, no further discussion is required. **(Less Than Significant Impact)**

[6] State of California Department of Finance. *Census 2010.* 2010. <http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_DP_DPDP1&prodType=table> Accessed July 2, 2014.

4.1.3 Mitigation and Avoidance Measures for Land Use Impacts

No mitigation is required or proposed.

4.1.4 Conclusion

The proposed project would be compatible with all adjacent and nearby land uses and would not significantly impact any designated agricultural lands. The project will displace existing housing on Lot 17, but will increase the overall housing entitlement on-site to compensate for the loss. The project will not significantly contribute to the jobs/housing imbalance in the City. With approval of the proposed PD rezoning, the proposed project would comply with relevant land use policies and regulations. **(Less Than Significant Impact)**

4.2 TRANSPORTATION

The following discussion is based on a transportation impact analysis prepared by *Hexagon Transportation Consultants* in April 2014. The report can be found in Appendix A.

4.2.1 Setting

4.2.1.1 Existing Roadway Network

This section summarizes the existing conditions for the major transportation facilities in the vicinity of the site, including the roadway network, transit service, and bicycle and pedestrian facilities. Also included are the existing levels of service of the key intersections and freeway segments in the study area.

Regional Access

Regional access to the project site is provided via Interstate 280 (I-280) and I-880 as described below.

I-280 is an eight-lane, north-south freeway that extends Highway 101 (US 101) in San José to I-80 in San Francisco and provides access to the project site via interchanges at Winchester Boulevard.

I-880 is a six-lane, north-south freeway that extends from Oakland to I-280 in San Jose, where it transitions to State Route 17 (SR 17) t Santa Cruz. I-880 provides access to the project site via interchanges at Stevens Creek Boulevard.[7]

Local Access

Local access to the project site is provided via Stevens Creek Boulevard, Winchester Boulevard, Tisch Way, and South Monroe Street. These roadways are described below.

Stevens Creek Boulevard is a divided six-lane, east-west roadway that extends from Cupertino east to I-880. At I-880 it transitions to San Carlos Street to downtown San Jose. Site access is provided via a full access signalized intersection at Santana Row.

Winchester Boulevard is a divided six-lane, north-south roadway that extends from Los Gatos to Lincoln Street in Santa Clara. Site access is provided via full access signalized intersections at Olsen Drive and Olin Avenue, and right-in/right-out only driveways at Tatum Lane and Alyssum Lane.

Tisch Way is a two-lane, east-west roadway that extends from Winchester Boulevard to South Monroe Street. Site access is provided via Hatton Street and Dudley Avenue.

South Monroe Street is a two-lane, north-south roadway that extends from Tisch Way to Stevens Creek Boulevard.

[7] The I-880/Stevens Creek Boulevard interchanges are currently being reconfigured and will include two new signals. The interchanges are scheduled to be completed in spring 2015.

4.2.1.2 Existing Pedestrian and Bicycle Facilities

Bicycle and Pedestrian Facilities

There are no county-designated bike lanes in the vicinity of the project site. On the City of San José's adopted *San José Bike Plan 2020*, there are "On Street Bike Lanes" or Class II Bike Lanes planned for Tisch Way and Moorpark Avenue between Winchester Boulevard and the bicycle and the existing pedestrian overcrossing that crosses I-280 at Santana Park.

Pedestrian facilities in the project area consist primarily of sidewalks along the streets. Sidewalks are found along virtually all previously described local roadways in the study area and along the local residential streets and collectors near the site. At South Monroe Street and Tisch Way, there is a pedestrian footbridge over I-280 at Santana Park and Moorpark Avenue.

4.2.1.3 Existing Transit Service

Existing transit service in the project area is provided by the Santa Clara Valley Transportation Authority (VTA). VTA bus services are described in Table 4.2-1 below. All transit services are shown on Figure 4.2-1.

TABLE 4.2-1
VTA Bus Service in the Project Area

Route	Route Description	Daily Headway (min)
23	De Anza College to Alum Rock Transit Center via Stevens Creek Boulevard.	10-15
60	Winchester Transit Center to Great America via Winchester Boulevard.	15-20
25	De Anza College to Alum Rock Transit Center via Stevens Creek Boulevard.	10-20
323	Downtown San Jose to De Anza College vis Stevens Creek Boulevard (limited stops)	15-30

The nearest bus stop locations are located at the Olin Avenue and Olsen Drive intersections with Winchester Boulevard, and on the north and south sides of Stevens Creek Boulevard, on either side of the Santana Row/Stevens Creek Boulevard intersection. The nearest stops for the 323 Route are Kiley Boulevard and Bascom Avenue, which are not within walking distance.

4.2.1.4 Existing Intersection Operations

Methodology

The impacts of the proposed development were evaluated following the methodologies established by the City of San Jose and the Santa Clara County Congestion Management Program (CMP). Intersections were selected for study if project traffic would add at least 10 trips per lane per hour during one or more peak hours, consistent with adopted CMP methodology.

TRANSIT SERVICES

FIGURE 4.2-1

Traffic conditions were evaluated for existing conditions, background conditions[8], existing plus project conditions, and background plus project conditions to determine if the level of service (LOS) of the local intersections in the project area would be adversely affected by the proposed project generated traffic. LOS is a qualitative description of operating conditions ranging from LOS A, or free-flowing conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. The correlation between average delay and LOS is shown in Table 4.2-2.

TABLE 4.2-2
Intersection Level of Service Definitions Based on Delay

Level of Service	Description	Average Control Delay per Vehicle[9]
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.	10.0 or less
B	Operations with low delay occurring with good progression and/or short cycle lengths.	10.1 to 20.0
C	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	20.1 to 35.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C[10] ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 55.0
E	Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	55.0 to 80.0
F	Operation with delays unacceptable to most drivers occurring due to over saturation, poor progression, or very long cycle lengths.	Greater than 80.0

The traffic study analyzed AM and PM Peak Hour traffic conditions for 41 signalized intersections and one future signalized intersection in the vicinity of the project site. The study intersections are listed in Table 4.2-3 below and the locations of the study intersections are shown on Figure 4.2-2.

Based on the City of San Jose's policies, an acceptable operating level of service is defined as LOS D or better at all City controlled intersections. For County of Santa Clara and CMP intersections, an acceptable level of service is LOS E. Because the project site is very near the City boundary with Santa Clara and Campbell, traffic trips associated with the project site would travel through Santa Clara and Campbell intersections as well as San Jose intersections. For this reason, the analysis also took into account the acceptable LOS standard for the City of Santa Clara and Campbell, which is equivalent to the LOS standard established by the City of San Jose.

Consistent with City Council Policy 5-3[11], the City of San Jose LOS methodology is TRAFFIC, which is based on the 2000 *Highway Capacity Manual* (HCM) method for signalized intersections.

[8] Background conditions are existing plus approved but not yet constructed development.
[9] Measured in seconds.
[10] Volume to capacity ratio.
[11] City of San Jose Website. http://www.sanjoseca.gov/DocumentCenter/Home/View/382

STUDY INTERSECTIONS

FIGURE 4.2-2

Existing LOS of Study Intersections

Analysis of the existing intersection operations concluded that the Stevens Creek Boulevard/San Tomas Expressway intersection currently operates at LOS E during the PM Peak Hour. LOS E is acceptable under the CMP thresholds, but not under City of San Jose thresholds. All other study intersections currently operate at an acceptable LOS. The results of the existing conditions analysis are summarized in Table 4.2-3. Intersections that do not operate at an acceptable LOS are highlighted in bold. In some cases, an intersection meets the CMP threshold LOS but not the applicable City threshold.

TABLE 4.2-3
Signalized Study Intersections Level of Service – Existing Conditions

No.	Intersection	AM Peak Hr		PM Peak Hr	
		Delay	LOS	Delay	LOS
1	Winchester Boulevard and Stevens Creek Boulevard (CMP)	35.5	D	50.7	D
2	Santana Row and Stevens Creek Boulevard	15.1	B	29.7	C
3	Redwood Avenue and Sevens Creek Boulevard	8.2	A	22.0	C
4	Monroe Street and Stevens Creek Boulevard	28.8	C	38.6	D
5	I-880 SB off-ramp and Stevens Creek Boulevard (CMP)	23.8	C	21.8	C
6	Bascom Avenue and San Carlos Street	41.9	D	51.3	D
7	Meridian Avenue and San Carlos Street	39.4	D	46.4	D
8	Lincoln Avenue and San Carlos Street	35.3	D	39.0	D
9	Bird Avenue and San Carlos Avenue (CMP)	33.0	C	39.0	D
10	Monroe Street and Forest Street	17.4	B	20.2	C
11	Monroe Street and Hedding Street	35.7	D	37.3	D
12	Monroe Street and Newhall Street	26.6	C	27.0	C
13	Winchester Boulevard and Hedding Street	31.0	C	35.9	D
14	Winchester Boulevard and Forest Street	15.4	B	21.5	C
15	San Tomas Expressway and Stevens Creek Blvd (CMP)	51.1	D	**68.2**	**E**
16	Saratoga Avenue and Stevens Creek Boulevard (CMP)	34.8	C	38.1	D
17	Kiely Boulevard and Stevens Creek Boulevard (CMP)	37.9	D	37.1	D
18	Saratoga Avenue and Kiely Boulevard (CMP)	45.2	D	41.0	D
19	Saratoga Avenue and I-280 North (CMP)	23.4	C	21.9	C
20	Saratoga Avenue and I-280 South (CMP)	40.7	D	34.5	C
21	Saratoga Avenue and Moorpark Avenue	41.5	D	44.1	D
22	San Tomas Expressway and Moorpark Avenue (CMP)	51.8	D	52.8	D
23	Winchester Boulevard and Olin Avenue	17.6	B	21.5	C
24	Winchester Boulevard and Olsen Drive	14.3	B	19.9	B
25	Winchester Boulevard and I-280 Westbound on-ramp	21.7	C	30.0	C
26	Winchester Boulevard and Moorpark Avenue	37.8	D	38.3	D
27	I-280 Eastbound off-ramp and Moorpark Avenue (CMP)	11.2	B	13.1	B
28	Winchester Boulevard and Williams Road	38.1	D	34.0	C
29	Winchester Boulevard and Payne Avenue	39.7	D	37.1	D
30	Winchester Boulevard and Hamilton Avenue (CMP)	40.5	D	46.1	D

TABLE 4.2-3 Signalized Study Intersections Level of Service – Existing Conditions					
No.	**Intersection**	**AM Peak Hr**		**PM Peak Hr**	
		Delay	**LOS**	**Delay**	**LOS**
31	Winchester Boulevard and Campbell Avenue	26.1	C	26.6	C
32	San Tomas Expressway and Saratoga Avenue (CMP)	48.8	D	46.6	D
33	Saratoga Avenue and Pruneridge Avenue	29.9	C	30.5	C
34	San Tomas Expressway and Pruneridge Avenue	46.2	D	45.2	D
35	San Tomas Expressway and Forbes Avenue	18.3	B	12.3	B
36	San Tomas Expressway and Homestead Avenue	**77.8**	**E**	**58.3**	**E**
37	Scott Boulevard and Homestead Road	21.7	C	24.8	C
38	Saratoga Avenue and Scott Boulevard	24.2	C	23.1	C
39	Winchester Boulevard and Market Street	8.2	A	6.8	A
40	Winchester Boulevard and Bellomy Street	10.0	B	8.1	A
41	Winchester Boulevard and Newhall Street	23.2	C	19.4	B
42	Northbound I-880 Ramps and Stevens Creek Boulevard[12]	---	---	---	---

Observed Existing Traffic Conditions

Existing traffic conditions were observed to identify existing operational deficiencies and to confirm the accuracy of calculated LOS for the study intersections. The field observations determined that congestion on Stevens Creek Boulevard in the PM Peak Hour, between Winchester Boulevard and I-880, is exacerbated by the close spacing of several signalized intersections. At its intersections at I-880 and Monroe, vehicles do not clear at nearly every approach during the PM Peak Hour. Left-turn queues in the westbound direction regularly extend out of the turn-pockets at its intersections with Winchester Boulevard and Santana Row during the PM Peak Hour. Vehicles making the westbound left-turn movement at Santana Row do not clear within the allotted green time. Left-turn pockets in the eastbound direction are adequate with no vehicles blocking the through lanes.

The right lane on eastbound Stevens Creek Boulevard sometimes is congested from I-880 to Santana Row with vehicles entering the southbound I-880 on-ramp. As a result, some vehicles attempt to enter the right lane at the last minute to avoid the wait. Improvements are currently under construction at the I-880 on/off ramps that will reduce queuing and other operational problems along Stevens Creek Boulevard near the interchange.

4.2.1.5 Background Intersection Operations

Background traffic conditions represent conditions anticipated to exist after completion of the environmental review process but prior to operation of the proposed development. It takes into account planned transportation system improvements that will occur prior to implementation of the proposed project and background traffic volumes. Background peak-hour traffic volumes are calculated by adding estimated traffic from approved but not yet constructed development to the existing conditions (see Appendix A for a list of Background projects). This traffic scenario represents a more congested traffic condition than the existing conditions scenario since it includes

[12] Under construction.

traffic from approved projects. The background conditions analysis is consistent with City of San Jose policy for transportation analyses though it is not required under CEQA, as it is neither a project scenario nor cumulative analysis but represents conditions anticipated to exist at the time the project is built and operational.

There are no approved or fully funded roadway improvement projects in the project area. Therefore, the roadway network under background conditions would be the same as the existing roadway network.

Changes to the Roadway Network

This analysis assumes that the transportation network under background conditions would be the same as the existing transportation network with the following exceptions:

Winchester Boulevard and Stevens Creek Boulevard – The planned improvement consists of the addition of a second southbound left-turn lane at the intersection. The second southbound left-turn lane is to be completed with the approved expansion of the Valley Fair Shopping Center. The traffic associated with the Valley Fair expansion is included within the background volumes described below. It should be noted that the intersection of Winchester Boulevard and Stevens Creek Boulevard has been identified as a Protected Intersection. The LOS policy specifies that Protected Intersections consist of locations that have been built to their planned maximum capacity and where expansion of the intersection would have an adverse effect upon other transportation facilities (such as pedestrian, bicycle, and transit systems). The policy acknowledges that exceptions to the City's LOS policy of maintaining a Level of Service D at local intersections will be made for certain Protected Intersections that have been built to their planned maximum capacity.

I-880 and Stevens Creek Boulevard Interchange – Improvement of the I-880 and Stevens Creek Boulevard interchange is currently underway. The interchange and ramps will be reconfigured and will include two new signalized intersections to serve northbound and southbound I-880 traffic that is bound for Stevens Creek Boulevard. In addition, a direct connector ramp from Southbound I-880 to northbound Monroe Street will be provided. The improvements to the interchange will reduce queuing and other operational problems along Stevens Creek Boulevard in the area of the interchange.

Background Intersection Level of Service

The LOS of the study intersections was calculated under background conditions. Analysis of the background intersection operations concluded that the following three intersections would operate at an unacceptable LOS:

No. 1 – Winchester Boulevard and Stevens Creek Boulevard (PM Peak Hour)
No. 4 – Monroe Street and Stevens Creek Boulevard (PM Peak Hour)
No. 15 – San Tomas Expressway and Stevens creek Boulevard (PM Peak Hour)

All other study intersections would operate at an acceptable LOS. The results of the background conditions analysis are summarized in Table 4.2-4 below.

TABLE 4.2-4
Background Intersection Levels of Service

No.	Intersection	Peak Hour	Existing		Background	
			Delay	LOS	Delay	LOS
1	Winchester Boulevard and Stevens Creek Boulevard (CMP)	AM	35.5	D	36.1	D
		PM	50.7	D	**60.1**	**E**
2	Santana Row and Stevens Creek Boulevard	AM	15.1	B	15.0	B
		PM	29.7	C	31.0	C
3	Redwood Avenue and Sevens Creek Boulevard	AM	8.2	A	9.8	A
		PM	22.0	C	29.7	C
4	Monroe Street and Stevens Creek Boulevard	AM	28.8	C	34.1	C
		PM	38.6	D	**83.6**	**F**
5	I-880 SB off-ramp and Stevens Creek Boulevard (CMP)	AM	23.8	C	23.0	C
		PM	21.8	C	18.7	B
6	Bascom Avenue and San Carlos Street	AM	41.9	D	43.0	D
		PM	51.3	D	52.6	D
7	Meridian Avenue and San Carlos Street	AM	39.4	D	40.3	D
		PM	46.4	D	52.2	D
8	Lincoln Avenue and San Carlos Street	AM	35.3	D	37.2	D
		PM	39.0	D	41.7	D
9	Bird Avenue and San Carlos Avenue (CMP)	AM	33.0	C	35.7	D
		PM	39.0	D	42.4	D
10	Monroe Street and Forest Street	AM	17.4	B	17.8	B
		PM	20.2	C	21.1	C
11	Monroe Street and Hedding Street	AM	35.7	D	36.0	D
		PM	37.3	D	37.6	D
12	Monroe Street and Newhall Street	AM	26.6	C	26.9	C
		PM	27.0	C	27.1	C
13	Winchester Boulevard and Hedding Street	AM	31.0	C	31.7	C
		PM	35.9	D	38.3	D
14	Winchester Boulevard and Forest Street	AM	15.4	B	20.2	C
		PM	21.5	C	30.5	C
15	San Tomas Expressway and Stevens Creek Boulevard (CMP)	AM	51.1	D	54.2	D
		PM	**68.2**	**E**	**74.8**	**E**
16	Saratoga Avenue and Stevens Creek Boulevard (CMP)	AM	34.8	C	35.0	D
		PM	38.1	D	38.5	D
17	Kiely Boulevard and Stevens Creek Boulevard (CMP)	AM	37.9	D	37.8	D
		PM	37.1	D	37.0	D
18	Saratoga Avenue and Kiely Boulevard (CMP)	AM	45.2	D	45.0	D
		PM	41.0	D	41.1	D
19	Saratoga Avenue and I-280 North (CMP)	AM	23.4	C	23.3	C
		PM	21.9	C	21.8	C
20	Saratoga Avenue and I-280 South (CMP)	AM	40.7	D	42.2	D
		PM	34.5	C	34.6	C
21	Saratoga Avenue and Moorpark Avenue	AM	41.5	D	41.8	D
		PM	44.1	D	44.7	D

TABLE 4.2-4
Background Intersection Levels of Service

No.	Intersection	Peak Hour	Existing		Background	
			Delay	LOS	Delay	LOS
22	San Tomas Expressway and Moorpark Avenue (CMP)	AM	51.8	D	52.9	D
		PM	52.8	D	54.9	D
23	Winchester Boulevard and Olin Avenue	AM	17.6	B	17.5	B
		PM	21.5	C	20.4	C
24	Winchester Boulevard and Olsen Drive	AM	14.3	B	21.6	C
		PM	19.9	B	27.5	C
25	Winchester Boulevard and I-280 Westbound on-ramp	AM	21.7	C	26.5	C
		PM	30.0	C	35.8	D
26	Winchester Boulevard and Moorpark Avenue	AM	37.8	D	39.1	D
		PM	38.3	D	39.4	D
27	I-280 Eastbound off-ramp and Moorpark Avenue (CMP)	AM	12.2	B	11.6	B
		PM	13.1	B	13.5	B
28	Winchester Boulevard and Williams Road	AM	38.1	D	38.7	D
		PM	34.0	C	34.1	C
29	Winchester Boulevard and Payne Avenue	AM	39.7	D	39.6	D
		PM	37.1	D	36.8	D
30	Winchester Boulevard and Hamilton Avenue (CMP)	AM	40.5	D	40.5	D
		PM	46.1	D	46.2	D
31	Winchester Boulevard and Campbell Avenue	AM	26.1	C	26.1	C
		PM	26.6	C	26.6	C
32	San Tomas Expressway and Saratoga Avenue (CMP)	AM	48.8	D	**79.2**	**E**
		PM	46.6	D	**61.6**	**E**
33	Saratoga Avenue and Pruneridge Avenue	AM	29.9	C	29.8	C
		PM	30.5	C	30.6	C
34	San Tomas Expressway and Pruneridge Avenue	AM	46.2	D	**72.9**	**E**
		PM	45.2	D	**73.2**	**E**
35	San Tomas Expressway and Forbes Avenue	AM	18.3	B	32.6	C
		PM	12.3	B	24.7	C
36	San Tomas Expressway and Homestead Avenue	AM	**77.8**	**E**	**145.2**	**F**
		PM	**58.3**	**E**	**109.5**	**F**
37	Scott Boulevard and Homestead Road	AM	21.7	C	21.7	C
		PM	24.8	C	24.8	C
38	Saratoga Avenue and Scott Boulevard	AM	24.2	C	24.4	C
		PM	23.1	C	22.7	C
39	Winchester Boulevard and Market Street	AM	8.2	A	8.1	A
		PM	6.8	A	6.7	A
40	Winchester Boulevard and Bellomy Street	AM	10.0	B	10.0	B
		PM	8.1	A	7.9	A
41	Winchester Boulevard and Newhall Street	AM	23.2	C	24.3	C
		PM	19.4	B	20.5	C

TABLE 4.2-4 Background Intersection Levels of Service						
No.	**Intersection**	**Peak Hour**	**Existing**		**Background**	
			Delay	**LOS**	**Delay**	**LOS**
42	Northbound I-880 Ramps and Stevens Creek Boulevard[13]	AM	---	---	19.2	B
		PM	---	---	20.5	C

4.2.1.6 Existing Freeway Operations

Methodology

As prescribed in the CMP guidelines, the level of service for freeway segments is estimated based on vehicle density as shown in Table 4.2-5 below. The CMP defines an acceptable levels of service for freeway segments as LOS E or better.

TABLE 4.2-5 Freeway Level of Service Definitions Based on Density		
Level of Service	**Description**	**Density (vehicles/mile/lane)**
A	Average operating speeds at the free-flow speed generally prevail. Vehicles are almost completely unimpeded in their ability to maneuver within the traffic stream.	0-11
B	Speeds at the free-flow speed are generally maintained. The ability to maneuver within the traffic stream is only slightly restricted.	>11-18
C	Speeds at or near the free-flow speed of the freeway prevail. Freedom to maneuver within the traffic stream is noticeably restricted, and lane changes require more vigilance on the part of the driver.	>18-26
D	Speeds begin to decline slightly with increased flows at this level. Freedom to maneuver within the traffic stream is more noticeably limited.	>26-46
E	At this level, the freeway operates at or near capacity. Operations at this level are volatile, because there are virtually no usable gaps in the traffic stream, leaving little room to maneuver within the traffic stream.	>46-58
F	Vehicular flow breakdowns occur. Large queues form behind breakdown points.	>58

For the purposes of this analysis, the determination of which freeway segments were included in the analysis was made based on the impacts from project traffic. Project traffic was added to the 18 nearest freeway segments to the project site. If project traffic exceeds the capacity threshold at the farthest segments, then additional segments are analyzed. If project traffic does not exceed the capacity threshold at the farthest segments, then only the original segments are included in the analysis.

[13] Under construction.

LOS for key freeway segments in the AM and PM Peak Hours was calculated based on the traffic volumes obtained from VTA's *2010 Monitoring and Conformance Report*. Freeways are State controlled and CMP-monitored facilities and, as a result, the minimal acceptable level of service is LOS E.

Existing LOS of Study Freeway Segments

Analysis of the existing freeway operations concluded that the mixed-flow lanes on 13 of the 18 study segments currently operate at an unacceptable LOS F during at least one peak hour. The result also show one directional HOV lane segment currently operates at an unacceptable LOS F during at least one peak hour. The freeway segments are listed below.

- Northbound SR 17, between Hamilton Avenue and I-280 (AM Peak Hour)
- Northbound I-880, between I-280 and Stevens Creek Boulevard (AM Peak Hour)
- Northbound I-880, between Stevens Creek Boulevard and Bascom Avenue (AM Peak Hour)
- Eastbound I-280, between Lawrence Expressway and Saratoga Avenue (PM Peak Hour)
- Eastbound I-280, between I-880 and Meridian Avenue (PM Peak Hour)
- Eastbound I-280, between Meridian Avenue and Bird Avenue (PM Peak Hour)
- Westbound I-280, between Bird Avenue and Meridian Avenue (AM Peak Hour)
- Westbound I-280, between Meridian Avenue and I-880 (AM Peak Hour)
- Westbound I-280, between I-880 and Winchester Boulevard (AM Peak Hour)
- Westbound I-280, between Winchester Boulevard and Saratoga Avenue (AM Peak Hour)
- Westbound I-280, between Saratoga Avenue and Lawrence Expressway (AM Peak Hour)
- Southbound I-880, between The Alameda and Bascom Avenue (PM Peak Hour)
- Southbound I-880, between Bascom Avenue and Stevens Creek Boulevard (AM and PM Peak Hour)

All other study freeway segments operate at an acceptable LOS under existing conditions. The results of the analysis are summarized in Table 4.2-6 below.

TABLE 4.2-6
Study Freeway Segments Level of Service – Existing Conditions

Freeway	Segment	Direction	Peak Hour	LOS – Mixed Lanes	LOS – HOV Lanes
SR 17	Hamilton to I-280	NB	AM PM	F D	---
		SB	AM PM	C D	---
I-880	I-280 to Stevens Creek Boulevard	NB	AM PM	F B	---
		SB	AM PM	C D	---

TABLE 4.2-6 Study Freeway Segments Level of Service – Existing Conditions					
Freeway	**Segment**	**Direction**	**Peak Hour**	**LOS – Mixed Lanes**	**LOS – HOV Lanes**
I-880	Stevens Creek Boulevard to N. Bascom Avenue	NB	AM PM	F D	---
		SB	AM PM	F F	---
I-880	N. Bascom Avenue to The Alameda	NB	AM PM	E D	---
		SB	AM PM	C F	---
I-280	Lawrence Expressway to Saratoga Avenue	EB	AM PM	D F	B D
		WB	AM PM	F D	E A
I-280	Saratoga Avenue to Winchester Boulevard	EB	AM PM	D E	A D
		WB	AM PM	F D	E B
I-280	Winchester Boulevard to I-880	EB	AM PM	C D	B C
		WB	AM PM	F D	E C
I-280	I-880 to Meridian Avenue	EB	AM PM	D F	A D
		WB	AM PM	F C	F B
I-280	Meridian Avenue to Bird Avenue	EB	AM PM	E F	---
		WB	AM PM	F D	---

4.2.1.7 Applicable Land Use Regulations and Policies

The *Envision San José 2040 General Plan* includes policies applicable to all development projects in San José.

Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

Policy TR-1.4: Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

Policy TR-3.3: As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

Policy TR-5.3: The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas. How this policy is applied and exceptions to this policy are listed in the following bullets:

- Vehicular Traffic Mitigation Measures. Review development proposals for their impacts on the level of service and require appropriate mitigation measures if development of the project has the potential to reduce the level of service to "E" or worse. These mitigation measures typically involve street improvements. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.

- Area Development Policy. An "area development policy" may be adopted by the City Council to establish special traffic level of service standards for a specific geographic area which identifies development impacts and mitigation measures. These policies may take other names or forms to accomplish the same purpose. Area development policies may be first considered only during the General Plan Annual Review and Amendment Process; however, the hearing on an area development policy may be continued after the Annual Review has been completed and the area development policy may thereafter be adopted or amended at a public meeting at any time during the year.

- Small Projects. Small projects may be defined and exempted from traffic analysis per the City's transportation policies.

- Downtown. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, development within the Downtown is exempted from traffic mitigation requirements. Intersections within and on the boundary of this area are also exempted from the level of service "D" performance criteria.

- Special Strategy Areas. In recognition of the unique characteristics and particular goals of Special Strategy Areas, intersections identified as Protected Intersections within these areas, may be exempt from traffic mitigation requirements. Special Strategy Areas are identified in the City's adopted General Plan and include Urban Villages, Transit Station Areas, and Specific Plan Areas.

- Protected Intersections. In recognition that roadway capacity-enhancing improvement measures can impede the City's ability to encourage infill, preserve community livability, and promote transportation alternatives that do not solely rely on automobile travel, specially designated Protected Intersections are exempt from traffic mitigation measures. Protected Intersections are located in Special Planning Areas where proposed developments causing a significant LOS impact at a Protected Intersection are required to construct multimodal (non-

automotive) transportation improvements in one of the City's designated Community Improvement Zones. These multimodal improvements are referred to as off-setting improvements and include improvements to transit, bicycle, and/or pedestrian facilities.

City of San Jose Protected Intersection Policy

The City of San Jose Protected Intersection Policy provides an exemption for intersections that are located along major transit corridors for which substantial transit improvements are planned. The policy allows for the addition of intersections to the list of Protected Intersections so long as they are located within designated Special Planning Areas and consistent with the General Plan. The Special Planning Areas may include:

- Transit-Oriented Development Corridors
- Planned Residential/Community Areas
- Neighborhood Business Districts
- Downtown Gateways

The Protected Intersection Policy provides that additional capacity[14] not be added to the intersections and they be allowed to operate at capacity (thus, not being required to meet the City of San Jose LOS D standard) with the expectation that alternative routes or modes will be used by drivers when delays become unacceptable. The LOS policy specifies that Protected Intersections consist of locations that have been built to their planned maximum capacity and where expansion of the intersection would have an adverse effect upon other transportation facilities (such as pedestrian, bicycle, and transit systems). The policy acknowledges that exceptions to the City's LOS policy of maintaining a Level of Service D at local intersections will be made for certain Protected Intersections that have been built to their planned maximum capacity. If a development project has significant traffic impacts at a designated Protected Intersection, the project may be approved if offsetting Transportation System Improvements are provided to other parts of the Citywide transportation system or that enhance non-auto modes of travel in the community near the Protected Intersection in furtherance of the General Plan goals and policies.

Potential improvements within the project area and adjacent neighborhoods could include:

- Traffic calming studies and implementation of measures/devices that could include traffic circles, chokers, tree wells, chicanes, and permanent driver feedback radar speed signs.
- Streetscape features that include street and median trees and neighborhood entry features.
- Improved pedestrian connections throughout the project area including improved connections across Stevens Creek Boulevard and Winchester Boulevard by making crosswalks more visible to drivers, sidewalk widening, and up-lighted crosswalks.
- Working with VTA to expand the existing bus service in the area including increased frequency of service, additional lines to serve areas that are not currently served, and covered bus stops.
- Traffic corridor and operations studies along Stevens Creek Boulevard and Winchester Boulevard to better serve traffic flow as well as transit and pedestrians/bicyclists.

[14] Additional capacity refers to adding new lanes.

4.2.2 Environmental Checklist and Discussion

For the purpose of this EIR, a traffic impact is considered significant if the project would:

- Cause the level of service at any local intersection to degrade from an acceptable LOS D or better under existing or background conditions to an unacceptable LOS E or F under existing plus project or background plus project conditions; or
- At any local intersection that is already an unacceptable LOS E or F under existing or background conditions, cause the critical-movement delay at the intersection to increase by four or more seconds and the demand-to-capacity ratio (V/C) to increase by .01 or more; or
- Cause the level of service at a CMP or County intersection to degrade from an acceptable LOS E or better under existing or background conditions to an unacceptable LOS F under existing plus project or background plus project conditions; or
- At any CMP or County intersection that is already an unacceptable LOS F under existing or background conditions, cause the critical-movement delay at the intersection to increase by four or more seconds and the demand-to-capacity ratio (V/C) to increase by .01 or more; or
- Cause the level of service on any freeway segment to degrade from an acceptable LOS E or better under existing or background conditions to an unacceptable LOS F under project conditions; or
- Add more than one percent of the existing freeway capacity to any freeway segment operating at LOS F under existing conditions; or
- Create an operational safety hazard; or
- Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

4.2.2.1 Impact Criteria

City of San Jose – Local Signalized Intersections

Based on City of San Jose criteria, a project would cause a significant impact at a signalized intersection if the additional project traffic caused one of the following:

- Cause the level of service at any local intersection to degrade from an acceptable LOS D or better under existing or background conditions to an unacceptable LOS E or F under existing plus project or background plus project conditions; or
- At any local intersection that is already an unacceptable LOS E or F under existing or background conditions, cause the critical-movement delay at the intersection to increase by four or more seconds and the demand-to-capacity ratio (V/C) to increase by .01 or more.

This criterion is equivalent to the criteria used for Santa Clara and Campbell signalized intersections.

CMP and Santa Clara County Expressway Intersections

Based on CMP criteria, a project would cause a significant impact at a CMP or County Expressway intersection if the additional project traffic caused one of the following:

- Cause the level of service at any CMP/County intersection to degrade from an acceptable LOS E or better under existing or background conditions to an unacceptable LOS F under existing plus project or background plus project conditions; or
- At any CMP/County intersection that is already an unacceptable LOS F under existing or background conditions, cause the critical-movement delay at the intersection to increase by four or more seconds and the demand-to-capacity ratio (V/C) to increase by .01 or more.

CMP – Freeway Segments

Based on CMP criteria, a project would cause a significant impact to a freeway segment if the additional project traffic caused one of the following:

- Cause the level of service on any freeway segment to degrade from an acceptable LOS E or better under existing or background conditions to an unacceptable LOS F under existing plus project or background plus project conditions; or
- Add more than one percent of the existing freeway capacity to any freeway segment operating at LOS F under existing or background conditions.

4.2.2.2 Trip Generation Estimates – Existing Conditions

Traffic trips generated by the proposed project were estimated using the rates recommended by the City of San Jose. A summary of the project trip generation estimates under existing conditions is shown in Table 4.2-7 below.

TABLE 4.2-7
Project Trip Generation Estimates

Land Use	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Proposed Land Uses							
Office (Lots 9 and 17)	5,442	670	91	761	116	567	683
Movie Theater	949	0	0	0	70	48	118
Hotel Rooms	48	2	2	4	3	2	5
47 Apartment Units	254	9	16	25	11	6	17
Existing Land Uses							
Dudley Apartments	<254>	<9>	<16>	<25>	<11>	<6>	<17>
Net New Trips	6,184	663	77	739	178	611	789

4.2.2.3 Existing Plus Project Intersection Operations

Changes to the Roadway Network

This analysis assumes that the transportation network under existing plus project conditions would be the same as the existing transportation network except for roadway improvements planned as part of the proposed project.

The project proposes to close Santana Row to vehicular traffic between Olin Avenue and Olsen Drive to allow for development of a pedestrian plaza. Minimal vehicular access would be provided for deliveries and services during off-peak hours when the retail businesses are closed.

Existing Plus Project LOS Analysis

The LOS of the study intersections was calculated under project conditions by adding the new project trips from the proposed development to the existing conditions. Analysis of the existing plus project intersection operations concluded that the Stevens Creek Boulevard/San Tomas Expressway intersection would continue to operate at an unacceptable LOS E during the PM Peak Hour. All other study intersections would operate at an acceptable LOS. The results of the existing plus project conditions analysis are summarized in Table 4.2-8 below.

TABLE 4.2-8
Existing Plus Project Intersection Levels of Service

No.	Intersection	Peak Hour	Existing		Existing + Project	
			Delay	LOS	Delay	LOS
1	Winchester Boulevard and Stevens Creek Boulevard (CMP)	AM	35.5	D	35.9	D
		PM	50.7	D	55.0	D
2	Santana Row and Stevens Creek Boulevard	AM	15.1	B	13.2	B
		PM	29.7	C	26.6	C
3	Redwood Avenue and Sevens Creek Boulevard	AM	8.2	A	8.9	A
		PM	22.0	C	22.2	C
4	Monroe Street and Stevens Creek Boulevard	AM	28.8	C	31.7	C
		PM	38.6	D	52.7	D
5	I-880 SB off-ramp and Stevens Creek Boulevard (CMP)	AM	23.8	C	25.2	C
		PM	21.8	C	22.1	C
6	Bascom Avenue and San Carlos Street	AM	41.9	D	42.5	D
		PM	51.3	D	51.6	D
7	Meridian Avenue and San Carlos Street	AM	39.4	D	39.5	D
		PM	46.4	D	46.5	D
8	Lincoln Avenue and San Carlos Street	AM	35.3	D	35.3	D
		PM	39.0	D	38.9	D
9	Bird Avenue and San Carlos Avenue (CMP)	AM	33.0	C	33.2	C
		PM	39.0	D	39.2	D
10	Monroe Street and Forest Street	AM	17.4	B	17.3	B
		PM	20.2	C	20.3	C
11	Monroe Street and Hedding Street	AM	35.7	D	35.9	D
		PM	37.3	D	37.4	D
12	Monroe Street and Newhall Street	AM	26.6	C	26.7	C
		PM	27.0	C	27.1	C
13	Winchester Boulevard and Hedding Street	AM	31.0	C	31.4	C
		PM	35.9	D	36.2	D
14	Winchester Boulevard and Forest Street	AM	15.4	B	15.0	B
		PM	21.5	C	21.2	C

TABLE 4.2-8
Existing Plus Project Intersection Levels of Service

No.	Intersection	Peak Hour	Existing		Existing + Project	
			Delay	LOS	Delay	LOS
15	San Tomas Expressway and Stevens Creek Boulevard (CMP)	AM	51.1	D	52.5	D
		PM	**68.2**	**E**	**69.1**	**E**
16	Saratoga Avenue and Stevens Creek Boulevard (CMP)	AM	34.8	C	34.7	C
		PM	38.1	D	38.4	D
17	Kiely Boulevard and Stevens Creek Boulevard (CMP)	AM	37.9	D	37.9	D
		PM	37.1	D	37.0	D
18	Saratoga Avenue and Kiely Boulevard (CMP)	AM	45.2	D	45.2	D
		PM	41.0	D	41.1	D
19	Saratoga Avenue and I-280 North (CMP)	AM	23.4	C	23.3	C
		PM	21.9	C	21.8	C
20	Saratoga Avenue and I-280 South (CMP)	AM	40.7	D	40.7	D
		PM	34.5	C	34.4	C
21	Saratoga Avenue and Moorpark Avenue	AM	41.5	D	41.7	D
		PM	44.1	D	44.2	D
22	San Tomas Expressway and Moorpark Avenue (CMP)	AM	51.8	D	51.8	D
		PM	52.8	D	52.8	D
23	Winchester Boulevard and Olin Avenue	AM	17.6	B	16.3	B
		PM	21.5	C	20.8	C
24	Winchester Boulevard and Olsen Drive	AM	14.3	B	23.1	C
		PM	19.9	B	28.8	C
25	Winchester Boulevard and I-280 Westbound on-ramp	AM	21.7	C	23.1	C
		PM	30.0	C	35.6	D
26	Winchester Boulevard and Moorpark Avenue	AM	37.8	D	38.6	D
		PM	38.3	D	38.4	D
27	I-280 Eastbound off-ramp and Moorpark Avenue (CMP)	AM	12.2	B	11.5	B
		PM	13.1	B	13.2	B
28	Winchester Boulevard and Williams Road	AM	38.1	D	39.1	D
		PM	34.0	C	34.1	C
29	Winchester Boulevard and Payne Avenue	AM	39.7	D	39.7	D
		PM	37.1	D	36.9	D
30	Winchester Boulevard and Hamilton Avenue (CMP)	AM	40.5	D	40.6	D
		PM	46.1	D	46.2	D
31	Winchester Boulevard and Campbell Avenue	AM	26.1	C	26.2	C
		PM	26.6	C	26.6	C
32	San Tomas Expressway and Saratoga Avenue (CMP)	AM	48.8	D	48.6	D
		PM	46.6	D	46.6	D
33	Saratoga Avenue and Pruneridge Avenue	AM	29.9	C	29.9	C
		PM	30.5	C	30.5	C
34	San Tomas Expressway and Pruneridge Avenue	AM	46.2	D	46.6	D
		PM	45.2	D	45.8	D
35	San Tomas Expressway and Forbes Avenue	AM	18.3	B	18.3	B
		PM	12.3	B	12.3	B

TABLE 4.2-8 Existing Plus Project Intersection Levels of Service						
No.	**Intersection**	**Peak Hour**	**Existing**		**Existing + Project**	
			Delay	**LOS**	**Delay**	**LOS**
36	San Tomas Expressway and Homestead Avenue	AM	**77.8**	**E**	**77.8**	**E**
		PM	**58.3**	**E**	**58.5**	**E**
37	Scott Boulevard and Homestead Road	AM	21.7	C	21.8	C
		PM	24.8	C	24.8	C
38	Saratoga Avenue and Scott Boulevard	AM	24.2	C	24.2	C
		PM	23.1	C	23.0	C
39	Winchester Boulevard and Market Street	AM	8.2	A	8.3	A
		PM	6.8	A	6.8	A
40	Winchester Boulevard and Bellomy Street	AM	10.0	B	10.0	B
		PM	8.1	A	8.1	A
41	Winchester Boulevard and Newhall Street	AM	23.2	C	23.4	C
		PM	19.4	B	19.9	B
42	Northbound I-880 Ramps and Stevens Creek Boulevard[15]	AM	---	---	---	---
		PM	---	---	---	---

The San Tomas Expressway/Homestead Avenue intersection will continue to operate at an unacceptable LOS E in both peak hours but the project would not result in a measurable increase in delay. As a result, the project would have a less than significant impact at this intersection. Therefore, implementation of the proposed project would have a less than significant impact during both of the peak hours under existing plus project conditions. **(Less Than Significant Impact)**

4.2.2.4 Trip Generation Estimates – Background Conditions

Traffic trips generated by the proposed project were estimated using the rates recommended by the City of San Jose. A summary of the project trip generation estimates under background conditions is shown in Table 4.2-9 below.

TABLE 4.2-9 Project Trip Generation Estimates							
Land Use	**Daily Trips**	**AM Peak Hour**			**PM Peak Hour**		
		In	**Out**	**Total**	**In**	**Out**	**Total**
Proposed Land Uses							
Office (Lots 9 and 17)	5,442	670	91	761	116	567	683
Movie Theater	949	0	0	0	70	48	118
Hotel Rooms	48	2	2	4	3	2	5
47 Apartment Units	254	9	16	25	11	6	17
Existing Land Uses							
Dudley Apartments	<254>	<9>	<16>	<25>	<11>	<6>	<17>
Lot 17 Approved Office	<741>	<91>	<13>	<104>	<16>	<77>	<93>
Net New Trips	5,698	581	80	660	173	540	713

[15] Under construction.

4.2.2.5 Background Plus Project Intersection Operations

Changes to the Roadway Network

This analysis assumes that the transportation network under background plus project conditions would be the same as the background conditions except for roadway improvements planned as part of the proposed project.

The project proposes to close Santana Row to vehicular traffic between Olin Avenue and Olsen Drive to allow for development of a pedestrian plaza. Minimal vehicular access would be provided for deliveries and services during off-peak hours when the retail businesses are closed.

Background Plus Project LOS Analysis

The LOS of the study intersections was calculated under background plus project conditions by adding the new project trips from the proposed development to the background conditions. Analysis of the background plus project intersection operations concluded that the following intersections would operate at an unacceptable LOS:

No. 1 – Winchester Boulevard and Stevens Creek Boulevard (PM Peak Hour)
No. 4 – Monroe Street and Stevens Creek Boulevard (PM Peak Hour)
No. 15 – San Tomas Expressway and Stevens Creek Boulevard (AM & PM Peak Hour)
No. 22 – San Tomas Expressway and Moorpark Avenue (PM Peak Hour)

All other study intersections would operate at an acceptable LOS. The results of the background plus project conditions analysis are summarized in Table 4.2-10 below.

TABLE 4.2-10
Signalized Study Intersections Level of Service – Background Plus Project Conditions

No.	Intersection	Peak Hour	Background		Background Plus Project			
			Delay	LOS	Delay	LOS	Δ in Critical Delay	Δ in Critical V/C
1	Winchester Boulevard and Stevens Creek Boulevard (CMP)	AM	36.1	D	37.2	D	8.6	0.034
		PM	**60.1**	**E**	**68.1**	**E**	**20.4**	**0.076**
2	Santana Row and Stevens Creek Boulevard	AM	15.0	B	13.6	B	-0.5	0.008
		PM	31.0	C	28.7	C	-3.4	-0.025
3	Redwood Avenue and Sevens Creek Boulevard	AM	9.8	A	11.0	B	0.0	0.003
		PM	29.7	C	29.8	C	0.7	0.011
4	Monroe Street and Stevens Creek Boulevard	AM	34.1	C	36.4	D	1.3	0.027
		PM	**83.6**	**F**	**137.1**	**F**	**71.0**	**0.170**
5	I-880 SB off-ramp and Stevens Creek Boulevard (CMP)	AM	23.0	C	23.6	C	-10.9	0.039
		PM	18.7	B	19.0	B	0.2	0.033
6	Bascom Avenue and San Carlos Street	AM	43.0	D	43.5	D	0.9	0.016
		PM	52.6	D	53.0	D	0.4	0.015

TABLE 4.2-10
Signalized Study Intersections Level of Service – Background Plus Project Conditions

No.	Intersection	Peak Hour	Background		Background Plus Project			
			Delay	LOS	Delay	LOS	Δ in Critical Delay	Δ in Critical V/C
7	Meridian Avenue and San Carlos Street	AM	40.3	D	40.4	D	0.2	0.012
		PM	52.2	D	52.6	D	0.7	0.008
8	Lincoln Avenue and San Carlos Street	AM	37.2	D	37.2	D	0.2	0.011
		PM	41.7	D	41.7	D	0.2	0.008
9	Bird Avenue and San Carlos Avenue (CMP)	AM	35.7	D	35.9	D	0.3	0.004
		PM	42.4	D	42.6	D	0.3	0.005
10	Monroe Street and Forest Street	AM	17.8	B	17.8	B	0.0	0.004
		PM	21.1	C	21.1	C	0.1	0.003
11	Monroe Street and Hedding Street	AM	36.0	D	36.1	D	0.1	0.002
		PM	37.6	D	37.7	D	-1.3	0.004
12	Monroe Street and Newhall Street	AM	26.9	C	26.9	C	0.0	0.005
		PM	27.1	C	27.2	C	0.1	0.007
13	Winchester Boulevard and Hedding Street	AM	31.7	C	32.1	C	0.3	0.011
		PM	38.3	D	38.6	D	0.9	0.015
14	Winchester Boulevard and Forest Street	AM	20.2	C	22.3	C	0.3	0.006
		PM	30.5	C	33.3	C	1.8	0.023
15	San Tomas Expressway and Stevens Creek Boulevard (CMP)	AM	54.2	D	55.4	E	1.7	0.010
		PM	**74.8**	**E**	**75.7**	**E**	**1.3**	**0.002**
16	Saratoga Avenue and Stevens Creek Boulevard (CMP)	AM	35.0	D	35.0	C	0.0	0.000
		PM	38.5	D	38.7	D	0.5	0.011
17	Kiely Boulevard and Stevens Creek Boulevard (CMP)	AM	37.8	D	37.8	D	0.0	0.000
		PM	37.0	D	36.9	D	0.0	0.001
18	Saratoga Avenue and Kiely Boulevard (CMP)	AM	45.0	D	45.0	D	0.0	0.000
		PM	41.1	D	41.2	D	0.1	0.003
19	Saratoga Avenue and I-280 North (CMP)	AM	23.3	C	23.2	C	0.0	0.000
		PM	21.8	C	21.7	C	-0.1	0.003
20	Saratoga Avenue and I-280 South (CMP)	AM	42.2	D	42.2	D	0.0	0.000
		PM	34.6	C	34.6	C	0.0	0.000
21	Saratoga Avenue and Moorpark Avenue	AM	41.8	D	42.0	D	0.1	0.004
		PM	44.7	D	44.6	D	-0.2	0.000
22	San Tomas Expressway and Moorpark Avenue (CMP)	AM	52.9	D	52.8	D	0.1	0.000
		PM	54.9	D	**56.3**	**E**	2.2	0.010
23	Winchester Boulevard and Olin Avenue	AM	17.5	B	17.1	B	-0.1	0.019
		PM	20.4	C	20.1	C	-0.7	0.054
24	Winchester Boulevard and Olsen Drive	AM	21.6	C	27.3	C	7.8	0.035
		PM	27.5	C	35.1	D	12.8	0.160
25	Winchester Boulevard and I-280 Westbound on-ramp	AM	26.5	C	28.9	C	1.0	0.010
		PM	35.8	D	43.3	D	10.0	0.092
26	Winchester Boulevard and Moorpark Avenue	AM	39.1	D	39.9	D	1.2	0.040
		PM	39.4	D	39.5	D	2.7	0.006

TABLE 4.2-10
Signalized Study Intersections Level of Service – Background Plus Project Conditions

No.	Intersection	Peak Hour	Background		Background Plus Project			
			Delay	LOS	Delay	LOS	Δ in Critical Delay	Δ in Critical V/C
27	I-280 Eastbound off-ramp and Moorpark Avenue (CMP)	AM	11.6	B	11.8	B	0.1	0.019
		PM	13.5	B	13.6	B	0.0	0.005
28	Winchester Boulevard and Williams Road	AM	38.7	D	39.7	D	1.5	0.015
		PM	34.1	C	34.2	C	0.3	0.006
29	Winchester Boulevard and Payne Avenue	AM	39.6	D	39.6	D	0.1	0.009
		PM	36.8	D	36.7	D	-0.1	0.007
30	Winchester Boulevard and Hamilton Avenue (CMP)	AM	40.5	D	40.7	D	0.0	0.005
		PM	46.2	D	46.3	D	0.1	0.003
31	Winchester Boulevard and Campbell Avenue	AM	26.1	C	26.1	C	0.1	0.006
		PM	26.6	C	26.7	C	0.3	0.009
32	San Tomas Expressway and Saratoga Avenue (CMP)	AM	79.2	E	79.1	E	0.3	0.001
		PM	61.6	E	61.7	E	0.5	0.002
33	Saratoga Avenue and Pruneridge Avenue	AM	29.8	C	29.7	C	0.0	0.000
		PM	30.6	C	30.6	C	0.0	0.001
34	San Tomas Expressway and Pruneridge Avenue	AM	72.9	E	73.8	E	1.7	0.004
		PM	73.2	E	74.7	E	2.7	0.006
35	San Tomas Expressway and Forbes Avenue	AM	32.6	C	32.7	C	0.1	0.000
		PM	24.7	C	25.0	C	0.5	0.003
36	San Tomas Expressway and Homestead Avenue	AM	145.2	F	145.1	F	0.1	0.000
		PM	109.5	F	109.8	F	0.7	0.002
37	Scott Boulevard and Homestead Road	AM	21.7	C	21.7	C	0.0	0.000
		PM	24.8	C	24.9	C	0.2	0.003
38	Saratoga Avenue and Scott Boulevard	AM	24.4	C	24.4	C	0.0	0.001
		PM	22.7	C	22.7	C	0.0	0.001
39	Winchester Boulevard and Market Street	AM	8.1	A	8.2	A	0.1	0.002
		PM	6.7	A	6.7	A	0.0	0.001
40	Winchester Boulevard and Bellomy Street	AM	10.0	B	10.0	A	0.0	0.001
		PM	7.9	A	7.9	A	0.0	0.001
41	Winchester Boulevard and Newhall Street	AM	24.3	C	24.5	C	0.1	0.007
		PM	20.5	C	21.0	C	0.7	0.018
42	Northbound I-880 Ramps and Stevens Creek Boulevard[16]	AM	19.2	B	19.7	B	0.6	0.048
		PM	20.5	C	21.1	C	0.8	0.029

Implementation of the proposed project would result in the following intersection impacts under background plus project conditions:

- Winchester Boulevard and Stevens Creek Boulevard (No. 1) – The LOS would remain at E in the PM Peak Hour with a 20.4 second increase in critical delay and a 0.076 increase in V/C.

[16] Under construction.

- Monroe Street and Stevens Creek Boulevard (No, 4) – The LOS would remain at F in the PM Peak Hour with a 71.0 second increase in critical delay and a 0.170 increase in V/C.
- San Tomas Expressway and Stevens Creek Boulevard (No. 15) – The LOS would degrade from D to E in the AM Peak Hour.[17]
- San Tomas Expressway and Moorpark Avenue (No. 22) - The LOS would degrade from D to E in the AM Peak Hour.

Impact TRAN-1: Implementation of the proposed project would have a significant impact on the Winchester Boulevard/Stevens Creek Boulevard, Monroe Street/Stevens Creek Boulevard, San Tomas Expressway/Stevens Creek Boulevard, and San Tomas Expressway/Moorpark Avenue intersections under background plus project conditions. **(Significant Impact)**

4.4.2.6 Effects on Surrounding Streets

The proposed project site is adjacent to two major thoroughfares, Winchester Boulevard and Stevens Creek Boulevard. As proposed, direct access to the project site would be provided via existing driveways along both Winchester Boulevard and Stevens Creek Boulevard. Each of the six selected surrounding roadway segments provide access to not only the residential land uses that line each street but also provide a connection between and/or directly to major arterials. Therefore, cut-through or commercial traffic is present along each of the streets.

While this is not a required analysis under CEQA, an evaluation of the effects of project traffic along these six surrounding roadways was completed. The study roadway segments include:

1. Redwood Avenue, between Stevens Creek Boulevard and Hatton Street
2. Baywood Avenue, between Stevens Creek Boulevard and Hatton Street
3. Clover Avenue, between Stevens Creek Boulevard
2. Monroe Street, between Williams Road and Neal Avenue
3. Williams Road, between Cypress Avenue and Winchester Boulevard
4. Williams Road, between Winchester Boulevard and Baywood Avenue

The evaluation consists of a roadway segment analysis to quantify the potential change in traffic volumes along the study roadway segments as a result of the proposed project. For the evaluation, the existing and projected daily traffic volumes with the project were compared to acceptable volume thresholds for each roadway segment to determine if the projected change in traffic volume would be significant.

Unlike the intersection level of service analysis methodology, which has established impact thresholds, the analyses contained in this section are based on professional judgment in accordance with the standards and methods employed by the traffic engineering community. Several studies have been made regarding the indirect impacts of traffic on residential neighborhoods. The variables affecting these impacts include traffic volumes, type, or makeup, of traffic (i.e. passenger cars, trucks, motorcycles, emergency vehicles, etc.), traffic speed, perception of through traffic as a

[17] Intersections 15 and 22 do not have an impact under CMP criteria, but do have an impact under City of San Jose criteria.

percentage of total traffic, adequacy of street alignment (i.e., horizontal and vertical curvature), accident experience, on-street parking, residential dwelling setbacks from the street, pedestrian traffic, and street pavement conditions (which would add to traffic noise as the pavement deteriorates). Other factors that may be a contributor to neighborhood nuisance levels include socio-economic status of the neighborhood, and expectations of the residents regarding traffic volumes; however, these are beyond the purview of CEQA and are provided here for informational purposes only.

Existing Surrounding Roadway Characteristics

A brief description of each of the selected surrounding roadways is provided below:

- Redwood Avenue: Redwood Avenue is a two-lane roadway that runs between Stevens Creek Boulevard and Hatton Street. The roadway is lined by residential as well as commercial/office land uses. Parking is prohibited along the west side of the street to allow for two-way travel given that the curb-to curb width of the roadway is only 28 feet. Redwood Avenue provides access to the project site via its connection to Hatton Street. Parking also is prohibited along the east side of Redwood Avenue between 6:00 PM – 7:00 AM Monday through Friday and anytime Saturday and Sunday except by permit.

- Baywood Avenue: Baywood Avenue is a two-lane roadway that runs between Stevens Creek Boulevard and Hatton Street. The roadway is lined by residential as well as commercial/office land uses. Parking is prohibited along Baywood Avenue between 6:00 PM – 7:00 AM Monday through Friday and anytime Saturday and Sunday except by permit.

- Clover Avenue: Clover Avenue is a two-lane roadway that runs between Stevens Creek Boulevard and Hemlock Avenue. Parking is prohibited along the west side of Clover Avenue between 6:00 PM – 7:00 AM Monday through Friday and anytime Saturday and Sunday except by permit. The roadway is lined by residential as well as commercial/office land uses.

- Hemlock Avenue: Hemlock Avenue is a two-lane roadway that runs between Clover Avenue and Monroe Street. The roadway is lined by residential as well as commercial/office land uses. Parking is prohibited along the north side of the street at all times and along the south side between 6:00 PM – 7:00 AM Monday through Friday and anytime Saturday and Sunday except by permit.

- South Monroe Street: South Monroe Stree is a two-lane north-south local connector roadway that along with Tisch Way provides a connection between Stevens Creek Boulevard and Winchester Boulevard. The posted speed limit along Monroe Street is 30 mph. Twelve-foot travel lanes are striped along Monroe Street and on-street parking is allowed on both sides of the street.

- Tisch Way is a two-lane east-west local connector roadway that extends eastward from Winchester Boulevard to South Monroe Street. Tisch Way provides direct access to Santana

Row and the Lot 9 and 17 development via its intersections with Hatton Street and Dudley Avenue.

Effects of the Hatton Street Extension

As part of a previously approved housing project adjacent to Santana Row, Hatton Street was recently extended from its former terminus at Olsen Drive southward to Tisch Way. With the extension, Hatton Street now provides access to Santana Row via Tisch Way and Monroe Street and it is expected that a portion of the Santana Row traffic currently using access points along Winchester and Stevens Creek Boulevards will instead use Hatton Street.

Twenty-four-hour tube counts and speed surveys were conducted along surrounding roadways that have been most affected by the Hatton Street extension. The counts were conducted before and after the opening of the Hatton Street extension to quantify the effects of extending Hatton Street and providing an additional access point to Santana Row. The counts were conducted in February 2013 before the opening of Hatton Street and again in March 2014, more than a month after the Hatton Street extension was open to the public. The counts indicate increases of approximately three percent (from 6,297 to 6,650 daily vehicles) along Monroe Street and approximately six percent (from 6,421 to 6,630 daily vehicles) along Tisch Way. Based on the count data, it does not appear that the opening of Hatton Street has resulted in a significant increase in traffic volumes on surrounding streets, given that traffic volumes can vary as much as 10 percent on a daily basis and the separation of count dates by approximately one year.

Estimated Project Traffic on Surrounding Roadways

The effects of project traffic on the each of the surrounding streets was evaluated based on field observations, the collection of traffic volume and speed data collected in February 2013 (prior to the Hatton Street extension being operational) and March 2014 (after the Hatton Street extension was operational), and projections of the additional project generated traffic. It is estimated that the traffic volumes and speeds presented below would not change substantially with the protection of the Monroe Street/Stevens Creek Boulevard intersection.[18] Table 4.2-11 presents a summary of existing and projected traffic volumes along each of the roadways. The speed surveys are summarized in Table 4.2-12 below.

TABLE 4.2-11
Average Daily Traffic Volumes Along Surrounding Roadways

Roadway Segment	Direction	w/o Hatton Extension	With Hatton Extension			
		Existing Trips	Existing Trips	Project Trips	Existing Plus Project	Percentage Change
Hatton Road between	NB	---	157	2,469	2,626	---
Olsen Drive and Tisch	SB	---	231	1,234	1,465	---
Way	Total	---	388	3,703	4,091	---

[18] Personal Communication: Karen Mack, Public Works, City of San Jose.

TABLE 4.2-11 Average Daily Traffic Volumes Along Surrounding Roadways						
Roadway Segment	**Direction**	**w/o Hatton Extension**	**With Hatton Extension**			
		Existing Trips	**Existing Trips**	**Project Trips**	**Existing Plus Project**	**Percentage Change**
Redwood Avenue, just south of Stevens Creek Boulevard	NB SB Total	209 225 434	247 269 516	0 0 0	247 269 516	 19
Baywood Avenue, just south of Stevens Creek Boulevard	NB SB Total	956 849 1,805	869 717 1,586	264 252 516	1,133 969 2,102	 12
Monroe Street between Scott Street and Hemlock Avenue	NB SB Total	3,329 3,092 6,421	3,403 3,227 6,630	1,266 1,266 2,532	4,669 4,493 9,162	 3
Tisch Way between Dudley Avenue and Winchester Boulevard	EB WB Total	3,227 3,070 6,297	3.319 3,331 6,650	1,076 1,076 2,152	4,395 4.407 8,802	 6
Clover Avenue between Hemlock Avenue and Stevens Creek Boulevard	NB SB Total	--- --- ---	327 404 731	0 0 0	327 404 731	--- --- ---
Hemlock Avenue between Monroe Street and Clover Avenue	EB WB Total	--- --- ---	531 470 1,001	0 0 0	531 470 1,001	--- --- ---

TABLE 4.2-12 Speed Survey Along Surrounding Roadways				
Roadway Segment	**Speed Limit**	**85th Percentile Speed**		
		Northbound/ Eastbound	**Southbound/ Westbound**	**Average Both Directions**
Redwood Avenue, just south of Stevens Creek Boulevard	25	25.5	28.0	26.8
Baywood Avenue, just south of Stevens Creek Boulevard	25	26.2	31.3	28.8
Monroe Street between Scott Street and Hemlock Avenue	30	34	34.2	34.1
Tisch Way between Dudley Avenue and Winchester Boulevard	35	37.8	36.9	37.4
Clover Avenue between Hemlock Avenue and Stevens Creek Boulevard	25	27.7	29.1	28.4
Hemlock Avenue between Monroe Street and Clover Avenue	25	22.1	22.6	22.4

Monroe Street and Tisch Way

Monroe Street and Tisch Way are classified as local connector streets. The City of San Jose 2040 General Plan describes local connectors as roadways that have two traffic lanes and would accommodate low to moderate volumes of through traffic within the City and prioritize automobiles, bicycles, pedestrians, and trucks equally.

General guidelines regarding threshold volumes pertaining to connector streets have been recommended within several studies and reference material including the Highway Capacity Manual (HCM). There is variation in these accepted threshold volumes, but in general, connector (or collector) streets' general characteristics include low speeds (25 to 35 miles per hour), low to moderate traffic volumes (5,000 up to 15,000 vehicles per day), and emphasize balance between mobility and access. A connector street is defined by the City of San Jose as being between 60 and 90 feet wide and with average daily traffic (ADT) volumes typically ranging from 2,000 to 16,000 vehicles.

Twenty-four-hour tube counts conducted in March 2014 revealed that both Monroe Street and Tisch Way currently carry approximately 6,600 daily vehicles each. It is projected that approximately 77 percent of the project generated traffic would utilize Monroe Street and Tisch Way. This represents approximately 2,532 daily project trips on Monroe Street and 2,152 daily project trips on Tisch Way. The existing traffic volumes and projected traffic volumes with the proposed project along these roadways are, however, well within the recommended City of San Jose ADT volumes for collector streets.

Speed surveys also were conducted along Monroe Street and Tisch Way in March 2014. The speed surveys revealed the 85th percentile speed along Monroe Street to be approximately 34 miles per hour (mph) while the 85th percentile speed along Tisch Way was surveyed to be approximately 37 mph. The posted speed limits along Monroe Street is 30 mph and 35 mph along Tisch Way. Based on the collected data, the measured 85th percentile speeds along the roadways surveyed are within five mph of the posted speed limits, which is considered reasonable. Therefore, based on the speed surveys, it can be concluded that there is not an obvious speeding issue along these roadways and the posted speed limits are adequate.

Redwood, Baywood, Clover, and Hemlock Avenues

Redwood, Baywood, Clover, and Hemlock Avenues could be classified as residential streets given that they serve residential land uses and their narrow width. General guidelines regarding threshold volumes pertaining to residential streets have been recommended within several studies and reference material including the HCM. There is variation in these accepted threshold volumes, but in general, residential streets have the primary function of providing access to immediately adjacent land, with the secondary function of traffic movement. One lane of traffic in each direction is the standard for residential streets. A residential (or local) street is defined by the City of San Jose as being less than 60 feet wide (48 and 56 feet right-of-way) and with ADT volumes typically ranging from 50 to 2,000 vehicles.

The 24-hour tube counts conducted in March 2014 revealed that the existing traffic volumes along each of the streets range between 500-1,600 daily vehicles.

It is projected that the project would result in the addition of approximately 515 daily trips to Baywood Avenue. The project is not expected to add traffic to Redwood, Clover, or Hemlock Avenues since the streets do not provide a direct connection to the project site. The addition of the estimated daily trips from the proposed project to Baywood Avenue will result in daily traffic volumes that are just above the typical range for residential streets (2,102 daily vehicles).

Speed surveys also were conducted along Redwood, Baywood, Clover, and Hemlock Avenues in March 2014. The posted speed limit along all four of these streets is 25 mph. Based on the collected data, the 85th percentile speed along Baywood Avenue in the southbound direction was found to be approximately 31 mph (26 mph in the northbound direction). The measured 85th percentile speeds along the remaining residential streets surveyed are within five mph of the posted speed limits. Therefore, with the exception of Baywood Avenue, it can be concluded that there is not an obvious speeding issue along the surrounding residential streets, and the posted speed limits are adequate.

Based on the characteristics of the streets, the traffic count data, and the estimated project traffic, the following conclusions can be drawn:

- Traffic volumes on each of the surrounding roadways are and would continue to be well within the volume range characteristic of each of the streets, with the exception of Baywood Avenue which would exceed the typical range by approximately 102 daily vehicles).
- Speeds along each of the surrounding roadways are within five mph of the posted speed limit, with the exception of Baywood Avenue.
- Twelve-foot travel lanes are striped along Monroe Street and on-street parking is allowed on both sides of the street, discouraging speeding.
- Traffic along Redwood, Clover, and Hemlock Avenues will not increase and will be not perceptible to residents of the adjacent neighborhoods as a result of the proposed project.

As a result, implementation of the proposed project will increase traffic on the surrounding roadways, but will not significantly affect operation of the roadways or safety.

4.2.2.7 Existing Plus Project Freeway Segment Operations

Freeway segments were analyzed during AM and PM Peak Hours to calculate the amount of project traffic projected to be added to the nearby freeways.

Analysis of the existing plus project freeway operations (Table 10 of Appendix A) concluded that the proposed project would increase traffic volumes by more than one percent on three of the freeway segments (listed below) previously identified as operating at LOS F in at least one direction during at least one of the peak hours of traffic under existing conditions.

- Northbound I-880 between I-280 and Stevens Creek Boulevard (AM Peak Hour – Mixed Flow Lanes)
- Westbound I-280 between Meridian Avenue and I-880 (AM Peak Hour – HOV Lane)
- Southbound I-880 between N. Bascom Avenue and Stevens Creek Boulevard (AM Peak Hour – Mixed Flow Lanes)

Impact TRANS-2: Implementation of the proposed project would have a significant impact on the westbound segment of I-280 between Meridian Avenue and I-880, one northbound segment of I-880 between I-280 and Stevens Creek Boulevard, and one southbound segment of I-880 between N. Bascom Avenue and Stevens Creek Boulevard. **(Significant Impact)**

4.2.2.8 Pedestrian/Bicycle Facilities and Transit Operations

Pedestrian and Bicycle Facilities

The proposed project will generate new demand for pedestrian and bicycle facilities in the immediate project area.

The primary pedestrian traffic generated by the project would be office employees walking to and from the parking areas and retail establishments on-site as well as nearby bus stops. There are sidewalks and signalized crosswalks throughout the project area that provide access to nearby services and transit. In addition, the proposed roadway closure of Santana Row between Olin Avenue and Olsen Drive will supplement and enhance pedestrian connectively through the project site. Lastly, the project will pay fees for off-setting improvements for pedestrian facilities for traffic trips traveling through protected intersections. As a result, the project would have no impact on pedestrian facilities in the project area. **(No Impact)**

There are currently no existing or planned bicycle lanes in the vicinity of the project site, though some roadways are designated bike routes. The proposed project will not alter existing bicycle facilities and will not conflict with existing or planned bicycle facilities. In addition, the project will provide secure bicycle parking for site users. Lastly, the project will pay fees for off-setting improvements for bicycle facilities for traffic trips traveling through protected intersections. Therefore, the proposed project will not result in unsafe conditions for bicyclists. **(Less Than Significant Impact)**

Transit Operations

The project site is currently served by fixed route bus services provided by the VTA. Due to the location of existing bus stops in relation to the proposed office development on Lot 17, it is estimated that the project would generate approximately 20 new AM Peak Hour and 18 PM Peak hour transit riders. This would equate to approximately 7 additional riders per bus in the AM and PM Peak Hours.

Currently VTA bus routes that serve the project area are operating below capacity. As a result, existing bus services can accommodate an increase in ridership demand resulting from the proposed project. The proposed project will not alter existing transit facilities or conflict with the operation of existing or planned facilities, including the planned Bus Rapid Transit (BRT) line on Stevens Creek Boulevard. Therefore, the proposed project will have a less than significant impact on transit operations. **(Less Than Significant Impact)**

4.2.3 Mitigation and Avoidance Measures for Transportation Impacts

The following mitigation measures, proposed by the project, identify roadway improvements that could reduce the identified intersection impact. The feasibility of the mitigation measures are addressed below.

Intersection Impacts – Background Plus Project

MM TRAN-1.1: Winchester Boulevard and Stevens Creek Boulevard: This intersection, which is also impacted under existing plus project conditions, has been identified by the City of San Jose as a protected intersection. Therefore, in lieu of physical improvements to the intersection, the project applicant shall construct offsetting improvements to other parts of the citywide transportation system. The final improvements required will be identified by the City of San Jose based on the traffic impact fees paid by the project. Offsetting improvements shall be required to be implemented prior to issuance of occupancy permits for the new buildings on Lots 9 and 17. Pursuant to the City's policy, the implementation of offsetting improvements would provide project benefits that outweigh the project's significant impact.

MM TRAN-1.2: Monroe Street and Stevens Creek Boulevard: There are no feasible capacity improvements for this intersection due to right-of-way restrictions. The addition of project traffic to the intersection would result in a significant unavoidable impact. Therefore, the intersection is proposed for addition to the City's list of protected intersections.

MM TRAN-1.3: San Tomas Expressway and Stevens Creek Boulevard: The LOS of this intersection would be improved to an acceptable LOS D with the addition of a fourth through lane. The Comprehensive County Expressway Planning Study identified the widening of San Tomas Expressway as a Tier 1 priority[19]. The project applicant shall pay a fair share contribution towards the County's addition of new through lanes on San Tomas Expressway. The payment of fair share fees would reduce the project's impact to a less than significant level.

MM TRAN-1.4: San Tomas Expressway and Moorpark: The LOS of this intersection would be improved to an acceptable LOS D with the addition of a fourth through lane. The Comprehensive County Expressway Planning Study identified the widening of San Tomas Expressway as a Tier 1 priority. The project applicant shall pay a fair share contribution towards the County's addition of new through lanes on San Tomas Expressway. The payment of fair share fees would reduce the project's impact to a less than significant level.

[19] A Tier 1 improvement is an improvement that has a specific design, has completed environmental review, and has a funding mechanism for the collection of fair share fees.

Freeway Segment Impacts

There are no feasible mitigation measures available to reduce project impacts on local freeway study segments to a less than significant level as it is beyond the capacity of any one project to acquire right-of-way and add lanes to a State freeway. Furthermore, no comprehensive project to increase freeway capacity on either I-280 or I-880 has been developed by Caltrans or VTA, so there is no identified improvement projects in which to pay fair share fees. Transportation demand management measures would reduce these impacts, but not to a less than significant level. Therefore, the project's impacts to freeway segments would be significant and unavoidable.

4.2.4 Conclusion

With implementation of the proposed mitigation, the project would mitigate three of the four intersection impacts to a less than significant level under background plus project conditions. **(Less Than Significant Impact With Mitigation)**

There are no feasible mitigation measures to reduce the identified freeway segment impacts or the impact to the Monroe Street/Stevens Creek Boulevard intersection. **(Significant Unavoidable Impact)**

4.3 AIR QUALITY

The following discussion is based, in part, on an air quality analysis prepared by *Illingworth & Rodkin* in February 2015. The report can be found in Appendix B.

4.3.1 Setting

Air quality is determined by the concentration of various pollutants in the atmosphere. Units of concentration are expressed in parts per million (ppm) or micrograms per kilograms (μg/kg).

The amount of a given pollutant in the atmosphere is determined by the amount of pollutants released within an area, transport of pollutants to and from surrounding areas, local and regional meteorological conditions, and the surrounding topography of the air basin. The major determinants of transport and dilution are wind, atmospheric stability, terrain and, for photochemical pollutants, sun light.

San Jose is located in the southern portion of the San Francisco Bay Area Air Basin. The proximity of this location to both the Pacific Ocean and San Francisco Bay has a moderating influence on the climate. Northwest and northerly winds are most common in the project area, reflecting the orientation of the Bay and the San Francisco Peninsula. Winds from these directions carry pollutants released by autos and factories from upwind areas of the Peninsula toward San Jose, particularly during the summer months. Winds are lightest on average in fall and winter. Every year in fall and winter there are periods of several days when winds are very light and local pollutants can build up.

Air quality standards for ozone are typically exceeded when relatively stagnant conditions occur for periods of several days during the warmer months of the year. Weak wind flow patterns combined with strong inversions substantially reduce normal atmospheric mixing. Key components of ground-level ozone formation are sunlight and heat. Significant ozone formation, therefore, only occurs during the months from late spring through early fall. Prevailing winds during the summer and fall can transport and trap ozone precursors from the more urbanized portions of the Bay Area. Meteorological factors make air pollution potential in the Santa Clara Valley quite high.

Pollutants can be diluted by mixing in the atmosphere both vertically and horizontally. Vertical mixing and dilution of pollutants are often suppressed by inversion conditions, when a warm layer of air traps cooler air close to the surface. During the summer, inversions are generally elevated above ground level, but are present over 90 percent of the time in both the morning and afternoon. In winter, surface-based inversions dominate in the morning hours, but frequently dissipate by afternoon.

Topography can restrict horizontal dilution and mixing of pollutants by creating a barrier to air movement. The South Bay has significant terrain features that affect air quality. The Santa Cruz Mountains and Diablo Range on either side of the South Bay restrict horizontal dilution, and this alignment of the terrain also channels winds from the north to south, carrying pollution from the northern Peninsula toward San Jose.

The combined effects of moderate ventilation, frequent inversions that restrict vertical dilution and terrain that restrict horizontal dilution give San Jose a relatively high atmospheric potential for

pollution compared to other parts of the San Francisco Bay Air Basin and provide a high potential for transport of pollutants to the east and south.

4.3.1.1 Overall Regulatory Setting

The significance of a pollutant concentration is determined by comparing the pollutant levels to an appropriate ambient air quality standard. The standards set the level of pollutant concentrations allowable while protecting general public health and welfare.

The Federal Clean Air Act (Federal CAA) establishes pollutant thresholds for air quality in the United States. In addition to being subject to Federal requirements, California has its own more stringent regulations under the California Clean Air Act (California CAA). At the Federal level, the U.S. Environmental Protection Agency (EPA) administers the CAA. The California CAA is administered by the California Air Resources Board (CARB) at the State level and by the Air Quality Management District's at the regional and local levels. The Bay Area Air Quality Management District (BAAQMD) regulates air quality in the nine-county Bay Area.

The U.S. EPA is responsible for establishing the National Ambient Air Quality Standards (NAAQS) which are required under the Federal CAA. The U.S. EPA regulates emission sources that are under the exclusive authority of the Federal government, such as aircraft, ships, and certain types of locomotives. The agency also established various emission standards for vehicles sold in states other than California. Automobiles sold in California must meet the stricter emission standards established by CARB.

California Air Resources Board

As stated above, CARB (which is part of the California EPA) is responsible for meeting the State requirements of the Federal CAA, administering the California CAA, and establishing the California Ambient Air Quality Standards (CAAQS). The California CAA requires all air districts in the State to achieve and maintain CAAQS. CARB regulates mobile air pollution sources such as motor vehicles. The agency is responsible for setting emission standards for vehicles sold in California and for other emission sources, such as consumer products and certain off-road equipment. CARB has established passenger vehicle fuel specifications and oversees the functions of local air pollution control districts and air quality management districts, which in turn administer air quality activities at the regional and county level. CARB also conducts or supports research into the effects of air pollution on the public and develops approaches to reduce air pollutant emissions.

Bay Area Air Quality Management District

The Bay Area Air Quality Management District (BAAQMD) is primarily responsible for ensuring that the national and State ambient air quality standards are attained and maintained in the Bay Area. These ambient air quality standards are levels of contaminants which represent safe levels that avoid specific adverse health effects associated with each pollutant. The ambient air quality standards cover what are called "criteria" pollutants because the health and other effects of each pollutant are described in criteria documents. Table 4.3-1 identifies the major criteria pollutants, characteristics, health effects, and typical sources for the Bay Area.

TABLE 4.3-1 Major Criteria Pollutants			
Pollutant	**Characteristics**	**Health Effects**	**Major Sources**
Ozone	A highly reactive photochemical pollutant created by the action of sun light on ozone precursors. Often called photochemical smog.	- Eye Irritation - Respiratory function impairment	The major sources of ozone precursors are combustion sources such as factories and automobiles, and evaporation of solvents and fuels.
Carbon Monoxide	Carbon monoxide is an odorless, colorless gas that is highly toxic. It is formed by the incomplete combustion of fuels.	- Impairment of oxygen transport in the bloodstream - Aggravation of cardiovascular disease - Fatigue, headache, confusion, dizziness - Can be fatal in the case of very high concentrations	Automobile exhaust, combustion of fuels, combustion of wood in wood stoves and fireplaces.
Nitrogen Dioxide	Reddish-brown gas that discolors the air, formed during combustion.	- Increased risk of acute and chronic respiratory disease	Automobile and diesel truck exhaust, industrial processes, and fossil-fueled power plants.
Sulfur Dioxide	Sulfur dioxide is a colorless gas with a pungent, irritating odor.	- Aggravation of chronic obstruction lung disease - Increased risk of acute and chronic respiratory disease	Diesel vehicle exhaust, oil-powered power plants, and industrial processes.
Particulate Matter	Solid and liquid particles of dust, soot, aerosols and other matter that are small enough to remain suspended in the air for a long period of time.	- Aggravation of chronic disease and heart/lung disease symptoms	Combustion, automobiles, field burning, factories and unpaved roads. Also a result of photochemical processes.

BAAQMD is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, conducting public education campaigns, and many other associated activities. BAAQMD has jurisdiction over much of the nine-county Bay Area, including San Jose.

National and State Ambient Air Quality Standards

The ambient air quality in a given area depends on the quantities of pollutants emitted within the area, transport of pollutants to and from the surrounding areas, local and regional meteorological conditions, and the surrounding topography of the air basin. Air quality is described by the concentration of various pollutants in the atmosphere. The significance of the pollutant concentration is determined by comparing the concentration to an appropriate ambient air quality

standard. The standards represent the allowable pollutant concentrations designed to ensure that the public health and welfare are protected, while including a reasonable margin of safety to protect the more sensitive individuals in the population.

As required by the Federal CAA, the NAAQS have been established for six major air pollutants; carbon monoxide (CO), nitrogen oxides (NO_x), ozone (O_3), respirable particulate matter (PM_{10}), fine particulate matter ($PM_{2.5}$), sulfur oxides (SO_x), and lead (Pb). Pursuant to the California CAA, the State of California has also established ambient air quality standards. The CAAQS are generally more stringent than the corresponding Federal standards and incorporate additional standards for pollutants such as sulfates, hydrogen sulfide, vinyl chloride and visibility reducing particles. Both State and Federal standards are summarized in Table 4.3-2. The "primary" standards have been established to protect the public health. The "secondary" standards are intended to protect the nation's welfare and account for adverse air pollutant effects on soil, water, visibility, materials, vegetation and other aspects of the general welfare. Because CAAQS are more stringent than NAAQS, CAAQS are used as the applicable standard in this analysis.

TABLE 4.3-2
Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards	National Standards	
			Primary	Secondary
Ozone	1-hour	0.09 ppm	---	Same as primary
	8-hour	0.07 ppm	0.075 ppm	---
Carbon monoxide	1-hour	20 ppm	35 ppm	---
	8-hour	9.0 ppm	9.0 ppm	---
Nitrogen dioxide	1-hour	0.18 ppm	0.10 ppm	---
	Annual	0.03 ppm	0.053 ppm	Same as primary
Sulfur dioxide	1-hour	0.25 ppm	0.075 ppm	---
	3-hour	---	---	0.5 ppm
	24-hour	0.04 ppm	---	---
PM_{10}	24-hour	50 $\mu g/m^3$	150 $\mu g/m^3$	Same as primary
	Annual	20 $\mu g/m^3$	---	---
$PM_{2.5}$	24-hour	---	35 $\mu g/m^3$	Same as primary
	Annual	12 $\mu g/m^3$	15 $\mu g/m^3$	Same as primary
Lead	Calendar Quarter	---	1.5 $\mu g/m^3$	Same as primary
	30-day average	1.5 $\mu g/m^3$	---	---

Source: California Air Resources Board, September 2010.

Regional Clean Air Plans

The BAAQMD and other agencies prepare clean air plans in response to the State and Federal CAA. The City of San Jose also has General Plan policies that encourage development that reduces air quality impacts. In addition, BAAQMD has developed CEQA Guidelines to assist local agencies in evaluating and mitigating air quality impacts in CEQA documents. The regional clean air plan is the 2010 Bay Area Clean Air Plan (CAP). A description of this plan and the City of San Jose's relevant General Plan policies is provided in Section 3.0, *Consistency with Plans and Policies.*

4.3.1.2 Existing Air Quality Conditions

Air quality studies generally focus on five criteria pollutants that are most commonly measured and regulated: CO, O_3, NO_2, PM_{10}, and $PM_{2.5}$. In Santa Clara County, ozone and particulate matter are the pollutants of greatest concern since measured air pollutant levels exceed the State and Federal air quality standards concentrations at times.

Carbon Monoxide

Carbon monoxide, a colorless and odorless gas, interferes with the transfer of oxygen to the brain. It can cause dizziness and fatigue, and can impair central nervous system functions. Highest CO concentrations measured in the South Bay Area have been well below the national and State ambient standards. Since the primary sources of CO are cars and trucks, highest concentrations would be found near congested roadways that carry large volumes of traffic. Carbon monoxide emitted from a vehicle is highest near the origin of a trip and considerably lower once the automobile is warmed up (usually five to ten minutes into a trip). This is different, however, for vehicles of different ages, where older cars require a longer warm up period.

Ozone

While O_3 serves a beneficial purpose in the upper atmosphere (stratosphere) by reducing ultraviolet radiation, when it reaches elevated concentrations in the lower atmosphere it can be harmful to the human respiratory system and to sensitive species of plants. Ozone concentrations build to peak levels during periods of light winds, bright sunshine, and high temperatures. Short-term O_3 exposure can reduce lung function in children, make persons susceptible to respiratory infection, and produce symptoms that cause people to seek medical treatment for respiratory distress. Long-term exposure can impair lung defense mechanisms and lead to emphysema and chronic bronchitis. Sensitivity to O_3 varies among individuals, but about 20 percent of the population is sensitive to O_3, with exercising children being particularly vulnerable. Ozone is formed in the atmosphere by a complex series of photochemical reactions that involve "ozone precursors" that are two families of pollutants: oxides of nitrogen (NOx) and reactive organic gases (ROG). Nitrogen oxides and ROG are emitted from a variety of stationary and mobile sources. While NO_2, an oxide of nitrogen, is another criteria pollutant itself, ROGs are not in that category, but are included in this discussion as O_3 precursors. The U.S. EPA recently established a new more stringent standard for O_3 of 0.75 ppm for 8-hour exposures, based on a review of the latest new scientific evidence.

Nitrogen Dioxide

Nitrogen dioxide, a reddish-brown gas, irritates the lungs. Exposure to NO_2 can cause breathing difficulties at high concentrations. Clinical studies suggest that NO_2 exposure to levels near the current standard may worsen the effect of allergens in allergic asthmatics, especially in children. Similar to O_3, NO_2 is not directly emitted, but is formed through a reaction between nitric oxide (NO) and atmospheric oxygen. Nitric oxide and NO_2 are collectively referred to as NO_x and are major contributors to O_3 formation. Nitrogen oxides are emitted from combustion of fuels, with higher rates at higher combustion temperatures. Nitrogen dioxide also contributes to the formation of PM_{10} (see discussion of PM_{10} below). Monitored levels in the Bay Area are well below ambient air quality standards.

PM_{10} and $PM_{2.5}$

Respirable particulate matter (PM_{10}), and fine particulate matter ($PM_{2.5}$) consist of particulate matter that is ten microns or less in diameter and 2.5 microns or less in diameter, respectively, and represent fractions of particulate matter that can be inhaled and cause adverse health effects. Both PM_{10} and $PM_{2.5}$ are health concerns, particularly at levels above the Federal and State ambient air quality standards. Scientific studies have suggested links between fine particulate matter and numerous health problems including asthma, bronchitis, and acute and chronic respiratory symptoms such as shortness of breath and labored breathing. Children are more susceptible to the health risks of $PM_{2.5}$ because their immune and respiratory systems are still developing.

Both PM_{10} and $PM_{2.5}$ pose a greater health risk than larger particles because these tiny particles can penetrate the human respiratory system's natural defenses and damage the respiratory tract, increasing the number and severity of asthma attacks, cause or aggravate bronchitis and other lung diseases, and reduce the body's ability to fight infections. Whereas larger particles tend to collect in the upper portion of the respiratory system, $PM_{2.5}$ is miniscule and can penetrate deeper into the lungs and damage lung tissues. Suspended particulates also damage and discolor surfaces on which they settle, as well as produce haze and reduce regional visibility. Most stations in the Bay Area reported exceedances of the State standard on the same fall/winter days as reported in the South Bay. This indicates a regional air quality problem.

The primary sources of these pollutants are wood smoke and local traffic. Meteorological conditions that are common during fall/winter days produce calm winds and strong surface-based inversions that trap pollutants near the surface. The high levels of PM_{l0} result in not only health effects, but also reduced visibility.

Air Monitoring Data

Air quality in the region is controlled by the rate of pollutant emissions and meteorological conditions. Meteorological conditions, such as wind speed, atmospheric stability, and mixing height may all affect the atmosphere's ability to mix and disperse pollutants. Long-term variations in air quality typically result from changes in air pollutant emissions, while frequent, short-term variations result from changes in atmospheric conditions. The San Francisco Bay Area is considered to be one of the cleanest metropolitan areas in the country with respect to air quality. BAAQMD monitors air quality conditions at over 30 locations throughout the Bay Area. There are several BAAMQD monitoring stations near in and near San Jose.

As shown in Table 4.3-3, violations of State and Federal standards at the downtown San José monitoring station (the nearest monitoring station to the project site) during the 2011-2013 period (the most recent years for which data is available) include high levels of ozone, PM_{10}, and $PM_{2.5}$.[20] Violations of the CO standard have not been recorded since 1992.

[20] PM refers to Particulate Matter. Particulate matter is referred to by size (i.e., 10 or 2.5) because the size of particles is directly linked to their potential for causing health problems.

TABLE 4.3-3 Number of Ambient Air Quality Standards Violations and Highest Concentrations (2011-2013)				
Pollutant	**Standard**	**Days Exceeding Standard**		
		2011	**2012**	**2013**
SAN JOSÉ CENTRAL STATION				
Ozone	State 1-hour	1	1	1
	Federal 8-hour	0	0	1
Carbon Monoxide	Federal 8-hour	0	0	0
	State 8-hour	0	0	0
Nitrogen Dioxide	State 1-hour	0	0	0
PM_{10}	Federal 24-hour	0	0	0
	State 24-hour	0	1	5
$PM_{2.5}$	Federal 24-hour	3	2	6

Source: Bay Area Management District, Bay Area Air Pollution Summary

Attainment Status

The Federal CAA and the California CAA of 1988 require that CARB, based on air quality monitoring data, designate portions of the state where Federal or State ambient air quality standards are not met as "nonattainment areas". Because of the differences between the Federal and State standards, the designation of "nonattainment area" is different under the Federal and State legislation. Under the California CAA, Santa Clara County is a nonattainment area for $O_3$and $PM_{10.}$ The County is either in attainment or unclassified for other pollutants. Under the Federal CAA, the entire Bay Area region is classified as nonattainment for the 24-hour $PM_{2.5}$ standard. The U.S. EPA grades the region as in attainment or unclassified for all other air pollutants, included PM_{10}.

Sensitive Receptors

There are groups of people more affected by air pollution than others. CARB has identified children under 14, the elderly over 65, and people with cardiovascular and chronic respiratory diseases as people most likely to be affected by air pollution. These groups are classified as sensitive receptors. Locations that may contain a high concentration of sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, elementary schools, and parks. There is a senior housing facility directly adjacent to the southern boundary of the site (on Winchester Boulevard) and a mixed residential neighborhood adjacent to the eastern boundary of the site.

The project site itself also has residences, but the residences on-site are not considered sensitive receptors under CEQA as they are part of the project site.

4.3.1.3 Applicable Air Quality Regulations and Policies

The *Envision San José 2040 General Plan* includes policies applicable to all development projects in San José.

Policy MS-10.1: Assess projected air emissions from new development in conformance with the

BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.

Policy MS-13.1: Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

Policy MS-13.3: Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

4.3.2 Thresholds of Significance

For the purposes of this EIR, an air quality impact is considered significant if the project would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors);
- Expose sensitive receptors to substantial pollutant concentrations; or
- Create objectionable odors affecting a substantial number of people.

BAAQMD CEQA Guidelines[21] provide the following definitions of a significant air quality impact:

- A cumulatively considerable net increase of any criteria pollutant or a precursor to that pollutant for which the project region is non-attainment under an applicable national or State ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for O_3 precursors). This is judged by comparing direct and indirect project emissions to the BAAQMD significance thresholds of 54 pounds per day for ROG, NOx, or $PM_{2.5}$, and 82 pounds per day for PM_{10}. Annual significance thresholds are 10 tons per year for ROG, NOx, or $PM_{2.5}$, and 15 tons per year for PM_{10}.
- A substantial contribution to an existing or projected violation of an ambient air quality standard would result if the project would cause an exceedance of an ambient air quality standard.
- Expose sensitive receptors or the general public to substantial pollutant concentrations. This is evaluated by assessing the health risk in terms of cancer risk or hazards posed by the placement of new sources of air pollutant emissions near existing sensitive receptors or placement of new sensitive receptors near existing sources.

[21] Bay Area Air Quality Management District. California Environmental Quality Act, Air Quality Guidelines. 2011. http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Updated-CEQA-Guidelines.aspx

- Create or expose a substantial number of people to objectionable odors. This is evaluated based on the potential for the project to generate odors that could affect nearby sensitive receptors in a manner that would cause frequent complaints.
- Conflict with or obstruct implementation of the applicable air quality plan. This is evaluated by comparing the project effects on projections used in the latest Bay Area CAP and evaluating the plan features that would implement CAP Transportation Control Measures.

In 2009, BAAQMD published Proposed Thresholds of Significance. The CEQA Guidelines prepared by BAAQMD in 2011 used these significance criteria to evaluate the impacts caused by projects. BAAQMD's adoption of the 2011 thresholds was called into question by an a trial court order issued March 5, 2012, in California Building Industry Association v. BAAQMD (Alameda Superior Court Case No. RGI0548693) that determined the adoption of the thresholds was a project under CEQA but did not address the substantive validity, merits or scientific basis of the thresholds. The California Court of Appeal for the Fifth District reversed the trial court decision and the Court of Appeal's decision was appealed to the California Supreme Court, which granted limited review and before whom the matter is pending. BAAQMD is not recommending the use of the 2011 thresholds pending a final judgment.

The issues in the California Building Industry Association v. BAAQMD lawsuit are not relevant to the scientific basis of BAAQMD's analysis of what levels of pollutants should be deemed significant. The City has determined that the scientific information in BAAQMD's proposed thresholds of significance analysis provides substantial evidence to support the 2011 thresholds and, therefore, has determined the thresholds and methodologies from BAAQMD's May 2011 CEQA Air Quality Guidelines are appropriate for use in this analysis to determine whether there would be any project operational impacts in terms of criteria pollutants, toxic air contaminants and odors. These CEQA Air Quality thresholds were used to evaluate air quality impacts from the project.

4.3.3 Air Quality Impacts

4.3.3.1 Bay Area 2010 Clean Air Plan

The most recent clean air plan is the *Bay Area 2010 Clean Air Plan* that was adopted by BAAQMD in September 2010. This plan addresses air quality impacts with respect to obtaining ambient air quality standards for non-attainment pollutants (i.e., O_3, PM_{10} and $PM_{2.5}$), reducing exposure of sensitive receptors to toxic air contaminants (TACs), and reducing greenhouse gas (GHG) emissions such that the region can meet AB 32 goals of reducing emissions to 1990 levels by 2020. The consistency of the proposed project with this regional plan is primarily a question of the consistency with the population/employment assumptions utilized in developing the 2010 CAP, which were based on ABAG Projections. The proposed project does include a PD rezoning; however, the changes would increase jobs but not affect population in the region. Therefore, the project is consistent with the current growth projections in the 2010 CAP.

The 2010 CAP includes about 55 control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. The control measures are divided into five categories that include:

- Measures to reduce stationary and area sources;
- Mobile source measures;
- Transportation control measures;
- Land use and local impact measures; and
- Energy and climate measures

The consistency of the project is evaluated with respect to each set of applicable control measures in Table 4.3-4 below.

TABLE 4.3-4
Bay Area 2010 Clean Air Plan Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Control Measures		
Improve Bicycle Access and Facilities	Expand bicycle facilities serving transit hubs, employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers.	The project proposes secure bicycle parking spaces for residents and employees. The project, therefore, is consistent with this control measure.
Improve Pedestrian Access and Facilities	Improve pedestrian access to transit, employment, and major activity centers.	The project site has been designed to be pedestrian oriented and enhance the pedestrian experience. The project is consistent with this control measure.
Support Local Land Use Strategies	Promote land use patterns, policies, and infrastructure investments that support mixed-use, transit-oriented development that reduce motor vehicle dependence and facilitate walking, bicycling, and transit use.	The proposed mixed-use development is located within a designated Urban Village and within walking distance of existing bus stops. The project places residents within walking distance of jobs, restaurants, retail, and services and also places jobs within walking distance of restaurants, retail, and services. Based on the proposed mix of land uses and existing transportation options available to the site, the project is consistent with this control measure.
Parking Pricing and Management Strategies	Promote policies to implement market-rate pricing of parking facilities, reduce parking requirements for new development projects, parking "cash-out", unbundling of parking in residential and commercial leases, shared parking at mixed-use facilities, etc.	The project will utilized a shared parking plan in which parking designated for the new office space will be available during non-business hours (evenings and weekends) to retail customers. Therefore, the project is consistent with this control measure.
Energy and Climate Measures		
Energy Efficiency	Increase efficiency and conservation to decrease fossil fuel use in the Bay Area.	The proposed project would be required to comply with the City's Green Building Ordinance which will increase building efficiency over standard construction. The project proposes to achieve minimum LEED Silver certification. Therefore, the project is consistent with this control measure.

TABLE 4.3-4 Bay Area 2010 Clean Air Plan Applicable Control Measures		
Control Measures	**Description**	**Project Consistency**
Energy and Climate Measures		
Urban Heat Island Mitigation	Mitigate the "urban heat island" effect by promoting the implementation of cool roofing, cool paving, and other strategies.	The project proposes to utilize cool roofs and would be required to comply with the City's Green Building Ordinance which will increase building efficiency over standard construction. Therefore, the project is consistent with this control measure.
Tree-Planting	Promote planting of low-VOC-emitting shade trees to reduce urban heat island effects, save energy, and absorb CO_2 and other air pollutants.	As designed, the project will plant new trees on-site and, if necessary, plant new trees off-site as well to conform to the City's Tree Ordinance. The new trees will help with the absorption of air pollutants but will have no measurable effect on the urban heat island effect on-site. The proposed project, therefore, is not wholly consistent with this control measure.

The project includes transportation and energy control measures and is generally consistent with the population projections in the Clean Air Plan. The project is also consistent with the City's General Plan. The project by itself, therefore, would not result in a significant impact related to consistency with the Bay Area 2010 Clean Air Plan. **(Less Than Significant Impact)**

4.3.3.2 Impacts to Regional and Local Air Quality

The project proposes 510,000 square feet of new office space, 55,641 square feet of retail space, and six additional hotel rooms. The project is also proposing to increase the number of residential units on-site by 47. In addition to the proposed increase in development, the project is currently entitled to build an additional 348 residential units, 309,797 square feet of commercial/retail, and 228,200 square feet of office (Lot 11).

A detailed air quality assessment was completed to address operational air quality impacts from the proposed increase in development on-site. Table 4.3-5 shows estimated daily air emissions from operation of the proposed project based upon a detailed air analysis using CalEEMod.

TABLE 4.3-5 Operational Emissions for the Project				
Description	**ROG**	**NOx**	**PM_{10}**	**$PM_{2.5}$**
Tons Per Year				
Full Build Out of Proposed Zoning	38.05	46.07	33.14	9.60
BAAQMD Thresholds	***10***	***10***	***15***	***10***
Pounds Per Day				
Full Build Out of Proposed Zoning	208.5	252.4	181.6	52.6
BAAQMD Thresholds	***54***	***54***	***82***	***54***

As shown in Table 4.3-5, the average emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust associated with the proposed PD zoning would result in ROG, NOx, and PM_{10} emissions above the established thresholds. Operational emissions of $PM_{2.5}$ would remain below the thresholds.

Impact AIR-1: Full build out of the PD zoning would have a significant ROG, NOx and PM_{10} operational air quality impact. **(Significant Impact)**

Carbon monoxide emissions from traffic generated by the project would be the pollutant of greatest concern at the local level. Congested intersections with a large volume of traffic have the greatest potential to cause high-localized concentrations of CO. BAAQMD screening thresholds indicate that a project would have a less than significant impact to CO levels if project traffic would not increase traffic levels at any affected intersection to more than 44,000 vehicles per hour. Intersections with project traffic have hourly traffic volumes of less than 10,000 traffic trips. The project would result in a net increase of 5,698 total daily traffic trips and, therefore, would not result in CO impacts. In addition, as shown in Table 4.2-11, implementation of the proposed project will not significantly increase the number of automobiles traveling on surrounding residential and collector streets. Lastly, mitigation measures are proposed at the two impacted intersections to reduce congestion, thus reducing CO levels by reducing the number of idling vehicles. **(Less Than Significant Impact)**

Operational TAC Impacts

Operation of future development on the project site would not be a source of TACs or $PM_{2.5}$ emissions because no new stationary sources of emissions, such emergency back-up diesel generators, are proposed. Therefore, operation of the proposed development on Lots 9 and 17 and all future development under the PD rezoning would not result in TAC emissions that would impact nearby off-site sensitive receptors. **(Less Than Significant Impact)**

The project proposes to demolish the existing residences on Lot 17 and to construction 47 new units within the existing Santana Row site. Within the area of the project site, there is one roadway (Highway 280) and four stationary sources that could adversely affect new residences due to TAC emissions. Because the location of the new residential units is not yet known, a screening analysis was prepared that identified potential cancer risk and $PM_{2.5}$ exposure at various distances. Based on the BAAQMD guidelines, a project would result in a significant TAC or $PM_{2.5}$ impact if:

- An excess cancer risk level or more than 10 in one million, or a non-cancer (chronic or acute) hazard index greater than 1.0.
- An incremental increase of more than 0.3 micrograms per cubic meter ($\mu g/m^3$) annual average $PM_{2.5}$.

<u>Impacts from Stationary Sources</u>

Permitted stationary sources of air pollution near the project site were identified using BAAQMD's *Stationary Source Risk & Hazard Analysis Tool*. This tool identified four sources that could affect future residents of the project site. One of the sources, however, is part of Santana Row. Records indicate that an emergency back-up generator is located at 400 South Winchester Boulevard. This facility is already in close proximity to housing on the project site and has been permitted by

BAAQMD to operate in a mixed-use environment. Because the generator meets the BAAQMD permitting requirements, this generator would have no impact on the proposed project.

The three other stationary sources are off-site and were analyzed for the potential effect of future residential development on the Santana Row site. The sites are listed below along with the estimated cancer risk and hazard index, based on BAAQMD permitting data.

TABLE 4.3-6
Stationary Source Emissions Impacts

Facility	Cancer Risk	$PM_{2.5}$	Hazard Index
602 South Winchester – Gas Station	0.3	0.00	<0.01
425 South Winchester – Gas Station	0.4	0.00	<0.01
500 South Winchester – Emergency Back-up Generator	5.8	<0.01	<0.01
BAAQMD Threshold	***10.0***	***0.3***	***1.0***

As shown in Table 4.3-6, none of the stationary sources within the project area have emissions levels in excess of BAAQMD thresholds and would have a less than significant impact on future residential development on the project site. **(Less Than Significant Impact)**

Impacts from Mobile Sources

The BAAQMD *Highway Screening Analysis Tool* was used to estimate lifetime cancer risk and hazard impacts from roadways carrying more than 10,000 daily traffic trips. The only roadway within the project area that meets the screening criteria is Highway 280. The southernmost boundary of Lot 17 is within 100 feet of the nearest travel lane on Highway 280.

Traffic on high volume roadways is a source of TAC emissions that may adversely affect sensitive receptors in close proximity the roadway. For roadways, BAAQMD has published screening data to determine if highways with traffic volumes of over 10,000 vehicles per day may have a significant effect on a proposed project. Table 4.3-7 lists the cancer risk and hazard index for residential development at various distances from the roadway.

TABLE 4.3-7
Mobile Source Emissions Impacts

Distance from I-280	Cancer Risk	$PM_{2.5}$	Hazard Index
75 feet	52.5	0.45	0.05
100 feet	45.9	0.39	0.05
200 feet	30.9	0.26	0.03
300 feet	23.5	0.19	0.02
400 feet	18.6	0.15	0.02
500 feet	15.3	0.13	0.02
750 feet	10.2	0.08	0.01
1,000 feet	7.3	0.06	0.01
BAAQMD Threshold	***10.0***	***0.3***	***1.0***

The analysis concluded that there would be a significant cancer risk to future residences within 800 feet of the Highway 280 and a significant $PM_{2.5}$ risk within 200 feet.

No housing is proposed on Lots 9, 11, or 17, which are the only parcels on the project site within 800 feet of Highway 280. All future residential development on the project site under the proposed PD rezoning will be outside the

800-foot cancer risk zone. Therefore, TAC emissions from I-280 will have a less than significant impact on future residents. Furthermore, redevelopment of Lot 17 will remove 47 housing units that are currently at within 200 feet of Highway 280 which is well within the cancer risk and $PM_{2.5}$ risk zone. **(Less Than Significant Impact)**

4.3.3.3 Construction Impacts

Emissions from construction-related automobiles, trucks, and heavy equipment are a primary concern due to release of diesel particulate matter (an air toxic contaminant[22] due to its potential to cause cancer), organic TACs from all vehicles, and $PM_{2.5}$, which is a regulated air pollutant. The proposed development on Lots 9 and 17 would exceed the BAAQMD construction screening criteria; therefore, a detailed air quality assessment was completed to address construction air quality impacts from the proposed project. The proposed hotel units would be constructed within an existing building shell and would not require the use of heavy equipment. Construction of the 47 apartment units, by themselves, are below the BAAQMD construction screening criteria.

Table 4.3-8 shows an estimate of daily air emissions from construction of the proposed project based upon a detailed air analysis using CalEEMod. The modeling scenario assumed that the currently proposed projects on Lots 9 and 17 would be built over a 38 month period from 2014 to 2018.

TABLE 4.3-8
Average Daily Construction Emissions from the Project

Description	ROG	NOx	PM_{10}	$PM_{2.5}$
2014 Lot 9 Construction Emissions	0.09 tons	1.09 tons	0.03 tons	0.03 tons
2015 Lot 9 Construction Emissions	1.08 tons	8.33 tons	0.33 tons	0.31 tons
2016 Lot 9 Construction Emissions	5.86 tons	2.74 tons	0.12 tons	0.11 tons
2017 Lot 17 Construction Emissions	0.31 tons	2.38 tons	0.13 tons	0.13 tons
2018 Lot 17 Construction Emissions	0.15 tons	1.65 tons	0.09 tons	0.08 tons
Average Daily Emissions (based on 836 work days)	21.3 lbs	38.7 lbs	1.7 lbs	1.6 lbs
BAAQMD Thresholds (pounds per day)	***54***	***54***	***82***	***54***

Construction of the project would involve demolition of the existing buildings and hardscape, excavation for the underground parking structure, site grading, trenching, paving, building construction, and architectural coating. As shown in Table 4.3-8, the emissions of ROG, NO_X, PM_{10} exhaust, and $PM_{2.5}$ exhaust associated with construction of the project would not exceed the BAAQMD significance thresholds and, therefore, would not result in a significant impact from construction emissions.

Construction activities on-site would generate dust and other particulate matter that could temporarily impact nearby sensitive receptors. The amount of dust generated would be highly variable and is dependent on the size of the area disturbed at any given time, the amount of activity, soil conditions, and meteorological conditions. Sensitive receptors in the project vicinity could be adversely affected by dust generated during construction activities, particularly $PM_{2.5}$ which is a

[22] A toxic air contaminant is a pollutant that is known or suspected to cause cancer or other serious health effects.

known TAC. The project will be required to implement BAAQMD dust control measures as a condition of project approval, as outlined below.

Construction on Lots 9 and 17 and all future development under the proposed PD rezoning shall implement the following Best Management Practices that are required of all projects:

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

4. All vehicle speeds on unpaved roads shall be limited to 15 mph.

5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible and feasible. Building pads shall be laid as soon as possible and feasible, as well, after grading unless seeding or soil binders are used.

6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

As a result, project construction activities on Lots 9 and 17 and all future development under the proposed PD rezoning would not emit significant levels of criteria air pollutants or dust that would affect local and regional air quality or nearby off-site sensitive receptors. **(Less Than Significant Impact)**

Community Risk Impacts - Construction

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust which is also a known TAC. The nearest sensitive receptors to the identified construction sites are the residences on the east side of Hatton Street, approximately 65 feet from Lot 9.

A health risk assessment of Lots 9 and 17 construction activities was completed to evaluate emissions of diesel particulate matter (DPM) and associated health risks to the nearby residential

area. To quantify the effects of DPM on the nearby sensitive receptors, construction period exhaust emissions were computed using the CalEEMod model. The U.S. EPA ISCST3 dispersion model was used to predict concentrations of DPM at existing residences in the vicinity of the project site. The cancer risk calculations were based on applying the BAAQMD recommended age sensitivity factors to the DPM exposures. Age-sensitivity factors reflect the greater sensitivity of infants and small children to cancer causing TACs. The number and types of construction equipment and diesel vehicles, along with the anticipated length of their use for different phases of construction were based on site-specific construction activity schedules provided by the project applicant. Construction of the project is expected to occur over a 38 month period from 2014 through 2018.

Neither BAAQMD nor the City of San Jose have significance criteria for construction TAC impacts. As a result, the BAAQMD criteria for operational TAC impacts in the 2011 CEQA Air Quality Guidelines are used by the City of San Jose. Based on these guidelines, a project would result in a significant construction TAC or $PM_{2.5}$ impact if:

- An excess cancer risk level or more than 10 in one million, or a non-cancer (chronic or acute) hazard index greater than 1.0.
- An incremental increase of more than 0.3 micrograms per cubic meter ($\mu g/m^3$) annual average $PM_{2.5}$.

The maximum incremental residential child cancer risk for construction of Lots 9 and 17 was calculated to be 28.7 cancer cases per million and the adult cancer risk was calculated to be 1.9 cancer cases per million. While the adult cancer risk is well below the BAAQMD threshold of 10 cancer cases per million, the child exposure is not. Because the child cancer risk exceeds 10 cases per million, the proposed project could have a significant community risk impact on nearby sensitive receptors during construction activities. In addition, the maximum annual $PM_{2.5}$ concentration was 0.42 micrograms per cubic meter ($\mu g/m^3$). This $PM_{2.5}$ concentration is greater than the BAAQMD significance threshold of 0.3 $\mu g/m^3$.

Impact AIR -2: Construction of the proposed project would result in a temporary community risk impact. **(Significant Impact)**

The timeline for development of the existing entitlements is not yet known. Supplemental environmental review will be required for future site development to evaluate TAC impacts from construction activities prior to issuance of a PD Permit. If, based on the size and location of future development, a significant TAC impact is identified, the project will be required to mitigate the impact to a less than significant level. **(Less Than Significant Impact)**

4.3.3.4 Odors

The project would generate localized emissions of diesel exhaust during construction equipment operation and truck activity. These emissions may be noticeable from time to time by adjacent receptors. Odors would, however, be localized and are not likely to affect people off-site. While odors may be noticeable by residents on-site, they are not considered sensitive receptors under CEQA as they are part of the project. The project site is not affected by existing odor sources that would cause odor complaints. **(Less Than Significant Impact)**

4.3.4 Mitigation and Avoidance Measures for Air Quality Impacts

The project applicant shall be required to implement the following mitigation measures prior to project construction to reduce construction related TAC impacts:

MM AIR 2-1: All diesel-powered off-road equipment larger than 50 horsepower and operating at the site for more than two days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent;

MM AIR 2-2: All diesel-powered forklifts, aerial lifts, air compressors, and generators shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent; or the construction contractor shall use other measures to minimize construction period diesel particulate matter emissions to reduce the predicted cancer risk below the threshold. Such measures may include the use of alternative-powered equipment (e.g., LPG-powered forklifts, electric compressors), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures, provided that these measures are approved by the lead agency; and

MM AIR 2-3: Minimize the number of hours that equipment will operate, including the use of idling restrictions.

Implementation of these mitigation measures will reduce on-site diesel exhaust emissions by approximately 72 percent. Implementation of the dust control measures previous identified would reduce exhaust emissions an additional five percent. With these measures in place, the maximum excess child cancer risk would be 8.1 per million and the $PM_{2.5}$ concentration would be 0.27 $\mu g/m^3$. As a result, the required mitigation measures will reduce the temporary construction emissions impact to a less than significant level.

There are no mitigation measures available to reduce identified ROG, NOx, and PM_{10} operational emissions impacts to a less than significant level.

4.3.5 Conclusion

With implementation of the identified mitigation measures and dust control measures, construction of the proposed project would have a less than significant air quality impact. **(Less Than Significant Impact With Mitigation)**

The 2040 General Plan FEIR concluded that implementation of the General Plan would not reduce criteria pollutant emissions to less than significant levels. While the project will increase the mix of land uses on the project site and within the immediate area, providing more job opportunities near existing and proposed housing and transit consistent with the General Plan, there are no feasible mitigation measure to reduce operational criteria pollutant emissions below BAAQMD thresholds. As a result, operation of the project would have a significant unavoidable long-term impact on local and regional air quality. **(Significant Unavoidable Impact)**

The proposed project would not conflict with or obstruct implementation of the 2010 CAP. **(Less Than Significant Impact)**

4.4 GREENHOUSE GAS EMISSIONS

The following discussion is based in part on a greenhouse gas emissions assessment prepared by *Illingworth & Rodkin, Inc.* in February 2015. This report is attached as Appendix B.

4.4.1 Setting

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of Greenhouse Gases (GHGs) have a broader, global impact. Global warming associated with the "greenhouse effect" is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth's atmosphere. The principal GHGs contributing to global warming and associated climate change are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial and manufacturing, utility, residential, commercial, and agricultural sectors.

4.4.2 Existing On-Site GHG Emissions

Lot 9 is currently developed as a parking lot. Lot 17 is currently developed with 47 apartments and a large surface parking lot. The existing buildings are currently occupied and generate GHG emissions from motor vehicles traveling to and from the site, and electricity and natural gas usage for lighting, heating and cooling, etc. The parking lots generates GHG emissions from motor vehicles traveling to and from the site and electricity use for lighting.

The developed portion of Santana Row also generates GHG emissions from motor vehicles traveling to and from the site, and electricity and natural gas usage for lighting, heating and cooling, etc.

4.4.3 Regulatory Background

4.4.3.1 State of California

California Assembly Bill 32 and Executive Order S-3-05

Assembly Bill 32 (AB 32), also known as the Global Warming Solutions Act, was passed in 2006 and established a goal to reduce GHG emissions to 1990 levels by 2020. Prior to the adoption of AB 32, the Governor of California also signed Executive Order S-3-05 into law, which set a long term objective to reduce GHG emissions to 90 percent below 1990 levels by 2050. The California Environmental Protection Agency (CalEPA) is the state agency in charge of coordinating the GHG emissions reduction effort and establishing targets along the way.

In December 2008, CARB approved the *Climate Change Scoping Plan*, which proposes a comprehensive set of actions designed to reduce California's dependence on oil, diversify energy sources, save energy, and enhance public health, among other goals. Per AB 32, the Scoping Plan must be updated every five years to evaluate the mix of AB 32 policies to ensure that California is on track to achieve the 2020 greenhouse gas reduction goal. The First Update to the Scoping Plan was approved on May 22, 2014 and builds upon the Scoping Plan with new strategies and

recommendations. The First Update defines CARB's priorities over the next five years and lays the groundwork to reach long-term goals set forth in Executive Order S-3-05.[23]

Senate Bill 375

Senate Bill 375 (SB 375), known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. It builds on AB 32 by requiring CARB to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035 in comparison to 2005 emissions. The per capita reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.[24] The four major requirements of SB 375 are:

1. Metropolitan Planning Organizations (MPOs) must meet greenhouse gas emission reduction targets for automobiles and light trucks through land use and transportation strategies.
2. MPOs must create a Sustainable Communities Strategy (SCS), to provide an integrated land use/transportation plan for meeting regional targets, consistent with the Regional Transportation Plan (RTP).
3. Regional housing elements and transportation plans must be synchronized on eight-year schedules, with Regional Housing Needs Assessment (RHNA) allocation numbers conforming to the SCS.
4. MPOs must use transportation and air emissions modeling techniques consistent with guidelines prepared by the California Transportation Commission (CTC).

MTC and ABAG adopted *Plan Bay Area* in July 2013. The strategies in the plan are intended to promote compact, mixed-use development close to public transit, jobs, schools, shopping, parks, recreation, and other amenities, particularly within Priority Development Areas (PDAs) identified by local jurisdictions. A portion of the project site is located within the West San Carlos and Southwest Expressway Corridors PDA.

4.4.3.2 BAAQMD CEQA Guidelines and 2010 Bay Area Clean Air Plan

BAAQMD identifies thresholds of significance for operational GHG emissions from land-use development projects in its CEQA Air Quality Guidelines. These guidelines include recommended significance thresholds, assessment methodologies, and mitigation strategies for GHG emissions. Under the BAAQMD CEQA Guidelines, if a project would result in operational-related greenhouse gas emissions of 1,100 metric tons (MT) (also called the "bright line" threshold) and 4.6 metric tons per service population[25] of carbon dioxide equivalents (CO_2e) per year or more, it would make a cumulatively considerable contribution to greenhouse gas emissions and result in a cumulatively significant impact to global climate change. In jurisdictions where a qualified Greenhouse Gas

[23] California Environmental Protection Agency. Air Resources Board. *First Update to the AB 32 Scoping Plan*. Accessed March 4, 2015. Available here: <http://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm>

[24] The emission reduction targets are for those associated with land use and transportation strategies, only. Emission reductions due to the California Low Carbon Fuel Standards or Pavley emission control standards are not included in the targets.

[25] Service population is defined as the sum of the number of residents and the number of employees at the development.

Reduction Strategy[26] has been reviewed under CEQA and adopted by decision-makers, compliance with the Greenhouse Gas Reduction Strategy would reduce a project's contribution to cumulative greenhouse gas emission impacts to a less than significant level. The BAAQMD CEQA Guidelines also outline a methodology for estimating greenhouse gases.

The Bay Area 2010 Clean Air Plan (CAP) is a multi-pollutant plan that addresses GHG emissions along with other air emissions in the San Francisco Bay Area Air Basin. One of the key objectives in the CAP is climate protection. The 2010 CAP includes emission control measures in five categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures, Land Use and Local Impact Measures, and Energy and Climate Measures. Consistency of a project with current control measures is one measure of its consistency with the CAP. The current CAP also includes performance objectives, consistent with the state's climate protection goals under AB 32 and SB 375, designed to reduce emissions of GHGs to 1990 levels by 2020 and 40 percent below 1990 levels by 2035.

4.4.4 Thresholds of Significance

For the purposes of this EIR, a greenhouse gas emissions impact is considered significant if the project would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data.

The first threshold will be assessed using quantitative thresholds for GHG emissions identified by BAAQMD in 2009. Using a methodology that models how new land use development in the San Francisco Bay area can meet Statewide AB 32 GHG reduction goals, BAAQMD identified two significance thresholds for determining if a project will have a significant GHG emissions impact. These thresholds are 1) the "bright-line" threshold of 1,100 metric tons of CO2e per year and 2) the "efficiency" threshold of 4.6 metric tons of CO2e per service population (e.g., residents and employees) per year. Projects which fall below one of the two thresholds are considered to have a less than significant GHG emissions impact.

The City has carefully considered the thresholds prepared by BAAQMD and regards the quantitative thresholds to be based on the best information available for residential and commercial development in the San Francisco Bay Area Air Basin. Evidence supporting these thresholds has been presented in the following documents:

[26] The required components of a "qualified" Greenhouse Gas Reduction Strategy or Plan are described in both the CEQA Guidelines (Section 15183.5 *Tiering and Streamlining the Analysis of Greenhouse Gas Emissions)* and the BAAQMD CEQA Air Quality Guidelines (Section 2.3 *Greenhouse Gas Reduction Strategies*) as amended in June 2010.

- Bay Area Air Quality Management District (BAAQMD). 2009. *CEQA Thresholds Options and Justification Report.*
- BAAQMD. 2011. *California Environmental Quality Act Air Quality Guidelines*. (Appendix D).
- California Air Resources Board. 2008. *Climate Change Scoping Plan.* (Statewide GHG Emission Targets)

BAAQMD has not identified a threshold of significance for construction-related GHG emissions. GHG emissions from the proposed project would include emissions from construction and operation of the project. The GHG emissions from the project include:

- Construction emissions;
- Emissions from the manufacture and transport of building materials;
- Mobile emissions (e.g., emissions from combustion of fossil fuels for vehicle trips to and from the site); and
- Emissions from the generation of electricity and use of natural gas to operate lighting, appliances, and HVAC on the site, and to convey water to the site.

4.4.5 Greenhouse Gas Emissions Impacts

4.4.5.1 Operational Emissions

The proposed PD rezoning would allow an increase in development on-site of 510,000 square feet of commercial office space, 55,641 square feet of retail space, 47 housing units, and six hotel rooms on compared to the existing PD zoning. The increase in housing units, however, is a replacement of the existing 47 apartment units that currently exist on Lot 17. The project also includes approved but unbuilt entitlements from the previous zoning approvals for 348 residential units, 309,797 square feet of commercial/retail, and 228,200 square feet of office (Lot 11). The project is consistent with the Land Use/Transportation Diagram.

GHG emissions from the project (including existing development, entitled development, and proposed development) were calculated using the CalEEMod model, based on an operational start year of 2019 for Lots 9 and 17. The model calculated estimated emissions for transportation, area sources, electricity consumption, natural gas combustion, electricity usage associated with water usage and wastewater discharge, and solid waste land filling and transport.

TABLE 4.4-1
Annual Project GHG Emissions in Metric Tons (CO_2e)

Source Category	2019 Project Emissions
Area	72
Energy Consumption	7,630
Mobile	22,931
Solid Waste Generation	1,564
Water Usage	591
Total Emissions Per Year	**32,788**
BAAQMD Bright-Line Threshold	*1,100*
Emissions Per Service Population	**3.9**
BAAQMD Efficiency Threshold	*4.6*

Total site operational emissions were calculated at 32,788 metric tons (MT) of CO2e per year, which is above the bright line threshold of 1,100 metric tons of CO2e per year. The calculations found,

however, the operation of the entire site would generate 3.9 metric tons (MT) of CO2e per year per service population (8,304)[27], which is below the efficiency threshold of 4.6 MT of CO2e per year. In addition, the project will be subject to the City's Green Building Ordinance and proposes the following energy conservation measures/design features that will further reduce GHG emissions:

- Exceed the State Title 24 California Energy Code requirements by at least 15 percent;
- Provide bicycle lockers and showers;
- Install high performance lighting and controls;
- Maximize natural lighting, minimize summer heat gain, and increase passive heating in
- winter;
- Salvage and recycle construction waste;
- Use recycled content building materials;
- Use low-VOC emitting paints, sealants, coatings, and flooring systems;
- Water efficient landscaping and irrigation design.

Transportation demand management (TDM) measures, to be determined in coordination with City staff, will also be included to reduce daily vehicle trips (the highest source of GHG emissions). Therefore, the project will not preclude the City or State from meeting emission reduction goals by the horizon year 2020 and will have a less than significant operational GHG impact. **(Less Than Significant Impact)**

4.4.5.2 Construction Emissions

The proposed development on Lots 9 and 17 and all future development under the proposed PD rezoning would result in minor increases in GHGs associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the construction site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of San José nor BAAQMD has established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant. Because proposed and future construction project will be a temporary condition and would not result in a permanent increase in emissions that would interfere with the implementation of AB 32, the increase in emissions would be considered less than significant. **(Less Than Significant Impact)**

4.4.5.2 Project Specific Mitigation Measures

No mitigation is required or proposed.

[27] Project service population is the sum of residents and full-time employees. The project's service population was estimated based on 3.11 persons per household (2009-2013) from the U.S. Census Bureau data for San Jose, four office employees per 1,000 square feet of office use, and 2.5 retail employees per 1,000 square feet of retail use.

4.4.6 Conclusion

Development of the proposed project would have a less than significant GHG impact. **(Less Than Significant Impact)**

4.5 NOISE

The following discussion is based, in part, on a noise analysis prepared by *Illingworth & Rodkin* in June 2014. The report is provided in Appendix C.

4.5.1 Existing Setting

4.5.1.1 Background Information

Noise is typically defined as unwanted sound and is subjective due to varying tolerances. Acceptable levels of noise also vary from land use to land use. In any one location, the noise level will vary over time, from the lowest background or ambient noise level to temporary increases caused by traffic or other sources. State and Federal standards have been established as guidelines for determining the compatibility of a particular land use with its noise environment.

Sound levels are usually measured in decibels (dB) with dB corresponding roughly to the threshold of hearing. Most of the sounds which we hear in the environment do not consist of a single frequency, but rather a broad band of frequencies, with each frequency differing in sound level. The intensities of each frequency add together to generate a sound. The method commonly used to quantify environmental sounds consists of evaluating all of the frequencies of a sound in accordance with a weighting that reflects the fact that human hearing is less sensitive at low frequencies and extreme high frequencies than in the frequency mid-range. This is called "A" weighting, and the dB level so measured is call the *A-weighted sound level* (dBA).

Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called L_{eq}. The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration.

Although the A-weighted noise level may adequately indicate the level of environmental noise at any instant in time, community noise levels vary continuously. Most environmental noise includes a conglomeration of noise from distant sources which create a relatively steady background noise in which no particular source is identifiable. To describe the time-varying character of environmental noise, the statistical noise descriptors, L_{01}, L_{10}, L_{50}, and L_{90}, are commonly used. They are the A-weighted noise levels equaled or exceeded during 1, 10, 50, and 90 percent of a stated time period.

Sound level meters can accurately measure environmental noise levels to within about plus or minus one dBA. Since the sensitivity to noise increases during the evening hours, 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The *Day/Night Average Sound Level, Ldn*, is the average A-weighted noise level during a 24-hour day, obtained after the addition of 10 dB to noise levels measured in the nighttime between 10:00 PM and 7:00 AM.

The most widespread and continual sources of noise in San Jose are transportation and transportation-related facilities. Freeways, local arterials, the Norman Y. Mineta San José International Airport, railroads, and Light Rail Transit are all major contributors to noise in San Jose.

Construction Noise

Construction is a temporary source of noise impacting residences and businesses located near construction sites. Construction noise can be significant for short periods of time at any particular location and generates the highest noise levels during grading and excavation, with lower noise levels occurring during building construction. Large pieces of earth-moving equipment, such as graders, scrapers, and bulldozers, generate maximum noise levels of 85 to 90 dBA at a distance of 50 feet. Typical hourly average construction-generated noise levels are approximately 80 to 85 dBA measured at a distance of 50 feet from the site during busy construction periods. Some construction techniques, such as pile driving, can generate noise levels up to 105 dBA at 50 feet that are difficult to control. Construction activities can elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or more during construction hours.

4.5.1.2 Background Information – Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is the Peak Particle Velocity (PPV) and another is the Root Mean Square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration. In this section, a PPV descriptor with units of inches per second (in/sec) is used to evaluate construction generated vibration for building damage and human complaints. Table 4.5-1 shows the general reactions of people and the effects on building that continuous vibration levels produce. As with noise, the effects of vibration on individuals is subjective due to varying tolerances.

TABLE 4.5-1
Effects of Vibration

PPV (in/sec)	Human Reaction	Effect on Buildings
0.01	Barely perceptible	No effect
0.04	Distinctly perceptible	Vibration unlikely to cause damage of any type to any structure
0.08	Distinctly perceptible to strongly perceptible	Recommended upper level of vibration to which ruins and ancient monuments should be subjected
0.1	Strongly perceptible	Virtually no risk of damage to normal buildings
0.3	Strongly perceptible to severe	Threshold at which there is a risk of damage to older residential dwellings such as plastered walls or ceilings.
0.5	Severe – vibration considered unpleasant	Threshold at which there is a risk of damage to newer residential structures.

Source: Transportation and Construction-Induced Vibration Guidance Manual, California Department of Transportation, June 2004.

Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, etc. The rattling sound can give rise to exaggerated vibration complaints, even though there is little risk of actual structural damage. In high noise environments, which are more prevalent where groundborne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows.

Construction activities can cause vibration that varies in intensity depending on several factors. The use of pile driving and vibratory compaction equipment typically generates the highest construction related groundborne vibration levels. Because of the impulsive nature of such activities, the use of the PPV descriptor has been routinely used to measure and assess groundborne vibration and almost exclusively to assess the potential of vibration to induce structural damage and the degree of annoyance for humans.

The two primary concerns with construction-induced vibration, the potential to damage a structure and the potential to interfere with the enjoyment of life are evaluated against different vibration limits. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 in/sec PPV. Human perception to vibration varies with the individual and is a function of the physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels such as people in an urban environment may tolerate higher vibration levels.

Structural damage can be classified as cosmetic, such as minor cracking of building elements, or may threaten the integrity of the building. Safe vibration limits that can be applied to assess the potential for damaging a structure vary by researcher and there is no general consensus as to what amount of vibration may pose a threat for structure damage to a building. Construction-induced vibration that can be detrimental to a building is very rare and has only been observed in instances where the structure in a high state of disrepair and the construction activities occur immediately adjacent to the structure.

4.5.1.3 Regulatory Background

The State of California and the City of San Jose have established guidelines, regulations, and policies designed to limit noise exposure at noise sensitive land uses. Appendix E of the State CEQA Guidelines, the State of California Building Code, and the City of San Jose's Noise Element of the General Plan present the following applicable criteria:

State CEQA Guidelines. The California Environmental Quality Act (CEQA) contains guidelines to evaluate the significance of effects resulting from a proposed project. These guidelines have been used in this EIR as thresholds for establishing potentially significant noise impacts and are listed under *Thresholds of Significance.*

CEQA does not define what noise level increase would be considered substantial. Typically, project-generated permanent noise level increases of 3 Ldn or greater would be considered significant where exterior noise levels would exceed the normally acceptable noise level standard (60 Ldn). Where noise levels would remain below the normally acceptable noise level standard with the project, permanent noise level increases of 5 Ldn or greater would be considered significant.

San Jose 2040 General Plan. The *Envision San José 2040 General Plan* includes policies applicable to all development projects in San José. The City's noise and land use compatibility guidelines are shown in Table 4.5-2, below. Relevant City policies and municipal code standards are also listed.

TABLE 4.5-2
Proposed General Plan Land Use Compatibility Guidelines (GP Table EC-1)

Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care[1]						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						

[1]Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

Normally Acceptable:
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable:
Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.

Unacceptable:
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

Policy EC-1.1: Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:

Interior Noise Levels

The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meeting this standard. For sites with exterior noise levels of 60 dBA or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Environmental General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

Exterior Noise Levels

For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise

attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.

Policy EC-1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

Policy EC-1.3: Mitigate noise generation of new non-residential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

Policy EC-1.6: Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.

Policy EC-1.7: Construction operations within San José will be required to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

Policy EC-2.3: Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

Municipal Code – Construction Standards

According to San José Municipal Code, construction hours within 500 feet of a residential unit are limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

4.5.1.3 Existing Noise Environment

The project site is located at the southeast corner of Stevens Creek Boulevard and Winchester Boulevard, in proximity to Highways 280 and 880. Noise levels in the project area are primarily the result of vehicular noise on the surrounding roadways. Based on the General Plan FEIR, noise levels on perimeter of the project site are approximately 70 dBA DNL. The project site is not exposed to noise from aircraft overflights or loud intermittent noise sources such as light or heavy rail.

To quantify the existing noise environmental on Lots 9 and 17 and at the nearest off-site residences, a noise monitoring survey was completed at the site over four days in May 2014. The survey consisted of one long-term measurement (LT-1) and four short-term measurements (ST-1, ST-2, ST-3, and ST-4). Table 4.5-3 gives a summary of the acoustical locations and measurements. The noise monitoring locations are shown in the figure.

TABLE 4.5-3
Existing Noise Measurements (in dBA)

Measurement	Location	Average Noise Level
LT-1	The eastern property line of Lot 9, approximately 40 feet from the center of Hatton Street and 625 feet from the center of Interstate 280.	60
ST-1	Approximately 50 feet east of the center of Hatton Street and 560 feet from the center of Interstate 280.	56
ST-2	Approximately 50 feet east of the Hatton Street/Olsen Drive intersection.	59[28]
ST-3	Approximately 70 feet east of the center of Hatton Street, between two residential buildings	52
ST-4	On Lot 17, approximately 400 feet from the center of Interstate 280 and 65 feet from the center of Dudley Avenue.	55

While the day/night average at location LT-1 was measured at 60 dBA, maximum instantaneous noise levels were measured at 70 dBA or greater during daytime hours as a result of traffic and existing activity on the project site.

Sensitive Receptors

The nearest noise sensitive receptors to the project site would be the residences on the east side of Hatton Street, approximately 65 feet east of Lot 9, the single-family residences directly adjacent the eastern boundary of the project site between Olsen Drive to Stevens Creek Boulevard, and the senior

[28] Construction activities on a nearby vacant lot to the northeast increased the average noise level at this location.

housing facility at the southeast corner of Olsen Drive and Winchester Boulevard. The other surrounding buildings are retail/commercial and office and are not considered sensitive land uses. As previously noted, the residences on Santana Row are part of the project and are not considered sensitive receptors.

4.5.2 Noise Impacts

4.5.2.1 Thresholds of Significance

For the purposes of this EIR, a noise or vibration impact is considered significant if the project would:

- Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- Expose persons to, or generate excessive groundborne vibration or groundborne noise levels;
- Create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;
- Create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels; or
- For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels.

The CEQA Guidelines state that a project will normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans, of if noise levels generated by the project will substantially increase existing noise levels at noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. A three dBA noise level increase is considered the minimum increase that is perceptible to the human ear. Typically, project generated noise level increases of three dBA DNL or greater are considered significant where resulting exterior noise levels will exceed the normally acceptable noise level standard. Where noise levels will remain at or below the normally acceptable noise level standard with the project, a noise level increase of five dBA DNL or greater is considered significant.

City of San Jose Standards

The City of San Jose relies on the following guidelines for new development to avoid impacts above the CEQA thresholds of significance outlined above.

Construction Noise

For temporary construction-related noise to be considered significant, construction noise levels would have to exceed ambient noise levels by five dBA L_{eq} or more and exceed the normally acceptable levels of 60 dBA L_{eq} at the nearest noise-sensitive land uses or 70 dBA L_{eq} at office or commercial land uses for a period of more than 12 months.

Traffic-Generated Noise

Development allowed by the *Envision San Jose 2040 General Plan* would result in increased traffic volumes along roadway throughout San Jose. The City of San Jose considers a significant noise impact to occur where existing noise sensitive land uses would be subject to permanent noise level increases of three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level, or five dBA DNL or more where noise levels would remain "Normally Acceptable".

Construction Vibration

The City of San Jose relies on guidance developed by Caltrans to address vibration impacts from development projects in San Jose. A vibration limit of 12.7 mm/sec (0.5 inches/sec), PPV for buildings structurally sound and designed to modern engineering standards. A conservative vibration limit of 5.0 mm/sec (0.2 inches/sec), PPV has been used for buildings that are found to be structure sounds but structural damage is a major concern. For historic buildings or buildings that are documented to be structurally weakened, a conservative limit of 2.0 mm/sec (0.08 inches/sec), PPV is used to provide the highest level of protection.

4.5.2.2 Noise Impacts to the Project Site

The project site is adjacent to Stevens Creek Boulevard and Winchester Boulevard. Noise levels on these roadways are 68 and 70 dBA, respectively. Existing development on the project site has been designed to place less noise sensitive commercial/retail buildings along the major roadways and more noise sensitive residential land uses on the interior of the site. This design helps to attenuate the noise from the roadways and reduce ambient noise levels at the residences. Future development on the project site under the proposed PD Rezoning would continue to implement this design strategy.

The proposed mixed-use building on Lot 9 is not located adjacent to any major roadways. The proposed office building on Lot 17 would be approximately 90 feet from Interstate 280. Based on noise measurements taken near Lots 9 and 17, average ambient noise levels in this area range from 52 to 60 dBA. This is well below the City's acceptable noise threshold of 70 dBA for office and commercial buildings.

The future noise environment on the project site would continue to result primarily from transportation noise sources. As a result of increased traffic from planned growth, future noise levels in the project area are expected to increase by 1 dBA over existing noise levels. Standard commercial building construction methods typically provide 25 to 30 decibels of noise attenuation for interior spaces. For residential development, attenuation is typically 15 to 20 decibels.

Based on future ambient noise levels of 69 dBA along Stevens Creek Boulevard and 71 dBA along Winchester Boulevard, as identified in the General Plan, future residential and retail development on-site will meet the City's conditional noise standards of 80 dBA for commercial/retail/office and 75 for residential. Based on State and City standards, interior noise levels should be less than or equal to 45 dBA. With standard building techniques and the shielding of residential units by the commercial and office developments along the north, west, and south perimeters of the site, interior noise levels for all proposed land uses will be met. Therefore, future development on the project site would not be impacted by noise. **(Less Than Significant Impact)**

The proposed mixed-use building on Lot 9 and adjacent retail pavilion would not be located adjacent to any major roadways and would be shielded from traffic noise on Interstate 280 by the proposed office building on Lot 17. With the planned development in the *Envision San José 2040 General Plan*, ambient noise levels on Lot 9 would increase to approximately 61 dBA. The proposed office and retail development on Lot 9 are consistent with the noise and land use compatibility guidelines of the *Envision San José 2040 General Plan.* **(Less Than Significant Impact)**

The proposed office building on Lot 17 would be located approximately 90 feet from Interstate 280 (which is depressed below the project site). Ambient noise levels in this area range from 52-60 dBA and would increase to a maximum of 61 dBA with the planned development in the *Envision San José 2040 General Plan.* The proposed office development on Lot 17 is consistent with the noise and land use compatibility guidelines of the *Envision San José 2040 General Plan.* **(Less Than Significant Impact)**

4.5.2.3 Noise Impacts from the Project Site

Operational Noise

As proposed, the project includes construction of a five-level parking structure on Lots 9 and 17, approximately 65 feet from the nearest off-site residences on the east side of Hatton Street. To quantify the potential noise impact of the parking structure on off-site residents, data from a previous noise study of an existing four-story parking structure in downtown Petaluma was applied.[29] Noise data collected included measurements of typical noise generating activities such as doors closing, engines starting, and auto horns. These activities were performed on each level at the edge of the garage and at a parking stall located approximately 50 feet from the edge. Noise measurements were also taken of automobiles traveling up and down the access ramps within the garage. The maximum instantaneous noise level was from the car horns which ranged from 62-70 dBA.

Based on the available data, it was estimated that the maximum instantaneous noise levels from door slams, engine starts, and automobile circulation would be 54-59 dBA at the nearest off-site residential properties on the east side of Hatton Street. For car horns, the maximum instantaneous noise level would range from 63-71 dBA. These maximum noise levels are consistent with the existing noise conditions in the project area around Lot 9. Operation of the proposed parking structure during standard operating hours (Monday through Saturday from 10:00 AM to 9:00 PM and Sunday from 11:00 AM to 7:00 PM) would not increase the daytime hourly average noise levels at nearby sensitive receptors and would not exceed the maximum instantaneous noise levels that result from current site operations and traffic. **(Less Than Significant)**

Maximum instantaneous noise levels from auto horns and alarm systems, while infrequent, would exceed the current maximum instantaneous noise levels during sensitive nighttime hours, causing hourly average noise levels to exceed 55 dBA Leq at the property line of the nearby residences. While most of the businesses at Santana Row operate within the standard operating hours noted above, some restaurants and the movie theater have extended evening hours. If patrons utilize the

[29] The existing parking structure on Santana Row was not used for this analysis because it is adjacent to a major roadway and within proximity to a second major roadway. The parking structure in Petaluma was more consistent with the site conditions on Lots 9 and 17.

proposed parking structure outside standard operating hours, car horns and alarms would have a significant impact on nearby residences. **(Significant Impact)**

Project-Generated Traffic Noise

Based upon the traffic study prepared by *Hexagon Transportation Consultants* (see Section 4.2, *Transportation and Circulation)*, the proposed development on Lots 9 and 17 and other future development under the proposed changes to the PD Rezoning would generate approximately 6,439 net new daily trips. Winchester Boulevard currently carries approximately 33,900 average daily trips, Stevens Creek Boulevard currently carries approximately 48,700 daily trips.

A noise increase is considered substantial if it increases the ambient noise level by three decibels or more in sensitive noise areas. A three decibel increase is equivalent to a doubling of traffic on local roadways. While there will be a net increase in traffic with the proposed project, as shown on Table 4.2-7, the project would not significantly increase traffic trips on the surrounding residential and collector roadways. In addition, the project would not double traffic on the adjacent major roadways. As a result, the new traffic trips combined with traffic trips from the existing entitlements on-site would increase noise levels on the adjacent roadways by less than 1 dBA DNL. As a result, traffic generated by the project would not substantially increase noise levels in the project area. **(Less Than Significant Impact)**

Mechanical Equipment

The proposed mixed-use building, parking structure, and office building on Lots 9 and 17 will have rooftop mechanical equipment including HVAC systems and elevator operating systems. The *Envision San Jose 2040 General Plan* Policy EC-1.6 requires existing and new industrial and commercial development to reduce the effects of operational noise on adjacent residential uses through compliance with noise standards in the City's Municipal Code (Sections 20.40.600 and 20.50.300). Conformance with the Municipal Code will ensure that the identified equipment for the proposed buildings and parking structure on Lots 9 and 17 and all future development under the proposed PD zoning would not result in a significant impact. **(Less Than Significant Impact)**

4.5.2.4 Construction Impacts

Construction Noise

Construction activities associated with implementation of the proposed project would temporarily increase noise levels in the project area. Construction activities generate considerable amounts of noise, especially during the construction of project infrastructure when heavy equipment is used. Typical average construction generated noise levels are about 81 – 89 decibels measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.) Construction generated noise levels drop off at a rate of about six decibels per doubling of distance between the source and receptor. Where noise from construction activities exceeds 60 dBA L_{eq} and exceeds the ambient noise environment by at least 5 dBA L_{eq} at noise-sensitive uses in the project vicinity for a duration of one year or more, the impact would be considered significant.

Construction on Lots 9 and 17 would include demolition of the existing parking lots and apartment buildings (Lot 17), site preparation work, excavation of below grade parking, foundation work, and construction of the new buildings and parking structure. The total construction time is estimated to be 38 months of which approximately 12 to 16 months will utilize most of the heavy equipment. Future construction on-site associated with other land uses proposed under the PD rezoning would include similar site preparation and construction activities as Lots 9 and 17.

The construction of the proposed project would temporarily increase noise levels in the immediate vicinity of the project site and would be audible at the nearby residential buildings and could pose a significant impact. The *San Jose 2040 General Plan FEIR* concluded that short-term construction noise would be mitigated by identified General Plan policies.

Consistent with the Municipal Code and in accordance with the *San Jose 2040 General Plan FEIR*, particularly Policy EC-1.7, the proposed project will be required by conditions of project approval to implement the following measures during all phases of construction on the project site:

- Demolition and construction activities on- or off-site, within 500 feet of sensitive receptors, such as residential development, shall be restricted to the hours of 7 AM to 7 PM Monday through Friday, non-holidays only.
- Staging areas and construction material areas shall be located as far away as possible from adjacent land uses.
- All internal combustion engines for construction equipment used on the site shall be properly muffled and maintained.
- All unnecessary idling of internal combustion engines is prohibited.
- Construct solid plywood fences around the construction site where it is adjacent to operational businesses, residences, or noise-sensitive land uses.
- A temporary noise control blanket barrier would be erected, if necessary, along building facades facing the construction site. This would be at the discretion of the Director of Planning, Building and Code Enforcement should conflicts arise during construction.
- All stationary, noise-generating construction equipment, such as air compressors and portable power generators, shall be located as far as practical from existing residences and businesses.
- If pile driving is necessary, pre-drill founding pile holes to minimize the number of impacts required to seat the piles.
- Residential neighborhoods proximately located to the project site shall be notified in writing by the developer of the construction schedule at least seven days prior to the start of construction.
- A noise disturbance coordinator shall be designated who is responsible for responding to complaints about construction noise. The telephone number of the disturbance coordinator shall be posted in a conspicuous place at the construction site and shall also be included in the notice sent to neighbors and the Director of Planning, Building and Code Enforcement regarding the schedule.

Construction of Lots 9 and 17 and all future construction under the proposed PD rezoning would be required to comply with all applicable City policies and the Municipal Code. Therefore, construction activities on the project site would have a less than significant impact on nearby sensitive receptors. **(Less Than Significant Impact)**

Construction Vibration

As noted above, construction activities are expected to include demolition of existing pavement and apartment buildings (Lot 17), site preparation work, excavation of below grade parking, foundation work, and construction of the new buildings and parking structure. General Plan policy EC-2.3 states the following regarding vibration from demolition and construction:

> **"EC-2.3:** Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction."

Construction activities such as drilling, use of jackhammers (approximately 0.035 in/sec PPV at 25 feet), rock drills and other high-power or vibratory tools (approximately 0.09 in/sec PPV at 25 feet), and rolling stock equipment such as tracked vehicles, compactors, etc. (approximately 0.89 in/sec PPV at 25 feet) may generate substantial vibration in the immediate site vicinity. Construction of the buildings and parking structure is not anticipated to be a source of substantial vibration with the exception of sporadic events such as dropping of heavy objects, which should be avoided to the extent possible.

The nearest contemporary buildings to Lots 9 and 17 are the residences located approximately 65 feet east of the site. Construction activities would generate vibration levels substantially below the 0.20 in/sec PPV criteria established by the City at the nearby residences. Because the equipment would not exceed the City's threshold for potential cosmetic damage to buildings of normal conventional construction, the project would have a less than significant vibration impact. As with Lots 9 and 17, all other future construction under the proposed PD rezoning would have a less than significant vibration impact on nearby buildings. **(Less Than Significant Impact)**

4.5.5 Mitigation and Avoidance Measures for Noise Impacts

The following mitigation measures are proposed as part of the project to reduce operational noise impacts to a less than significant level.

MM NOI-1.1: The project applicant shall construct the eastern façade of the parking structure as a solid wall to shield nearby residences from project generated noise with the structure during sensitive evening hours. If it is not feasible to construct a solid wall on the eastern side of the parking structure, then the project applicant shall permanently prohibit, through the use of signs, gates, and/or movable barricades, parking within the two easternmost parking aisles (as demonstrated in Figure 4 of Appendix C) Monday through Saturday from 9:00 PM to 8:00 AM and Sunday from 7:00 PM to 8:00 AM..

4.5.6 Conclusion

With implementation of the proposed mitigation, operation of the project will have a less than significant impact on nearby sensitive receptors. **(Less Than Significant Impact with Mitigation)**

Compliance with City code requirements will reduce temporary construction noise and vibration impacts to a less than significant level. **(Less Than Significant Impact)**

4.6 VISUAL AND AESTHETICS

4.6.1 Existing Setting

4.6.1.1 Visual Character of the Project Site

The project site is a mixed-use development comprised of residential, retail, office, and entertainment space with a maximum building heights of up to 120 feet. In addition, there is a six-level parking structure located along Winchester Boulevard. The project site has a variety of architectural styles, building colors, and landscaping. The buildings are all oriented along the internal roadways which are generally in a grid pattern. The main internal access is a private road (Santana Row) that extends the full length of the site from Stevens Creek Boulevard to the southernmost buildings. At the southern end of this road, in between the travel lanes, is an open space area which has seating, recreational areas, and small shops. The other major open space area on the site is a large lawn area off Olin Drive.

There are currently three surface parking lots on the project site. Lot 11 is located at the southern end of the project site, at the southeast corner of Winchester Boulevard and Olsen Avenue. Lot 9 is also located at the southern end of the project site, at the southwest corner of Olsen Avenue and Hatton Street. The third lot is on the east side of Hatton Street, between Hemlock Avenue and Olsen Drive.

Lot 9

As stated above, Lot 9 is currently a surface parking lot.

Lot 17

The northern half of Lot 17 is currently a surface parking lot. The southern half of Lot 17 is currently developed with three two-story apartment buildings. The apartments are in good physical condition with mature trees and landscaping. The apartments are not architecturally distinctive, but do include low-pitched roofs, smooth stucco, and steel industrial sash windows.

4.6.1.2 Surrounding Land Uses

Development in the project area is a mix of retail/commercial and residential land uses (see Figure 4.1-1). Building heights vary by land use from one to 12 stories. The project site is bounded by Stevens Creek Boulevard to the north, a mixed-density residential neighborhood to the east, a senior housing facility, multiple office buildings, and Tisch Road to the south, and Winchester Boulevard to the west.

Stevens Creek Boulevard is a six-lane roadway with a raised center median. On the north side of Stevens Creek Boulevard, directly across from the project site, is Valley Fair, a regional enclosed shopping center. Valley Fair is a large, two-story shopping mall with no distinctive architectural style. The mall is comprised of a main building, several detached commercial structures, three parking structures, and surface parking lots. The site has extensive landscaping throughout the

parking lots and along the perimeters of the site. Due to the existing landscaping, large parking structures, and some freestanding commercial buildings near the roadway, the main building is not highly visible from Stevens Creek Boulevard.

The residential neighborhood to the east is comprised of a complex of two-story cluster housing (built in the mid 1990's) and an older neighborhood of one- and two-story single-family houses interspersed with duplexes, low-rise apartments, and small commercial businesses. In addition, a newly constructed three-story townhouse complex is located immediately east of the project site, on the east side of Hatton Street. The neighborhood is a mix of architectural styles as a result of the houses being built over many decades with the earliest houses built prior to World War II.

Near Stevens Creek Boulevard, commercial businesses are sprinkled through the neighborhood. Some of the commercial businesses are in commercial buildings while others are located in converted single-family houses. A small neighborhood park, Santana Park, is located on Tisch Way between S. Baywood Avenue and Monroe Street. The perimeter of the park is lined with large evergreen trees and includes a baseball field, cement pathways, and a small playground.

South of the Santana Row site is a seven-story senior housing facility, three office buildings (ranging from six to 12 stories), and a five-level parking structure. All the office buildings have glass and cement facades with a fairly modern and minimalist architectural style. The senior housing facility, however, has a mission style aesthetic with two-tone stucco walls, arched windows, and decorative iron elements, similar to the architecture at Santana Row.

South of the expansion site is Tisch Way, a two-lane roadway with no sidewalks. The roadway runs parallel to Highway 280 and is separated from the highway by a sound wall.

Winchester Boulevard is a four-to six-lane roadway. On the west side of Winchester Boulevard, directly across from the project site, is the recently closed Century movie theaters (including historic Dome 21 which is a designated City Landmark), the historic Winchester Mystery House, and several small one- and two-story commercial buildings. The Century theaters is comprised of three dome-style buildings set more than 450 feet back from Winchester Boulevard. A large parking lot with minimal landscaping is located between the buildings and the roadway. The Winchester Mystery House is a historic landmark structure with extensive manicured gardens. The commercial buildings along Winchester Boulevard are free-standing one-story buildings with minimal setbacks from the roadway. All of these buildings are well maintained and have mature landscaping.

4.6.1.3 Scenic Views and Resources

The project site and the surrounding area are relatively flat and, therefore, the site is only visible from the immediate area. The project area is not located within a designated scenic area or corridor based on the City of San Jose General Plan. There are no scenic views within the project area.

4.6.1.4 Light and Glare

Sources of light and glare are abundant in the urban environment of the project area, including but not limited to street lights, parking lot lights, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows.

4.6.1.5 Applicable Aesthetics Regulations and Policies

The *Envision San Jose 2040 General Plan* include policies applicable to all development projects in San Jose.

Policy CD-1.1: Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

Policy CD-10.2: Require that new public and private development adjacent to Gateways and freeways (including 101, 880, 680, 280, 17, 85, 237, and 87), and Grand Boulevards consist of high-quality materials, and contribute to a positive image of San Jose.

4.6.2 Visual Impacts

4.6.2.1 Thresholds of Significance

For the purposes of this EIR, a visual impact is considered significant if the project would:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- Substantially degrade the existing visual character or quality of the site and its surroundings; or
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

4.6.2.2 Visual and Aesthetics Overview

Generally, visual effects discussed in a CEQA document would be of two types: impacts from the project's appearance and what views, if any, it would obscure.

Aesthetic values are subjective. Opinions as to what constitutes a degradation of visual character will differ among individuals. The best available statement of what constitutes a visually acceptable standard for new structures is the Design Guidelines and policies adopted by the City Council. All future development on-site will be reviewed for consistency with applicable design guidelines and policies prior to issuance of planning permits.

As with all CEQA impacts, the effects of a project must be considered in the physical context of the project site and they must be compared to the existing conditions. The project is not proposed in a pristine natural environment or a rural area, but in an established urban community.

The proposed buildings on Lots 9 and 17 will be visible from several public vantage points including Olsen Drive, Hatton Street, Tisch Way, Dudley Avenue, and Santana Park. Depending on the final height of the structure, the office building proposed on Lot 17 may also be visible from Monroe Street.

The CEQA thresholds of significance state that a project would have a significant visual impact if it would substantially affect a scenic vista, substantially damage scenic resources (including, but not limited to trees, rock outcroppings, historic buildings, and State scenic highway), or substantially degrade the existing visual character or quality of a project site or the surrounding area as viewed from pubic right-of-ways. While the residential neighborhood has some intermittent views of the peaks of the Santa Cruz Mountains to the south, the area is relatively flat and prominent viewpoints, other than buildings, are limited. Furthermore, there are no City, County, or State designated scenic vistas, highways, or other scenic resources within the project area.

The project site is already developed with buildings up to 120 feet in height and adjacent nearby buildings range from one to 12 stories. The proposed rezoning would continue to restrict building heights on the project site where there are adjacent sensitive land uses. While the proposed development on Lots 9 and 17 may further block skyline views for a limited number of residents in off-site residences, private views are not protected scenic resources under CEQA. It is not a significant environmental impact for a structure to be visible in an existing urban setting. All new structures, by their existence, change the appearance of their location and immediate setting.

Future development under the proposed PD rezoning, particularly on Lots 9 and 17, will alter the visual character of the project site compared to the existing conditions. The proposed buildings will be comparable in massing and scale to the existing commercial/office and mixed-use buildings on and adjacent to the site, and will not obscure any scenic vistas, damage scenic resources, or degrade the visual quality of the area.

The project will also result in the demolition of the existing apartment buildings on Lot 17. The apartment buildings are not City Landmark or historic structures and are not considered an aesthetic resource. The demolition of these structures would change the visual character of Tisch Way, Hatton Street, and Dudley Avenue, but would not constitute a significant visual impact. **(Less Than Significant Impact)**

4.6.2.3 Light and Glare

Most new construction resulting from the proposed rezoning would be along the perimeters of the project site. New construction on lots 9 and 17 would be visible from Hatton Street, Tisch Drive, and the surrounding properties. All new structures and parking garages on-site would contribute to increased light levels in the immediate project area. Future development on lots 9 and 17 would likely have the greatest effect on the residential neighborhood to the east.

The proposed parking structure on Lots 9 and 17 would be a maximum of five levels. Even with low concrete walls around the perimeter of the parking structure, head lights from larger automobiles (i.e., trucks and SUVs) could shine over the walls and onto the nearby off-site residences. The eastern façade of the parking structure will include an infill wall, elevated planter boxes, and green screens to block spill light from the parking structure. In addition, ambient lighting within the structure would be shielded to further reduce spill light outside the structure.

The General Plan FEIR concluded that while new development and redevelopment under the General Plan could result in new sources of nighttime light and daytime glare, implementation of adopted plans, and conformance with adopted policies, regulations, and the General Plan would avoid

substantial light and glare impacts. Future development on-site under the proposed rezoning would comply with the aforementioned General Plan policies, the City's Design Guidelines for residential and commercial structures, and City Council Lighting Policy 4-3.[30] As a result, the proposed project would not significantly impact adjacent land uses with increased nighttime light levels or daytime glare from building materials. **(Less Than Significant Impact)**

4.2.3 Mitigation and Avoidance Measures for Visual and Aesthetic Impacts

No project specific mitigation is required or proposed.

4.2.4 Conclusion

Implementation of the proposed project will have a less than significant visual impact. **(Less Than Significant Impact)**

[30] Policy 4-3 regulates outdoor lighting on private development projects. The policy provides regulations pertaining to how lights are directed, shielding of lights, and time of use for display lighting.

4.7 GEOLOGY AND SOILS

The following discussion is based on a geotechnical report prepared by *Cornerstone Earth Group* in March 2013. The geotechnical report is included in this EIR as Appendix D.

4.7.1 Existing Setting

4.7.1.1 Regional Geology

The project site is located in the Santa Clara Valley, an alluvial basin, bounded by the Santa Cruz Mountains to the west, the Hamilton/Diablo Range to the east, and the San Francisco Bay to the north. The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Hamilton/Diablo Range were exposed by the continued tectonic uplift and regression of the inland sea that had previously inundated the area. Bedrock in this area is made up of the Franciscan Complex, a diverse group of igneous, sedimentary, and metamorphic rocks of Upper Jurassic to Cretaceous age (7-140 million years old). Overlaying the bedrock at substantial depths are marine and terrestrial sedimentary rocks of the Tertiary and Quaternary age.

4.7.1.2 Site Geology

Soils

The entire project site is mapped as Holocene alluvial fan deposits which are dominated by clay and silt, with interbedded lenses of coarser alluvium (sand and occasional gravel). Based on site-specific geotechnical borings, Lot 9 is generally blanketed by up to four and one half feet of undocumented fill. The fill generally consisted of very stiff to hard sandy lean clay with gravel. Below the fill, the borings found alluvial soils consisting of medium stiff to very stiff lean clays with various amounts of silt, sand, and gravel; and medium dense to dense sands with various amounts of clay, silt, and gravel to a depth of approximately 35 feet. Below 35 feet, all explorations encountered dense to very dense sands and gravels with varying fines content to the maximum depth explored of 89.5 feet below existing grades. Because Lot 17 is directly adjacent to Lot 9, the native soil layers are assumed to be consistent. The depth of fill on Lot 17 is not known.

Groundwater

Published data indicated that seasonal and/or historical high groundwater levels in the vicinity of the site are at a depth of approximately 50 feet below the ground surface. Groundwater was encountered in the exploratory borings on Lot 9 at depths ranging from 45 to 49 feet below current site grades. Groundwater has been encountered at depths from 45 to 60 feet below ground surface across the entire Santana Row development area.

Seismicity

The San Francisco Bay Area is classified as the most seismically active region in the United States. The significant earthquakes that occur in the Bay Area are generally associated with crustal movement along well defined active fault zones of the San Andreas Fault System, which regionally

trends in a northwesterly direction. The U.S. Geological Survey's (USGS) Working Group on California Earthquake Probabilities 2007 estimates that there is a 63 percent chance of at least one magnitude 6.7 earthquake occurring in the Bay Area between 2007 and 2036. The Hayward Fault is the most likely to generate an earthquake of this magnitude in the next 30 years.

TABLE 4.7-1
Active Faults Near the Project Site

Fault	Distance from Site
Monte Vista – Shannon	4.5 miles SW
San Andreas	8.5 miles W
Hayward (Southeast Extension)	9 miles NE
Hayward (Total Length)	11.5 miles NE
Calaveras	11.5 miles SE
Sargent	12.5 miles SE

The site is not located within a designated Alquist-Priolo Earthquake Fault Zone[31] or in a Santa Clara County Fault Hazard Zone[32] and no active faults have been mapped on-site. Therefore, the risk of fault rupture at the site is low. Faults in the region are, however, capable of generating earthquakes of magnitude 7.0 or higher and strong to very strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. Active faults near the project site are shown in Table 4.7-1.

Liquefaction

Liquefaction is the result of seismic activity and is characterized as the transformation of loose water-saturated soils from a solid state to a liquid state during ground shaking. During ground shaking, such as during earthquakes, cyclically induced stresses may cause increased pore water pressures within the soil voids, resulting in liquefaction. Liquefied soils may lose shear strength that may lead to large shear deformations and/or flow failure under moderate to high shear stresses, such as beneath foundations or sloping ground. Soils most susceptible to liquefaction are loose, non-cohesive soils that are saturated and are bedded with poor drainage, such as sand and silt layers bedded with a cohesive cap. Soils beneath the project site were found to be cohesive and dense, which are less susceptible to liquefaction. The project site is not located within a State-designated liquefaction hazards zone or a Santa Clara County liquefaction hazard zone.

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as the steep bank of a stream channel. The project site is relatively flat and is not adjacent to a creek or any other unsupported face. There are no weak or potentially liquefiable soil zones. For these reasons, the potential for lateral spreading is low.

[31] California Department of Conservation Website, http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm, Accessed January 3, 2014.
[32] Santa Clara County, Geologic Hazard Zones – Spatial Data, *Fault Rupture Hazard Zones*, February 26, 2002. Available for download at: http://www.sccgov.org/sites/planning/GIS/GeoHazardZones/Spatial_Data/Pages/County-Geologic-Hazard-Zones-Data.aspx. Accessed January 3, 2014. http://www.sccgov.org/portal/site/planning/agencychp?path=%2Fv7%2FPlanning%2C%20Office%20of%20%28DEP%29%2FMaps%20%26%20GIS%2FGeologic%20Hazards%20Zones%28Maps%20%26%20Data%29%2FFault%20Rupture%20Hazard%20Zones#Single Accessed January 3, 2014.

Mineral Resources

Mineral resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated the Communications Hill Area, bounded generally by the Union Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue as a source of construction aggregate materials.

Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San Jose as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. Therefore, other than the Communications Hill area cited above, San Jose does not have mineral deposits subject to SMARA. Communications Hill is approximately five miles southeast of the project site.

4.7.2 Regulatory Framework

Development within the City of San Jose is subject to various Federal, State, and local regulations aimed at reducing potential impacts of geologic and seismic hazards to people, property, and the environment. As described in Section 4.8, *Hydrology and Water Quality*, erosion control is regulated by the Federal Clean Water Act, State of California Porter Cologne Water Quality Act, the National Pollutant Discharge Elimination System (NPDES), and City policies 6-29 and 8-14.

The California Alquist-Priolo Earthquake Fault Zoning Act requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface traces of active faults and to issue appropriate maps. Local agencies must regulate the construction of buildings used for human occupancy in these zones.

The California Building Code (in Title 24, California Code of Regulations) serves as the basis for the design and construction of buildings in the state. Currently, the 2013 California Building Code contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, the strength of the ground, and distance to seismic resources.

4.7.2.1 City of San Jose Municipal Code

Title 24 of the San Jose Municipal Code includes the 2013 California Building, Plumbing, Mechanical, Electrical, Existing Building, Historical Building, and Green Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.04 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works muse issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones.

4.7.2.2 Envision San Jose 2040 General Plan

The *Envision San Jose 2040 General Plan* include policies applicable to all development projects in San Jose.

Policy ES-4.9: Permit development only in those areas where potential danger to the health, safety, and welfare of persons in that area can be mitigated to an acceptable level.

Policy EC-3.1: Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.

Policy EC-3.2: Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.

Policy EC-4.1: Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

Policy EC-4.2: Approve development in areas subject to soils and geologic hazards, including un-engineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.

Policy EC-4.4: Require all new development to conform to the City of San José's Geologic Hazard Ordinance.

Policy EC-4.5: Ensure that any development activity that requires grading does not impact adjacent properties, local creeks and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.

Policy EC-4.7: Consistent with the San José Geologic Hazard Ordinance, prepare geotechnical and geological investigation reports for projects in areas of known concern to address the implications of irrigated landscaping to slope stability and to determine if hazards can be adequately mitigated.

4.7.3 Geologic and Soils Impacts

4.7.3.1 Thresholds of Significance

For the purposes of this EIR, a geologic impact is considered significant if the project would:

- Expose people or structures to substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure (including liquefaction), landslides, or expansive soils;
- Cause substantial soil erosion or the loss of topsoil;
- Expose people or property to major geologic hazards that cannot be mitigated through the use of standard engineering design and seismic safety techniques;
- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

4.7.3.2 Geologic Impacts to the Project Site

Seismicity, Liquefaction, and Lateral Spreading

As discussed in 4.3.1.1, the project site is in the seismically active San Francisco Bay Area which has a 63 percent probability of experiencing at least one magnitude 6.7 earthquake during the next 30 years. Earthquake faults in the region, specifically the San Andreas, Hayward, and Calaveras faults, are capable of generating earthquakes larger than 7.0 in magnitude. The project site would experience intense ground shaking in the event of a large earthquake; though the probability of liquefaction and/or lateral spreading on site is considered low.

Geologic conditions in the project area will require that the proposed structures be designed and built in conformance with the requirements of the California Building Code. The General Plan FEIR concluded that adherence to the California Building Code would reduce seismic related impacts to a less than significant level. All future development under the proposed PD rezoning, including development of Lot 9 and Lot 17, will be built and maintained in accordance with site-specific geotechnical reports and applicable regulations including the 2013 California Building Code.

Development on Lot 9 was analyzed in the *Cornerstone Earth Group* geotechnical report referenced at the beginning of this section. The report makes specific recommendations regarding the design of building foundations and supports based on soil conditions, depth to groundwater, and potential seismic conditions. The report also makes recommendations regarding excavation, sub-grade preparation, and use of fill material. The proposed building on Lot 9 will be constructed in conformance with the recommendations of the site-specific geotechnical analysis as well as the 2013 California Building Code. Construction of the office building on Lot 17 and the parking structure on Lots 9 and 17 will require site-specific geotechnical reports as noted above. All design-level geotechnical investigations shall be reviewed and approved by the City prior to issuance of a building permits for any project on-site.

The proposed project will be built in conformance with the requirements of the California Building Code and, therefore, will not expose people or property to significant impacts associated with the geologic conditions of the site. **(Less Than Significant Impact)**

Groundwater

Planned excavation on Lots 9 and 17 would not extend near or below the current groundwater level, which has been determined to be between 45 and 60 feet below ground surface throughout the Santana Row development. Future development on other lots on-site could encounter free groundwater and/or wet soils depending on the depth of excavation. If excavation would reach groundwater levels, local dewatering or subgrade stabilization may be required.

Any dewatering design should maintain groundwater at least five feet below the bottom of the mass excavation, and at least two feet below localized excavations such as deepened footings, elevator shafts, and utilities. Backup power for the dewatering system is recommended as destabilization, flooding, and/or shoring failures could occur if the dewatering system is shut down for an extended period of time. Modifications to the dewatering system are often required in the soil type found on the site and should be anticipated during construction.

Impact GEO-1: Future development under the proposed PD Zoning could interfere with ground water. **(Significant Impact)**

4.7.3.3 Construction Impacts

The majority of the site is flat and developed and very little soil is currently exposed on-site. Ground disturbance would be required for demolition of the existing surface parking lots, grading, and construction of proposed and future development. Ground disturbance would expose soils and increase the potential for wind or water related erosion and sedimentation at the site until construction is complete.

The City's NPDES Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. The General Plan FEIR concluded that with the regulatory programs currently in place, the possible impacts of accelerated erosion during construction would be less than significant. The City will require all future development under the proposed PD Rezoning to comply with all applicable City regulatory programs pertaining to construction related erosion. Because all future development on-site will comply with the regulations identified in the General Plan FEIR, implementation of the proposed PD Rezoning would have a less than significant soil erosion impact. **(Less Than Significant Impact)**

Demolition and construction on Lots 9, 11, and 17 would temporarily increase the potential for erosion and sedimentation that could be carried by runoff into the San Francisco Bay. The project will implement the following measures, consistent with the regulations identified in the General Plan FEIR, for avoiding and reducing construction related erosion impacts.

- All excavation and grading work will be scheduled in dry weather months or construction sites will be weatherized.

- Stockpiles and excavated soils will be covered with secured tarps or plastic sheeting.

- Ditches will be installed, if necessary, to divert runoff around excavations and graded areas.

With implementation of these measures and compliance with the City's grading ordinance, construction of the proposed buildings and parking structure on Lots 9, 11 and 17 will have a less than significant impact. **(Less Than Significant Impact)**

4.7.3.4 Mineral Resources

The project site is not located in an area designated as containing regionally or locally significant mineral resources. **(No Impact)**

4.7.4 Mitigation and Avoidance for Geology and Soils Impacts

MM GEO-1.1: To account for seasonal variations in the groundwater level and regional rise in the groundwater table during the life of the structures, the geotechnical report recommends the following measures to account for long-term groundwater levels greater than those currently encountered at the site:

- Excavate an additional 12 to 18 inches below subgrade, place a layer of stabilization fabric at the bottom, and backfill with clean crushed rock.
- Extend the wall drainage system to a depth of 42 feet below existing grades, and design the floor slabs and the portions of the walls below a depth of 42 feet to resist hydrostatic pressure. As an alternative, the wall drainage system could be lowered to decrease the hydrostatic load on the walls and floor slab.
- Dewatering shall adhere to all applicable laws and regulations, including those in the General Plan, to ensure potential impacts to groundwater are less than significant.

4.7.5 Conclusion

Implementation of the identified mitigation measures and adherence to all existing building codes, regulations, and policies, including the 2013 California Building Code and those in the Envision San Jose 2040 General Plan will ensure construction of the proposed project will have a less than significant geologic and soils impact. **(Less Than Significant Impact With Mitigation)**

4.8 HYDROLOGY

4.8.1 Existing Setting

4.8.1.1 Flooding

Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (Map No. 06085C0229H, dated May 18, 2009), the project site is located in Flood Zone D. Zone D is an area of undetermined but possible flood hazard that is outside the 100-year flood plain.

4.8.1.2 Storm Drainage System

The City of San José owns and maintains the municipal storm drainage system which serves the project site. The lines that serve the project site drain into Saratoga Creek. Saratoga Creek flows north, carrying the effluent from the storm drains into San Francisco Bay. There is no overland release of stormwater directly into any water body from the project site.

Currently, 95 percent of the entire project site is covered with impervious surfaces. There are existing storm drain lines that run along the northern and southern borders of the site that serve the existing development and would also serve the proposed development.

Lot 9 is currently 87 percent impervious and Lot 17 is 95 percent impervious. The pervious surface area is comprised entirely of landscaping around the perimeter of the parking lot and the landscaping around the apartment buildings.

4.8.1.3 Stormwater Runoff

Water Quality

The water quality of Saratoga Creek is directly affected by pollutants contained in stormwater runoff from a variety of urban and non-urban uses. Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants, including oil, grease, asbestos, lead, and animal wastes. Currently, Saratoga Creek is not listed on the California 303(d) list[33] or on the Total Maximum Daily Load (TMDL)[34] high priority schedule.

Nonpoint Source Pollution Program

In 1988 the SWRCB adopted the Nonpoint Source Management Plan in an effort to control nonpoint source pollution in California. In December 1999, the Plan was updated to comply with the requirements of Section 319 of the Clean Water Act and Section 6217 of the Coastal Zone Act Reauthorization Amendment (CZARA) of 1990. The Nonpoint Source Program requires individual

[33] The Clean Water Act, section 303, establishes water quality standards and TMDL programs. The 303(d) list is a list of impaired water bodies.
[34] A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards. The TMDL high priority schedule denotes the most severely impaired water bodies on the 303(d) list.

permits to control discharge associated with construction activities. The Nonpoint Source Program is administered by the Regional Water Quality Control Board (RWQCB) under the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. Projects must comply with the requirements of the Nonpoint Source Program if:

- They disturb one acre or more of soil; or
- They disturb less than one acre of soil but are part of a larger development that, in total, disturbs one acre or more of soil.

The NPDES General Permit for Construction Activities requires the developer to submit a Notice of Intent (NOI) to the RWQCB and to develop a Stormwater Pollution Prevention Plan (SWPPP) to control discharge associated with construction activities.

Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was developed by the RWQCB to assist co-permittees in implementing the provisions of the NPDES permit. This program was also designed to fulfill the requirements of Section 304(1) of the Federal Clean Water Act, which mandated that the Environmental Protection Agency develop NPDES application requirements for storm water runoff. The Program's Municipal NPDES storm water permit includes provisions requiring regulation of storm water discharges associated with new development and development of an area-wide watershed management strategy. The permit also identifies recommended actions for the preservation, restoration, and enhancement of the San Francisco Bay Delta Estuary.

Applicable projects consist of all new public and private projects that create 10,000 square feet or more of impervious surface collectively over the entire project site and redevelopment projects that add or replace 10,000 square feet or more of impervious surface area on the project site. Additional requirements must be met by large projects (formerly known as Group 1 projects) that create one acre or more of impervious surfaces. These large projects must control increases in runoff peak flow, volume, and duration (referred to as Hydromodification) caused by the project if the increase in stormwater runoff has the potential to cause erosion or other adverse impacts to receiving streams.

City of San José Post-Construction Urban Runoff Management (Policy 6-29)

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. The City of San José's Policy No. 6-29 requires all new and redevelopment project to implement post-construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs) to the maximum extent practicable. This policy also established specific design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces.

Hydromodification

In addition to water quality controls, the Municipal Regional Stormwater NPDES permit requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such

hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. Projects may be deemed exempt from the permit requirements if they do not meet the size threshold, drain into tidally influenced areas or directly into the Bay, drain into hardened channels, or are infill projects in subwatersheds or catchments areas that are greater than or equal to 65 percent impervious (per the Santa Clara Permittees Hydromodification Management Applicability Map).

City of San Jose Hydromodification Management (Policy 8-14)

The City of San Jose's Policy No. 8-14 implements the stormwater treatment requirements of provision C.3 of the Municipal Regional Stormwater NPDES Permit. Policy 8-14 requires all new and redevelopment projects that create or replace one acre of more of impervious surfaces to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollution generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP).

Based on the SCVUPPP Watershed Map for the City of San Jose, the project site is exempt from the NPDES hydromodification requirements because it is located in a subwatershed that drains into a hardened channel and/or tidal area.[35] The project must comply with Policy 8-14 as it is applicable at the Development Permit stage for any future development on-site.

4.8.1.4 Groundwater

Based on previous data from the project site, groundwater would likely be found at a depth of approximately 47.5 to 50 feet bgs. Groundwater levels will typically fluctuate seasonally depending on the variations in rainfall, irrigation from landscaping, and other factors. The project site is mostly comprised of impervious surfaces and does not contribute to the recharging of the groundwater aquifer.

4.8.1.5 Applicable Hydrology and Water Quality Regulations and Policies

The *Envision San Jose 2040 General Plan* includes policies applicable to all development projects in San Jose.

Policy MS-3.5: Minimize areas dedicated to surface parking to reduce rainwater that comes into contact with pollutants.

Policy ER-8.1: Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) policies.

Policy ER-8.3: Ensure that private development projects in San Jose includes adequate measures to treat stormwater runoff.

[35] Santa Clara Valley Urban Runoff Pollution Prevention Program web site. http://www.scvurppp-w2k.com/hmp_maps.htm

Policy ER-8.5: Ensure that all development projects in San Jose maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.

Policy EC-4.1: Design and build all new or remodeled habitat structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San Jose, including provisions for expansive soil, and grading and storm water controls.

Policy EC-5.16: Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

4.8.2 Hydrology Impacts

4.8.2.1 Thresholds of Significance

For the purposes of this EIR, a hydrology, drainage, or flooding impact is considered significant if the project would:

- Violate any water quality standards or waste discharge requirements;
- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted);
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site;
- Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;
- Otherwise substantially degrade water quality;
- Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;
- Place within a 100-year flood hazard area structures which would impede or redirect flood flows;
- Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or
- Inundation of the site by seiche, tsunami, or mudflow.

4.8.2.2 Flood Impacts

Based on the FEMA flood insurance rate maps, the site is outside the 100-year flood plain. Because of the location of the site and its distance from any 100-year flood zone, implementation of the proposed project will not expose people or structures to significant flood hazards. **(Less Than Significant Impact)**

The project site is located within the Lexington Reservoir dam failure inundation area. Inundation areas, as identified in the General Plan, assume complete failure of the dam with a full reservoir that is completely emptied. Existing regulations and adopted plans and policies reduce the risks to people and property in San José from dam failure. In particular, the California Department of Water Resources, Division of Safety of Dams (DSOD) is responsible for regular inspection of dams in California. DSOD inspects each dam on an annual basis to ensure the dams are safe, performing as intended, and not developing problems. In addition, the SCVWD routinely monitors and studies the condition of each of its 10 dams, including Lexington.

The General Plan FEIR concluded that with the regulatory programs currently in place, the possible impacts of dam failure would be less than significant. Therefore, the proposed project would have a less than significant dam induced flooding impact. **(Less Than Significant Impact)**

4.8.2.3 Storm Drainage Impacts

The project site (the existing Santana Row site plus Lot 17) is currently 95 impervious. With redevelopment of Lots 9 and 17, the proposed project will increase impervious surfaces on-site by approximately one-half percent (approximately 9,263 square feet). As a result, the proposed project would increase the demands upon the storm drainage system compared to the current land use.

Future development projects would replace more than 10,000 square feet of impervious surface area on the project site. Therefore, the proposed development on Lots 9 and 17 and all future development projects under the proposed PD rezoning will comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional NPDES permit as they are applicable at the Development Permit stage.

The General Plan FEIR concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. The proposed General Development Plan for the PD Rezoning reflects its conformance with General Plan policies, including compliance with the NPDES permit and City policy 6-29. **(Less Than Significant Impact)**

4.8.2.4 Water Quality Impacts

Construction Impacts

Future development proposals under the proposed PD rezoning that disturb one acre or more of land area will be required to comply with the NPDES General Permit for Construction Activities as it is applicable at the Development Permit stage. Construction activities would temporarily increase pollutant loads due to grading and construction. Demolition and construction activities would temporarily increase the amount of debris on-site and grading activities would increase the potential for erosion and sedimentation that could be carried by runoff into the San Francisco Bay. As a result, future construction activities on-site would result in a temporary increase in pollutants in stormwater runoff.

The General Plan FEIR concluded that with the regulatory programs currently in place, stormwater runoff from construction activities would have a less than significant impact on stormwater quality.

Because future development activities undertaken pursuant to the proposed PD rezoning will comply with the regulations identified above, the project would have a less than significant construction related water quality impact. **(Less Than Significant Impact)**

The proposed development on Lots 9 and 17 will disturb approximately 276,495 square feet of land area which is well above the one acre threshold. Therefore, construction of the mixed use building office building, and parking structure would also be required by conditions of approval to comply with the NPDES General Permit for Construction Activities. Specifically, the proposed development on Lots 9 and 17 include the following measures for avoiding and reducing impacts from construction stormwater runoff, consistent with the City's required standard permit conditions:

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered.
- All paved access roads, parking areas, staging areas, and residential streets adjacent to the construction sites shall be swept daily with water sweepers.
- Utilize stabilized construction entrances and/or wash racks;
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system may also be installed at the request of the City.
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed.
- A Storm Water Permit will be administered by the RWQCB. Prior to construction grading for the proposed land uses, the project proponent will file a "Notice of Intent" (NOI) to comply with the General Permit and prepare a SWPPP which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Measures will include, but are not limited to, the aforementioned RWQCB mitigation.

- The project proponent will submit a copy of the NOI and draft SWPPP to the City of San José for review and approval prior to start of construction on the project site. The certified SWPPP will be posted at the project site and will be updated to reflect current site conditions.

- When construction is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the RWQCB. The NOT will document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction storm water management plan is in place as described in the SWPPP for the site.

The General Plan FEIR concluded that with the regulatory programs currently in place, stormwater runoff from construction activities would have a less than significant impact on stormwater quality. Because construction on Lots 9 and 17 and all future development under the proposed PD rezoning would include the specific measures and actions identified above, and will be required by the City to comply with all applicable regulatory programs, the project would have a less than significant construction related water quality impact. **(Less Than Significant Impact)**

Post-Construction/Operational Impacts

The amount of impervious surfaces on the project site with full build out under the proposed PD Rezoning would be comparable to the existing conditions (i.e., increase of only 0.5 percent) as the remaining developable areas are primarily used as surface parking lots with minimal landscaping. There would be no substantial increase in impervious surfaces on-site as a result of future development. Nevertheless, the activities triggered by future development would still contribute pollutants that would impact stormwater runoff. Although the amounts of pollutants from existing and future land uses ultimately discharged into the waterways are unknown at this time, over time they could be substantial.

Future development projects would replace more than 10,000 square feet of impervious surface area on the project site. Therefore, all future development projects will comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional NPDES permit as they are applicable at the Development Permit stage.

The General Plan FEIR concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. The proposed General Development Plan for the PD Rezoning reflects its conformance with General Plan policies, including compliance with the NPDES permit and City policy 6-29. **(Less Than Significant Impact)**

Under existing conditions, Lots 9 and 17 combined are approximately 90 percent impervious. Upon completion of the proposed development, Lots 9 and 17 combined will be approximately 94 percent impervious. Construction of the mixed-use building, office building, and parking structure would result in the replacement of more than 10,000 square feet of impervious surface area. Therefore, these specific developments will be required to comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional NPDES permit. In order to meet these requirements, the project proposes bioretention treatment areas along the perimeters of the

project site (at-grade areas and planter boxes). Stormwater runoff will drain into these treatment areas prior to entering the storm drainage system. The proposed treatment facilities will be numerically sized and will have sufficient capacity to treat and/or store all the stormwater runoff entering the storm drainage system consistent with the NPDES permit Low Impact Development requirements.

With implementation of a stormwater control plan consistent with RWQCB requirements and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed development on Lots 9 and 17 will have a less than significant water quality impact. **(Less Than Significant Impact)**

4.8.2.6 Groundwater Impacts

The quantity of impervious surfaces on the project site with full build out under the proposed PD Rezoning would be comparable to the existing condition as the remaining developable areas are currently used as surface parking lots with minimal landscaping. The Santana Row property does not presently contribute to recharging of the groundwater aquifers and this condition will not change once development is complete. As a result, build out of the project site under the proposed PD rezoning would not interfere with groundwater recharge or cause a reduction in the overall groundwater supply. **(Less Than Significant Impact)**

Construction of the proposed mixed-use building, office building, and parking structure on Lots 9 and 17 would include one level of below grade parking with a total depth of approximately 10 feet. On-site borings found groundwater at 47.5 feet below the ground surface (bgs) and historically groundwater levels on-site have been 50 bgs. Based on this data, the proposed development will not interfere substantially with groundwater flow or impact the groundwater aquifer. **(Less Than Significant Impact)**

4.8.3 Mitigation and Avoidance Measures for Hydrology Impacts

No mitigation is required or proposed.

4.8.4 Conclusion

With implementation of the regulatory policies and standard permit conditions listed above, the project will result in less than significant impacts on stormwater quality. The project will not deplete the groundwater supply, substantially alter the existing drainage pattern, substantially degrade water quality, or subject building occupants to flood hazards or increase stormwater runoff beyond the capacity of the existing stormwater drainage system. **(Less Than Significant Impact)**

4.9 BIOLOGICAL RESOURCES

The following discussion is based, in part, on an arborist report prepared by *Concentric Ecologies* in January 2013. The report can be found in Appendix E of this EIR.

4.9.1 Regulatory Setting

Biological resources include plants and animals and the habitats that support them. Individual plant and animal species that are identified as rare, threatened or endangered under the State and/or Federal Endangered Species Act, and the natural communities of habitats that support them, are of particular concern. Sensitive natural communities (e.g., wetlands, riparian woodlands, and oak woodlands) that are critical to wildlife or ecosystem function are also important biological resources.

The avoidance and mitigation of significant impacts to biological resources under CEQA is consistent with and complimentary to various Federal, State, and local laws and regulations that are designed to protect these resources. These regulations often mandate that project sponsors obtain permits that include measures to avoid and/or mitigate impacts required as permit conditions, prior to the commencement of development activities.

4.9.1.1 City of San José Tree Ordinance

The City of San José Tree Removal Controls (San José City Code Section 13.32.010 to 13.32.100) protect all trees having a trunk that measures 56 inches or more in circumference (18 inches in diameter) at a height of 24 inches above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City of San José for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance can be designated as a Heritage tree, regardless of tree size or species. It is unlawful to vandalize, mutilate, remove, or destroy such Heritage trees.

4.9.2 Existing Setting

4.9.2.1 Overview of Habitats Found on the Project Site

The project site is fully developed with a mix of retail/commercial businesses, housing, and parking comprised of parking structures and surface lots. There is landscaping throughout the site including trees, plants, and lawn areas for passive recreation. There is no native vegetation on-site due to the extensive development in the project area.

4.9.2.2 Special Status Animal Species

Special status species are those plants and animals listed under the State and Federal Endangered Species Acts (including candidate species); plants listed on the California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (1994); and animals designated as Species of Special Concern by the California Department of Fish and Wildlife. Most special status animal species occurring in the Bay Area use habitats that are not present on the project site. Salt marsh, freshwater marsh, and serpentine grassland habitats are not present on the project site. Since

the native vegetation of the area is no longer present on-site, native wildlife species have been supplanted by species that are more compatible with an urbanized area.

4.9.2.3 Trees

Trees (both native and non-native) are valuable to the human environment for the benefits they provide including resistance to global climate change (i.e., carbon dioxide absorption), protection from weather, nesting and foraging habitat for raptors and other migratory birds, and as a visual enhancement to the urban environment. Because there is a specific development proposed for Lots 9 and 17, a tree survey was completed to document and evaluate the trees on the proposed development sites.

Trees located on Lots 9 and 17 are a mixture of native and non-native species in varying sizes and levels of health. Within the boundaries of Lots 9 and 17, there are a total of 92 trees including 26 poplar, 22 cottonwood, 12 sycamore, six ginko, four sweet gum, three laurel, three date palm, two coast live oak, two crabapple, two crape myrtle, two Japanese maple, two juniper, two purple-leaf plum, one red bud, one camphor, one citrus, and one spruce.

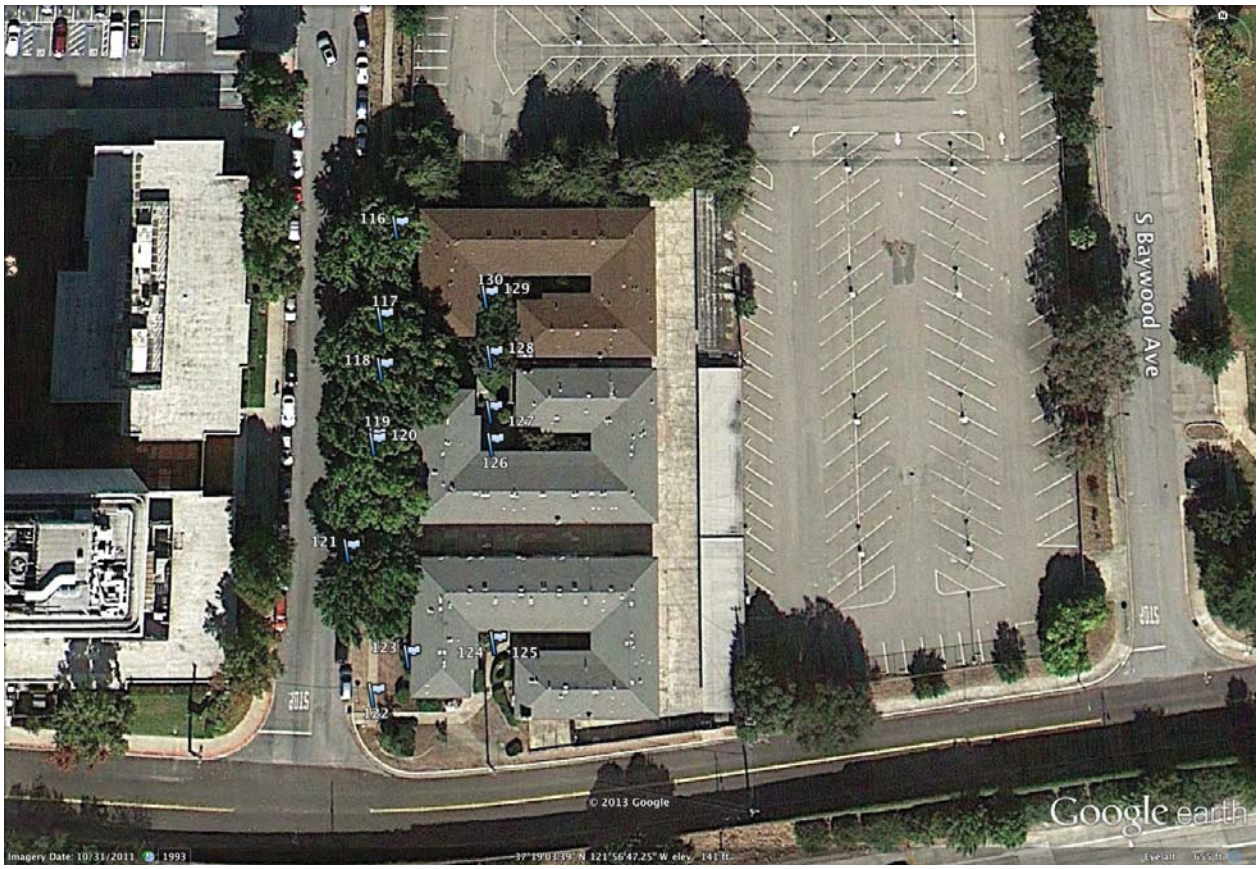
Of the identified trees, 23 are ordinance sized trees. None of the trees on-site are native to San José, though the coast live oak is native to California. The analysis assumes all trees on-site will be removed as part of the project.

The following table lists all trees identified on Lots 9 and 17 during the tree survey. Ordinance-size trees are shown in bold. The location of the trees is shown on Figure 4.9-1.

TABLE 4.9-1
Tree Survey for Lots 9 and 17

Tree No.	Species	Diameter	Health
1039	Sycamore	7	Average
1040	Sycamore	8	Average
1041	Sycamore	6	Average
1042	Sycamore	7	Average
1043	Sycamore	8	Average
1044	Sycamore	9	Average
1045	**Date Palm**	**19**	**Average**
1046	Laurel	4	Average
1047	Laurel	4	Average
1048	Laurel	5	Average
1049	Red Bud	4	Average
1050	**Coast Live Oak**	**24**	**Fair**
1051	**Coast Live Oak**	**21**	**Good**
1052	Sycamore	7	Average
1053	Sycamore	6	Average
1054	Sycamore	7	Average
1055	Sycamore	6	Average
1056	Sycamore	7	Average
1057	Sycamore	5	Average
1058	Sweet Gum	3	Average

LOT 9



LOT 17

TREE MAP FOR LOTS 9 AND 17 FIGURE 4.9-1

TABLE 4.9-1 Tree Survey for Lots 9 and 17			
Tree No.	**Species**	**Diameter**	**Health**
1059	Sweet Gum	3	Average
1060	Sweet Gum	4	Average
1061	Sweet Gum	3	Average
1062	Cottonwoood	10	Average
1063	Cottonwoood	8	Average
1064	Cottonwoood	11	Average
1065	Cottonwoood	6	Average
1066	Cottonwoood	7	Average
1067	Cottonwoood	7	Average
1068	Purple-Leaf Plum	5	Average
1069	Cottonwoood	12	Average
1070	Cottonwoood	7	Average
1071	Cottonwoood	10	Average
1072	Cottonwoood	10	Average
1073	Cottonwoood	7	Average
1074	Cottonwoood	12	Average
1075	Poplar	17	Average
1076	Poplar	15	Average
1077	Poplar	10	Average
1078	Cottonwoood	15	Average
1079	Cottonwoood	8	Average
1080	Cottonwoood	14	Average
1081	Cottonwoood	17	Average
1082	Cottonwoood	5	Average
1083	Cottonwoood	10	Average
1084	**Cottonwoood**	**18**	**Average**
1085	Purple-Leaf Plum	8	Average
1086	Crabapple	3	Average
1087	Crabapple	3	Average
1088	Poplar	12	Average
1089	Poplar	8	Average
1090	**Poplar**	**18**	**Average**
1091	Poplar	17	Average
1092	Cottonwoood	14	Average
1093	Cottonwoood	11	Average
1094	Cottonwoood	7	Average
1095	Poplar	13	Average
1096	Poplar	16	Average
1097	**Poplar**	**22**	**Average**
1098	**Date Palm**	**25**	**Average**
1099	**Poplar**	**22**	**Average**
1100	Poplar	15	Average
1101	**Poplar**	**21**	**Average**
1102	Poplar	17	Average
1103	Poplar	7	Average

TABLE 4.9-1 Tree Survey for Lots 9 and 17			
Tree No.	**Species**	**Diameter**	**Health**
1104	Poplar	15	Average
1105	**Poplar**	**22**	**Average**
1106	**Poplar**	**18**	**Average**
1107	**Poplar**	**20**	**Average**
1108	Poplar	16	Average
1109	**Poplar**	**21**	**Average**
1110	Poplar	17	Average
1111	Poplar	13	Average
1112	**Poplar**	**20**	**Average**
1113	**Poplar**	**25**	**Average**
1114	**Date Palm**	**20**	**Average**
1115	Poplar	9	Average
1116	**Ginko**	**24**	**Average**
1117	**Ginko**	**30**	**Average**
1118	**Ginko**	**32**	**Average**
1119	**Ginko**	**18**	**Average**
1120	**Camphor**	**31**	**Fair**
1121	**Ginko**	**33**	**Average**
1122	Ginko	4	Average
1123	Citrus	6	Average
1124	Japanese Maple	4	Average
1125	Japanese Maple	4	Average
1126	Spruce	12	Average
1127	Juniper	17	Average
1128	**Juniper**	**24**	**Average**
1129	Crape Myrtle	4	Average
1130	Crape Myrtle	4	Average

Based on the adopted Initial Study/Mitigated Negative Declaration completed for the Lot 11 development, Lot 11 has 48 trees which include 10 American sweetgums, nine coast redwoods, seven poplars, seven ornamental pears, five queen palms, four London planes, three crape myrtles, two camphors, and one Chinese pistache. None of the trees are native species and none of the trees are ordinance size. The approved Lot 11 development plan includes the removal of 29 of the existing trees.

4.9.2.4 Applicable Biological Regulations and Policies

The *Envision San José 2040 General Plan* includes the following policies applicable to all development projects in San José.

Policy MS-21.4: Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.

Policy MS-21.5: As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse affect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.

Policy MS-21.6: As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.

Policy ER-5.1: Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffered between such activities and active nests would avoid such impacts.

Policy ER-5.2: Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

Policy CD-1.23: Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

Policy CD-1.24: Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse affect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

4.9.3 Vegetation and Wildlife Impacts

4.9.3.1 Thresholds of Significance

For the purposes of this EIR, a vegetation and wildlife impact is considered significant if the project would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

4.9.3.2 Biological Resources Impacts

Special Status/Protected Vegetation, Habitats, and Wildlife

The project site is completely developed and mostly paved. Vegetation on the project site consists of landscape trees, plants, and lawn areas. Because of the history of development on-site, no natural or sensitive habitats exist that would support endangered, threatened, or special status wildlife species.

The General Plan FEIR concluded that impacts to developed habitats resulting from proposed development under the General Plan will be less than significant because of their abundance within the region and State, and the relatively low value of these habitats for biological resources compared to more natural habitats. Vegetation and wildlife impacts that would occur on the project site due to temporary or permanent loss of existing lawns, decorative plants, and ornamental trees as a result of future development under the proposed PD rezoning will be less than significant. **(Less Than Significant Impact)**

The specific vegetation impacts from the construction of the proposed mixed-use building, office building, and parking structure on Lots 9 and 17 would not impact any special status habitat or species. The loss of the ornamental species removed from Lots 9 and 17 would not be biologically significant. The impact to the urban forest of removal of 92 ornamental trees, 23 of which are ordinance size, would be offset by replanting trees on the site and nearby, in conformance with Policies MS-21.4, MS-21.5, and MS-21.6.

As a condition of approval, trees removed as a result of the specific development proposal on Lots 9 and 17 and all future development under the proposed PD rezoning will be required to be replaced in accordance with all applicable laws, policies or guidelines, including:

- City of San José Tree Protection Ordinance
- San José Municipal Code Section 13.28
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6

In accordance with City policy, tree replacement will be implemented as shown in Table 4.4-2. For development on Lots 9 and 17, two trees will be replaced at a 5:1 ratio, 21 trees will be replaced at a 4:1 ratio, and 21 tree will be replaced at a 2:1 ratio with minimum 24-inch box trees. The remaining 48 trees on-site are less than 12 inches in diameter and will be replaced at a 1:1 ratio with a minimum 15-gallon container trees. The total number of trees required to be planted on Lots 9 and 17 would be 184.

Table 4.9-2
City of San José Standard Tree Replacement Ratios

Diameter of Tree to Be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
18 inches or greater	5:1	4:1	3:1	24-inch box
12-18 inches	3:1	2:1	none	24-inch box
Less than 12 inches	1:1	1:1	none	15-gallon container

x:x = tree replacement to tree loss ratio
Note: Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

For the Lot 11 development, it was determined that four of the trees would be replaced at a 2:1 ratio with minimum 24-inch box trees and the remaining 25 trees would be replaced at a 1:1 ratio with minimum 15-gallon container trees for a total of 33 trees.

The location and species of trees to be planted will be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement. A tree replacement plan will be required as a standard permit condition to ensure compliance with the City's tree replacement ratios.

As a condition of approval of the PD rezoning, a tree survey will be required as part of any future development proposal on sites not previously surveyed to identify the size and species of all trees to be removed. Trees removed during future development under the proposed PD Rezoning would be required to be replaced in accordance with all applicable laws, policies and guidelines, consistent with the requirements for Lots 9, 11, and 17.

The General Plan FEIR concluded that compliance with local laws, policies, and guidelines would reduce impacts to the urban forest to a less than significant level. **(Less Than Significant Impact)**

Raptor Impacts

While the project site is located within an urban environment, the mature trees on-site and on the adjacent properties could provide nesting habitat and/or foraging habitat for raptors and migratory birds.

Migratory birds, like nesting raptors, are protected under the Migratory Bird Treaty Act and the California Department of Fish and Game Code Sections 3503, 3503.5, and 2800The California Department of Fish and Wildlife (CDFW)[36] defines "taking" as causing abandonment and/or loss of reproductive efforts through disturbance. Construction activities, including equipment noise and tree removal, may result in the loss of fertile eggs or nestlings, or otherwise lead to nest abandonment.

[36] Formerly the California Department of Fish and Game.

Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment. **(Significant Impact)**

Habitat Conservation Plan

The 42.53-acre project site is within the Santa Clara Valley Habitat Conservation Plan (HCP) area.

Private development in the plan area is subject to the HCP if it meets the following criteria:

- The activity is subject to either ministerial or discretionary approval by the County or one of the cities;
- The activity is described in Section 2.3.2 *Urban Development* or in Section 2.3.7 *Rural Development;*[37] and
- In Figure 2-5 (of the HCP), the activity is located in an area identified as "Private Development is Covered," OR

  The activity is equal to or greater than 2 acres AND the project is located in an area identified as "Rural Development Equal to or Greater than 2 Acres is Covered," or "Urban Development Equal to or Greater than 2 Acres is Covered" OR

  The activity is located in an area identified as "Rural Development is not Covered" but, based on land cover verification of the parcel (inside the Urban Service Area) or development area, the project is found to impact serpentine, wetland, stream, riparian, or pond land cover types; or the project is located in occupied or occupied nesting habitat for western burrowing owl.

The HCP addresses the issue of nitrogen deposition. Non-point source emissions, primarily from automobiles, emit nitrogen compounds into the air. These compounds settle and are deposited into the soil. The serpentine soils in San Jose are highly susceptible to increases in nitrogen. Serpentine soils tent to be nutrient poor and nitrogen deposition artificially fertilizes serpentine soils, which 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 Bay Checkerspot 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. Increases in regional traffic could increase nitrogen deposition in south San Jose.

[37] Covered activities in urban areas include residential, commercial, and other types of urban development within the cities of Gilroy, Morgan Hill, and San Jose planning limits of urban growth in areas designated for urban or rural development, including areas that are currently in the unincorporated County (i.e., in "pockets" of unincorporated land inside the cities' planning limited of urban growth).

The project is subject to the requirements of the HCP because 1) the project site is above two acres in size, 2) the project will require discretionary approval by the City, and 3) the project is consistent with activity described in Section 2.3.2 of the HCP.

In compliance with the HCP, the project applicant will be required to pay applicable nitrogen deposition fees prior to the issuance of grading permits. Because the project will be required to comply to the requirements of the HCP, the project will have a less than significant impact. **(Less Than Significant Impact)**

4.9.4 Mitigation and Avoidance Measures for Biology Impacts

4.9.4.2 Project Specific Mitigation Measures

The following project specific mitigation measures will be implemented during construction to avoid abandonment of raptor and other protected migratory birds nests:

MM BIO 1-1: The project applicant shall schedule construction to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February through August.

MM BIO 1-2: If it is not possible to schedule demolition and construction between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests are disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities during the early part of the breeding season (February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests will not be disturbed during project construction.

4.9.5 Conclusion

Implementation of the proposed mitigation measures will reduce impacts to raptors and other migratory birds to a less than significant level. The project will have a less than significant impact on other wildlife species, trees, and vegetation. **(Less Than Significant With Mitigation)**

4.10 HAZARDS & HAZARDOUS MATERIALS

The following discussion is based, in part, on a Phase I Environmental Site Assessment prepared by *ATC* in July 2012. The Phase I report is included in this EIR as Appendix F.

4.10.2 Regulatory Framework

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are man-made. Examples include pesticides, herbicides, petroleum products, metals (lead, mercury, arsenic, etc.), asbestos, and chemical compounds used in manufacturing and industrial processes. Due to the fact that hazardous substances have properties that are toxic to humans and/or the ecosystem, there are multiple regulatory programs designed to minimize the chance for unintended releases and/or exposures to occur. Other programs establish remediation requirements where soils and/or groundwater contamination has occurred. The net result of regulatory control programs and institutional controls is the reduced likelihood of chemical releases and reduced likelihood of off-site migration of hazardous materials in the event of a release.

The United States Environmental Protection Agency (EPA) is the Federal administering agency for hazardous waste programs. State agencies include the California Environmental Protection Agency (Cal/EPA), Department of Toxic Substances Control (DTSC), State Water Resources Control Board (SWRCB), and the California Air Resources Board (CARB). Regional agencies include the San Francisco Bay Regional Water Quality Control Board (RWQCB), and the Bay Area Air Quality Management District (BAAQMD). Local agencies including the San Jose Fire Department (SJFD) and the Santa Clara County Department of Environmental Health (SCCDEH) have been granted the responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program. The Santa Clara Valley Water District (SCVWD) monitors groundwater quality and supports groundwater clean-up efforts.

Existing City regulations that reduce or avoid impacts with hazards and hazardous materials include:

- City of San Jose Hazardous Materials Release Response Plans and Inventory
- City of San Jose Hazardous Materials Storage Ordinance and Toxic Gas Ordinance
- City of San Jose Building and Fire Codes
- City of San Jose Municipal Code (Chapters 6.14, 17.12, 17.88, and 20.80)

4.10.2 Existing Setting

Current and Historical Uses of the Santana Row Site

The project site was historically used as orchard land until the early 1960's when the original Town and Country Village Shopping Center was constructed. The original shopping center was replaced with the current Santana Row mixed use development when construction began in 2000.

The historic agricultural land uses on-site resulted in the accumulation of residual pesticides (DDT compounds, arsenic, and lead) in the shallow soil. A Human Health Risk Assessment prepared for the original Santana Row development project concluded that the contamination levels on-site were

below worker safety thresholds, meaning that construction workers may come into contact with the contaminated soil without special protective clothing.

During the initial redevelopment and subsequent construction on the project site, contaminated soils related to previous agricultural activities were selectively excavated and used as fill in certain areas of the site in accordance with an approved Removal Action Workplan (RAW) which included a Soil Management Plan (SMP) and a Health and Safety Plan (HSP). The impacted soils were isolated beneath an engineered cap consisting of concrete, asphalt, building foundations, or other fill soil.

In 2004, a deed restriction was filed on the project site. The deed restriction limits residential development except for development of townhouses, multi-family residences, and hotels. Townhouses and multi-family residential developments cannot have areas for human habitation on the ground floor and cannot have ground floor outdoor play areas unless the areas are covered with asphalt, concrete, or other surfacing that prevents contact with contaminated soils. The project site cannot house a human hospital, public or private schools for persons under 21, or day care facilities. The deed restriction also requires that soil disturbing activities under the engineered cap be completed in accordance with a Department of Toxic Substances Control (DTSC) approved SMP and HSP and all applicable State and Federal laws.

Current and Historical Uses of Lot 17

Lot 17, which is not part of the original Santana Row development, is currently developed with three multi-family residential buildings and a surface parking lot.

Based on historical aerial photographs (from 1939 to 1993) of Lot 17, the site was used as agricultural land (orchards) with no structures or other significant features. The site remained as agricultural land until the existing apartment buildings were constructed in 1956.

4.10.2.1 Groundwater

Published data indicated that seasonal and/or historical high groundwater levels in the vicinity of the site are at a depth of approximately 50 feet below the ground surface. Groundwater was encountered in the exploratory borings on Lot 9 at depths ranging from 45 to 49 feet below current site grades. Groundwater has been encountered at depths from 45 to 60 feet below ground surface across the entire Santana Row development area.

4.10.2.2 On-Site Sources of Contamination

As noted above, the project site (including Lot 17) was historically orchard land and was then developed with commercial and residential land uses between 1956 and 1965. As stated above, historic agricultural use resulted in elevated levels of pesticide residues in near-surface soils on the project site. It is assumed that Lot 17 has comparable levels of residual pesticides as the original Santana Row site.

A records search of applicable regulatory agencies including the Santa Clara County Department of Environmental Health (SCCDEH), Regional Water Quality Control Board (RWQCB), Department of

Toxic Substances Control (DTSC), and departments within the City of San Jose found no records pertaining to underground storage tanks (USTs), toxic releases, or site cleanup requirements.

Asbestos Containing Materials

Friable asbestos is any asbestos containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Non-friable ACMs are materials that contain a binder or hardening agent that does not allow the asbestos particles to become airborne easily. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl asbestos floor tiles, and transite siding made with cement. Non-friable ACMs can pose the same hazard as friable asbestos during remodeling, repairs, or other construction activities that would damage the material. ACMs are of concern because exposure to ACMs has been linked to cancer. ACMs are defined by the Federal Environmental Protection Agency as material containing more than one percent asbestos. Title 8, Section 1529, of the California Code of Regulations (CCR), however, defines asbestos-containing construction material (ACCM) as any manufactured construction material which contains more than one-tenth of one percent asbestos by weight. Use of friable asbestos products was banned in 1978.

A limited asbestos screening (LAS) was completed on two of the apartment buildings on Lot 17 during preparation of the Phase 1. The LAS results did not identify any ACMs, however, access was limited and not all suspected ACMs were sampled. Due to the age of the building, ACMs are likely present and assumed to be present for the purposes of this analysis.

Lead-Based Paint

Lead-based paint is of concern both as a source of direct exposure through ingestion of paint chips, and as a contributor to lead interior dust and exterior soil. Lead was widely used as a major ingredient in most interior and exterior oil-based paints prior to 1950. Lead compounds continued to be used as corrosion inhibitors, pigments and drying agents from the early 1950's. In 1972, the Consumer Products Safety Commission limited lead content in new paint to 0.5 percent (5,000 parts per million [ppm]) and in 1978, to 0.06 percent (600 ppm). In 1978, the Consumer Products Safety Commission banned paint and other surface coating materials containing lead. The existing buildings on Lot 17 were constructed in 1956 and two of the buildings were surveyed for lead-based paint during preparation of the Phase 1.

Lead-based paint was found in ceramic wall and counter tiles, porcelain tub paint, and porcelain sink paint. None of the painted wood or plaster surfaces tested contained lead-based paint and no elevated concentrations of lead were detected in painted stucco on the exteriors of the buildings. The lead-based paint was observed to be intact and does not pose a hazard to current residents.

4.10.1.2 Off-Site Sources of Soil and Groundwater Contamination

A review of environmental databases was completed to evaluate whether contamination on any nearby properties could impact the project site. Based on a Phase I report, there is one facility listed within one-quarter mile radius of the project site. Generally, hazardous materials sites beyond one-

eighth mile radius (660 feet) would not have a significant impact on the project site because contaminants leach into adjacent soils and become more diluted as the groundwater moves, thereby reducing contaminant levels compared to the point of origin.

Pacific Bell – 485 South Monroe Street: This facility, which is no longer extant, was located approximately 1,000 feet to the east and was classified as a small quantity generator with no violations found. Five USTs (four containing diesel fuel and one containing unspecified products) were located on-site. Based on the absence of reported violations or releases, the distance from the project site, and the direction of groundwater flow (cross-gradient), any undocumented release from this facility would not have impacted the project site.

4.10.2.1 General Plan Policies

The Envision San Jose 2040 General Plan includes policies applicable to all development projects in San Jose. The following are applicable to the proposed project:

Policy CD-5.8: Comply with applicable Federal Aviation Administration regulations identifying maximum heights for obstructions to promote air safety.

Policy EC-7.1: For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community of environment.

Policy EC-7.2: Identify existing soil, soil vapor, groundwater, and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor, and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state, and federal laws, regulations, guidelines, and standards.

Policy EC-7.4: On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.

Action EC-7.8: When an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.

Action EC-7.9: Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control, or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.

Action EC-7.10: Require review and approval of grading, erosion control, and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

Action EC-7.11: Require sampling for residential agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

4.10.3 Hazardous Materials Impacts

4.10.3.1 Thresholds of Significance

For the purposes of this EIR, a hazardous materials impact is considered significant if the project would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area;
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area;
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

4.10.3.2 On-Site Hazards

Future development projects that disturb soil with residual agricultural contamination would be required to comply with the current deed restrictions recorded on the project site.

The Town and Country Village FEIR identified specific mitigation for addressing contaminated soil on the project site. The mitigation requires that a RAW be prepared in conjunction with DTSC and the City of San José. The RAW would include specific remedial measures such as capping the contaminated soil with buildings or pavement and/or removing all or a portion of the contaminated

soil for off-site treatment or disposal at an appropriate disposal facility. The Town and County Village FEIR concluded that with implementation of the RAW, hazardous materials impacts would be less than significant. Because site conditions have not changed since certification of the Town and Country Village FEIR, and it is reasonable to assume that the residual agricultural contamination levels on Lot 17 are comparable to the original project site, the approved mitigation from the Town and Country Village FEIR is still applicable.

As a condition of approval, the following measure, consistent with the mitigation approved as part of the Town and Country Village FEIR, is included in the proposed project and would be implemented during all phases of construction on Lots 9, 11, and 17 and all phases of future construction under the proposed PD rezoning:

> Prior to issuance of a PD Permit for development of either (1) the Courtesy Chevrolet portion of the property, (2) the Building 9 area of the vacant former dry cleaner operation, or (3) the former agricultural area, a Removal Action Workplan will be developed in conjunction with the Department of Toxic Substances Control and the City of San José requirements. The RAW will describe the specific measures that will be implemented to reduce or avoid the potential exposure of future residents, workers, and users of the site to hazardous materials, if it is determined that such measures are necessary. The Workplan will include proposed remedial measures such as capping the contaminated soil with buildings or pavement and/or removing all or a portion of the contaminated soil for off-site treatment or disposal at an appropriate disposal site. Once implemented, the Workplan will reduce the levels of contamination within the areas designated for residential uses to acceptable threshold levels as established by local, State, and Federal regulatory agencies.

Under the proposed PD Rezoning, all future development projects that are built at-grade would contain and cap contaminated soils on-site and future development projects with below grade parking would be required to off-haul contaminated soils and dispose of the soil at an appropriately licensed facility consistent with the conditions of project approval.

As proposed, the development on Lots 9 and 17 would have one level of below grade parking. The soil on these sites is assumed to be contaminated with residual agricultural chemicals. Therefore, the soil will be hauled off-site to an appropriate disposal site or used in a construction project as described above.

Since contaminated soils left on-site would be capped and future residential development would be constructed consistent with the existing deed restrictions, contaminated soil left on-site would not pose a health risk to site users or residents. Contaminated soils hauled off-site will not pose a health safety risk if handled and disposed of properly. There is no future development proposed on-site that would use or store large quantities of hazardous materials that could pose a risk to site users, residents, or adjacent properties. The management of contaminated soil and restrictions on siting of sensitive uses are consistent with General Plan policies for avoiding or reducing significant impacts.

The General Plan FEIR concluded that with the implementation of City policies and regulatory programs currently in place, exposure and transport of contaminated soils during construction would have a less than significant impact on human health and the environment. Because all future development on the project site, including Lot 17, will comply with the policies and regulations

identified in the General Plan FEIR, as well as the conditions of project approval, the project would have a less than significant hazardous materials impact. **(Less Than Significant Impact)**

Asbestos Containing Materials and Lead-Based Paint Impacts

ACMs were not found in the limited asbestos survey performed on two of the existing structures on Lot 17. The apartment buildings were constructed in 1956 and it is prudent to assume ACMs are present. The project proposes to demolish the existing buildings on Lot 17 which could release asbestos particles and expose construction workers and nearby residents to harmful levels of asbestos. Lead-based paint was detected in the two buildings surveys.

Suspected ACM will be required to be properly assessed prior to demolition consistent with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines. The NESHAP requires the removal of all potentially friable ACMs prior to building demolition.

If lead-based paint is still bonded to the building materials, its removal is not required prior to demolition. It will be necessary, however, to follow the requirements outlined by Cal-OSHA Lead in Construction Standard, Title 8, California Code of Regulation (CCR) 1532.1 during demolition activities; these requirements include employee training, employee air monitoring, and dust control. If lead based paint is peeling, flaking, or blistered, it will be removed prior to demolition. It is assumed that such paint will become separated from the building components during demolition activities and must be managed and disposed of as a separate waste stream. Any debris or soil containing lead paint or coating must be disposed of at landfills that are permitted to accept such waste.

The project is required to conform to the following regulatory programs and to implement the following standard project conditions, consistent with OSHA requirements, to reduce impacts due to the presence of ACMs and/or lead-based paint:

SM 1-1: In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site buildings to determine the presence of asbestos-containing materials and/or lead-based paint.

SM 1-2: During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code Regulations 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings would be disposed of at landfills that meet acceptance criteria for the waste being disposed.

SM 1-3: All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities will be undertaken in accordance with Cal/OSHA standards contained in Title 8 of CCR, Section 1529, to protect workers from asbestos exposure.

SM 1-4: A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

SM 1-5: Materials containing more than one percent asbestos are also subject to BAAQMD regulations. Removal of materials containing more than one percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

The General Plan FEIR concluded that conformance with Federal, State, and local regulatory requirements will result in a less than significant impact from ACMs and Lead. **(Less Than Significant Impact)**

4.10.3.3 Off-Site Hazards

As discussed in Section 4.6.1.3, there is one facility within one-quarter mile of the project site with a potential for release and impact on the project site. The Pacific Bell facility, previously located approximately 1,000 feet to the east, contained USTs with diesel and unspecified products. Given its distance from the project site, the direction of groundwater flow, and the fact that it had no recorded violations or releases, it is not considered to represent an environmental concern to the project site. **(Less than Significant Impact)**

4.10.3.4 Project Operations

Operation of the proposed project will include the use and storage on-site of cleaning supplies and maintenance chemicals in small quantities similar to the operations of the existing buildings and nearby businesses. No other hazardous materials will be used or stored on-site. The small quantities of cleaning supplies and maintenance chemicals that will be used on-site do not pose a risk to site users or adjacent residential land uses. **(Less Than Significant Impact)**

4.10.3.5 Other Hazard Impacts

The project site is not located near a private airstrip, is not within an airport land use plan area, or in an area prone to wildland fires. The project proposes to close a section of the Santana Row roadway between Olin Avenue and Olsen Drive. While this section of the roadway would be closed to standard vehicle traffic, it will be accessible to emergency vehicles at all times. Therefore, the project would not interfere with any emergency response or evacuation plans. **(No Impact)**

4.10.4 Mitigation and Avoidance Measures for Hazardous Materials Impacts

No site specific mitigation is required or proposed.

4.10.5 Conclusion

With implementation of applicable General Plan policies and existing regulations, and project conditions of approval, the proposed development on Lots 9 and 17 and future development under the proposed PD rezoning would have a less than significant hazardous materials impact. **(Less than Significant Impact)**

4.11 CULTURAL RESOURCES

4.11.1 Existing Setting

4.11.1.1 Prehistoric Subsurface Resources

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 1,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars. Dates of the migration range between 3000 B.C. and 500 A.D. Regardless of the actual time frame of their initial occupation of the Bay Area and, in particular, Santa Clara Valley, it is known that the Ohlone had a well-established population of approximately 7,000 to 11,000 people with a territory that ranged from the San Francisco Peninsula and the East Bay south through the Santa Clara Valley and down to Monterey and San Juan Bautista.

The Ohlone lived in small villages referred to as tribelets. Each tribelet occupied a permanent primary habitation site and also had smaller resource procurement camps. The Ohlone, who were hunter/gatherers, traveled between their various village sites to take advantage of seasonal food resources (both plants and animals). During winter months, tribelets would merge to share food stores and engage in ceremonial activities.

Artifacts pertaining to the Ohlone occupation of San José have been found throughout the downtown area, particularly near the Guadalupe River. Santana Row is located approximately 2.4 miles west of Los Gatos Creek and 3.1 miles west of Guadalupe River.

There are no existing conditions or physical evidence that would suggest the presence of prehistoric resources on-site. There are no recorded prehistoric sites on or adjacent to the project site and no evidence of prehistoric artifacts were found during the 1992 field inspections of the site. In addition, the project site is not in proximity to any local waterways and no artifacts have been found during many years of construction activities.

4.11.1.2 Historic Subsurface Resources

Mission Period

Spanish explorers began coming to Santa Clara Valley in 1769. From 1769 to 1776 several expeditions were made to the area during which time the explorers encountered the Native American tribes who had occupied the area since prehistoric times. Expeditions in the Bay Area and throughout California lead to the establishment of the California Missions and, in 1777, the Pueblo de San José de Guadalupe.

The pueblo was originally located near the old San José City Hall. This location was prone to flooding and the pueblo was relocated in the late 1780's or early 1790's south to what is now downtown San José. The current intersection of Santa Clara Street and Market Street was the center of the second pueblo.

Post-Mission Period to Mid 20th Century

In the mid-1800's the downtown area of San Jose began to be redeveloped as America took over the territory from Mexico and new settlers began to arrive in California as a result of the gold rush and the expansion of business opportunities in the west. Development during the post-mission period was concentrated within the downtown area and did not extend to the project site.

After the turn of the century, the project area was utilized as farm land with sparse housing on large tracts of land. Development in the project area primarily occurred after World War II.

There are no existing conditions or physical evidence that would suggest the presence of historic resources on-site. There are no recorded historic sites on or adjacent to the project site and no evidence of historic occupation were found during the 1992 field inspections of the site. In addition, no artifacts have been found during many years of construction activities.

4.11.1.2 Historic Buildings

The existing buildings on the original project site are less than 12 years old. The apartment buildings on Lot 17 were constructed in 1956 and are 58 years old. The apartment buildings are not listed on the City's Historic Resources Inventory.

Adjacent commercial buildings and residences were all constructed after World War II and would not be eligible for the California or National Registers. The Winchester Mystery House, a National Register building, is located southwest of the project site as is the Century 21 Theater building which was recently designated a San Jose City Landmark. Both these buildings are located across Winchester Boulevard, outside the area of impact for the project.

4.11.1.3 Applicable Cultural Resources Regulations and Policies

The *Envision San José 2040 General Plan* includes policies applicable to all development projects in San José. The following policies are specific to cultural resources and are applicable to the proposed project.

Policy ER-10.1: For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

Policy ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced

Policy ER-10.3: Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

4.11.2 Cultural Resources Impacts

4.11.2.1 Thresholds of Significance

For the purpose of this EIR, a cultural resources impact is considered significant if the project would:

- Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5;
- Directly or indirectly destroy a unique paleontological resource or site or unique geological feature; or
- Disturb any human remains, including those interred outside of formal cemeteries.

4.11.2.2 Impacts to Cultural Resources

Prehistoric and Historic Subsurface Resources

The *2040 General Plan Final EIR* concluded that with implementation of existing regulations and adopted General Plan policies, new development within San José would have a less than significant impact on subsurface prehistoric and historic resources.

Policy ER-10.1 states that for proposed development sites that have been identified as archaeologically or paleontologically sensitive, the City will require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

There are no recorded prehistoric or historic archaeological deposits on the site, and no cultural resources were found during previous development and soil boring/testing on-site. The site is not in proximity to local waterways or documented historic development and is in an area of low archaeological sensitivity. Therefore, development of Lots 9 and 17 and future development under the proposed PD rezoning would not likely result in the exposure or destruction of subsurface prehistoric or historic archaeological resources, including human remains. Nevertheless, because the proposed expansion of the project boundary, the project will be required as a condition of project approval to implement the following Standard Permit Conditions for Lot 17.

Standard Permit Conditions

Consistent with Envision San José 2040 General Plan policies ER-10.2 and ER-10.3, the following standard permit conditions are included in the project to reduce or avoid impacts to subsurface cultural resources.

- In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement shall be notified, and the archaeologist will examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Planning, Building and Code Enforcement.

- In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

With implementation of the Standard Permit Conditions, future development under the proposed PD rezoning would have a less than significant impact on subsurface cultural resources. **(Less Than Significant Impact)**

Paleontological Resources

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Geologic units of Holocene age are generally not considered sensitive for paleontological resources, because biological remains younger than 10,000 years are not usually considered fossils. These sediments have low potential to yield fossil resources or to contain significant nonrenewable paleontological resources. These recent sediments, however, may overlie older Pleistocene sediments with high potential to contain paleontological resources. These older sediments, often found at depths of greater than 10 feet below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. Based on the underlying geologic formation of the project site, the *2040 General Plan Final EIR* found the project site to have a high sensitivity (at depth) for paleontological resources. Geologic units of Holocene age are generally not considered sensitive for paleontological resources, however, mammoth remains were found along the nearby Guadalupe River in San José in 2005.

The *2040 General Plan Final EIR* concluded that with implementation of existing regulations and adopted General Plan policies, new development within San José would have a less than significant impact on paleontological resources.

While excavation on Lots 9 and 17 will reach a maximum depth of 15 feet, it is improbable that paleontological resources will be discovered due to the distance of the site from the Bay or other water sources and because no paleontological resources have been discovered in this area of San Jose or on the project site. Future development under the proposed PD rezoning may also exceed 10 feet in depth but, as with Lots 9 and 17, it is improbable that paleontological resources will be found on any future development sites. **(Less Than Significant Impact)**

4.11.2.3 Impacts to Historic Structures

Based on the *San José Modernism Historic Context Statement* (June 2009) the apartments on the project site do not align with any specific architectural classification. The apartments have a minimalist architectural style that is very common within San Jose and that most closely resembles *Streamline Moderne* (ca. 1930-1950) architecture. The character-defining features of the Streamline Moderne style are:

- Horizontal, cubist massing
- Curved building corners often utilized
- Flat or low-pitched roofs
- Smooth stucco or cement plaster finish
- Horizontal banding inscribed into exterior stucco
- Horizontal overhangs or cornice bands often with curved corners
- Steel industrial sash windows (earlier examples with wood-sash windows)
- Glass block
- Rounded or "porthole" windows

The apartment buildings on Lot 17 are 58 years old and are similar in design to *Streamline Moderne* housing of the 1950's. While these buildings are in good physical condition and have a few of the character-defining features of the *Streamline Moderne* style (i.e., low-pitched roof, smooth stucco, and steel industrial sash windows), they are not an exemplary example of a specific architectural design and do not have the distinguishable architectural features that express the modern design aesthetic. In addition, the setting around the buildings has been altered significantly since they were constructed, including the redevelopment of the surrounding agricultural land with a large office building, regional shopping center, and surface parking lots, and construction of I-280.

For these reasons, these residences would not be eligible for the California or National Registers and have not been identified by the City of San José as architecturally or historically significant, according to the City's own Historic Resources Criteria. Therefore, demolition of these apartment buildings would have a less than significant impact on historic structures. **(Less Than Significant Impact)**

As stated above, the Winchester Mystery House and Century 21 Theater building, nationally and locally recognized buildings respectively, are outside the area of impact. Therefore, implementation of the proposed project would have a less than significant impact on off-site historic structures. **(Less Than Significant Impact)**

4.11.3 Mitigation and Avoidance Measures for Cultural Resources

No mitigation is required or proposed.

4.11.4 Conclusion

Implementation of the proposed development on Lots 9 and 17 and all future development under the proposed PD rezoning would have a less than significant on cultural resources. **(Less Than Significant Impact)**

4.12 ENERGY

This section was prepared pursuant to CEQA Guidelines Section 15126.4 (a)(1)(C) and Appendix F which requires that EIRs include a discussion of the potential energy impacts of proposed projects with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. The information in this section is based largely on data and reports produced by the California Energy Commission, the Bay Area Air Quality Management District (BAAQMD), and the Energy Information Administration of the U.S. Department of Energy. The analysis of project impacts is also based in part on an Air Quality and Greenhouse Gas analysis completed by *Illingworth and Rodkin, Inc.* in June 2014. The report can be found in Appendix B of this EIR.

4.12.1 Introduction and Regulatory Background

Energy consumption is analyzed in an EIR because of the environmental impacts associated with its production and usage. Such impacts include the depletion of nonrenewable resources (e.g., oil, natural gas, coal, etc.) and emissions of pollutants during both the production and consumption phases.

Energy usage is typically quantified using the British Thermal Unit (Btu).[38] As points of reference, the approximate amount of energy contained in a gallon of gasoline, a cubic foot of natural gas, and a kilowatt hour (kWh) of electricity are 123,000 Btus, 1,000 Btus, and 3,400 Btus, respectively. Utility providers measure gas usage in therms. One therm is approximately equal to 100,000 Btus.

Electrical energy is expressed in units of kilowatts (kW) and kilowatt-hours (kWh). One kilowatt, a measurement of power (energy used over time), equals one thousand joules[39] per second. A kilowatt-hour is a measurement of energy. If run for one hour, a 1,000 watt (one kW) hair dryer would use one kilowatt-hour of electrical energy. Other measurements of electrical energy include the megawatt (1,000 kW) and the gigawatt (1,000,000 kW).

4.12.1.1 Regulatory Setting

Many Federal, State, and local statutes and policies address energy conservation. At the Federal level, energy standards set by the U.S. Environmental Protection Agency (EPA) apply to numerous products (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

At the State level, the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations, were established in 1978 in response to a legislative mandate to reduce California's energy consumption. These energy efficiency standards are updated approximately every three years; the 2013 standards have been

[38] The British Thermal Unit (Btu) is the amount of energy that is required to raise the temperature of one pound of water by one degree Fahrenheit.

[39] As defined by the International Bureau of Weights and Measures, the joule is a unit of energy or work. One joule equals the work done when one unit of force (a Newton) moves through a distance of one meter in the direction of the force.

adopted and became effective July 1, 2014. Compliance with these standards is mandatory at the time new building permits are issued by City and County governments.[40]

In January 2010, the State of California adopted the California Green Building Standards Code (CALGreen) that establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality.

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a LEED[41], GreenPoint[42], or Build It Green checklist with the development proposal. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown in the table below.

TABLE 4.12-1
Private Sector Green Building Policy Applicable Projects

Applicable Project	Minimum Green Building Rating
Commercial/Industrial – Tier 1 (Less than 25,000 Square Feet)	LEED Applicable NC Checklist
Commercial/Industrial – Tier 2 (25,000 Square Feet or greater)	LEED Silver
Residential – Tier 1 (Less than 10 units)	GreenPoint or LEED Checklist
Residential – Tier 2 (10 units or greater)	GreenPoint Rated 50 points or LEED Certified
High Rise Residential (75 feet or higher)	LEED Certified

For mixed use projects – only that component of the project triggering compliance with the policy shall be required to achieve the applicable green building standard.

City of San José. "Private Sector Green Building Policy: Policy Number 6-32." October 7, 2008. Available at: http://www3.sanjoseca.gov/clerk/cp_manual/CPM_6_32.pdf

4.12.1.2 Existing Setting

Total energy usage in California was approximately 7,641 trillion Btu in the year 2012 (the most recent year for which this specific data was available).[43] The breakdown by sector was

[40] California Energy Commission. "Building Energy Efficiency Program." 2013. Accessed October 21, 2013. Available at: http://www.energy.ca.gov/title24/

[41] Created by the non-profit organization United States Green Building Council, LEED (Leadership in Energy and Environmental Design) is a certification system that assigns points for green building measures based on a 110-point rating scale.

[42] Created by the California based non-profit organization Build It Green, GreenPoint is a certification system for residential development that assigns points for green building measures based on a 381-point rating scale for multi-family development and 341-point rating scale for single-family developments.

[43] United States Energy Information Administration. "Table C4. Total End-Use Energy Consumption Estimates, 2012." Accessed July 9, 2014. Available at: http://www.eia.gov/beta/state/seds/data.cfm?incfile=/state/seds/sep_sum/html/sum_use_tx.html&sid=CA

approximately 19 percent for residential uses, 19.5 percent for commercial uses, 23 percent for industrial uses, and 38.5 percent for transportation.[44] Energy in California is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Existing energy use associated with operation of development on the project site primarily consists of fuel for vehicle trips to and from the site, electricity for lighting and cooling, and natural gas for heating, cooking, and operations within the building. Given the nature of land uses on the site, the remainder of this discussion will focus on the three most relevant sources of energy: electricity, natural gas, and gasoline for vehicle trips.

4.12.1.3 Electricity

Electricity supply in California involves a complex grid of power plants and transmission lines. In 2011, California produced approximately 70 percent of the electricity it consumed; it imported the remaining 30 percent from 11 western states, Canada, and Mexico. Electricity imports from the northwest states were particularly high in 2011 due to an increase in hydroelectric generation resulting from higher precipitation in the northwest.

The bulk of California's electricity comes from power plants. In 2012, 61 percent the state's electricity was generated by natural gas, nine percent by nuclear, 12 percent by large hydroelectric, and one percent by coal. Renewable sources such as rooftop photovoltaic systems, biomass power plants, and wind turbines, accounted for the remaining 17 percent of California's electricity. [45]

Electricity consumption in California increased by approximately 4.6 percent in the last decade, from approximately 260,408 gigawatt hours (GWh) in 2000 to approximately 272,342 GWh in 2010. Electricity consumption is forecast to increase by five to nine percent over 2010 levels by 2015, bringing total consumption to between 286,000 and 296,000 GWh.[46]

Pacific Gas and Electric (PG&E) is San José's energy utility, providing both natural gas and electricity for residential, commercial, industrial, and municipal uses. PG&E generates electricity at hydroelectric, nuclear, renewable, natural gas, and coal facilities. In 2011, natural gas facilities provided 25 percent of PG&E's electricity delivered to retail customers; nuclear plants provide 22 percent; hydroelectric operations provide 18 percent; renewable energy facilities including solar, geothermal, and biomass provide 19 percent; and 15 percent was unspecified.[47] Under the provisions of SB 107, investor-owned utilities were required to generate 20 percent of their retail electricity using qualified renewable energy technologies by the end of 2010. PG&E's 2011 electricity mix was 19 percent renewable.

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[44] United States Energy Information Administration. "Table C1. Energy Consumption Overview: Estimates by Energy Source and End-Use Sector, 2012". Accessed July 9, 2014. Available at: http://www.eia.gov/beta/state/seds/data.cfm?incfile=/state/seds/sep_sum/html/sum_btu_1.html&sid=CA

[45] California Energy Commission, Energy Almanac, "Total Electricity System Power." Accessed November 12, 2013. Available at: http://www.energyalmanac.ca.gov/electricity/total_system_power.html

[46] California Energy Commission. "2011 Integrated Energy Policy Report (CEC-100-2011-001-CMF)." Page 103. Accessed November 12, 2013. Available at: http://www.energy.ca.gov/2011publications/CEC-100-2011-001/CEC-100-2011-001-CMF.pdf

[47] PG&E. "Clean Energy Solutions." Accessed March 13, 2013. Available at: http://www.pge.com/en/about/environment/pge/cleanenergy/index.page

Electricity usage for differing land uses varies substantially by the type of uses in a building, the type of construction materials used, and the efficiency of the electricity-consuming devices used. Electricity used in the PG&E Planning Area, within which the project is located, is consumed primarily by the commercial sector (41 percent), the residential sector (33 percent), and the industrial sector (approximately 16 percent).[48] In 2012, approximately 16,492 million kWh of electricity were consumed in Santa Clara County.[49]

4.12.1.4 Natural Gas

In 2012, approximately 15 percent of California's natural gas supply came from in-state production, while 85 percent was imported from other western states and Canada.[50] The most recent data from the U.S. Energy Information Administration shows that between 2008 and 2012, on average, approximately 34 percent of the natural gas delivered for consumption in California was for electricity generation, 32 percent for industrial uses, 22 percent for residential uses, 11 percent for commercial uses, and less than one percent for transportation.[51] As with electricity usage, natural gas usage depends on the type of uses in a building, the type of construction materials used, and the efficiency of gas-consuming devices. In 2012, the State of California consumed approximately 2.4 trillion cubic feet of natural gas, or 2.46 billion MMBtu.[52, 53]

4.12.1.5 Gasoline for Motor Vehicles

California accounts for more than one-tenth of the United States' crude oil production and petroleum refining capacity.[54] In 2010, 21.5 billion gallons of gasoline, diesel, and jet fuel were consumed in California.[55] According to the California Energy Commission's *2011 Integrated Energy Policy Report*, California is experiencing a downward trend in sales of gasoline, diesel, and jet fuel, primarily due to low economic growth and high unemployment. It is expected that this trend will continue in the future due to high fuel prices, efficiency gains, competing fuel technologies, and mandated use of alternative fuels.

The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 13.1 miles-per-gallon (mpg) in the mid-1970s to 23.8 mpg in

[48] California Energy Commission, Energy Consumption Data Management System. "Electricity Consumption by Planning Area, 2011." Accessed March 13, 2013. Available at: http://ecdms.energy.ca.gov/elecbyplan.aspx
[49] California Energy Commission, Energy Consumption Data Management System. "Electricity Consumption by County." N.d. Accessed July 9, 2014. Available at: http://www.ecdms.energy.ca.gov/elecbycounty.aspx
[50] California Energy Commission. "Natural Gas Supply by Region." 2011. Accessed November 12, 2013. Available at: http://www.energyalmanac.ca.gov/naturalgas/natural_gas_supply.html
[51] U.S. Energy Information Administration. "Natural Gas Summary." June 30, 2014. Accessed July 9, 2014. Available at: http://www.eia.gov/dnav/ng/ng_sum_lsum_dcu_SCA_a.htm
[52] United States Energy Information Administration. "Which states consume and produce the most natural gas?" June 26, 2014. Accessed July 9, 2014. Available at: http://www.eia.gov/tools/faqs/faq.cfm?id=46&t=8
[53] Conversion uses 1,027 Btu per cubic foot of natural gas.
[54] United States Energy Information Administration. "California State Energy Profile." Available at: http://www.eia.gov/beta/state/analysis.cfm?sid=CA
[55] California Energy Commission. "2011 Integrated Energy Policy Report (CEC-100-2011-001-CMF)." Page 139. Accessed July 9, 2014. Available at: http://www.energy.ca.gov/2011publications/CEC-100-2011-001/CEC-100-2011-001-CMF.pdf

2012 (estimated).[56] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks of Model Years 2011-2020.[57,58] In 2012, the Federal government raised the fuel economy standard to 54.5 miles per gallon for cars and light-duty trucks by Model Year 2025.[59]

4.12.1.6 Energy Use of Existing Development and Zoning

The electricity and natural gas used by the existing development on Santana Row is estimated in Table 4.12-2 below based on energy demand factors used in the California Emissions Estimator Model (CalEEMod). The energy use of the hotels is not estimated because the overall square footage of the hotel buildings would not change as part of this project, therefore based on the energy demand factors for hotels, the energy used by the hotel buildings would not be expected to change either.

TABLE 4.12-2
Estimated Annual Energy Use of Existing Santana Row Development

Development	Energy Demand Factors[1]	Electricity Use (kWh)	Natural Gas Use (kBtu)
834 residential units	1,047.27 kWh/dwelling unit 8,283.47 kBtu/dwelling unit	873,424.55	6,908,417.07
479,176 square feet retail	9.57 kWh/sf; 2.92 kBtu/sf	4,585,714.32	1,399,193.92
105,219 square feet restaurant	12.83 kWh/sf; 64.82 kBtu/sf	1,349,959.77	6,820,295.58
60,000 square feet office	12.73 kWh/sf; 19.9 kBtu/sf	763,800.00	1,194,000.00
TOTAL		**7,572,898.64**	**16,321,906.57**

[1] Source: California Air Pollution Control Officers Association (CAPCOA). *California Emissions Estimator Model User's Guide, Version 2013.2*. July 2013. Appendix D, Table 9.1

As shown above, each year the existing development on Santana Row (with the exception of the hotels) consumes approximately 7,572,900 kWh of electricity and 16,321,900 kBtu, or 16,321 MMBtu, of natural gas.

[56] U.S. Environmental Protection Agency. "Light-Duty Automotive Technology, Carbon Dioxide Emissions and Fuel Economy Trends: 1975 through 2012." March 2013. Page i. Available at: http://www.epa.gov/fueleconomy/fetrends/1975-2012/420s13001.pdf
[57] U.S. Department of Energy. "Energy Independence & Security Act of 2007." Accessed November 13, 2013. Available at: http://www.afdc.energy.gov/laws/eisa
[58] Public Law 110–140—December 19, 2007. "Energy Independence & Security Act of 2007." Page 1449. Accessed November 13, 2013. Available at: http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf
[59] National Highway Traffic Safety Administration. "Obama Administration Finalizes Historic 54.5 mpg Fuel Efficiency Standards." August 28, 2012. Available at: http://www.nhtsa.gov/About+NHTSA/Press+Releases/2012/Obama+Administration+Finalizes+Historic+54.5+mpg+Fuel+Efficiency+Standards

The existing 40.62-acre Santana Row site is zoned for more development than currently exists today. Table 4.12-3 below shows the estimated energy use of Santana Row if it were built out to the limits of the current zoning. Since there is no additional hotel development entitled under the zoning or proposed as part of this project, hotel energy use is not included.

TABLE 4.12-3
Estimated Annual Energy Use of Existing Santana Row Zoning

Zoned Development	Energy Demand Factors[1]	Electricity Use (kWh)	Natural Gas Use (kBtu)
1,182 residential units	1,047.27 kWh/dwelling unit 8,283.47 kBtu/dwelling unit	1,237,875.08	9,791,065.91
507,300 square feet retail	9.57 kWh/sf; 2.92 kBtu/sf	4,854,861.00	1,481,316.00
145,200 square feet restaurant	12.83 kWh/sf; 64.82 kBtu/sf	1,862,916.00	9,411,864.00
288,200 square feet office	12.73 kWh/sf; 19.9 kBtu/sf	2,904,986.00	4,541,180.00
TOTAL		**10,860,638.08**	**25,225,425.91**

[1] Source: CAPCOA. *California Emissions Estimator Model User's Guide, Version 2013.2*. July 2013. Appendix D, Table 9.1

Based on the estimates above, the Santana Row site could use 10,860,600 kWh and 25,225,400 kBtu (or 25,225 MMBtu) of electricity and natural gas each year with full build out of the current zoning entitlement.

Transportation-Related Energy Use

The total annual vehicle miles travelled (VMT) to and from the existing land uses on the Santana Row Site is approximately 59,827,603 miles.[60] If built to the limits of the current zoning, the site would generate a total annual VMT of approximately 80,662,859 miles. Given that the vehicles going to and from the site have a wide range of fuel efficiencies, any estimate of gasoline use from vehicle trips will have a substantial margin of error. Fuel economy estimates from the U.S. EPA can, however, be used to approximate existing gasoline use and to provide a comparison with the proposed project. Based on the 2012 EPA estimated average fuel economy of 23.8 mpg, the existing development results in the consumption of approximately 2,513,765 gallons of gasoline per year. If built to the limits of the current zoning, the 40.62-acre Santana Row development would result in the consumption of 3,389,196 gallons of gasoline each year.

4.12.2 Energy Impacts

4.12.2.1 Thresholds of Significance

Based on Appendix F of the CEQA Guidelines, and for the purposes of this EIR, a project will result in a significant energy impact if the project will:

[60] Personal Communication by email. Joshua Carman, Illingworth & Rodkin, January 27, 2015.

- Use fuel or energy in a wasteful manner; or
- Result in a substantial increase in demand upon energy resources in relation to projected supplies; or
- Result in longer overall distances between jobs and housing.

4.12.2.2 Estimated Energy Use of the Proposed Project

The project proposes to increase the size of Santana Row by 1.91 acres, increase the allowable office space entitlement by 510,000 square feet, and increase the retail entitlement by 55,641 sf. In addition, the project would reconstruct the 47 residential units to be demolished and redesign existing hotels to accommodate six additional rooms. The project also includes construction of new parking structures. Since the square footage of the hotel buildings would not increase, the electricity and natural gas use from hotel uses is not expected to increase either, based on the CalEEMod energy demand factors. Additionally, the parking structures would not be substantial energy users in operation.

Energy would be consumed during both the construction and operational phases of the proposed project. The construction phase would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., demolition and grading), and the actual construction of the buildings. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks. The operation of the proposed office uses would consume energy (in the form of electricity and natural gas) primarily for building heating and cooling, lighting, cooking, and water heating. Table 4.12-4 summarizes the estimated energy use of the proposed zoning.

TABLE 4.12-4
Estimated Annual Energy Use of Proposed Santana Row PD Zoning

Proposed PD Zoning	Energy Demand Factors[1]	Electricity Use (kWh)	Natural Gas Use (kBtu)
1,229 residential units	1,047.27 kWh/dwelling unit 8,283.47 kBtu/dwelling unit	1,287,096.85	10,180,389.18
562,941 square feet retail	9.57 kWh/sf; 2.92 kBtu/sf	5,387,345.37	1,643,787.72
145,200 square feet restaurant	12.83 kWh/sf; 64.82 kBtu/sf	1,862,916.00	9,411,864.00
798,200 square feet office	12.73 kWh/sf; 19.9 kBtu/sf	10,161,086.00	15,884,180.00
TOTAL		**18,698,444.22**	**37,120,220.90**

[1] Source: CAPCOA. *California Emissions Estimator Model User's Guide, Version 2013.2*. July 2013. Appendix D, Table 9.1

Transportation-Related Energy Use

Based on the trip summary information contained in Attachment 1 of the project air quality analysis (Appendix B), the total annual vehicle miles travelled (VMT) to and from the proposed project (existing plus zoned plus proposed) would be 86,414,697 miles. Using the 23.8 miles per gallon

EPA estimate, the proposed project would result in the consumption of approximately 3,630,869 gallons of gasoline per year.

4.12.2.3 Operational Impacts from the Proposed Project

Table 4.12-5 below compares the energy use increase that would result from the proposed zoning with the energy use of both the existing development and the existing zoning.

TABLE 4.12-5
Energy Demand of Existing Development, Existing Zoning, and Proposed Zoning

Development Scenario	Electricity	Natural Gas	Gasoline
Existing Development	7,572,900 kWh	16,321,900 kBtu	2,513,765
Existing PD Zoning	10,860,600 kWh	25,225,400 kBtu	3,389,196
Proposed PD Zoning	18,698,400 kWh	37,120,200 kBtu	3,630,869
Increase over Existing Development	*11,125,500 kWh*	*20,798,300 kBtu*	1,117,104
Increase over Existing Zoning	*7,837,800 kWh*	*11,894,800 kBtu*	241,673

[1] Source: CAPCOA. *California Emissions Estimator Model User's Guide, Version 2013.2*. July 2013. Appendix D, Table 9.1

As shown in Table 4.12-5 above, the project would increase electricity use at the project site by approximately 11,125,500 kWh per year, natural gas usage by 20,798 MMBtu per year, and gasoline consumption by 1,117,104 gallons over existing conditions. The energy use increase is likely overstated, however, because the estimates for energy use do not take into account the efficiency measures incorporated into the project (discussed below). In addition, the 47 apartments to be constructed will be built to the 2013 California Building Code standards, thereby improving the efficiency of the housing compared to the existing apartments.

As described above, annual electricity use in California was projected to increase by 14,000 – 24,000 GWh (one GWh equals 1,000 MWh) between 2010 and 2015. The proposed project would increase annual electricity use by approximately 11,126 MWh, or 11.1 GWh. The project would not result in a substantial increase in demand on electrical energy resources in relation to projected supply. Recent developments in extracting natural gas from shale formations have contributed to a 20 percent increase in United States natural gas production between 2005 and 2011.[61] Based on the relatively small increase in natural gas demand from the project compared to the growth trends in natural gas supply and the existing available supply in California, the proposed project would not result in a substantial increase in natural gas demand relative to projected supplies.

Transportation-Related Energy Use

As detailed above, the proposed project would increase annual gasoline demand by approximately 1,117,104 gallons over the existing condition. Though this increase is sizable when compared to the gasoline use associated with the existing Santana Row development, it would not be a substantial

[61] California Energy Commission. *Overview of Natural Gas in California.* 2014. Accessed February 6, 2014. Available at: http://energyalmanac.ca.gov/naturalgas/overview.html

increase in the context of gasoline supply and demand in the City of San José and in the State of California. New automobiles purchased by future occupants of the proposed project would be subject to fuel economy and efficiency standards applied throughout the State of California, which means that over time the fuel efficiency of vehicles associated with the project site would improve. In addition, the project site is located within close walking distance to bus stops for VTA Local lines 23, 25, 60, and 323. These bus routes provide opportunities for residents and employees to commute via public transit to and from downtown San José, Alum Rock, offices in north Santa Clara, and the Winchester light rail station in the City of Campbell. As detailed in *Section 4.2, Transportation*, existing bus services can accommodate an increase in ridership demand resulting from the proposed project, which means that many of the employees and residents of the project site could commute to and from work without increasing transportation-related energy use. **(Less Than Significant Impact)**

4.12.2.4 Energy Efficiency

Construction

The proposed development on Lots 9 and 17 would be built over a period of approximately 38 months beginning in November 2014 through July 2016 for Lot 9 and continuing in March 2017 through September 2018 for Lot 17, or an estimated 836 construction workdays (based on an average of 22 workdays per month).[62] The project would require demolition, grading, and site preparation for construction of the proposed buildings. Based on data provided by the project applicant, approximately 99,000 cubic yards of soil and 10,250 tons of demolished building material and pavement would be exported from Lots 9 and 17. Approximately 29,000 cubic yards of soil would be imported to these Lots for construction along with approximately 38,000 cubic yards of cement. Soils to be excavated cannot be used as import fill for the project because the imported fill would be engineered to certain specifications for building foundations.

The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel are not typically used wastefully on the site because of the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for efficiency gains during construction are limited. The proposed project, however, does include some measures that will improve the efficiency of the construction process. Implementation of the BAAQMD BMPs detailed in *Section 4.3, Air Quality* would restrict equipment idling times to five minutes or less and would require the applicant to post signs on the project site reminding workers to shut off idle equipment. The project will also recycle or salvage at least 50 percent of construction waste as part of its LEED Silver certification (discussed further below).

There will be unavoidable adverse effects caused by construction because the use of fuels and building materials are fundamental to construction of new buildings. With implementation of these feasible measures to minimize the energy impacts of construction, unavoidable effects of

[62] If the proposed PD rezoning is approved, the start date of construction for Lots 9 and 17 would be pushed to 2015. Because light and heavy duty vehicles as well as construction equipment will increase in efficiency over time, continuing to base the analysis on an earlier start date provides the most conservative estimate of energy usage during construction.

development on Lots 9 and 17 and all future development under the proposed PD rezoning would be less than significant.

Operation

The proposed project would be required to build to the State CalGreen code, which includes insulation and design provisions to minimize wasteful energy consumption. Though the proposed project does not include on-site renewable energy resources, the proposed office building would also be built to achieve LEED Silver certification consistent with San José Council Policy 6-32. The project proponent anticipates that LEED certification would be achieved in part by implementing the following green building measures and design features:

- Exceed the State Title 24 California Energy Code requirements by 15 percent;
- Salvage or recycle at least 50 percent of construction waste;
- Use of recycled and/or local building materials;
- Cool roofs; and
- Water efficient landscaping and irrigation design.

The proposed development on Lots 9 and 17 would include at least 36 bicycle parking spaces and six showers for employees, which would incentivize the use of alternative methods of transportation to and from the site. In addition, at least 50 percent of the hardscape surfaces on the site would have a solar reflectance index (SRI) of 29 or more as required for LEED certification. By including pavement that is more reflective than traditional blacktop surfaces, the project would reduce the heat generated locally by hardscape (known as the 'heat island effect') and by extension, incrementally reduce the use of air conditioning in the new buildings. Based on the measures required for LEED Silver certification, not only would the proposed project comply with existing State energy standards, it would exceed them. There are no swimming pools or other wasteful, energy-intensive uses proposed as part of the project.

Distance Between Jobs and Housing

The project is an infill development and would create jobs in a city that currently has a higher number of employed residents than jobs (approximately 0.8 jobs per employed resident). The implications of this imbalance are that many residents leave San José five times per week to commute to and from work, typically by personal vehicle. In adding commercial office and retail space to the City of San José, the proposed project would incrementally reduce the imbalance between jobs and employed residents. Therefore, the project would not substantially increase the distance between jobs and housing.

In addition, the project would include bicycle storage and would be required as a Condition of Approval to implement a Transportation Demand Management (TDM) program to reduce daily traffic trips by a minimum of five percent. These measures would help to reduce vehicle trips to and from the project site. Ongoing increases in the fuel economy standards for new vehicles would result in efficiency gains for vehicles overtime. Therefore, although the project would increase the VMT associated with the project site compared to the existing condition, the project would not result in

significant energy impacts and would not increase the distance between jobs and housing. **(Less Than Significant Impact)**

4.12.3 Mitigation and Avoidance Measures

No mitigation is required or proposed.

4.12.4 Conclusion

The project proposes to expand a mixed use development and would place new jobs in an infill site near housing in San José. The project would not result in significant energy impacts associated with the distance between jobs and housing and, due to the inclusion of the proposed green building design features, the project would not result in the wasteful use of fuel or energy. The project would not result in a substantial increase in demand upon energy resources in relation to projected supplies. **(Less Than Significant Impact)**

4.13 UTILITIES AND SERVICE SYSTEMS

The following analysis is based, in part, on a Water Supply Assessment prepared by San Jose Water Company in January 2014. A copy of this report is provided in Appendix G.

4.13.1 Existing Setting

Water service to the site is supplied by the San José Water Company. The current development on the entire Santana Row project site uses approximately 145,560 gallons per day (gpd) of water and existing entitlements, once constructed, would use an additional 82,381 gpd.

4.13.1.2 Wastewater

Sanitary sewer lines in the area are owned and maintained by the City of San José. The *San Jose 2040 General Plan FEIR* states that average wastewater flow rates are approximately 70 to 80 percent of domestic water use and 85 to 95 percent of business use (assuming no internal recycling or reuse programs). For the purposes of this analysis, wastewater flow rates are assumed to be 85 percent of the total on-site water use to account for the various business types as well as the high density housing that has little to no private open space which requires irrigation. The current land uses on the entire Santana Row project site (including the residential units on Lot 17) generate approximately 123,726 gpd of wastewater and existing entitlements, once constructed, would generate an additional 70,024 gpd.

Based on the *San Jose 2040 General Plan FEIR*, the City's average dry weather flow is approximately 69.8 million gallons per day (mgd). The City's capacity allocation at the San José/Santa Clara Regional Wastewater Facility (Wastewater Facility) is approximately 108.6 mgd, leaving the City with approximately 38.8 mgd of excess treatment capacity.

4.13.1.3 Storm Drainage

The City of San José owns and maintains the municipal storm drainage system which serves the project site. The lines that serve the project site drain into Saratoga Creek. Saratoga Creek flows north, carrying the effluent from the storm drains into San Francisco Bay. There is no overland release of stormwater directly into any water body from the project site.

Currently, 95 percent of the project site (including Lot 17) is covered with impervious surfaces. There are existing storm drain lines that run along the northern and southern western borders of the site that currently serve the site and would also serve the proposed development.

4.13.1.4 Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and was reviewed in 2004 and 2007. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. In 2008, the City of San José diverted approximately 60 percent of the waste generated in the City. According to the IWMP, the County has adequate disposal capacity beyond 2022. In October 2007, the San José City Council

adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. The City landfills approximately 700,000 tons per year of solid waste including 578,000 tons per year at landfill facilities in San José. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year.

The existing land uses on the entire Santana Row site (including the apartments on Lot 17) combined generates approximately 6,036 pounds of waste per day and existing entitlements, once constructed, would generate an additional 3,031 pounds per day.[63]

4.13.1.5 Applicable Utilities and Service Systems Regulations and Policies

The *Envision San José 2040 General Plan* includes policies applicable to all development projects in San José.

Policy MC-3.1: Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreational needs or other area functions.

Policy MS-3.2: Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.

Policy MS-3.3: Promote the use of drought tolerant plants and landscaping materials for non-residential and residential uses.

Action EC-5.16: Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

Policy IN-3.10: Incorporate appropriate stormwater treatment measures in development projects tp achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES).

4.13.2 Utilities Impacts

4.13.2.1 Thresholds of Significance

For the purposes of this EIR, a utility and service impact is considered significant if the project would:

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board;
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;

[63] Cal Recycle. Web Site. http://www.calrecycle.ca.gov/WasteChar/WasteGenRates/default.htm Accessed July 8, 2014.

- Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- Result in a determination by the wastewater treatment provider that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
- Be served by a landfill with insufficient permitted capacity; or
- Would not comply with Federal, State, and local statutes and regulations related to solid waste.

4.13.2.2 Water Impacts

Based on the Water Supply Assessment (WSA) prepared by the San Jose Water Company, future development on the project site under the proposed rezoning would result in a net increase in water use on-site of 75,970 gallons per day (gpd). The analysis assumed that the 47 residential units would be a net increase over the existing housing total and used a demand factor of 400 gpd per residential unit. Because the proposed 47 residential units on the main Santana Row site would replace the existing 47 residential units on Lot 17, the total net new water usage on-site would be 57,170 gpd.[64]

San Jose Water Company has determined that the level of development proposed on the project site and the projected increase in water demand is consistent with the growth projections and future water demand assumed in the preparation and analysis of the City's 2010 Urban Water Management Plan (UWMP). The City's 2010 UWMP concluded that sufficient water supplies are available to meet the project demand. As such, there is sufficient water supply to serve the project site under normal water year (non-drought) conditions.

In addition to normal water years, the WSA and UWMP assessed the ability of San Jose Water Company to meet forecasted water demands (including the proposed project) during multiple dry weather (drought) years. San Jose Water Company concluded that with projected supply totals and implementation of conservation measures consistent with its Water Shortage Contingency Plan, the retailer would be able to meet projected demand during multiple dry water years.

Implementation of the proposed project will not have a significant impact on existing and future water supplies. **(Less Than Significant Impact)**

4.13.2.3 Sanitary Sewer/Wastewater Impacts

The project site currently generates approximately 123,726 gpd of wastewater. The existing entitlements, which have already been analyzed and approved, would generate an additional 70,024 gpd for a total wastewater generation of 193,750 gpd at full build out. Future development under the proposed rezoning, including the proposed mixed use and office buildings on Lots 9 and 17, would increase wastewater generation on-site by 49,004 gpd over current build out conditions.[65]

[64] Based on the demand factor of 400 gpd per unit, the 47 residential units use approximately 18,800 gpd of water.
[65] Estimated wastewater generation of the proposed office was based on project data provided by Shawn Wilson, PE, Interface Engineering. A generation rates of 0.084 gallons per square foot of office space was used. The hotel and retail generate rates were assumed to be 100 percent of the water usage rate estimated in the WSA (100 gpd per room for the hotel and 0.10 gallons per square foot of retail space).

The City of San José Department of Public Works analyzed the existing sanitary sewer capacities in the project area. There is sufficient capacity for the existing entitlements. As a condition of project approval, the project applicant will be required to install adequately sized sanitary sewer lines that will connect future development on Lots 9 and 17 to the City's main lines.

As stated above, the City currently has approximately 38.8 mgd of excess treatment capacity at the Wastewater Facility. Based on a sanitary sewer hydraulic analysis prepared for the General Plan FEIR, full build out under the General Plan would increase average dry weather flows by approximately 30.8 mgd. As a result, development allowed under the General Plan would not exceed the City's allocated capacity at the Wastewater Facility. Future development under the proposed PD rezoning, which includes the proposed mixed use and office buildings on Lots 9 and 17, is consistent with the development assumptions in the General Plan. Therefore, full build out of the project site under the proposed PD Rezoning would have a less than significant impact on the Wastewater Facility. **(Less Than Significant Impact)**

4.13.2.4 Storm Drainage Impacts

As stated in Section 4.8, *Hydrology*, the project site is currently about 95 percent impervious. The pervious areas are comprised of the existing landscaped areas within the developed areas of Santana Row and landscaping along on the perimeters of the Lots 9 and 17. With implementation of the proposed project, the impervious surface on-site will increase by one-half percent. As a result, the proposed project would slightly increase the demands upon the storm drainage system compared to the current land use.

The existing storm drainage system has sufficient capacity to serve the existing development on-site. Future development, including the proposed development on Lots 9 and 17, will not significantly increase stormwater runoff from the site because the percentage of impervious surfaces on-site will change by only one-half percent. In addition, all new development on-site will comply with the NPDES Municipal Regional Permit which requires more on-site retention and re-use of stormwater, effectively reducing the amount of runoff relative to the existing conditions. Lastly, the project will comply with all applicable plans, policies, and regulations (including RWQCB permits) for the treatment of stormwater. For all these reasons, implementation of the proposed project will have a less than significant impact on the City's storm drainage system. **(Less Than Significant Impact)**

4.13.2.5 Solid Waste Impacts

Future development on the Santana Row site under the proposed rezoning, which includes the proposed mixed use and office buildings on Lots 9 and 17, would increase the total solid waste generated by the project site, compared to existing conditions. The proposed increase in office and retail square footage, as well as the increase in hotel rooms, would generate an additional 3,211 pounds per day over the existing entitlements.[66] This would equate to a total of 12,278 pounds per day with full build out of the site.

[66] Because the proposed 47 residential units within the main Santana Row site would replace the existing 47 residential units on Lot 17, there would be no additional increase in solid waste from the proposed 47 residential units (i.e., they are part of the environmental baseline condition).

The General Plan FEIR concluded that the increase in solid waste generated by full build out under the General Plan would not cause the City to exceed the capacity of existing landfills that serve the City. Future increases in solid waste generation from development allowed under the General Plan would be avoided with ongoing implementation of the City's Zero Waste Strategic Plan. This plan, in combination with existing regulations and programs, would ensure that full build out of the General Plan would not result in significant impacts from the provision of landfill capacity to accommodate the City's increased service population.

The proposed rezoning is consistent with the development assumptions in the General Plan. Therefore, full build out of the project site under the proposed PD Rezoning would have a less than significant impact on the solid waste disposal capacity. **(Less Than Significant Impact)**

4.13.3 Mitigation and Avoidance Measures for Utilities Impacts

No mitigation is required or proposed.

4.13.4 Conclusion

The proposed project will have a less than significant utilities impact. **(Less Than Significant Impact)**

Unlike utility services, public facility services are provided to the community as a whole, usually from a central location or from a defined set of nodes. The resource base for delivery of the services, including the physical service delivery mechanisms, is financed on a community-wide basis, usually from a unified or integrated financial system. The service delivery agency can be a city, county, service or other special district. Typically, new development will create an incremental increase in the demand for these services; the amount of demand will vary widely, depending on both the nature of the development (residential vs. commercial, for instance) and the type of services, as well as on the specific characteristics of the development (such as senior housing vs. multi- or single-family housing).

The impact of a particular project on public facilities services is generally a fiscal impact. By increasing the demand for a type of service, a project could cause an eventual increase in the cost of providing the service (e.g., more personnel hours to patrol an area, additional fire equipment needed to service a tall building, etc.). That is a fiscal impact, however, not an environmental one.

CEQA does not require an analysis of fiscal impacts. CEQA analysis is required if the increased demand triggers the need for a new facility (such as a school or fire station), since the new facility would have a physical impact on the environment.

For the purposes of the EIR, a public facilities and services impact is considered significant if the project would result in substantial adverse physical impacts associated with the provision or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection, police protection, schools, parks, or other public facilities.

2.14.1.6 Applicable Public Services Regulations and Policies

Policy PR-1.1: Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

Policy PR-1.2: Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

Policy PR-1.12: Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.

Policy PR-2.4: To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.

Policy PR-2.5: Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

Policy PR-2.6: Locate all new residential developments over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in its project design.

Policy ES-3.9: Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publically-visible and accessible spaces.

Policy ES-11: Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

5.1 Police Services

Police protection services for the project site are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street, approximately 2.9 miles northeast of the project site. For the last several years, the most frequent calls for service in the City were larceny, burglary, vehicle theft, and assault. [67]

For police protection services, the General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls.

The project proposes to increase commercial/retail and office development on-site which would increase the daily population of San José during standard business hours, but would not permanently increase the citywide population. The project proposes to increase the total number of housing units on-site by 47, which would replace the existing 47 apartments on Lot 17 that are proposed to be demolished. Therefore, the permanent population of the City will not increase with the proposed project. Nevertheless, redevelopment of existing surface lots with commercial and office development would likely result in an incremental increase in calls for service.

The *San Jose 2040 General Plan FEIR* concluded that planned growth under the General Plan would increase the population of the City which would require an increase in police services. While the overall service area would not increase, additional police officers and equipment would be needed to serve the larger population. The increase in police personnel may require the expansion of existing police facilities. There is, however, a new police substation in the Edenvale area of San Jose that is not currently in use.

The proposed increase in development on the project site is accounted for in the planned growth for the City. The project is only a small fraction of the total growth identified in the *Envision San Jose 2040 General Plan*. The proposed project, by itself, would not increase the population of the City and would not preclude the SJPD from meeting its service goals. As a result, all future development proposed on-site could be adequately served by existing resources. No additional police personnel, equipment, or expanded facilities would be required.

[67] City of San José Police Department. Public Computer Aid Dispatch FAQ's. City of San José. 2009. Accessed July 7, 2014. http://www.sjpd.org/CrimeStats/PoliceDataFAQ.html

The proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. As a result, the proposed office development will not require new police stations to be constructed or existing police stations to be expanded to serve the development while maintaining City service goals.

5.2 Fire Services

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The fire department currently consists of 33 active stations serving an area of 205 square miles and over one million residents. The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the project area.

The nearest fire station to the project site is Station No. 10 located at 511 South Monroe Street, approximately 0.3 miles east of the site. Based on the most recent data available from the SJFD, the average travel time for medical calls from Station 10 in 2013 was 4.95 minutes and 5.52 minutes for fire and other calls. There was little variation in travel times from month to month. For the first nine months of 2014 (data for October to December is not currently available), average travel time for medical calls from Station 10 dropped to 4.87 minutes. Travel time for fire and other calls increased by 0.01 seconds to 5.53 minutes.[68] The Fire Department has the ability to preempt traffic signals to speed response times.

SJFD has performance standards for emergency calls. For Priority 1 calls (the most urgent calls where lights and sirens are used) the standard is to have a response time of eight minutes or less for 80 percent of the calls. For Priority 2 calls (less urgent calls that do not require lights and sirens) the standard is to have a response time of 13 minutes or less for 80 percent of the calls. For the fiscal year 2013-2014, 74.36 percent of Priority 1 calls were responded to within the 8 minute standard and 88 percent of Priority 2 calls were responded to within the 13 minute standard at Station 10.[69]

The existing conditions on the site create a demand for fire services because the project site is currently occupied. The proposed project would result in a net increase in the total square footage of office and commercial/retail building space on the site, resulting in an increased demand for fire protection services.

The *San Jose 2040 General Plan FEIR* concluded that planned growth under the General Plan would increase calls for fire protection services in the City. The higher density development envisioned in the General Plan may require additional staffing and equipment to adequately serve the larger population but no new stations would be required other than those already planned.

The proposed increase in development on the project site is accounted for in the planned growth for the City. The proposed project, by itself, would not preclude the SJFD from meeting its service

[68] City of San Jose Fire Department. Fire Station Response Metrics. City of San Jose 2014. Accessed January 23, 2015. http://www.sanjoseca.gov/DocumentCenter/View/36886.
[69] City of San Jose Fire Department. Fire Response Times for Station 10 and the Santana Row Expansion. Personal communication by email from Jose Joseph, January 20, 2015.

goals. As a result, the proposed project could be adequately served by existing resources. No additional fire personnel or equipment would be required.

Furthermore, the proposed project would be constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies identified in the *San Jose 2040 General Plan FEIR* to avoid unsafe building conditions and promote public safety. As a result, the proposed residential development will not require new fire stations to be constructed or existing fire stations to be expanded to serve the development while maintaining City service goals.

5.3 Schools

The project site is located within the Campbell Union School District (CUSD) and the Campbell Union High School District (CUHSD). Students generated by the project would attend Lynhaven Elementary School (K-6th grade), Monroe Middle School (7th and 8th grade), and Del Mar High School. Lynhaven Elementary School is located approximately one mile southwest of the project site. Monroe Middle School is located approximately 0.9 miles south of the project site. Del Mar High School is located approximately 1.6 miles southeast of the project site.

The proposed PD rezoning would add 47 residential units to the Santana Row site. These 47 units would replace the existing 47 apartment units currently located on Lot 17 which are proposed to be demolished. As a result, no new students would be directly generated by the implementation of the proposed project. Therefore, the proposed project will not have any impact on schools in the City of San Jose.

5.4 Parks

The City has a Parkland Dedication Ordinance (PDO) with the goal of providing 3.5 acres of neighborhood/community serving parkland per 1,000 population San José residents. Residential growth resulting from build out of the General Plan will result in an overall City population of 1,313,811 by 2035 which will increase the demand for park and recreational facilities and create an overall parkland deficit of 2,187.40 acres (including regional and local park lands).

The closest park to the project site is Santana Park located approximately 230 feet east of Lot 17. There are also various communal open space areas for residences of the project site. The proposed PD rezoning includes an increase in office and retail square footage, as well as 47 new residential units. As previously noted, the additional 47 units would replace the existing 47 apartment units currently located on Lot 17 which are proposed to be demolished. As a result, there would be no direct increase in the resident population with implementation of the proposed project.

A net increase in the daily employee population in the City would not result in a substantial increase in usage of local recreational facilities. Although future employees might use City parks or trails for running and similar outdoor exercise, weekday employees are unlikely to place a major physical burden on existing parks. Therefore, implementation of the proposed project would not have a substantial adverse physical impact on existing parks and other public recreational facilities.

5.5 Libraries

The Dr. Martin Luther King Jr. Library opened in downtown in 2003. In addition, there are 22 additional branch libraries located throughout San José. The nearest branch libraries to the project site are shown below.

TABLE 5.5-1
Public Libraries That Serve the Project Site

Name	Address	Distance From Project Site
Rose Garden	1580 Naglee Avenue	1.3 miles northeast
West Valley	1243 San Tomas Aquino Road	1.9 miles southwest
Willow Glen	1157 Minnesota Avenue	2.8 miles southeast

Development approved under the City's General Plan will increase the City's residential population to 1,313,811. The existing and planned library facilities in the City will provide approximately 0.68 square feet of library space per capita for the anticipated population under the General Plan by the year 2035 which is above the City's service goal of 0.59 square feet per capita.

The *San Jose 2040 General Plan EIR* concluded that development and redevelopment allowed under the General Plan would be adequately served by existing and planned library facilities. There will be no net increase in the City's resident as a result of the project. Therefore, the project will not result in significant impacts to San José library facilities.

5.6 Conclusion

Implementation of the proposed project would result in an increase in office and commercial/retail space within the City which would incrementally increase the demand for police and fire protection services in the project area. The proposed development is consistent with the planned growth in the *San Jose 2040 General Plan* and, by itself, will not result in the need to construct new police or fire facilities. Due to the nature of the proposed development, the project will not impact existing school, recreational, or library facilities. **(Less Than Significant Impact)**

SECTION 6.0 CUMULATIVE IMPACTS

Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, are considerable or which compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant projects taking place over a period of time. The CEQA Guidelines state (§15130) that an EIR shall discuss cumulative impacts "when the project's incremental effect is cumulatively considerable." The discussion does not need to be in as great detail as is necessary for project impacts, but is to be "guided by the standards of practicality and reasonableness." The purpose of the cumulative analysis is to allow decision makers to better understand the potential impacts which might result from approval of past, present and reasonably foreseeable future projects, in conjunction with the proposed project.

6.1 Cumulative Impacts

6.1.1 Thresholds of Significance

The discussions below address the following aspects of cumulative impacts:

- Would the effects of the proposed project, when combined with the effects of all past, present, and pending development result in a cumulatively significant impact on the resources in question?
- If a cumulative impact is likely to be significant, would the contribution of the proposed project to that impact be cumulatively considerable?

6.1.1.1 Pending and Potential Development Within the Project Area

The Santana Row site is located within an identified Urban Village, which is an area designated by the City for intensification of growth. There are currently two parcels within the Urban Village with the potential to redevelop in the near term, the Century Theater site located immediately west of Santana Row and the Winchester Ranch Mobile Home Park located south and west of the Century Theater site, immediately north of Highway 280. At the time this EIR was prepared, there were no development proposals on file with the City for either site, so the land uses and densities that would ultimately be developed on these sites are not currently known.

Under the current General Plan, the Winchester Ranch site is designated *Residential Neighborhood (8 dwelling units/acre)* with an FAR up to 0.7 and buildings from one to 2.5 stories. The Century Theater site is designated *Neighborhood/Community Commercial* which allows neighborhood serving retail and services and commercial/professional office development. Development under this designation has an FAR of up to 2.0 and buildings from one to four stories. Based on the existing General Plan land use designations, this analysis assumes that Winchester Ranch will remain and that the Century Theater site would eventually be redeveloped with retail and/or office development.

In addition to the sites listed above, the Valley Fair Shopping Mall has existing entitlements for expansion that includes 638,480 square feet of new retail space and reconstruction of two parking structures. The traffic trips associated with the Valley Fair expansion are already accounted for in

the City's approved trips inventory (ATI) and were included as part of the background conditions for the project level traffic impact analysis.

Lastly, there are two development proposals within the project area on file with the City. The first project, located at 863-971 S. Winchester Boulevard, proposes to redevelop an existing housing site. The site is currently developed with 216 residential units. The project proposes to demolish the existing apartments and construct up to 641 new apartments and 13,000 square feet of retail. The second project, located at 3161 Olsen Drive, proposes to redevelop an existing movie theater site. The site is currently developed with three non-operational movie theaters. The project proposes to demolish two of the theaters and construct up to 971 residential units, 126,400 square feet of office space, and 44,420 square feet of retail space.

There are no pending development proposals in the City of Santa Clara in proximity to the site.

6.1.1.2 Cumulative Impacts of the Proposed Project

Based on the analysis in this EIR, the proposed project would have no impact on agricultural/forestry resources and mineral resources, and a less than significant impact on aesthetics, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use, population and housing, public services, and utilities and service systems. The degree in which the proposed project would add to existing or probable future impacts on existing land uses and/or resources would be negligible.

Hazardous Materials

Hazardous materials contamination is typically a localized issue. The proposed project has identified specific mitigation measures to address residual soil contamination on-site, as well as asbestos and lead-based paint from older structures on-site. The existing and proposed land uses on the project site do not pose a risk from the use or storage of hazardous materials. Future redevelopment within the Santana Row/Valley Fair Urban Village and intensification of growth throughout the City of San Jose could expose existing soil and/or groundwater contamination which will need to be remediated. The most likely impact to nearby sensitive receptors and construction workers would be exposure during removal and off-haul of contaminates. The remediation of multiple project sites within a limited geographical area at the same time is highly unlikely. Furthermore, truck routes would be established by the City to avoid residential and other sensitive areas. Therefore, redevelopment within the Santana Row/Valley Fair Urban Village would not result in a cumulatively significant hazardous materials impact.

Utilities and Public Services

The project's use of energy, water, the sanitary sewer system, and landfills, as well as police and fire protection services and local community services (schools, parks, libraries, etc.) was accounted for in General Plan as part of the planned growth of the City. When applicable, the General Plan identified the need for increased services and infrastructure to support the planned growth of the City. The project, by itself, will have a less than significant impact on these resources and services. The proposed project, combined with future redevelopment within the Santana Row/Valley Fair Urban Village and intensification of growth throughout the City of San Jose, would significantly increase

the use/need for these resources and services, but would not result in a significant cumulative impact. As a result, the project's contribution to the increased use of in any of these resource areas would not be considerable.

Greenhouse Gas Emissions

The proposed development on-site, combined with the existing and entitled development would have a less than significant GHG emissions impact. Due to the nature of GHG emissions, a significant project level impact is equivalent to a significant cumulative impact. Because the project would have a less than significant project level impact, the project's contribution to GHG emissions would not be considerable.

Other Resource Areas

The proposed project would result in significant air quality, biological resources, noise, and transportation impacts. The biological resources impacts will result solely from construction of the proposed project. These impacts are temporary and will be reduced to a less than significant level with implementation of the proposed mitigation measures. Because of the temporary nature of these impacts and the fact that the impacts will be mitigated, there would be no long term cumulative effect. As a result, the projects contribution to a cumulatively significant biological resources impact would not be considerable.

The project would result in a temporary TAC emissions impact as well as a significant operational criteria pollutant emissions impact. The TAC emissions impact will result from construction of the proposed development on Lots 9 and 17, due to the proximity of sensitive receptors. The impact will be temporary and will be reduced to a less than significant level with implementation of the proposed mitigation measures. Because of the temporary nature of this impact and the fact that the impact will be mitigated, there would be no long term cumulative effect. As a result, the projects contribution to a cumulatively significant TAC emissions impact would not be considerable.

The project would also result in a long-term ROG emissions impact from full build-out of the PD zoning. ROG emissions contribute to the formation of smog, which is a regional air quality issue. The proposed project, combined with future redevelopment within the Santana Row/Valley Fair Urban Village and intensification of growth throughout the City of San Jose and adjacent cities, would increase the regional levels of ROG emissions. The project, by itself, will have a significant and unavoidable ROG emissions impact, but when combined with all planned future growth within the region, the projects contribution to a cumulatively significant ROG impact would not be considerable.

Impacts resulting from construction noise would be temporary and would be reduced with conformance to applicable City policies. Because of the temporary nature of this impact and the fact that the impact will be mitigated, there would be no long term cumulative effect. As a result, the projects contribution to a cumulatively significant noise impact would not be considerable.

Noise impacts would result from operation of the proposed parking structure due to the proximity of sensitive receptors. The noise impacts would not result from an overall increase in ambient noise levels, but from instantaneous noise events such as car horns and doors slamming outside of standard

business hours. The impact would be limited to the residences immediately east of Lot 9, on the east side of Hatton Street. Because the noises causing the impact would be intermittent, the impact would be mitigated through building design or restrictions on use, and because no other land uses are proposed under the PD rezoning that would increase noise impacts on nearby residences, there would be no long term cumulative effect. The project, by itself, will have a less than significant operational noise impact with implementation of the identified mitigation. The impact is intermittent and would not increase ambient noise levels in the project area. Therefore, the projects contribution to a cumulatively significant noise impact would not be considerable when combined with future redevelopment within the Santana Row/Valley Fair Urban Village and other nearby projects.

6.1.2 Cumulative Transportation Impacts

Traffic volumes under cumulative conditions were estimated by adding the trips from proposed but not yet approved (pending) development projects within the City of San Jose to background condition traffic volumes. Cumulative plus project conditions are the cumulative no project condition plus project generated traffic.

As with existing plus project and background plus project, the proposed project would have a significant cumulative impact if it would:

- cause the level of service at any local intersection to degrade from an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under cumulative conditions;
- cause the level of service at any CMP/County intersection or freeway segment to degrade from an acceptable LOS E or better under background conditions to an unacceptable LOS F under cumulative conditions; or
- at any local intersection that is already an unacceptable LOS E or F under background conditions, cause the critical-movement delay at the intersection to increase by four or more seconds and the demand-to-capacity ratio (V/C) to increase by .01 or more.

A single project's contribution to a cumulative intersection impact is deemed considerable in the City of San Jose if the proportion of project traffic represents 25 percent or more the increase in total traffic volume from background traffic conditions to cumulative traffic conditions.

6.1.2.1 Cumulative Intersection Level of Service Impacts

Under the cumulative condition, seven of the signalized intersections (listed below) would operate at an unacceptable LOS in one or both Peak Hours. All other study intersections would operate at an acceptable LOS.

- Winchester Boulevard and Stevens Creek Boulevard (No. 1) – AM and PM Peak Hour
- Monroe Street and Stevens Creek Boulevard (No. 4) – PM Peak Hour
- San Tomas Expressway and Stevens Creek Boulevard (No. 15) – AM and PM Peak Hour
- San Tomas Expressway and Moorpark Avenue (No. 22) – PM Peak Hour
- Winchester Boulevard and Olin Avenue (No. 23) – PM Peak Hour
- Winchester Boulevard and Olsen Drive (No. 24) – PM Peak Hour
- Winchester Boulevard and Williams Road (No. 28) – AM Peak Hour

The results of the cumulative plus project conditions analysis are summarized in Table 6.1-1 below.

TABLE 6.1-1
Signalized Study Intersections Level of Service – Cumulative Conditions

No.	Intersection	Peak Hour	Background		Cumulative			
			Delay	LOS	Delay	LOS	Δ in Critical Delay	Δ in Critical V/C
1	Winchester Boulevard and Stevens Creek Boulevard (CMP)	AM	36.1	D	**68.8**	**E**	**82.8**	**0.587**
		PM	**60.1**	**E**	**191.9**	**F**	**273.9**	**0.699**
2	Santana Row and Stevens Creek Boulevard	AM	15.0	B	14.7	B	2.3	0.183
		PM	31.0	C	28.5	C	-2.3	0.137
3	Redwood Avenue and Sevens Creek Boulevard	AM	9.8	A	10.4	B	0.5	0.173
		PM	29.7	C	29.4	C	1.9	0.169
4	Monroe Street and Stevens Creek Boulevard	AM	34.1	C	43.5	D	14.6	**0.210**
		PM	**83.6**	**F**	**172.2**	**F**	**126.9**	**0.304**
5	I-880 SB off-ramp and Stevens Creek Boulevard (CMP)	AM	23.0	C	26.5	C	-6.4	0.225
		PM	18.7	B	21.5	C	3.2	0.148
6	Bascom Avenue and San Carlos Street	AM	43.0	D	45.0	D	3.3	0.062
		PM	52.6	D	54.5	D	2.0	0.061
7	Meridian Avenue and San Carlos Street	AM	40.3	D	40.9	D	0.9	0.047
		PM	52.2	D	54.0	D	2.9	0.032
8	Lincoln Avenue and San Carlos Street	AM	37.2	D	37.4	D	0.6	0.041
		PM	41.7	D	41.6	D	0.6	0.028
9	Bird Avenue and San Carlos Avenue (CMP)	AM	35.7	D	36.4	D	1.0	0.016
		PM	42.4	D	43.1	D	1.1	0.016
10	Monroe Street and Forest Street	AM	17.8	B	17.8	B	0.1	0.016
		PM	21.1	C	21.3	C	0.4	0.010
11	Monroe Street and Hedding Street	AM	36.0	D	36.4	D	0.2	0.007
		PM	37.6	D	37.8	D	-0.7	0.018
12	Monroe Street and Newhall Street	AM	26.9	C	27.1	C	-0.1	0.018
		PM	27.1	C	27.5	C	0.3	0.022
13	Winchester Boulevard and Hedding Street	AM	31.7	C	33.7	C	6.2	0.117
		PM	38.3	D	39.6	D	3.5	0.054
14	Winchester Boulevard and Forest Street	AM	20.2	C	21.9	C	1.0	0.029
		PM	30.5	C	34.6	C	4.2	0.089
15	San Tomas Expressway and Stevens Creek Boulevard (CMP)	AM	54.2	D	**59.9**	**E**	**8.0**	**0.046**
		PM	**74.8**	**E**	**79.0**	**E**	**5.9**	**0.012**
16	Saratoga Avenue and Stevens Creek Boulevard (CMP)	AM	35.0	D	34.9	C	0.0	0.004
		PM	38.5	D	39.5	D	2.0	0.044
17	Kiely Boulevard and Stevens Creek Boulevard (CMP)	AM	37.8	D	37.7	D	0.0	0.004
		PM	37.0	D	36.8	D	-0.1	0.005

TABLE 6.1-1
Signalized Study Intersections Level of Service – Cumulative Conditions

No.	Intersection	Peak Hour	Background		Cumulative			
			Delay	LOS	Delay	LOS	Δ in Critical Delay	Δ in Critical V/C
18	Saratoga Avenue and Kiely Boulevard (CMP)	AM	45.0	D	45.0	D	0.1	0.002
		PM	41.1	D	41.3	D	0.5	0.012
19	Saratoga Avenue and I-280 North (CMP)	AM	23.3	C	23.1	C	0.0	0.004
		PM	21.8	C	21.6	C	-0.3	0.013
20	Saratoga Avenue and I-280 South (CMP)	AM	42.2	D	42.2	D	0.1	0.000
		PM	34.6	C	34.8	C	0.6	0.004
21	Saratoga Avenue and Moorpark Avenue	AM	41.8	D	42.9	D	1.1	0.024
		PM	44.7	D	45.1	D	0.3	0.013
22	San Tomas Expressway and Moorpark Avenue (CMP)	AM	52.9	D	53.3	D	0.7	0.005
		PM	54.9	D	**61.7**	**E**	**11.6**	**0.049**
23	Winchester Boulevard and Olin Avenue	AM	17.5	B	20.5	C	7.0	0.405
		PM	20.4	C	**58.8**	**E**	**49.4**	**0.540**
24	Winchester Boulevard and Olsen Drive	AM	21.6	C	30.3	C	13.8	0.391
		PM	27.5	C	**76.2**	**E**	**59.4**	**0.554**
25	Winchester Boulevard and I-280 Westbound on-ramp	AM	26.5	C	29.2	C	4.3	0.056
		PM	35.8	D	51.8	D	31.4	0.194
26	Winchester Boulevard and Moorpark Avenue	AM	39.1	D	44.4	D	7.9	0.177
		PM	39.4	D	40.2	D	3.7	0.049
27	I-280 Eastbound off-ramp and Moorpark Avenue (CMP)	AM	11.6	B	12.4	B	0.7	0.081
		PM	13.5	B	14.0	B	0.2	0.032
28	Winchester Boulevard and Williams Road	AM	38.7	D	**57.6**	**E**	**29.1**	**0.128**
		PM	34.1	C	38.8	D	4.5	0.066
29	Winchester Boulevard and Payne Avenue	AM	39.6	D	39.4	D	0.2	0.038
		PM	36.8	D	36.2	D	-0.6	0.031
30	Winchester Boulevard and Hamilton Avenue (CMP)	AM	40.5	D	41.5	D	0.6	0.031
		PM	46.2	D	46.6	D	0.7	0.018
31	Winchester Boulevard and Campbell Avenue	AM	26.1	C	26.3	C	0.4	0.023
		PM	26.6	C	26.6	C	0.3	0.011
32	San Tomas Expressway and Saratoga Avenue (CMP)	AM	79.2	E	79.2	E	2.7	0.007
		PM	61.6	E	61.6	E	2.4	0.008
33	Saratoga Avenue and Pruneridge Avenue	AM	29.8	C	29.8	C	0.0	0.003
		PM	30.6	C	30.6	C	0.0	0.004
34	San Tomas Expressway and Pruneridge Avenue	AM	72.9	E	72.9	E	8.6	0.020
		PM	73.2	E	73.2	E	11.4	0.025
35	San Tomas Expressway and Forbes Avenue	AM	32.6	C	32.6	C	2.1	0.007
		PM	24.7	C	24.7	C	2.8	0.015
36	San Tomas Expressway and Homestead Avenue	AM	**145.2**	**F**	**145.2**	**F**	**2.6**	**0.006**
		PM	**109.5**	**F**	**109.5**	**F**	**3.9**	**0.010**

TABLE 6.1-1 Signalized Study Intersections Level of Service – Cumulative Conditions								
No.	Intersection	Peak Hour	Background		Cumulative			
			Delay	LOS	Delay	LOS	Δ in Critical Delay	Δ in Critical V/C
37	Scott Boulevard and Homestead Road	AM	21.7	C	21.7	C	0.0	0.001
		PM	24.8	C	25.0	C	0.7	0.009
38	Saratoga Avenue and Scott Boulevard	AM	24.4	C	24.4	C	0.0	0.003
		PM	22.7	C	22.6	C	0.0	0.003
39	Winchester Boulevard and Market Street	AM	8.1	A	8.3	A	0.2	0.010
		PM	6.7	A	6.5	A	0.0	0.006
40	Winchester Boulevard and Bellomy Street	AM	10.0	B	10.0	A	0.1	0.006
		PM	7.9	A	7.6	A	-0.2	0.006
41	Winchester Boulevard and Newhall Street	AM	24.3	C	25.2	C	0.6	0.028
		PM	20.5	C	22.6	C	2.7	0.063
42	Northbound I-880 Ramps and Stevens Creek Boulevard[70]	AM	19.2	B	22.1	C	3.1	0.188
		PM	20.5	C	22.7	C	3.1	0.101

The projects contribution to the increase in total traffic volumes from background conditions to cumulative conditions increases by 25 percent or more at one intersection, Monroe Street and Stevens Creek Boulevard. This contribution is considered cumulatively considerable by the City of San Jose. The project's contribution in total volume from background traffic conditions to cumulative traffic conditions would be less than 25 percent at the remaining intersections identified to be impacted by the total cumulative project trips.

Impact CUM-1: Implementation of the proposed project would result in a 0.304 increase in V/C and a 126.9 second increase in critical delay in the PM Peak Hour exacerbating the LOS F under cumulative conditions at the Monroe Street/Stevens Creek Boulevard intersection. The additional project traffic represents a 25 percent increase in total traffic volume at this intersection. **(Significant Impact)**

6.1.3 Mitigation Measures for Cumulative Transportation Impacts

There are no feasible mitigation measures to reduce the identified impact to the Monroe Street/Stevens Creek Boulevard intersection.

6.1.4 Conclusion

Under the cumulative plus project scenario, the proposed project would have a significant and unavoidable impact at the Monroe Street/Stevens Creek Boulevard intersection in the PM Peak Hour. **(Significant Unavoidable Impact)**

[70] Under construction.

SECTION 7.0 PROJECT ALTERNATIVES

Section 15126.6 of the CEQA Guidelines requires that an EIR describe a reasonable range of alternatives to the proposed project that could feasibly attain most of the project objectives while avoiding or considerably reducing any of the significant impacts of the proposed project. In addition, the No Project Alternative must be analyzed in the document.

In order to comply with the purposes of CEQA, it is necessary to identify alternatives that reduce the significant impacts that are anticipated to occur if the project is implemented while trying to meet most of the basic objectives of the project. The Guidelines emphasize a common sense approach. The alternatives shall be reasonable, shall "foster informed decision making and public participation," and shall focus on alternatives that avoid or substantially lessen the significant impacts.

The stated objectives of the project proponent are to:

1. Modify the existing Santana Row Planned Development through the annexation of approximately 1.91 adjacent acres to permit additional urban development consistent with the goals and policies of the San Jose Envision 2040 General Plan.

2. Continue to provide for a development plan which integrates seamlessly with neighboring retail, office and residential uses, and with the existing Santana Row mixed-use project which itself increase a balanced mix of uses and densities supportive of San Jose's smart growth.

3. Continue to provide for a development plan which co-locates jobs, housing, and services in a pedestrian-friendly, economically-viable manner within an "urban village", a sustainable concept proven to reduce single passenger vehicle trips and related congestion.

4. Humanize the pedestrian experience by selectively widening sidewalks and by adding amenities such as new trees and integrated planters, pedestrian-scale lighting, convenient seating opportunities, and other visual interest on Olsen Drive between Winchester Boulevard and Hatton Street. Further enhance the open space environment with the creation of a new urban plaza as a means of showcasing the terminus of Santana Row.

5. Support San Jose's stated job creation and job retention objectives by providing up to an additional 510,000 square feet of Class A office space and up to an additional 55,641 square feet of theater space in a proven, convenient and attractive location.

6. Replace underutilized existing surface parking with an easily-accessed, efficient new parking structure of up to five stories above-grade on Lot 9.

7. Relieve local vehicular traffic impacts by providing bus and van drop-off lanes to encourage and expand alternative transportation and pedestrian access to the Planned Development.

An EIR is required to include a "No Project" alternative that "compares the impacts of approving the proposed project with the impacts of not approving the proposed project."[71]

The significant impacts identified in this EIR as resulting from the proposed project include significant unavoidable LOS impact at one local intersection, two CMP intersections (under San Jose criteria), and three freeway segment impacts due to increase traffic trips. In addition, the project would have a significant unavoidable ROG emissions impact. The logical way to reduce these impacts would be to reduce the overall size of the development. Therefore a reduced development alternative is discussed below.

There is no rule requiring an EIR to explore off-site project alternatives in every case. As stated in the Guidelines: "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." (Guidelines, § 15126.6, subd. (a), italics added.) As this implies, "an agency may evaluate on-site alternatives, off-site alternatives, or both." (*Mira Mar, supra*, 119 Cal.App.4th at p. 491.) The Guidelines thus do not require analysis of off-site alternatives in every case. Nor does any statutory provision in CEQA "expressly require a discussion of alternative project locations." (119 Cal.App.4th at p. 491 citing §§ 21001, subd. (g), 21002.1, subd. (a), 21061.)

In considering an alternative location in an EIR, the CEQA Guidelines advise that the key question is "whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location".[72] The proposed project is an office and mixed-use development in an established office/commercial zone near bus transit, major roadways, and Interstates 280 and 880. It is likely that an alternative location within this area of the City would not substantially lessen the transportation impacts of the proposed project because employees would be traveling from the same residential locations and the traffic trips would generally use the same roadways and freeway segments. There are opportunities for redevelopment in the northern area of the City and within other identified Urban Villages, but sites in these areas would likely have the same or greater impacts than the proposed project site due to existing traffic congestion and planned growth in these areas. For these reasons, an alternative location was not analyzed. Additionally, the project objectives involve the stated goal of enlarging Santana Row, which could not be met by an alternative location.

A. NO PROJECT ALTERNATIVE Error! Bookmark not defined.

The CEQA Guidelines [§15126(d)4] require that an EIR specifically discuss a "No Project" alternative, which shall address both "the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project is not approved, based on current plans and consistent with available infrastructure and community services." Since the project site already developed but has existing entitlements for additional development, the no project alternative would be to build out the current Santana Row site with the remaining entitlements (see Table 2.1-1). It could also include construction of the 69,491 square foot, seven-story office building already entitled

[71] CEQA Guidelines Section 15126.6(e)(1)
[72] CEQA Guidelines Section 15126.6(f)(2)(A)

on the northern half of Lot 17 under a previously approved Planned Development Zoning (File No. PDC10-018). Lot 17 would not, however, become part of Santana Row and would remain an independent parcel. If the project applicant were to just build out the existing entitlements, there would be no new impacts beyond what has been disclosed in prior EIRs, mitigated negative declarations, and related addenda.

Conclusion: Implementation of the "No Project" alternative would avoid the significant unavoidable transportation impacts identified in this EIR. This alternative does not, however, meet all of the objectives of the current proposed project.

B. REDUCED DEVELOPMENT ALTERNATIVE

In an effort to avoid the significant traffic impacts that would result from the proposed project but still expand the existing Santana Row site and provide new office, retail, housing, and hotel space on-site, this alternative proposes a reduced development.

Under the reduced development alternative, the project would still propose a PD rezoning to allow for the inclusion of Lot 17 into the Santana Row site, construction of a new parking structure, an office building, and a mixed-use building and an increase in residential and hotel space. The PD rezoning would also continue to include the existing unbuilt entitlements including 348 residential units, 309,797 square feet of commercial/retail, and 228,200 square feet of office (Lot 11). The basic building design and orientation for Lots 9 and 17 would be the same as the proposed project and the project would still include all identified sustainable building design measures in an effort to achieve LEED Silver certification. This alternative would, however, propose a reduction in office square footage compared to the proposed project.

The proposed project causes impacts to three freeway segments: I-880 from I-280 to Stevens Creek Boulevard, I-880 from Bascom Avenue to Stevens Creek Boulevard, and I-280 from Meridian Avenue to I-880. To avoid the identified impacts on all three freeway segments based on one percent of segment capacity, the office component of the project would have to be reduced from 510,000 square feet to 344,491 square feet[73]. This equates to a total reduction of 165,509 square feet.

The proposed project also identified impacts at four local intersections, Stevens Creek Boulevard/Winchester Boulevard, Monroe Street/Stevens Creek Boulevard, San Tomas Expressway/Stevens Creek Boulevard, and San Tomas Expressway/Moorpark. To avoid the identified impacts at the two CMP intersections along San Tomas Expressway, the office component of the project would have to be reduced from 510,000 square feet to 119,491 square feet[74], a total reduction of 390,509 square feet.

This reduction would not avoid the impacts to the Monroe Street/Stevens Creek Boulevard and Stevens Creek Boulevard/Winchester Boulevard intersections. If the project was reduced to 94,491 square feet (25,000 square feet of new development entitlements), a total reduction of 415,509 square

[73] The 119,491 square feet of office space would be comprised of the 69,491 square feet of office space already entitled on Lot 17 plus an additional 275,000 square feet of new entitlements.
[74] The 119,491 square feet of office space would be comprised of the 69,491 square feet of office space already entitled on Lot 17 plus an additional 50,000 square feet of new entitlements.

feet, the impact to the Monroe Street/Stevens Creek Boulevard intersection would be avoided. Even with a total reduction of 415,509 square feet, the proposed development would still have an impact at the Stevens Creek Boulevard/Winchester Boulevard intersection.

The reduction in square footage would result in a proportionate reduction in criteria pollutant emissions. Implementation of the reduced development alternative would reduce the identified significant ROG emissions impact of the proposed project to a less than significant level.

The reduction in square footage would result in a proportionate reduction in water use, wastewater generation, solid waste generation, and electricity use, and would likely have a reduced construction schedule. While the proposed project would not have a significant unavoidable impact in any of these resource areas, implementation of the reduced development alternative would further reduce these effects of the project. All other identified impacts would be the same or less than those of the proposed project.

Any of the noted reductions in the proposed development under this alternative would meet most of the objectives of the proposed project (it would not meet objectives 3 and 5) but is not the highest and best use of mostly vacant sites within an urbanized zone. Specifically, this alternative is inconsistent with Objective 3 because it would severely limit new jobs within an identified urban village, thereby reducing the ability of the site and the larger urban village to provide a viable mix of mutually supported land uses. This alternative is also inconsistent with Objective 5 because it puts substantial restrictions on the amount of allowable office space on the project site and does not meet the project goal of an additional 510,000 square feet. In addition, it would limit the number of jobs available within a designated Urban Village that is already supported by services, housing, and transit.

Conclusion: Implementation of Alternative B, Reduced Development Alternative, would avoid the significant unavoidable freeway segment impacts identified in this EIR and, with further reductions, could avoid one or more LOS impacts on local intersections compared to the proposed project. This alternative meets some, but not all the project objectives.

C. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative. Based on the above discussion, the environmentally superior alternative is the Reduced Development Alternative because the project's significant unavoidable freeway segment impacts would be avoided and no new significant impacts would result. The Reduced Development Alternative would achieve most of the objectives of the proposed project. This alternative would be inconsistent with the project's objectives No. 3 and 5 (as noted above) which supports development mixed-use development within an identified Urban Village and sets goals for the total square footage of office space on-site to support the City's objectives relative to job creation.

SECTION 8.0 SIGNIFICANT UNAVOIDABLE IMPACTS

A significant unavoidable impact is an impact that cannot be mitigated to a less than significant level if the project is implemented as it is proposed. The following significant unavoidable impacts have been identified as resulting from the proposed project:

1. Implementation of the proposed project will degrade the LOS Monroe Street/Stevens Creek Boulevard intersection from D to E.

2. Implementation of the proposed project will increase traffic volumes on three freeway segments by more than one percent that already operate at LOS F.

3. Implementation of the proposed project will increase ROG, NOx, and PM_{10} emissions above established regulatory thresholds.

4. Implementation of the proposed project would result in a 0.304 increase in V/C and a 126.9 second increase in critical delay at the Monroe Street/Stevens Creek Boulevard intersection in the PM Peak Hour exacerbating the LOS F under cumulative conditions. The additional project traffic represents a 25 percent increase in total traffic volume at this intersection.

All other significant impacts of the proposed project would be reduced to a less than significant level with the implementation of mitigation measures identified in this EIR

SECTION 9.0 IRREVERSIBLE ENVIRONMENTAL CHANGES AND IRRETRIEVABLE COMMITMENT OF RESOURCES

CEQA and the CEQA Guidelines require that an EIR address "significant irreversible environmental changes which would be involved in the proposed project, should it be implemented." [§15126(c)]

If the proposed project is implemented, future development on the site would involve the use of non-renewable resources both during construction phases and future operations/use of the site. Construction would include the use of building materials, including materials such as petroleum-based products and metals that cannot reasonably be re-created. Construction also involves significant consumption of energy, usually petroleum-based fuels that deplete supplies of non-renewable resources. Upon completion of new construction on-site, occupants will use non-renewable fuels to heat and light the buildings. The proposed project will also result in the increased consumption of water. Water consumption on Lots 9 and 17 is currently low because all of Lot 9 and half of Lot 17 is vacant.

The City of San Jose encourages the use of building materials that include recycled materials and makes information available on those building materials to developers. New buildings will be built to current codes, which require insulation and design to minimize wasteful energy consumption. The proposed office development would be constructed to LEED Silver standards and would, as a result, use less energy for heat and light and less water than a standard design office complex. In addition, the site is an infill location and is currently served by public transportation. The site provides an expansion of job opportunities that are more reasonably proximate to existing housing and transportation networks in Santa Clara, San José, and Cupertino than housing farther away in the south county and other counties to the north. The proposed project will, therefore, facilitate a more efficient use of resources over the life time of the project.

SECTION 10.0 GROWTH INDUCING IMPACTS OF THE PROJECT

For the purposes of this project, a growth inducing impact is considered significant if the project would:

- Cumulatively exceed official regional or local population projections;
- Directly induce substantial growth or concentration of population. The determination of significance shall consider the following factors: the degree to which the project would cause growth (i.e., new housing or employment generators) or accelerate development in an undeveloped area that exceeds planned levels in local land use plans; or
- Indirectly induce substantial growth or concentration of population (i.e., introduction of an unplanned infrastructure project or expansion of a critical public facility (road or sewer line) necessitated by new development, either of which could result in the potential for new development not accounted for in local general plans).

The project proposes development on underutilized parcels with the larger project site which is considered an infill site in the City of San Jose. The site is surrounded by existing infrastructure and both existing and planned development. Development of under the proposed PD rezoning will not require upgrades to the existing sanitary sewer and/or storm drain lines that directly serve the project site. In addition, the project does not include expansion of the existing infrastructure that would facilitate growth in the project area or other areas of the City.

Development under the proposed PD rezoning would place new office and retail space in the middle of a mixed-use development with existing retail, housing, and commercial/office development. The proposed project would be compatible with the neighboring land uses and would not pressure adjacent properties to redevelop with new or different land uses, in a manner inconsistent with the existing General Plan.

Development under the proposed project would result in a net increase in jobs Citywide. There is currently an abundance of housing within the City of San Jose compared to the number of jobs within the City. The increase in jobs will incrementally decrease the overall jobs/housing imbalance within the City.

The project would not have a significant growth inducing impact.

SECTION 11.0 RESPONSE TO NOTICE OF PREPARATION COMMENT LETTERS

The City of San Jose received nine letters in response to the Notice of Preparation (NOP) which circulated from December 23, 2013 to January 21, 2014. Copies of these letters are provided in Appendix H of this EIR. In addition, the City of San Jose held a community meeting on February 27th, 2014 during which time initial public comments were taken. Copies of subsequent comment letters and speaker comments from the community meeting are also provided in Appendix H. Response to all comments on the NOP are provided below to provide information to the readers regarding where or how particular issues are addressed in this Draft EIR. In cases where the comments pertain strictly to the merits of the project and do not speak to the environmental review of the project, the comments are noted and no further response is provided.

10.1 STATE AGENCIES

10.1.1 California Department of Transportation, January 21, 2014

Comment 1: Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the NOP and have the following comments to offer.

Traffic Impact Study (TIS)

One of Caltrans' ongoing responsibilities is to collaborate with local agencies to avoid, eliminate, or reduce to insignificance potential adverse impacts by local development on State highways. We recommend using the Caltrans *Guide for the Preparation of Traffic Impact Studies* (TIS Guide) for determining which scenarios and methodologies to use in the analysis. The TIS Guide is a starting point for collaboration between the lead agency and Caltrans in determining when a TIS is needed. The appropriate level of study is determined by the particulars of a project, the prevailing highway conditions, and the forecasted traffic. The TIS Guide is available at the following website address: http://dot.ca.gove/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf.

The TIS should include:

1. Vicinity map, regional location map, and a site plan clearly showing project access in relation to nearby State roadways. Ingress and egress for all project components should be clearly identified. The State right-of-way (ROW) should be clearly identified. The maps should also include project driveways, local roads and intersections, parking, and transit facilities.

2. Project-related trip generation, distribution, and assignment. The assumptions and methodologies used to develop this information should be detailed in the study, and should be supported with appropriate documentation.

3. Average Daily Traffic, AM and PM peak hour volumes and levels of service (LOS) on all roadways where potentially significant impacts may occur, including crossroads and controlled intersections for existing, existing plus project, cumulative and cumulative plus project scenarios. Calculation of cumulative traffic volumes should consider all traffic-generated developments,

both existing and future, that would affect study area roadways and intersections. The analysis should clearly identify the project's contribution to area traffic and any degradation to existing and cumulative LOS. Caltrans' LOS Threshold, which is the transition between LOS C and D, and is explained in detail in the TIS Guide, should be applied to all State facilities.

4. Schematic illustration of traffic conditions including the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometrics (i.e., lane configurations) for the scenarios described above.

5. The project site building potential as identified in the General Plan. The project's consistency with both the Circulation Element of the General Plan and the Congestion Management Agency's Congestion Management Plan should be evaluated.

6. Identification of mitigation for any roadway mainline section or intersection with insufficient capacity to maintain an acceptable LOS with the addition of project-related and/or cumulative traffic. As noted above, the project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should also be fully discussed for all proposed mitigation measures.

Response 1: A full TIA was prepared in accordance with applicable requirements and guidelines and available traffic data. A discussion of the project's traffic impacts and proposed mitigation measures is provided in Section 4.2, *Transportation.* The full TIA is provided in Appendix A.

Comment 2: 7. Stevens Creek Boulevard/Monroe Street Intersection: The NOP states that the City of San Jose (City) acknowledges…that maintaining a Level of Service (LOS) D at major intersection are "protected," [sic] thereby allowing new development that would increase congestion and decrease the LOS below City standards. Any Level of Service below LOS D for State facilities are experiencing significant delay and unstable or forced traffic flow conditions (LOS E or F) and are deemed unsafe. Caltrans considers "protected" intersections which serve State facilities and are operating at LOS E or F as a risk to safety.

Response 2: An analysis of the projects impacts to the Stevens Creek Boulevard/Monroe Street intersection and the long-term effects of protecting the intersection are provided in Section 4.2, *Transportation*, and Appendix A.

Comment 3: This intersection is comprised of not only Stevens Creek Boulevard and Monroe Street but also the Interstate (I-) 880 southbound off-ramps at Stevens Creek Boulevard and the southbound I-880/State Route (SR) 17 on-ramps from Stevens Creek Boulevard, which could be significantly impacted by this proposed project. The on- and off-ramps for northbound I-880, which are immediately east of the intersection across I-880 on Stevens Creek Boulevard, could also be significantly impacted by this proposed project. Degradation of the Stevens Creek Boulevard/Monroe Street/I-880 Intersection southbound on- and off-ramps and northbound on- and off-ramps to LOS E or F by this proposed project would be significant.

Presently, traffic existing the I-880 southbound off-ramp and attempting a left turn at Monroe Street must cross three lanes of Stevens Creek Boulevard to reach the left turn pockets onto Monroe Street.

Drivers making U-Turns from Stevens Creek Boulevard westbound to eastbound or onto the I-880/SR 17 southbound on-ramp at these left turn pockets will also significantly impact traffic. These traffic delays could also significantly impact traffic on the southbound I-880 off-ramp by causing backup onto the southbound auxiliary land and the I-880 mainline. Furthermore, current conditions show traffic backing up from the Stevens Creek Boulevard/Monroe Street/I-880 intersection southbound on- and off-ramps over the I-880 overpass to the northbound I-880 on-ramp from Stevens Creek Boulevard. For these reasons, Caltrans recommends that the City include the I-880 southbound and northbound on- and off-ramps in this project's Traffic Impact Analysis (TIA).

> **Response 3:** The I-880 on- and off-ramps to/from Stevens Creek Boulevard are currently under construction and, as a result, analysis of the project's effects on LOS at these intersections would not be accurate. The roadway improvements currently under construction are intended to mitigate traffic backup onto I-880 and improve overall traffic operations along this corridor.

Comment 4: 8. South Winchester Boulevard/Tish [sic] Way/I-280 Intersection westbound on-ramp: Caltrans recommends that the City include in this project's TIA the S. Winchester Boulevard/Tish [sic] Way/I-280 Intersection westbound on-ramp. This project could significantly impact this intersection, thereby causing backup on the I-280 on-ramp, by degrading the S. Winchester Boulevard/Tish [sic] Way/I-280 Intersection westbound on-ramp to LOS E or F.

> **Response 4:** An analysis of the projects impacts to the South Winchester Boulevard/Tisch Way/I-280 intersection is provided in Section 4.2, *Transportation*, and Appendix A.

Comment 5: 9. South Winchester Boulevard/Moorpark Avenue Intersection: Caltrans recommends that the City include in this project's TIA the S. Winchester Boulevard/Moorpark Avenue Intersection and the eastbound I-280 off-ramp. This project could significantly impact this intersection, thereby causing backup onto the I-280 off-ramp and the mainline, be degrading the S. Winchester Boulevard/Moorpark Avenue/I-280 Intersection eastbound off-ramp to LOS E or F.

Comment 6: ***Lead Agency***

As the lead agency, the City is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibility and lead agency monitoring should be fully discussed for all proposed mitigation measures.

This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the State ROW, and Caltrans will not issue a permit until our concerns are adequately addressed, we strongly recommend that the City work with both the applicant and Caltrans to ensure that our concerns are resolved during the environmental process, and in any case prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

Response 6: All required project mitigation will be included in the Mitigation, Monitoring or Reporting Program (MMRP) for the project. The MMRP will specifically identify the timing for all project mitigation. If necessary, the project will comply with all Caltrans requirements for encroachment permits.

Comment 7: ***Transportation Management Plan (TMP)***

If it is determined that traffic restrictions and detours are needed on or affecting State highways, a TMP or construction TIS may be required of the developer for approval by Caltrans prior to construction. Traffic Management Plans must be prepared in accordance with Caltrans' *Manual on Uniform Traffic Control Devices.* Further information is available for download at the following web address: http://www.dot.ca.gov/hq/traffops/signtech/mutcdsupp/pdf/camutcd2012/Part6.pdf.

Please ensure that such plans are also prepared in accordance with the transportation management plan requirements of the corresponding jurisdictions. For further TMP assistance, please contact the Office of Traffic Management Plans at (510) 286-4647.

Response 7: The City acknowledges Caltrans requirements for a TMP or construction TIS. If one is required, the project will comply with Caltrans *Manual on Uniform Traffic Control Devices.*

Comment 8: ***Vehicle Trip Reduction***

Caltrans encourages you to locate any needed housing, jobs and neighborhood services near major mass transit centers, with connecting streets configured to facilitate walking and biking, as a means of promoting mass transit use and reducing vehicle miles traveled and traffic impacts on the State highways.

We also encourage you to develop Travel Demand Management (TDM) policies to promote usage of nearby public transit lines and reduce vehicle trips on the State Highway System. These polices could include lower parking ratios, car-sharing programs, bicycle parking and showers for employees, and providing transit passes to residents and employees, among others. For information about parking ratios, see the Metropolitan Transportation Commission (MTC) report *Reforming Parking Policies to Support Smart Growth* or visit the MTC parking webpage: http://www.mtc.ca.gov/planning/smart_growth/parking.

Response 8: The project is a mixed-use development that includes housing, services, and jobs near existing transit facilities. The new office development proposed will be required as a condition of approval to implement TDM programs to the satisfaction of the City, once the tenants are determined.

10.2 REGIONAL AND LOCAL AGENCIES

10.2.1 Santa Clara Valley Transportation Authority, January 21, 2014

Comment 1: Santa Clara Valley Transportation Authority (VTA) staff have reviewed the NOP for 510,000 square feet of retail, 47 residential units, and 6 hotels at the southeast corner of Stevens Creek Boulevard and Winchester Boulevard. We have the following comments

Land Use
VTA supports the proposed land use intensification on this site, strategically located on the regional transportation network and served by the VTA Local Bus Line 23 and Limited Line 323 along Stevens Creek Boulevard. VTA is also currently planning for Bus Rapid Transit (BRT) service along Stevens Creek Boulevard, with the closest planned stop 0.3 miles away from the project site at Sevens Creek Boulevard and South Winchester Boulevard. Additionally, by contributing office, housing, retail, and hotel to the mix of uses already built in a pedestrian-friendly design at Santana Row, the project will contribute to the "synergy" of uses in the area that will result in a greater percentage of trips accomplished by walking and fewer driving trips during the day.

Stevens Creek Boulevard and Winchester Boulevard are identified as Corridors in VTA's Community Design & Transportation (CDT) Program Cores, Corridors and Station Areas framework, which shows VTA and local jurisdiction priorities for supporting concentrated development in the County. The CDT Program was developed through an extensive community outreach strategy in partnership with VTA Member Agencies, and was endorsed by all 15 Santa Clara County cities and the county.

Response 1: It is acknowledged that VTA is supportive of the proposed project.

Comment 2: Pedestrian and Bicycle Accommodations
VTA requests that the DEIR and TIA address Pedestrian and Bicycle Accommodations in its analysis of Transportation/Circulation impacts of the project. Such analysis should consider the completeness of the pedestrian and bicycle network on roadways and intersections adjacent to and nearby the project site. VTA also recommends that the City require bicycle parking consistent with City of San Jose bicycle parking standards as a Condition of Approval for the project.

Response 2: The EIR and TIA include an analysis of pedestrian and bicycle facilities. Please see Section 4.2 of this EIR for the transportation analysis. The full TIA is provided in Appendix A.

10.2.2 County of Santa Clara Roads and Airports Department, January 23, 2014

Comment 1: The County of Santa Clara Roads and Airports Department is submitting the following comment. A Transportation Impact Analysis (TIA) should be prepared to account for any additional traffic distribution via Stevens Creek Boulevard through the unincorporated County pocket, located at the south side of Stevens Creek. The report should identify any adverse impacts and mitigation measures for the identified impacts and should be incorporated into the EIR document.

Response 1: Please see Section 4.2 of this EIR for the transportation analysis. The full TIA is provided in Appendix A.

10.3 LOCAL ORGANIZATIONS AND INDIVIDUALS

10.3.1 Barbara Emerson, January 7, 2014

Comment 1: I am appalled that the city of San Jose would even consider allowing an expansion of Santana Row. If the city is truly interested in getting people to go downtown then this is not the way to do it. More people will come to Santana Row where traffic is already a nightmare for those of us living here.

Response 1: The City acknowledges that the commenter does not support the proposed project. This comment will be provided to the decision-makers are part of the public record for this project. Traffic conditions are discussed in Section 4.2 of this EIR.

Comment 2: During the holidays, it takes those living here 3-5 minutes more to get out of the housing areas due to traffic, which could mean life or death in an emergency situation. So by protecting the Monroe Ave-Stevens Creek intersection, you are saying it is okay to let people die. This is unreasonable and San Jose should rethink this proposal.

Response 2: Please refer to Response 1. Congested intersections can still be negotiated by emergency vehicles without substantial delay.

Comment 3: There are no parks in this area except the one they want to build a high rise on. So taking away any open space to add to the already clogged traffic and generate more pollution is another drawback to this project.

Response 3: The project does not propose to replace existing open space with new development. All new development under the proposed rezoning would be located on existing parking lots and other developed areas.

Comment 4: My neighbors and I are all disturbed by the way San Jose has neglected the needs of the people here to storm head strong into a project that will only give some developer the freedom to make a lot of money from it and leave us to deal with even less open space and worse traffic. Please consider dropping this project or severely reducing the impact it will [sic] on those living here.

Response 4: Please refer to Responses 1 and 4.

10.3.2 Daphna Woolfe/WONA Steering Committee, January 15, 2014

Comment 1: In response to the EIR, file number PDC13-050, the continued expansion of Santana Row, our recently formed neighborhood association WONA representing 880 households, would like to address the immediate affect of the proposed Santana Row expansion on the residents of our area.

When the Santana Row project was first in planning, many people in our neighborhood were very concerned about how this would affect traffic in our area. We were assured that the reconfiguring

the [sic] on and off ramps to highways 280 and 880, would prevent the future traffic expansion. As we all know, this did nothing to ease the flow of traffic. Our area, which has had gridlock issues on the city streets for years, particularly during the six week long holiday season, now has these issues on a constant basis. What the city and Federal Realty fail to acknowledge is that the reflowing of traffic on and off the freeway, even with the new interchange, will do nothing to stem the flow of traffic on to city streets. Our streets simply cannot hold any more traffic. The city of San Jose needs to alleviate the current traffic issues, not add to them.

Response 1: Traffic conditions with and without the project, as well as cumulative conditions, are discussed in this EIR. Please see Section 4.2 and Section 6.0.

Comment 2: According to the national Highway Capacity Manual special report, "The addition of traffic is not linear. It is exponentially dependent on the state of existing of [sic] traffic". Additionally, this same manual gives grades to traffic, ours stands at an "F" = "Forced Flow, excessive delays, represents jammed conditions. Queues may block upstream intersections."

Response 2: The effects of the proposed project on local and regional traffic are addressed in Section 4.2 of this EIR. The analysis is based on the methodology established by the Congestion Management Agency and the City of San Jose. The current level of service (i.e., traffic grades noted in Comment 2), are shown in Table 4.2-3.

Comment 3: With Federal Realty's plans for further expansion, eventually all the way from the current site to 880, our neighborhood will be severely affected. The exits at Saratoga Ave. or Lawrence Expressway are not viable alternatives as these too have significant bottlenecks.

We request that the city put the infrastructure in place before continued expansion of any urban village. For example, the city would not allow a new housing development without a new sewer system, why put into place businesses and housing without the ability to ensure that people can access them effectively and efficiently?

WONA would like to have the opportunity to work with the city of San Jose to solve these issues. Please keep us informed of any meetings public meetings [sic] relating to this EIR or any other high-density building within our area.

Response 3: Please see Response 1 above.

10.3.3 Pamela DuMond, January 17, 2014

Comment 1: I have but one simple question. What is or has fidelity trust done toward traffic improvements?

Fidelity trust has been calling all the shots. Parking is totally inadequate.

The new #880 and Stevens Creek exit is just going to dump people onto Stevens Creek and people will be sitting in their cars. I know fidelity is opening Tisch Way, to the south of Santanarow [sic], as fidelity purchased the Barry Swenson property for another high rise. This newly created exit out

of Santarow [sic] will not be a solution. This has been a locals only way to avoid the Stevens Creek Blvd. mess. Now this will be come [sic] an even greater traffic mess.

From the very beginning they have been required to do little to attempt to alleviate traffic—mainly because there is no where to go!

They have been successful in increasing heights and density to their ground space time after time. We never know anything until after the fact.

Traffic gets worse and worse and Santana Row is only half built out. That is to say nothing of potential development of the Centuries and possible Winchester Ranch Mobile Home Park conversion to put up high rises across the street.

Holiday traffic will become an everyday occurrence—a total gridlock nightmare. I would appreciate a response to this letter.

> **Response 1:** As noted in the project description, the proposed project will add parking to the Santana Row site. Please refer to Section 4.2 and Appendix A of this EIR for a detailed discussion of the project's traffic impacts and proposed mitigation measures.

10.3.4 Jim and Le Heinz, January 20, 2014

Comment 1: Federal Realty Investment Trust has plans for three new office buildings (Mercury News March 12, 2013). This article was in the newspaper the day after a community meeting with the Department of Planning on March 11, 2013. At this meeting for community input, there wasn't any mention by the Department of Planning of this development.

> **Response 1:** The proposed project includes one free standing office building on Lot 17 and a mixed-use office/retail building on Lot 9. The third office building was already approved in 2012 and is slated for construction on the surface parking lot (Lot 11) at the southeast corner of Olsen Drive and Winchester Boulevard. The purpose of the March 11, 2013 community meeting was specifically intended to solicit community input on future development within the Valley Fair/Santana Row Urban Village. The previously approved Lot 11 project at Santana Row was discussed at this meeting. The current applicant for Lots 9 and 17 was not filed until November 2013 and any discussions of this project prior to submittal of the formal application would have been speculative.

Comment 2: The planned development of Santana Row could add 3,000+ vehicles on the road. Stevens Creek and Winchester are already over capacity. In the original meetings to construct Santana Row the impact to traffic on these roads was to be addressed. It has not been addressed or mitigated in any way. The concern with more traffic is a decrease in the air quality and increased greenhouse gas emissions. The answer is not to make any of the intersections (including Monroe) a protected, [sic] intersection. As an example, the VTA bus #23 uses residential streets during the Holidays to avoid the tremendous congestion of the Valley Fair and Santana Row area. It is obvious they have identified this as a real problem.

Response 2: The original *Town and Country Village FEIR (1998)* addressed the project traffic estimated to occur with development of the originally proposed Santana Row project. The FEIR identified impacts at two study intersections during the standard Peak Hours: Moorpark/Winchester and Stevens Creek/Winchester. The improvements identified for the Moorpark/Winchester intersection were implemented as proposed. The improvements identified for the Stevens Creek/Winchester intersection could not be imposed as a project condition because the improvements would be located outside the City of San Jose's jurisdiction. This impact was determined to be significant and unavoidable. This intersection has since been protected.

Since the approval of the original Santana Row project, other development has occurred in the project area, including expansion of Valley Fair, which has also increased traffic in the project area. Please refer to Section 4.2 and Appendix A of this EIR for a complete discussion of traffic impacts. Also, please refer to Sections 4.3 and 4.4 for complete discussions of air quality and greenhouse gas emissions impacts.

Comment 3: We realize that our concerns and input to the Department of Planning and the City of San Jose will not be considered in the development of this area (based on our last experience with your department and the city during the Santana Row construction). It is our opinion, the City of San Jose and the Department of Planning have already decided what your actions are going to be without any regard to impacts for the surrounding area (it's all about additional revenue for the city). In closing as concerned parties, we will continue to monitor the actions of the Department of Planning and the City of San Jose. Feedback to this email and concerns expressed would be appreciated.

Response 3: The City acknowledges that the commenter has concerns regarding the proposed project. This comment will be provided to the decision-makers are part of the public record for this project.

10.3.5 Susan Norris, January 20, 2014

Comment 1: We are writing this letter in response to the Santana Row Expansion Project (File # PDC13-050). We live very close to the project area and are concerned about the traffic impact this project will have. As you may be aware, traffic on Stevens Creek Blvd. and Winchester Ave. surrounding Santana Row is already quite heavy, especially on weekends and between November-December. It is often difficult for those of us living in the Winchester Orchard neighborhood to even turn onto Stevens Creek Blvd. from our residential streets.

We are especially concerned about the proposal to designate the intersection at Monroe and Stevens Creek a "protected" intersection. This intersection is often backed-up and causes further back-up around the nearby intersections. We do not want this to be considered "acceptable" by the city of San Jose. No one should have to deal with this kind of poor traffic flow as the "norm" for his/her neighborhood. Additionally, we do not understand why this intersection is being considered with this project, as the project area is distant from this intersection.

We would be happy to discuss our concerns with you and better understand the proposal. Please contact us at your earliest convenience.

Response 1: Please refer to Section 4.2 for a complete discussion of traffic under current conditions and project conditions and the reasoning behind the proposal to protect the Stevens Creek Boulevard/Monroe Avenue intersection.

10.3.6 Emily Holton, January 21, 2014

Comment 1: Thank you for the opportunity to comment on the plan for conducting the various studies leading to your environmental impact report (EIR). I have lived in my home (3361 Olsen Drive) for nearly 40 years, and I believe my opinions are representative of the neighborhood immediately west of Santana Row; thus, I am concerned with the impacts of additional traffic on our 870 households and several businesses in the area known as the Winchester Orchard Neighborhood Association (WONA).

Specific parts of the document that I recommend be changed are as follows:

Protection of Stevens Creek Boulevard/Monroe Avenue Intersection – the second paragraph states "The Monroe Avenue/Stevens Creek Boulevard intersection is completely built out and cannot maintain an LOS D ---" A statement which appears intended to support a recommended classification of "Protected". I find this totally unacceptable, as it would set a precedent that any city intersection that cannot meet LOS D may be "protected' in future development planning. Monroe Avenue traffic will clearly be exacerbated by the SRE, so mitigation should be part of the planning. Clearly, other intersections in the vicinity will be adversely impacted by the SRE, and may end up worse than LOS D. Please don't let any of them become "Protected"!

Response 1: It is assumed that the document referred to by the commenter is the Notice of Preparation which gives a description of the proposed project and a brief overview of the analysis to be included in the EIR. The City is considering whether to protect the Stevens Creek Boulevard/Monroe Avenue intersection based on multiple traffic studies from previous projects including past projects at Santana Row and Valley Fair consistent with the Protected Intersections Policy adopted by the City Council in 2005.

For intersections operating below the City's threshold of LOS D, standard mitigation could include changes in signal timing, changes in the lane configurations within the existing right of way, and expansion of the intersection. Based on the previous extensive analysis of this intersection, there are no minor improvements that will reduce the LOS and no feasible physical improvements exist as there is no land available to expand the intersection. For these reasons, the City is considering whether to protect the Stevens Creek Boulevard/Monroe Avenue intersection. The analysis of this proposal is provided in Section 4.2 of this EIR. No other intersections are proposed to be protected by this project and the City of San Jose does not considering this as mitigation.

Comment 2: Specific environmental category #* - "Transportation & Circulation" wording states "The EIR will examine the existing traffic conditions in the immediate vicinity of the project site." I am concerned that all intersection affected may not be studied. I suggest specific wording to describe the intersections to be studied (e.g., "exists and entries to Routes 880 & 280, Stevens Creek Boulevard/Winchester Boulevard, Winchester Boulevard/Tisch Way).

Response 2: As noted in Response 1, the Notice of Preparation (NOP) provides a brief overview of the analysis to be included in the EIR. The study intersections are listed in Section 4.2 of this EIR. The City identified the intersections to be studied based on the Congestion Management Plan criteria which is explained in Section 4.2.1.4 of this document.

Comment 3: Parking – existing parking in Santana Row is marginal, in my experience. Parking studies (e.g., existing vs SRE completed number of slots) should be added as one of the specific environmental categories.

Response 3: Please note that parking, or lack thereof, is not in and of itself considered an environmental impact and is not required to be analyzed under CEQA.

10.3.7 Valerie & Bob Wickersham, February 27, 2014

Comment 1: As part of the environmental impact report for Santana Row I ask you to study the traffic patterns and "gridlock" already impacting the area. As a long term resident of the area I have seen the large degradation in quality of like that has resulted because of Santana Row and further aggravated by the sale of the California Agricultural land on Winchester and the high density housing development by KB adjacent to Santana Row. In performing your analysis you must consider all the other proposed actions to be allowed by the City of San Jose and also by Santa Clara. With the addition of thousands of parking spots at Valley Fair the traffic will only get much worse than it already is. The EIR on the Santana Row expansion must be viewed as part of the whole area plan and the serious degradation in accessibility must be viewed in the totality of the plans for the area.

Response 1: An EIR analysis provides data on two scenarios, the existing conditions and the project conditions. The level of potential impact is assessed based on the difference between the two scenarios. The traffic analysis goes one step further in providing the existing conditions, the background conditions, and the project conditions. The background conditions represent a future traffic scenario where traffic from approved but not yet constructed projects is added to the existing traffic conditions. The project traffic is then added to the background conditions to give a more accurate accounting of project related impacts. Where relevant, the cumulative conditions (i.e., the proposed project plus all pending and reasonably foreseeable projects) are also analyzed. Please see Section 4.2 of this EIR for the traffic analysis and 6.0 for the cumulative analysis.

Comment 2: CEQA should require that a mitigation plan be paid for as part of this expansion. What mitigation can be offered? Who will pay for it? Will it be required to be completed before the expansions in the area are allowed? What answers are proposed to address the concerns raised by the California Department of Transportation in their letter dated January 21, 2014?

Comment 2: CEQA does require the implementation of all feasible mitigation to reduce identified impacts to a less than significant level. There must be a nexus between the mitigation and the impact. Measures that do not directly mitigate an impact are not considered mitigation. The project applicant is fiscally responsible for all mitigation proposed or required as a condition of project approval. It is possible, however, to have significant unavoidable impacts in which case the City Council must make a determination of

whether or not the benefits of the project outweigh the impacts. The timing of mitigation measures is dependent of the type of impact and what would trigger the impact.

Please see the City's responses to the above referenced Caltrans letter at the beginning of this section.

Comment 3: Have you, or anyone in San Jose City Government, reread the EIR for the original Santana Row project and compared the end result to what the City projected? If the report was not accurate how will you try and make this report more accurate? If companies file plans and make promises are they ever held accountable?

Comment 4: We live on Ardis Ave and the City of San Jose allowed the expansion of the Audi dealership. As part of the expansion they were supposed to provide employee parking. Every day at least 10 vehicles are parked on nearby streets by employees. Why isn't the dealership held accountable?

Response 4: The above comment makes no specific reference to the proposed project or the preparation of the EIR. This comment is acknowledged.

Comment 5: There are serious traffic problems already on Stevens Creek, Winchester, Moorpark, Monroe and almost all streets in the neighborhood. This report should address those problems with accurate and truthful analysis. Our neighbor [sic] has been negatively impacted by the current growth and this expansion only exacerbates the problems.

Response 1: A full analysis of the traffic impacts resulting from the proposed project is provided in Section 4.2 and Appendix A.

10.3.8 Caroline Marley, February 27, 2014

Comment 1: There were so many people who eloquently addressed the existing problems that impact residents. Traffic is not just an issue of convenience; it is a safety issue and an environmental issue, affecting air and soil quality (when rain run-off carries contaminants). Please fix the problems we already have before creating more.

Response 1:

Comment 2: The idea of an urban village is a good one. However, it is apparent from articles published (biz journal, Mercury News) that "Envision San Jose 2040" and Federal Realty have a vision of wealthy tech workers having the benefit of being able to walk from home to work to shopping, etc. Nowhere in the plans is the issue addressed of where low-income service workers will live. They will be forced to commute, while wealthier folks will enjoy amenities close to home & work. At the very least, part of any development plan for any urban village should be providing affordable housing for seniors, service workers, and other low income folks.

Response 2: The City acknowledges the commenters opinion that the project should include affordable housing. This comment will be provided to the decision-makers as part of the public record for this project.

Comment 3: Lastly, please do not insult the residents of San Jose by giving the appearance of valuing their input, only to bend to the will of wealthy developers. By doing so, you make a mockery of the democratic process.

Response 3: This comment is acknowledged.

10.3.9 Dorothea Gingerelli, February 27, 2014

Comment 1: This project is being persued [sic] in an area that was not built for growth and then experienced dramatic growth with more growth planned! Existing and planned transportation improvements cannot compensate for this growth. All EIR's should reflect the true status of the area – not what is was before the projects hit.

Response 1: An EIR analysis provides data on two scenarios, the existing conditions and the project conditions. The level of potential impact is assessed based on the difference between the two scenarios. The traffic analysis goes one step further in providing the existing conditions, the background conditions, and the project conditions. The background conditions represent a future traffic scenario where traffic from approved but not yet constructed projects is added to the existing traffic conditions. The project traffic is then added to the background conditions to give a more accurate accounting of project related impacts. Where relevant, the cumulative conditions (i.e., the proposed project plus all pending and reasonably foreseeable projects) are also analyzed.

Comment 2: Already November through January, residents like myself have to divert through Santa Clara to utilize Hwy 17/880 & 680 because of holiday congestion by Westfield & Santana Row which dangerously backs up on all the highways and Stevens Creek. Winchester is further impacted with cars trying to exit parking structures from Santana Row. Any EIR in this that does not reflect these issues is a misleading or possibility fraudulent report; and any persons who are made aware that the report doesn't reflect the correct status of the area and approve it, would seem to be participating in a misleading or possibly fraudulent report. Only the most recent, accurate, up to date, information should even be considered.

Response 2: Please refer to Response 1. Also, please note that the traffic analysis is based on very specific methodology established by the Congestion Management Agency and the City of San Jose. As such, the traffic impacts are addressed based on weekday peak hour traffic (i.e., commute hours). General holiday traffic does not represent the standard operating conditions and is not addressed. Furthermore, CEQA Guidelines Section 15125 states that, "an EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published." The EIR analysis is consistent with this require and new traffic counts were completed to ensure up to date data in the traffic analysis.

10.3.10 Emily Holton, February 27, 2014

Comment 1: 1. Urban Village planning purports to have workers living near their work, yet a 47-unit apartment is to be demolished – how does that impact the City's affordable housing goal? If Winchester Ranch is also replaced, there will be zero affordable housing in this area!

Response 1: Please note that the potential redevelopment of Winchester Ranch is not part of the proposed project. The City has a newly adopted affordable housing impact fee that will be applicable to new development projects.

Comment 2: 2. Traffic (Automobile) surrounding the Santana Row complex (e.g. Stevens Creek and Winchester Blvds) is already slow-moving, yet recent EIRS show no impact. Consider doing an overall traffic study across all current city projects in this area to show the total traffic impact.

Response2: It is unclear what recent EIRs the commenter is referring to. Nevertheless, the EIR includes an analysis of cumulative conditions (i.e., the proposed project plus all pending and reasonably foreseeable projects). Please see Section 6.0 of this EIR.

Comment 3: 3. Parking (Automobiles) in and around Santana Row complex is already stretched thin – Consider doing a combined parking study across all developments planned within, say, one mile around Santana Row (i.e., existing slots, to be removed slots + to be added slots = parking impact).

Response 3: Please note that parking, or lack thereof, is not in and of itself considered an environmental impact and is not required to be analyzed under CEQA.

10.3.11 Jim Heinz, February 27, 2014

Comment 1: 1. How is the EIR now versus what was projected when Santana Row was first approved for development? What was projected versus what has actually transpired? The traffic impact was projected to be minimal and improvements were to be made. For example, the traffic is not now nor even has been minimal and we don't see any improvements made to the area for traffic impact.

Comment 2: 2. The proposed projects heights should not be any taller than existing buildings/offices in the area for aesthetics in the surrounding area. Since there will be glare issues from glass in the buildings, how will these projects be able to mitigate this issue?

Response 2: The building height allowed on the Santana Row site was previously established in the PD Permit and are not proposed to be changed. The issue of light and glare, relative to the Santana Row project, is addressed in Section 4.6 of this EIR.

Comment 3: 3. What building methods will be used to offset the seismic activity in this area? If the underground water table is encountered during excavation, how will this be addressed?

Response 3: As discussed in Section 4.7.3.3 of this EIR, the project is required to conform to the California Building Code and the recommendations of the site-specific geotechnical analysis. The effect of project construction on shallow ground-water aquifers is addressed in Section 4.7.3.2

Comment 4: 4. A high underground water table could become an issue. Is the storm drainage system large enough and upgraded enough to accommodate the proposed projects? If any upgrades need to be made, who pays for this – the developer or taxpayer? We are currently in an Extreme

Drought situation. This project will require water to develop and also when completed. Can the San Jose Water Co. provide the increase demand with current resources/infrastructure?

> **Response 4:** An analysis of the proposed project's impact on existing utilities and infrastructure is provided in Section 4.13. All mitigation identified in the EIR is the financial responsibility of the project applicant.

Comment 5: 5. No comment at this time – more information needed.

6. No comment at this time – more information needed.

7. No comment at this time – more information needed.

> **Response 5:** It is assumed that the numbering in this comment letter corresponds to the numbered sections in the Notice of Preparation. As such, it is acknowledged that the commenter had no comments on sections 5-7.

Comment 6: 8. The traffic in the area has already reached critical mass. The Holidays bring more traffic to Santana Row and Valley Fair which creates total traffic gridlock. The VTA bus (23) uses a residential street at this time of year to avoid the Stevens Creek/Winchester intersection. The VTA obviously considers the traffic a problem. The proposed development could add up to 3,000 more vehicles when built out. Making Stevens Creek/Monroe intersection a protected intersection does not solve the traffic issue. It only allows the city to not meet established criteria for traffic. When Santana Row was built there were to be improvements for the additional traffic created by Santana Row and Valley Fair. What happened to these improvements that were promised and why weren't they done? We would like to know the time of day when the traffic analysis is done.

> **Response 6:** Please note that traffic impacts are addressed based on established methodologies adopted by the VTA and the City of San Jose. Based on this methodology, traffic impacts are addressed for peak travel periods which are the AM and PM weekday commute periods. General holiday traffic does not represent standard operating conditions and is not addressed.
>
> The original *Town and Country Village FEIR (1998)* addressed the project traffic estimated to occur with development of the originally proposed Santana Row project. The FEIR identified impacts at two study intersections during the standard Peak Hours: Moorpark/Winchester and Stevens Creek/Winchester. The improvements identified for the Moorpark/Winchester intersection were implemented as proposed. The improvements identified for the Stevens Creek/Winchester intersection could not be imposed as a project condition because the improvements would be located outside the City of San Jose's jurisdiction. This impact was determined to be significant and unavoidable. This intersection has since been protected.
>
> It should be noted that past and future development on the Santana Row site is not responsible for mitigating traffic impacts from Valley Fair. Analysis of the proposed expansion of Valley Fair identified specific mitigation measures that are required by Westfield which have not yet been implemented. When the expansion projects on the Valley

Fair site are construction, Westfield will be required to implement their traffic mitigation measures.

Comment 7: 9. The air quality in the area has degraded due to the additional vehicles in the area from Santana Row and Valley Fair. The project will result in a lower air quality because of the additional traffic. This will negatively affect anyone in the area with respiratory issues. We would like to know the time of day when the air samples is taken.

Response 7: Please refer to Section 4.3 of this EIR for an analysis of local and regional air quality related to project construction and project operation. Please note that no air quality samples were taken as part of this analysis. Standard methodologies, based on the Bay Area Air Quality Management District standards, were used.

Comment 8: 10. Noise from the traffic is already an issue. We will reserve comment on construction noise pending more information.

Response 8: Please refer to Section 4.5 of this EIR for an analysis of noise related to project construction and project operation.

Comment 9: 11. The current Extreme Drought situation is an issue concerning water resources. Can the San Jose Water Co. meet the demand for the construction and developed project? Are the storm drains able to handle the additional demand or will upgrades need to be made to the system? Who will pay for any upgrades to any system – the developer of the taxpayers?

Response 9: Please refer to Response 4.

Comment 10: 12. The increased demand on public services is an issue, since the police and fire protection department employee numbers have been reduced. The police no longer respond to burglaries in the city. This will put an increased demand for polices and fire and create even longer response times if there is any response. If this requires the construction of new facilities, who will pay for their construction – the developer or taxpayers?

Response 10: Please refer to Section 5.0 of this EIR for an analysis of public services impacts from project operations.

Comment 11: 13. The increased demand for energy from this project is an issue. Can PG&E provide the increased demand without a negative impact to the surrounding area? Even with design measures to reduce energy usage additional stress/demand will still occur to the system.

Response 11: Please refer to Section 4.12 of this EIR for an analysis of energy impacts from project operations.

Comment 12: 14. Even with design measures to decrease greenhouse gas emissions, there will still be emissions from the building and additional traffic. What will the increase be from the project buildings and also from the projects additional vehicle traffic?

Response 12: Please refer to Section 4.4 of this EIR for an analysis of greenhouse gas emissions.

Comment 13: 15. According to City Council member Pierluigi Olivario, the project will proceed as planned (so there are no alternatives being considered). He was only concerned about additional revenue and not resolving current or future problems in the area.

Response 13: The EIR has analyzed a range of project alternatives, consistent with the requirements of CEQA, which have the potential to reduce the identified impacts of the proposed project. Please refer to Section 7.0 of this EIR for the alternatives analysis.

Comment 14: 16. No comment at this time – more information needed.

Response 14: It is acknowledged that the commenter had no comments on section 16 of the NOP.

Comment 15: 17. The proposed Santana Row development and also proposed Lot 17 development definitely needs to address and resolve the traffic issues. Future development of the property at the Century Theaters and the impacts should also be considered. The property owner is already commenting about developing about [sic] a desire to develop this property. The possible development of high density housing where Winchester Ranch currently exists is also another issue. According to the statement in this section, the development of this project is to be considered with other past, present and reasonably foreseeable future projects in the development area. However, at our meeting on 2/17/14 we were told by the Planning Department representative the no future development was under consideration due to CEQA Guidelines. Granted, these other proposed projects for development are not currently in progress but the property owners have stated their intentions.

Response 15: While the CEQA Guidelines require a cumulative analysis which includes past, present and reasonably foreseeable future projects, the EIR cannot quantify cumulative impacts without specific project data. Therefore, while it is likely that the Century Theater property and the Winchester Ranch property will be redeveloped at some point in the future, there is no specific project proposals on file with the City at this time. As such, this EIR cannot quantify the cumulative effects of these possible future projects in conjunction with the proposed project. The EIR has, however, addressed these possible future projects based on the assumed growth in the General Plan. Please refer to Section 6.0 of the EIR for the cumulative impacts discussion.

10.3.12 Kim Luu, February 27, 2014

Comment 1: I want to comment both on the EIR and the project. Firstly, the EIR must study the effects of increase traffic and the effects of gridlock for any emergency agency to access the people in the neighborhood. Inversely, the effects of increasing traffic for people from the neighborhood to be able to be on the road to get to the emergency facility. I live 1.2 miles from O'Conner Hospital and it can take a minimum of 20 minutes to 40 minutes to get there. In reality it should take 5 minutes. I live only one block from Santana Row and on many occasions, I can't turn onto Stevens Creek from Hanson Avenue. The only other alternative is to get onto Olin Ave. then northbound on

Winchester then onto Stevens Creek. And to get to the 880/280, it takes a minimum of at least 10 minutes every weekday. Coming back from work is worst [sic]. The worst times, mainly on the weekends, I can wait at the Hanson/Stevens Creek intersection for more than 15 minutes before any can [sic] will allow me to turn. And to try to go from the Olin Ave. route would be ludicrous. On the weekend I will not even drive most of the day and just stay home to not deal with the traffic.

> **Response 1:** Please refer to Section 4.2 and Appendix A of this EIR for a full analysis of the project's traffic impacts.
>
> The City acknowledges the commenters concerns and personal experiences regarding existing traffic conditions in the project area. This comment will be provided to the decision-makers as part of the public record for this project.

Comment 2: I was at the meeting on February 27th and heard the developer has only built out 20% of its current allowable commercial use space when they finished the building on the corner of Santa Row [sic] and Stevens Creek. When they finish with this project on Olsen Drive, they still will not utilize the total or close to the total of their current allowable commercial use space. But yet, they are asking to increase the allowable commercial use space. This makes no sense.

> **Response 2:** As shown on page 5 of this EIR, the developer has currently constructed 644,395 square feet of the 940,700 square feet of commercial space allowed on the project site. This represents 69 percent of the total allowable commercial square footage under the existing PD Permit.

Comment 3: We were asked at the meeting to comment and give feed back [sic] only on the project site at hand, but yet the developers are setting themselves up for major future expansions. So why couldn't we asked [sic] for an EIR to include the impact for the 565,641 sq. ft. which the developers got the increase for. Yes, that would be against the law, as explained by the authorities in the front of the room. But I ask, just use common sense. Anymore development will only bring in traffic with all the risks which comes with it.

> **Response 3:** The EIR addressed all increases in proposed land use development on the Santana Row site, as outlined in the project description, regardless of whether or not the square footage is proposed for immediate or future development. City staff made the request that the public provide comment and feedback only on the proposed project (i.e., the total increase in entitlements and the proposed development of Lots 9 and 17) because of the public's expressed concerns about possible future projects at other locations in the project area that are not part of Santana Row and would not be covered by this EIR.

Comment 4: I moved to this area several years ago because, I felt it was well balanced. It was very closed [sic] to the freeway, adequate amenities around the neighborhood. Now I see a future of stress, lack of emergency services, pollution, high cost of living, crime and overall poor quality of life.

> **Response 4:** This comment is acknowledged.

10.3.13 Luca Sartori, February 27, 2014

Comment 1: Extend light rail to San Carlos.

Response 1: This comment is acknowledged.

10.3.14 Nashili Basathia, February 27, 2014

Comment 1: I am stuck in the traffic from Stevens Creek to 880N each day and I know what is the solution. I have been trying to contact you but had no luck. Previously, lane #1 was going to San Carlos directly through the bridge. But in the new plan you have added #1 & #2 go straight to San Carlos which leaves only 1 lane to enter freeway 880N which causes the traffic for lane #2, #3, #4. The old road had a merger between 2 & 3. The new plan has a merger between #1 & 2. The same two lanes #1 & #2 are going to 17S + also going to 880N which is causing all the traffic jam in the area! Please let me know if this is confusing or if I can explain it more in detail. The solution is to have a dotted line between #2 7 freeway entrance of 880N.

Response 1: The above comment makes no specific reference to the proposed project or the preparation of the EIR. This comment is acknowledged.

10.3.15 Randy Scott, February 27, 2014

Comment 1: I believe that further development will have significant & continued impact on air quality, population & housing density, public services & safety, along with traffic issues & therefore be quite affecting to my neighborhood. Up to this point, I believe the city turned a blind eye to the traffic problems that existed even before the Santana Row project conversion from Town & Country Center. As a county resident at the time, I found even the Mercury News/John Wolfolk, did not acknowledge the existing problems & the logical increase of those problems with ↑ density. I believe the problems are obvious now, even to the most defensive observer & now that our area has been incorporated into S.J., perhaps my personal observations might be considered.

Response 1: The City acknowledges the commenters concerns and personal experiences regarding existing traffic conditions in the project area. This comment will be provided to the decision-makers as part of the public record for this project.

Comment 2: The S/R expansion plan is essentially increasing commercial capacity 50% (adding 565,641 ft^2 to make a total of 1,506,341 ft^2), ↑ office capacity ~ 200% (adding 510,000 ft^2 to equal 798,000 ft^2), ↑ retail ~ 8% (adding 55641 ft^2 to 708,141 ft^2) to about only 3% of the size of the original S/R footprint.

This has to increase the destination nature of S/R. With the added townhomes next to the park & fire station (what ~120 units?), the townhomes across Stvns. Crk. Where the old U.C. AG. Lab used to be, the expansion of Valley Fair – Isn't this considerable impact? The impact on the 2-routes of response utilized by S.J. Fire – i.e. Stvns Crk/Monroe & Tisch/Winchester (also the only access to W or N 280) plus the logical increase of responses by a single engine company has to impact the safety of my neighborhood. Where's the next responding piece of equipment? And since the next responding emergency vehicle will probably have to use a similarly impacted intersection

(Winchester Blvd. Interstate 2880, Saratoga Avenue Interstate 280, Lawrence Expwy, also) During high traffic times (commuting hours), there will be impacts or, like I told the Mercury News almost 12 years ago – Try turning left (south) onto my street from w/b Stevens Creek, anytime, from Halloween until January. You can imagine what it is like now. Will the displaced residents of the apartments, lost to the expansion, be able to afford the new residences? Now that's an Impact.

Response 2: The City acknowledges the commenters concerns and personal experiences in the project area. This comment will be provided to the decision-makers as part of the public record for this project.

10.3.16 Sherri Sumner, February 27, 2014

Comment 1: I have lived at this address since 1993. The traffic, pollution, and dangerous driving conditions has tripled. Not to mention the ease of traffic flow.

Response 1: The commenter's estimation of the change in conditions since 1993 is acknowledged.

Comment 2: The demolition of the Century Domes and possible displacement of the residents of the Winchester Mobile Park for big money is a big black mark on a city I have called home since 1961.

Response 2: Please note that the proposed project does not include development on either of the aforementioned sites. This comment is acknowledged.

Comment 3: You are in the process of destroying our community all for money. Stop now!! I will not vote for anyone pursuing this project. Enough!!

Response 3: It is acknowledged that the commenter is not in support of the proposed project.

10.3.17 Barbara Emerson, March 2, 2014

Comment 1: After attending the EIR meeting describing the expansion of Santana Row, I am opposed to it and the additional traffic it would produce. The protected intersection at Stevens Creek Blvd and Monroe cannot handle any more traffic and we cannot accept the changing of Tisch Way and Winchester Boulevard to another protected intersection due to the burdensome level of traffic expected by the increased level of traffic.

Response 1: Please note that the Stevens Creek Boulevard/Monroe intersection is not a protected intersection. The project proposes to add the Stevens Creek Boulevard/Monroe intersection to the City's Protected Intersection list. The effects of protecting this intersection are specifically addressed in Section 4.2 of this Draft EIR. The project does not propose to add the Tisch Way/Winchester Boulevard intersection to the City's Protected Intersection list.

Comment 2: Our safety is already severely impacted by the traffic level now. Neighbors with emergencies have not been able to be reached within reasonable amounts of time and have suffered because of the delay of emergency vehicles due to current traffic levels.

Response 2: As discussed in Section 5.2, the SJFD measures response times by average travel times and the percentage of calls that meet performance standards according to the urgency of the call. Based on the most recent data available from the SJFD, the average travel time for medical calls from Station 10 in 2013 was 4.95 minutes and 5.52 minutes for fire and other calls. There was little variation in travel times from month to month. For the first nine months of 2014 (data for October to December is not currently available), average travel time for medical calls from Station 10 dropped to 4.87 minutes. Travel time for fire and other calls increased by 0.01 seconds to 5.53 minutes.[75] The Fire Department has the ability to preempt traffic signals to speed response times.

SJFD has performance standards for emergency calls. For Priority 1 calls (the most urgent calls where lights and sirens are used) the standard is to have a response time of eight minutes or less for 80 percent of the calls. For Priority 2 calls (less urgent calls that do not require lights and sirens) the standard is to have a response time of 13 minutes or less for 80 percent of the calls. For the fiscal year 2013-2014, 74.36 percent of Priority 1 calls were responded to within the 8 minute standard and 88 percent of Priority 2 calls were responded to within the 13 minute standard at Station 10.[76]

Comment 3: The lack of concern for San Jose citizens in this area by the planning department is displayed blatantly by even suggesting allowing more development in this area. Please stop it now.

Response 3: The planned growth in the project area has been judiciously analyzed by the City. A key aspect of the City of San Jose 2040 General Plan is the establishment of Urban Villages which are the areas of focused growth in the City. There are four general categories, Regional Transit, San Jose Transit, Commercial Center, and Neighborhood. The San Jose Transit Urban Villages are located along light rail or bus rapid transit facilities and these locations are planned for a balanced mix of job and housing growth at relatively high densities with greater emphasis placed upon building complete communities at each Urban Village location while also supporting use of the local transit system. The Urban Villages include, but are not limited to, areas along Santa Clara Street, San Carlos Street, Camden Avenue, Stevens Creek Boulevard, Winchester Boulevard, Saratoga Avenue, Capitol Expressway, Blossom Hill Road, and Bascom Avenue.

The General Plan was fully vetted through the City's public planning process and has been approved by the City Council. The newly adopted General Plan has also gone through environmental review and an EIR on the General Plan was certified by the City Council. As a result, taller and denser residential, commercial, and mixed-use development will occur along Stevens Creek Boulevard and within the designed Urban Village in the future. The

[75] City of San Jose Fire Department. Fire Station Response Metrics. City of San Jose 2014. Accessed January 23, 2015. http://www.sanjoseca.gov/DocumentCenter/View/36886.
[76] City of San Jose Fire Department. Fire Response Times for Station 10 and the Santana Row Expansion. Personal communication by email from Jose Joseph, January 20, 2015.

issues relating to this intensification has been addressed by the adoption of City policies and through the environmental review process for the General Plan.

10.3.18 Brian Korek, March 3, 2014

Comment 1: Traffic already blocks the flow of ambulances and firetrucks [sic] through the Santana Row and Valley Fair area. To be honest I am shocked that the city is even considering an expansion in both Santana Row and Valley Fair and Century Domes projects. You must do your duty to serve the public and block this expansion. At the very least your must require the exorbitantly wealthy Santana Row owners to pay for significantly improved public transit into the area.

Again, if you truly care about residents, you will block all expansions. Grade D traffic is already failing us, accepting worse is killing us. There is no apology needed for the truth.

Response 1: The planned growth in the project area has been judiciously analyzed by the City. A key aspect of the City of San Jose 2040 General Plan is the establishment of Urban Villages which are the areas of focused growth in the City. There are four general categories, Regional Transit, San Jose Transit, Commercial Center, and Neighborhood. The San Jose Transit Urban Villages are located along light rail or bus rapid transit facilities and these locations are planned for a balanced mix of job and housing growth at relatively high densities with greater emphasis placed upon building complete communities at each Urban Village location while also supporting use of the local transit system. The Urban Villages include, but are not limited to, areas along Santa Clara Street, San Carlos Street, Camden Avenue, Stevens Creek Boulevard, Winchester Boulevard, Saratoga Avenue, Capitol Expressway, Blossom Hill Road, and Bascom Avenue.

The General Plan was fully vetted through the City's public planning process and has been approved by the City Council. The newly adopted General Plan has also gone through environmental review and an EIR on the General Plan was certified by the City Council. As a result, taller and denser residential, commercial, and mixed-use development will occur along Stevens Creek Boulevard and within the designed Urban Village in the future. The issues relating to this intensification has been addressed by the adoption of City policies and through the environmental review process for the General Plan.

With regards to possible transit improvements, the EIR must identify a nexus between identified impacts and mitigation measures. The transportation analysis concluded that the VTA bus routes that serve the project area are operating below capacity and can support the additional development on the project site. As a result, there is no nexus to require additional transit services.

10.3.19 Mike Hensley, March 11, 2014

Comment 1: I recently have learned of yet another proposal to expand and enlarge Santana Row. I wish to voice my opposition to such a project without significant changes to the way the center is configured.

You can go to Santana Row on virtually any night of the year and you will have difficulty finding parking. It was irresponsible of the City to allow the center to expand in the front and on the eastern side of the property, eliminating huge parking lots, while only adding some floors to their existing garage on the western side of the property, near Best Buy.

Santana Row's management has responded to their parking problems by eliminating even more parking spaces and converting them to valet parking spots. Valet parking is a horrible fix for poor planning.

> **Response 1:** In 2012, the City of San Jose approved development of an office building on the surface parking lot located at the southeast corner of Olsen Avenue and Winchester Boulevard. This site currently has 177 surface parking spaces. The approved office building will include four levels of underground parking with a total of 678 parking spaces. While this parking will be restricted during weekday hours, the parking will be available for Santana Row patrons on weekday evenings and weekends.
>
> The new proposal on Lot 9 includes a five-level parking structure and one level of underground parking. As with the previously approved office project, the parking will be restricted during weekday hours, but available for Santana Row patrons on weekday evenings and weekends. The currently proposed development on Lots 9 and 17 will result in a net increase of approximately 928 parking spaces on-site.

Comment 2: Because of the parking problems, there are traffic problems within the center. The management company further compounds that by blocking off streets for arbitrary reasons. When the center originally opened, it was a neighborhood surrounded by streets. Now, it is an exclusive community with limited entry and exit points. Street parking has been eliminated, except for cars that are being advertised for sale (which would not be allowed on public property), loading and unloading zone are not enforced (so people park in 10 minute zones for 2+ hours), and available disabled parking is difficult to locate.

> **Response 2:** The commenter's opinions regarding on-site parking problems are acknowledged.

Comment 3: While I do not have a problem with expansion, in general, traffic and parking concerns need to be addressed. These problems compound the problems on city streets surrounding the center. Then, it becomes everyone's problem (not just people wanting to go to Santana Row) who are traversing along Winchester Blvd, I-280, I-880/SR17, or Stevens Creek Blvd.

> **Response 3:** A full assessment of the project's traffic impacts is provided in Section 4.2 and Appendix A.

Comment 4: I understand that the "vision" for the Bay Area and San Jose for the future is that people live, work, and shop/play all in the same area and use mass transit or walk. The fact is, we are not there, yet. We are not anywhere close to that vision. The city can plan for that vision, but can't force it to happen and needs to live in the "now" as well as the "future". The "now" is people do not take public transportation and Santana Row is not close to virtually anyone as far as walking distance goes. Thus, parking needs to be a forefront consideration and not an afterthought. The only time

those lots should ever be 100% full are on major shopping days. Anything more than that means adequate parking was not planned for, and the city should not make the same mistake again and let expansion happened without adequate parking consideration.

Response 4: The commenter's concerns about parking and future growth are acknowledged. This comment will be provided to the decisions-makers as part of the public record for this project.

10.3.20 Al Woodward, March 13, 2014

Comment 1: I think it's a forgone conclusion additional street congestion is going to occur, since this project will be adding more cars to already overloaded streets and intersections that the city states are already fully built out, thus they can't be improved enough for the project to only have minimal impacts.

- How will the congestion impact to [sic] Smog Emission Lbs in this area?
- How will the congestion impact the Carbon Footprint in this area?

Response 1: The effects of the proposed project on local and regional air quality are addressed in Section 4.3 of this EIR.

Comment 2:

- How will the congestion affect Emergency Vehicles?
- How will the congestion increase wasted time for drivers?

Response 2: The effects of the proposed project on local and regional traffic are addressed in Section 4.2 of this EIR. The analysis is based on the methodology established by the Congestion Management Agency and the City of San Jose. It should be noted that the traffic analysis addresses the level of service of local intersections and freeway segments during peak commute periods. It cannot quantify the drive times for individual drivers.

Comment 3:

- How will the increased quantity of traffic on Monroe affect the existing residential neighborhood tranquility?

Response 3: There is no way to quantify the perceived changes to neighborhood tranquility from an increase in traffic. This is not an environmental issue and is not specifically addressed in this EIR. Environmental issues that could impact the neighborhood, such as an increase in traffic volumes, noise, etc., are addressed consistent with the requirements of CEQA.

Comment 4:

- Will increased traffic compound the already poor safety aspects of the current Tisch & Dudley intersection?

Response 4: The Tisch Way/Dudley Avenue intersection was included in the traffic analysis. Please see Section 4.2 of this EIR.

Comment 5:

- Is the current dialog from the city towards labeling Stevens Creek & Monroe as an "Impacted Intersection" the correct designation? As a local resident who drives this intersection daily, reasonable options seem to exist.

Response 5: It is assumed that the commenter is referring to the proposal to include the Stevens Creek Boulevard/Monroe Avenue intersection on the City's Protected Intersections list. The City is considering this proposal in part because of proposed and planned growth in the project area and because there are no feasible physical improvements that can be made to the intersection that would allow it to operate at an acceptable level of service.

Comment 6: Mitigation of the Smog Lbs and Carbon Footprint due to congestion could include equivalent reductions in the public domain area, such as newer more efficient LED Street Lighting.

Mitigation for Emergency Vehicles could include installation of technology that would allow the signal lights to be "made green" for the Emergency Vehicle transits, with special emphasis given to the Fire Department trying to enter or cross Winchester and Stevens Creek.

Mitigation of the Monroe traffic could include any traffic appropriate calming items that do not interfere with the Fire Dept operations. Priority goes to the Fire Dept.

Mitigation of the Tisch & Dudley intersection could include solving the current blind spot caused by the road angle change on Tisch just east of Dudley, in conjunction with the too far back limit line on Dudley.

Overall mitigation for the congestion would be for better signal controls, like giving each signal "Direct Communication" with its upstream and downstream neighbors, so that they always proper [sic] coordination to the changing conditions of the upstream signal, resulting in improve [sic] flow efficiency. The current "Time Based" signals create a lot of efficiency loss relating to smooth traffic flow.

Response 6: The City acknowledges the commenters suggestions for possible mitigation measures. The City has identified all feasible mitigation measures for the project's significant transportation impacts. Please see Section 4.2 of this EIR.

Comment 7: If appropriate mitigations can't be done to reduce anticipated additional impacts substantially, I suggest a denial of the permits. The area is already too impacted by Santana Row and Valley Fair.

Response 7: The commenter's opinion that the project should be denied if the impacts cannot be substantially mitigated is acknowledged. This comment, as part of the EIR, will be included in the public record and considered by the decision makers who make the final determination on the proposed project.

10.3.21 Stan Soles, March 13, 2014

Comment 1: I am a 20 year resident of Rosewood Avenue, a dead end street south of Stevens Creek Blvd about ¼ mile west of Winchester Blvd. The development and continuing expansion of Santana Row is something that has been a part of my daily life. The most notable effect, of course, being the increase in traffic.

I think the original EIR for Santana Row, in many instances, seriously underestimated the traffic impact that was thrust upon area residents.

I hope that the EIR for the next expansion of Santana Row seriously takes into account gridlocked traffic conditions commonly experienced on weekends and during the holiday season, and offers workable mediation solutions.

Not only are we, the residents of the area, greatly inconvenienced by the traffic increase but the chocked intersections (Stevens Creek and Winchester, Stevens Creek and Monroe, Winchester and Moorpark, etc.) may seriously delay response times for emergency services for residents and visitors alike. Expanding Santana Row may be good for the economy but adding a significant number of retail and office units to an already congested area will make daily traffic matters even worse, not to mention a decrease in air quality because of the added emissions from an increased number of cars and buses on the road.

Truly, I wouldn't write a letter to you if I weren't genuinely concerned about traffic conditions in my neighborhood. With the continuing expansion of Santana Row, I hope that a true and valid evaluation of the traffic impact will be disclosed in the next EIR.

> **Response 1:** Please note that traffic impacts are addressed based on established methodologies adopted by the VTA and the City of San Jose. Based on this methodology, traffic impacts are addressed for peak travel periods which are the AM and PM weekday commute periods. There are no adopted traffic thresholds for weekend and holiday traffic and, as a result, they are not addressed.
>
> The original *Town and Country Village FEIR (1998)* addressed the project traffic estimated to occur with development of the originally proposed Santana Row project. The FEIR identified impacts at two study intersections during the standard Peak Hours: Moorpark/Winchester and Stevens Creek/Winchester. The improvements identified for the Moorpark/Winchester intersection were implemented as proposed. The improvements identified for the Stevens Creek/Winchester intersection could not be imposed as a project condition because the improvements would be located outside the City of San Jose's jurisdiction. This impact was determined to be significant and unavoidable. This intersection has since been protected.
>
> Traffic conditions change over time due to economic factors, new development, and increases in local population. As with any development project, the traffic report prepared for the original *Town and Country Village FEIR* quantified traffic conditions and project impacts at that time. Current traffic conditions, could not have been estimated when the original *Town and Country Village FEIR* was completed approximately 17 years ago. The

traffic report prepared for this project addresses traffic from the proposed expansion of Santana Row based on the current traffic conditions and estimated future traffic scenarios based on the 2040 General Plan.

Please refer to Section 4.2 and Appendix A of this EIR for a full assessment of the project's traffic impacts. Also, please refer to Section 10.3.17, Response 2 for a discussion of emergency response times.

SECTION 12.0 LEAD AGENCY AND CONSULTANTS

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SECTION 13.0 REFERENCES AND PERSONS CONSULTED

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Persons Consulted

No persons outside of City staff and referenced technical consultants were consulted for this analysis.