CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
HARRY FREITAS, DIRECTOR

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) AND PUBLIC COMMENT PERIOD

A Draft Environmental Impact Report (DEIR) for the **Santana West Development Project and I-280 - Winchester/Moorpark Transportation Development Policy** is available for public review and comment. The project consists of a Planned Development Rezoning of four parcels from the CG Commercial General to the CP(PD) Planned Development Zone District to allow a phased development that includes the following: i) demolition of the two non-historic theater buildings on-site (Century 22 and 23) and an eligible historic restaurant (Flames); ii) construction of up to 970,000 square feet of office space and 29,000 square feet of retail space; and iii) the demolition of the Century 21 Theater building, a City Landmark, with retention of the underlying metal substructure for use as an outdoor pavilion within publically accessible private outdoor open space; all on a 12.99 gross acre site. The project also includes a study of the potential implementation of a Transportation Development Policy for the I-280 - Winchester/Moorpark interchange. **Location:** 3161, 3162, and 3164 Olsen Drive and 449 S. Winchester Boulevard (APNs 303-40-010, -15, -16, and -21). **File No.:** PDC14-068. **Council District:** 1.

The proposed project will have potentially significant environmental effects with regard to cultural resources, transportation, air quality, noise, hazardous materials, biological resources, cumulative noise, and cumulative traffic. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present at the project location. The project location is contained in the Cortese List of toxic sites.

The Draft EIR and documents referenced in the Draft EIR are available for review online at the City of San José's "Active EIRs" website at www.sanjoseca.gov/activeeirs and are also available at the following locations:

Department of Planning, Building, and Code Enforcement
200 East Santa Clara St.,, 3rd Floor
San José, CA 95113
(408) 535-3555

Rose Garden Branch Library
1580 Naglee Ave.
San José, CA 95126
(408) 808-3070

Dr. MLK Jr. Main Library
150 E. San Fernando St.
San José, CA 95112
(408) 277-4822

The public review period for this Draft EIR begins on **June 24, 2016** and ends on **August 8, 2016.** Written comments must be received at the Planning Department by **5:00 p.m. on September 8, 2015**, in order to be addressed as part of the formal EIR review process. Comments and questions should be referred to David Keyon in the Department of Planning, Building and Code Enforcement at (408) 535-7898, via e-mail: David.Keyon@sanjoseca.gov, or by regular mail at the mailing address listed above. Please reference the above file number in your written comment letter.

Following the close of the public review period, the Director of Planning, Building, and Code Enforcement will prepare a Final Environmental Impact Report that will include responses to comments received during the review period. At least ten days prior to the public hearing on the EIR, the City's responses to comments received during the public review period will be available for review and will be sent to those who have commented in writing on the EIR during the public review period.

Harry Freitas, Director
Planning, Building and Code Enforcement

Meenaxi R. P.

Date: 6/16/16

Draft Environmental Impact Report

Santana West Redevelopment Project

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

June 2016

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.

Important Note to the Reader: The California Supreme Court in a December 2015 opinion [*California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 (No. S 213478)] confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in this EIR focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of San José currently has policies that address existing conditions (e.g., noise) affecting a proposed project, which are also addressed below. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this EIR will discuss "planning considerations" that relate to City policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

Tiering From Previous EIRs

In accordance with CEQA, this EIR will tier from the *San Jose 2040 General Plan FEIR*, as supplemented. 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 demolish two movie theaters and a restaurant and rezone the project site to allow for construction of up to 970,000 square feet of office space and 29,000 square feet of retail space on the project site. A City Landmark building would be retained on-site and incorporated into the project.

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 and I-280 WB on-ramp/Tisch Way intersection under background plus project conditions.	**MM TRAN-1.1:** Winchester Boulevard and I-280 WB on-ramp/Tisch Way: In lieu of physical improvements, the project applicant shall be required to pay the TDP traffic fees. If the TDP is not approved, the impact would be significant and unavoidable. While the proposed project would be required to pay the applicable fees established by the Interstate 280 – Winchester/Moorpark Transportation Development Policy, implementation of the new off-ramp is not under the jurisdiction of the City of San Jose. Therefore, while the new ramp would mitigate the background plus project impact and the fees would be used for this specific improvement, the impact would be significant and unavoidable until such time as the ramp is completed. **Significant Unavoidable Impact**
Impact TRAN-2: Implementation of the proposed project would have a significant impact on the mixed-flow lanes of 21 freeway segments and HOV lanes of two freeway segments.	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. **Significant Unavoidable Impact**

Significant Impacts	Mitigation Measures
Air Quality – Section 4.3 of the EIR	
Impact AIR-1: Construction of the proposed project would result in a temporary community risk impact.	**MM AIR 1-1:** 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 4 engines or equivalent. The project applicant shall submit to the Department of Planning, Building, and Code Enforcement a construction operations plan that includes specifications of the equipment to be used during construction. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth in these mitigation measures. The plan shall be submitted for review and approval to the Supervising Planner of the Department of Planning, Building and Code Enforcement's Environmental Review Division prior to issuance of a grading, demolition, and/or building permit (whichever occurs earliest). **Less Than Significant Impact With Mitigation**
Noise – Section 4.5 of the EIR	
Impact NOI-1: New traffic trips associated with the proposed project would significantly increase noise levels on Olin Avenue between Winchester Boulevard and Maplewood Avenue.	No feasible mitigation was identified to reduce traffic noise impacts on Olin Avenue to a less than significant level. **Significant Unavoidable Impact**
Impact NOI-2: Implementation of the proposed project would result in construction activities on the project site for a time frame of six years.	While the project would be required to implement all identified noise control measures during construction, the project would result in a significant impact due to the length of time it would take to implement the project. **Significant Unavoidable Impact**
Impact NOI-3: Construction of the proposed project could expose the Winchester Mystery House and Century 21 Theater to vibration levels in excess of City standards.	**MM NOI-3.1:** The use of vibration-generating construction equipment, such as impact compactors and larger dozers shall be prohibited within 60 feet of the Winchester Mystery House and Century 21 Theater. **MM NOI-3.2:** Prepare and implement a Historical Resources Protection Plan to protect the building fabric of the City Landmark Sarah L. Winchester House and the Century 21 Theater buildings from direct or indirect impacts during construction activities (i.e., due to damage from operation of construction equipment, staging, and material storage). The

project sponsor shall, prior to issuance of demolition and grading permits, prepare a plan establishing procedures to protect these resources. The project sponsor shall ensure the contractor follows the plan while working near these historic resources. The plan shall be prepared by a qualified Historic Architect, and reviewed and approved by the City's Historic Preservation Officer prior to issuance of demolition and grading permits. At a minimum, the plan shall include:

- guidelines for operation of construction equipment adjacent to historical resources;
- requirements for monitoring and documenting compliance with the plan; and
- education/training of construction workers about the significance of the historical resources around which they would be working.

MM NOI-3.3: The Historic Architect and/or a qualified structural engineer shall make periodic site visits to monitor the condition of the existing historic fabric at the project site and provide detailed reports to the City's Historic Preservation Officer noting any concerns regarding the historic resources to remain as well as recommended corrective actions. Monitoring should include any instruments such as crack gauges if necessary per approval of nearby property owners, or reviewing vibration monitoring required by other construction monitoring processes required under the City's permit processes.

The Historic Architect shall consult with a structural engineer if any problems with character-defining features are discovered. If, in the opinion of the Historic Architect, substantial adverse impacts related to construction activities are found during construction, the Historic Architect shall so inform the project applicant or applicant's designated representative responsible for construction activities. The project applicant shall respond accordingly to the Historic Architect's recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger historic resources. The monitoring team shall prepare site visit reports and submit the reports to the City's Historic Preservation Officer.

MM NOI-3.4: If damage does occur to the Winchester Mystery House or the Century 21 Theater, the Historic Architect shall document (e.g., with photographs and other

Significant Impacts	Mitigation Measures
Noise – Section 4.5 of the EIR	
	appropriate means) the level of success in meeting the Secretary of the Interior's Standards for the Treatment of Historic Properties as noted above for the character-defining features, and in preserving the character-defining features of nearby historic properties. The project applicant shall ensure that if repairs occur, in the event of damage to nearby historic resource during construction, repair work shall comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties and shall restore the character defining features in a manner that does not affect their historic status. **MM NOI-3.5:** The project applicant shall designate a specific person responsible for registering and investigating claims of excessive vibration. The contact information shall be clearly posted on the construction site so as to be seen from either Winchester Boulevard or Olin Avenue. **Less Than Significant Impact With Mitigation**
Biological Resources – Section 4.9 of the EIR	
Impact BIO-1: Construction activities associated with the proposed project could result in an impact to nesting migratory birds due to the loss of fertile eggs 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 activities outside of the breeding season (September 1 to January 31), then pre-construction surveys for nesting birds following the California Department of Fish and Wildlife (CDFW) bird survey protocols 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 1 through April 30) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of 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.
	Less Than Significant Impact With Mitigation
Impact BIO-2: Construction activities within the dripline area of preserved or adjacent trees could result in a significant impact to health and preservation of the trees.	**MM BIO-2.1:** The project applicant shall include the location and tag numbers of all trees on the final site plans. A certified Arborist will review all future project submittals including grading, utility, drainage, irrigation, and landscape plans prior to the City's issuance of a grading permit.
	MM BIO-2.2: Prior to issuance of demolition and grading permits, a Tree Protection Zone (TPZ) shall be established around any trees to be preserved. The TPZ shall be defined as the dripline.
	MM BIO-2.3: Underground services such as water or sewer lines shall be routed around the TPZ. Where encroachment cannot be avoided, special construction techniques such as hand digging or tunneling under roots shall be implemented where necessary to minimize root injury.
	MM BIO-2.4: If herbicides are used during on preserved trees, herbicides safe for use around trees and labeled for that use shall be applied. Irrigation systems shall be designed so that no trenching will occur within the TPZ.
	MM BIO-2.5: The demolition contractor shall meet with a qualified Arborist before beginning work to discuss work procedures and tree protection. Trees to be preserved may require pruning to clean the crown and to provide clearance. All pruning shall be completed by an International Society of Arboriculture (ISA) Certified Arborist or Tree Worker and adhere to the latest editions of the American National Standards for Tree Work (Z133 and A300) and International Society of Arboriculture Best Management Practices, Pruning.
	MM BIO-2.6: Prior to construction commencement, the contractors working in the vicinity of trees to be preserved shall be required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.
	MM BIO-2.7: Trees to be removed shall be felled so as to fall away from the TPZ and avoid pulling and breaking of roots of trees to remain. If roots are entwined, the consultant may require first severing the major woody root mass before extracting the trees, or grinding the stump below ground.

Significant Impacts	Mitigation Measures
Biological Resources – Section 4.9 of the EIR	
	MM BIO-2.8: Trees to be preserved must be irrigated during the construction period. The irrigation schedule to be determined by the Consulting Arborist. Each irrigation shall wet the soil within the TPZ to a depth of 30 inches. Each tree shall be irrigated weekly during months with no or low rainfall. **MM BIO-2.9:** Any grading, construction, demolition or other work that is expected to encounter roots of trees to be preserved shall be monitored by the Consulting Arborist. If injury occurs to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied. **MM BIO-2.10:** A chain link fence shall be installed at the edge of the TPZ. No entry shall be permitted into a TPZ without permission of the project superintendent. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the project superintendent. Construction trailers, traffic and storage areas must remain outside fenced areas at all times. No materials, equipment, soil, waste or wash-out water may be deposited, stored, or parked within the TPZ. **MM BIO-2.11:** Any additional tree pruning needed for clearance during construction must be completed by a qualified arborist and not by construction personnel. Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a saw. **Less Than Significant Impact With Mitigation**
Hazards and Hazardous Materials – Section 4.10 of the EIR	
Impact HAZ-1: Implementation of the proposed project could release pesticide chemicals from on-site soils into the environment, and expose construction workers to residual agricultural soil contamination.	**MM HAZ-1.1:** After demolition but prior to the issuance of grading permits, shallow soil samples shall be taken in the native soil layers within the surface lots to determine if contaminated soil from previous agricultural operations is located on-site with concentrations above established construction/trench worker thresholds. The soil sampling plan must be reviewed and approved by the Director of Planning, Building and Code Enforcement prior to initiation of work. **MM HAZ-1.2:** Once the soil sampling analysis is complete, a report of the findings will be provided to the Director of Planning, Building and Code Enforcement, and other applicable City staff for review. **MM HAZ-1.3:** If contaminated soils are found in concentrations above established thresholds, a Site

Significant Impacts	Mitigation Measures
Hazards and Hazardous Materials – Section 4.10 of the EIR	
	Management Plan (SMP) will be prepared and implemented (as outlined below) and any contaminated soils found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations. The contaminated soil removed from the site shall be hauled off-site and disposed of at a licensed hazardous materials disposal site. An SMP will be prepared to establish management practices for handling impacted groundwater and/or soil material that may be encountered during site development and soil-disturbing activities. Components of the SMP will include: a detailed discussion of the site background; preparation of a Health and Safety Plan by an industrial hygienist; notification procedures if previously undiscovered significantly impacted soil or free fuel product is encountered during construction; on-site soil reuse guidelines based on the California Regional Water Quality Control Board (RWQCB), San Francisco Bay Region's reuse policy; sampling and laboratory analyses of excess soil requiring disposal at an appropriate off-site waste disposal facility; soil stockpiling protocols; and protocols to manage ground-water that may be encountered during trenching and/or subsurface excavation activities. Prior to issuance of grading permits, a copy of the SMP must be approved by the Santa Clara County Environmental Health Department, Director of Planning, Building and Code Enforcement, and other applicable City staff. **Less Than Significant Impact With Mitigation**
Cultural Resources – Section 4.11 of the EIR	
Impact CUL-1: Demolition of the Flames Coffee Shop, a California Register of Historic Resources (CRHR) and City Landmark eligible structure, would be a significant impact.	**MM CUL-1.1:** Measures shall be implemented prior to demolition of the Flames Restaurant to document the building in accordance with the Historic American Building Survey (HABS) guidelines. Other measures include relocation by a third party or salvage. Please see Section 4.11.3 of this DEIR for detailed mitigation for each possible measure. **Significant Unavoidable Impact**
Impact CUL-2: The removal of the exterior of the Century 21 Theater and reuse as an open space pavilion would result in a significant impact.	**MM CUL-2.1:** The structure shall be documented in accordance with the guidelines established for the HABS and shall consist of the following components: 1. Drawings – Prepare sketch floor plans **2.** Photographs – Digital photographic documentation of the interior, exterior, and setting of the buildings in

Significant Impacts	Mitigation Measures
Cultural Resources – Section 4.11 of the EIR	
	compliance with the National Register Photo Policy Fact Sheet. Photos must have a permanency rating of approximately 75 years. 3. Written Data – HABS written documentation in short form. **Significant Unavoidable Impact**

Cumulative Impacts

Implementation of the proposed project would result in cumulative impacts to seven intersections where the additional project traffic represents a 25 percent or more increase in total traffic volume. The project would also contribute to a cumulative operational noise impact. 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." The following table outlines the project alternatives. A full analysis of the project alternatives is provided in Section 7.0 of this EIR.

Table SUM-1: Project Alternatives Summary Table

Alternative		Description
A	No Impact	A1: Retain site as is. No new development. A2: Redevelop site consistent with the current General Plan designation.
B	Reduced Development	Reduce the overall size of the project from 999,000 square feet of office and retail to 175,000 square feet.
C	Redesign No. 1	The western access would be restricted to emergency vehicles and the mobile home park would access Olsen Drive via Charles Cali Drive. Specifically, a new access would be provided at the southern boundary of the project site connecting Charles Cali Drive to the new north-south access road between Building F and the Winchester Mystery House. All other development parameters of this alternative would be the same as the proposed project, including total square footage, building heights, site layout, and use of the Century 21 Theater as an outdoor pavilion.

Table SUM-1: Project Alternatives Summary Table		
Alternative		**Description**
D	Redesign No. 2	Olsen Drive would not be modified and the current access to the mobile home park would be maintained. To accommodate the same square footage of office and retail space on-site without increasing the height or massing of the buildings, Building F would shift to the north and the Century 21 Theater building would be relocated adjacent to and west of the Winchester Mystery House, in the current location of the Century 23 Theater. All other development parameters of this alternative would be the same as the proposed project, including total square footage, building heights, and general site layout.
E	Century 21 Theater Reuse No. 1	The Century 21 Theater would be rehabilitated consistent with Secretary of the Interior Standards and used as a mini-storage facility. All other development parameters of this alternative would be the same as the proposed project, including total square footage, building heights, and site layout.
F	Century 21 Theater Reuse No. 2	The Century 21 Theater would be rehabilitated consistent with Secretary of the Interior Standards and used as an entertainment venue, such as a night club. All other development parameters of this alternative would be the same as the proposed project, including total square footage, building heights, and site layout. The venue would operate on nights and weekends, after standard business hours.
G	Flames Restaurant Reuse	The restaurant would either be retained in its current location or relocated to another place along the Winchester Boulevard frontage. To account for the restaurant building, the total square footage of office and retail development on-site would be reduced a minimum of 63,000 square feet. Parking for the restaurant building would need to be included within the parking structures located within the new office buildings. All other development parameters of this alternative would be the same as the proposed project, including reuse of the Century 21 Theater as an open space pavilion, building heights, and general site layout.
H	Reduced Development and Historic Buildings Reuse	The Century 21 Theater would be rehabilitated consistent with Secretary of the Interior Standards and used as a mini-storage facility and the Flames Restaurant would be retained. In addition, the total project size would be reduced to 175,000 square feet and the middle access road from Olin Avenue would be removed. Access to the mobile home park would be maintained as is and the new western access road would be restricted to emergency vehicles. With the reduction in overall square footage, the total height of the buildings would be reduced to two to three floors. All other development parameters of this alternative would be the same as the proposed project.

SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 OVERVIEW

The project site is located in San Jose and is currently developed with three vacant movie theaters and a small restaurant. The intent of the proposed project is to rezone the property from *CG – General Commercial* to *Commercial Pedestrian Planned Development (CP PD)* to allow for demolition of three existing structures (one of the movie theaters would be retained) and construction of six commercial/office buildings with some ground floor retail. This EIR evaluates the impacts of the currently proposed project, development of up to 990,000 square feet of commercial and retail space with underground parking on the project site.

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

1.2 PROJECT LOCATION

The 12.99-acre project site is located at the southwest corner of Winchester Boulevard and Olin Avenue in the City of San José. (see Figures 1.0-1 and 1.0-2)

1.3 PROJECT OBJECTIVES

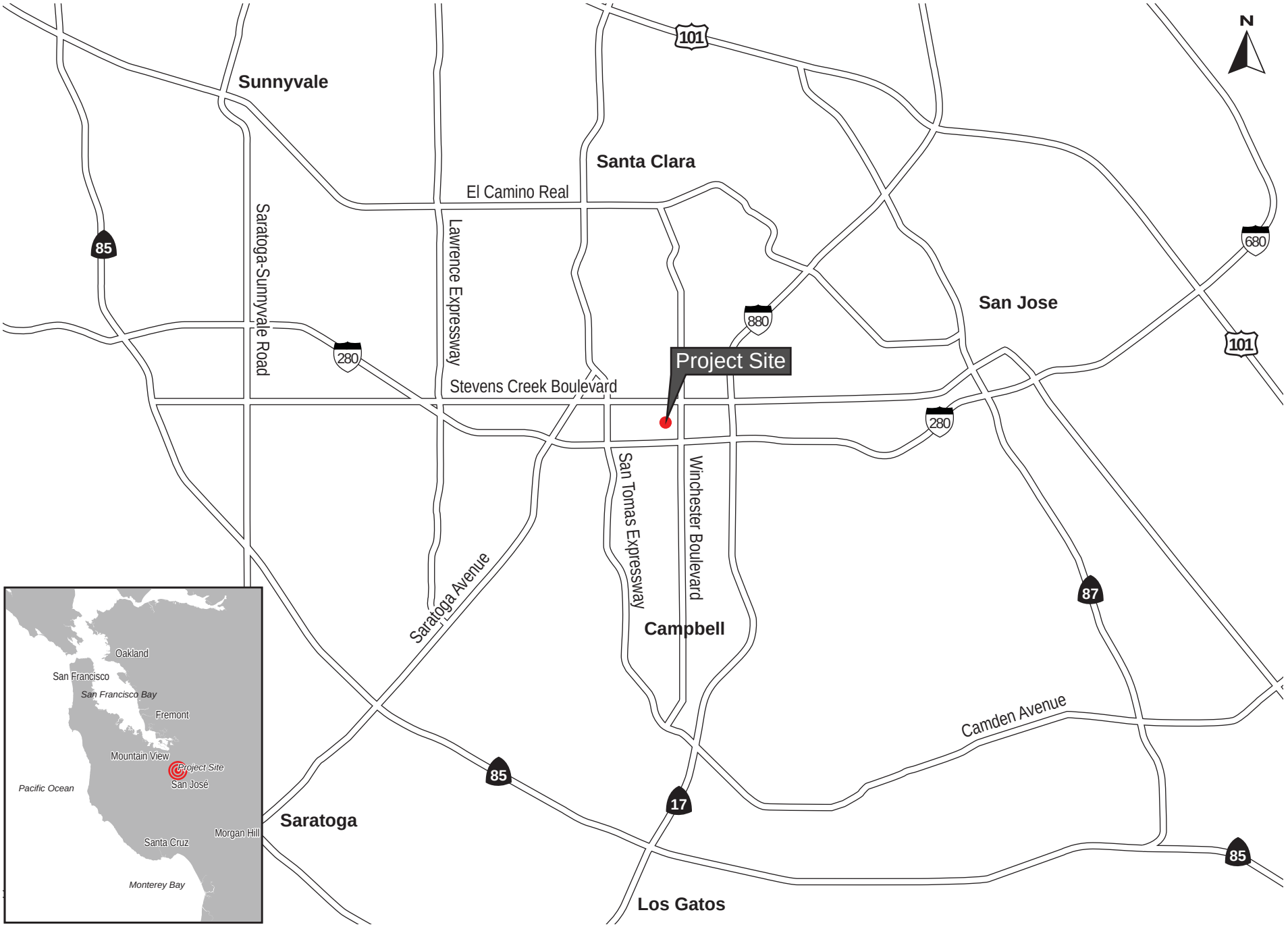
Pursuant to CEQA Guidelines Section 15124, the EIR must identify the objectives sought by the proposed project. The stated objectives of the project proponent are to:

1. Entitle approximately 13 acres of currently underutilized land within a City of San Jose designated "Urban Village" to permit development densities consistent with the goals and policies of the San Jose Envision 2040 General Plan.

2. Create a flexible long-term masterplan strategy that will allow for commercial uses during the project's initial phases, and potentially allow for complementary land uses in later phases should favorable policy and market conditions exist.

3. Provide a new master planned development compatible with and benefiting from the existing adjacent Santana Row mixed-use project, which itself provides a balanced mix of uses and densities supportive of San Jose's smart growth.

4. Humanize the pedestrian experience by selectively widening sidewalks and by adding amenities such as new trees and integrated planters, pedestrian-scale lighting, convenient outdoor seating opportunities, and other visual interest on Olsen Drive to reinforce the pedestrian connection between the new development and Santana Row. Further enhance the neighborhood environment with the creation of new open space capable of serving both private and public recreational uses at various points.



REGIONAL MAP

FIGURE 1.0-1

VICINITY MAP

FIGURE 1.0-2

5. Support San Jose's stated economic development goals through job creation by providing new Class A, R&D office space and commercial retail space up to a maximum Floor Area Ratio of 2.0 in keeping with the project's current zoning, in a proven, convenient and attractive location.

6. Replace underutilized existing surface parking with easily-accessed, efficient new parking facilities which conceal the majority of the parking from view by integrating it into new structures.

7. Sensitively integrate the existing landmarked structure into the new master-planned development.

8. Study potential passenger vehicle traffic impacts through contributions to a Transportation Demand Policy (TDP) in support of a new City of San Jose Area Development Policy currently being created. Specific TDP measures under consideration include a trip-based fee contribution toward, among other things, a proposed new off-ramp from Interstate 280 NB onto Winchester Blvd.

9. Encourage multimodal transit opportunities by accommodating private shuttle and public transit stops, secure bike storage and shower facilities, and expanded bicycle pathways.

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. Historic Preservation Permits
4. Issuance of grading, building, and occupancy permits
5. Adoption of the I-280 Winchester/Moorpark Transportation Development Policy

There are no responsible agencies for this project.

The 12.99-acre project site is currently developed with three movie theaters (Century 21, 22, and 23), a restaurant, and a large surface parking lot. The movie theaters were closed in March 2014 and have remained vacant since that time. The City Council designated one of the three theater buildings, Century 21, as a City Landmark on June 10, 2014. The building has also been determined to be eligible for listing on the National Register of Historic Places and the California Register of Historic Resources. A public road, Olsen Drive, traverses the site, connecting Winchester Boulevard to a residential neighborhood west of the project site. The project site is adjacent to the historic Winchester Mystery House.

The proposed project is a phased development that would include demolition of the two non-historic theater buildings (Century 22 and 23) and the restaurant building on-site and construction of up to 970,000 square feet of office space and 29,000 square feet of retail space in six buildings, and retention of the Century 21 Theater building. Parking would be provided in above grade and below grade parking structures within the new buildings. The buildings would range in height from six to nine stories with the nine story buildings along Winchester Boulevard and in the center of the site. The six story buildings would be located near the western property line. (see Figure 2.0-1)

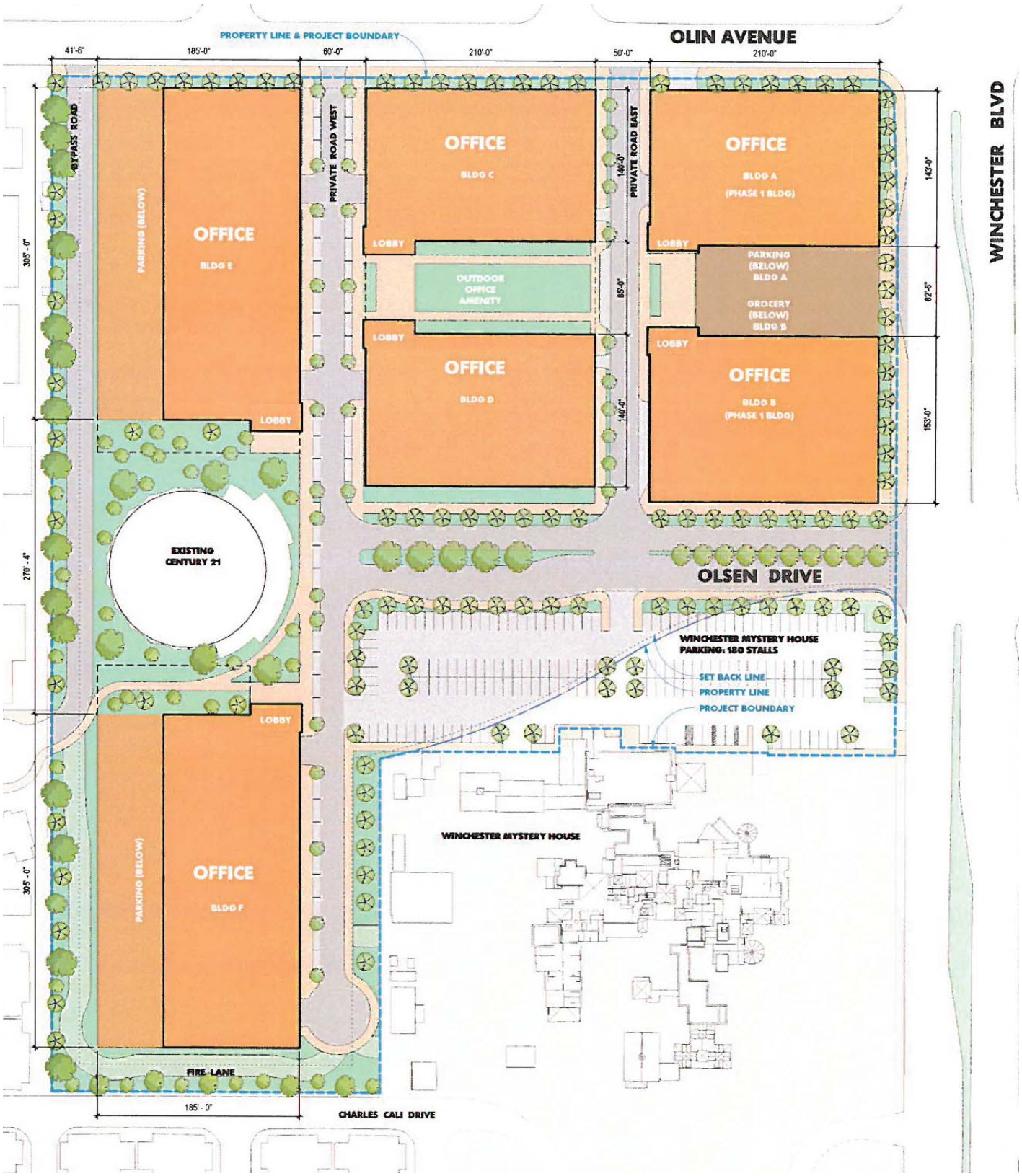
Circulation

As proposed, the project would vacate the Olsen Drive right-of-way within the project boundary, converting it to a private street, and realign the road. This EIR also evaluates alternatives that retain Olsen Drive as a public street and maintain access to the adjacent mobile home park. Currently, the roadway is curved and would be realigned to make it straight. The road would then dead end at the Century 21 theater building. A new 180-space surface parking lot would be installed south of the roadway to support the Winchester Mystery House. New internal access roads would be constructed in a grid pattern between the proposed buildings, providing one main driveway from Winchester Boulevard and three driveways on Olin Avenue. Sidewalks would be provided on the internal access roads. Because Olsen Drive would no longer connect through the project site to the residential neighborhood to the west, a new private roadway would be constructed along the western property line that would connect Olsen Drive (west of the project site) to Olin Avenue.

Century 21 Theater

As proposed, the Century 21 Theater building would be retained in its current location and separated from the proposed buildings by publically accessible private open space. A pedestrian/bicycle trail would run through the open space area connecting Olsen Drive west of the project site to the realigned Olsen Drive within the project site. The theater building is proposed to be modified and utilized as part of the public open space on-site by removing the façade and roof of the building and retaining the underlying metal substructure, allowing the building to be utilized as an outdoor pavilion.[1] Additional publically accessible private outdoor open space designated for the office buildings is proposed.

[1] Under the Secretary of the Interior Standards, the proposed treatment of the Century 21 Theater is classified as demolition. Please refer to Section 4.11 for a complete analysis.



CONCEPTUAL SITE PLAN FIGURE 2.0-1

Interstate-280 Winchester/Moorpark Transportation Development Policy

In addition to the Santana West development, this EIR evaluates implementation of a Transportation Development Policy (TDP) to fund potential interchange improvements at Interstate 280, Winchester Boulevard, and Moorpark Avenue to address area traffic impacts. This TDP will include the potential implementation of traffic impact fees that will be applicable to the Santana West project and future developments in the area within San Jose that add trips to the I-280, Winchester Boulevard, and Moorpark Avenue interchange.

Green Building Measures

The proposed project would be required to build to the State CalGreen code, which includes design provisions intended to minimize wasteful energy consumption. Though the proposed project does not include on-site renewable energy resources, the proposed office buildings would be designed to achieve the equivalent of LEED Silver certification consistent with San José Council Policy 6-32.

The project proponent anticipates that this goal would be achieved in part by implementing some or all of the following green building measures and design features:

- Exceed the State Title 24 California Energy Code requirements by 15 percent;
- High performance building envelopes;
- Daylight maximization into interior office areas;
- Tenant submetering of utility consumption;
- Preferred parking for rideshare vehicles;
- Electric vehicle charging stations at 2 percent minimum of total parking stall count;
- Designated low emission vehicle stalls at 5 percent minimum of total parking stall count;
- Salvage or recycle at least 50 percent of construction waste;
- Use of recycled and/or regional building materials;
- Specification of efficient life cycle materials and products through Environmental Product Declarations;
- Cool roofs; and
- Water efficient landscaping and irrigation design.

The proposed development would provide secure bike storage areas and showers for employees, which would encourage the use of alternative methods of transportation to and from the project. In addition, at least 50 percent of the hardscape surfaces on the site would have a solar reflectance index necessary to achieve the equivalent of 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. With these measures, the project would exceed State energy standards.

Transportation Demand Management Plan

The project would include a transportation demand management (TDM) plan to reduce overall traffic trips to and from the site. The TDM plan would include one or more of the following measures:

- Commuter Shuttle to Diridon
- Bike Lockers and Racks
- Showers
- Dedicated Transit Center
- Preferred Vanpool/Car Share Parking Areas
- Commuter Website and/or App to distribute info & maximize available transportation resources
- Subsidized EcoPass to encourage public transit usage
- Partially subsidized commercial bike sharing service like Bay Area Bike Share
- Evaluate feasibility of demand adjusted paid parking in conjunction with Westfield Valley Fair

Traffic Calming Measures

The following measures are possible improvements that could be implemented as part of a traffic calming plan for the project area:

- Traffic Circles
- Bulb-Outs
- Enhanced Crosswalks

The final determination on the need and location for traffic calming measures would be determined by City staff at the PD Permit stage for the first phase of development on-site.

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 4.3 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 new 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 would be required to comply with the City's Design Guidelines as discussed in Section 4.6. 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 4.6. 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: As proposed, parking would be provided in underground parking structures for the buildings fronting Winchester Boulevard. Parking for the buildings along the western property line are provided in both above and below-grade levels. Above-grade parking levels would include architectural and landscaping treatments to provide visual interest and screening to prevent headlights on adjacent land uses. 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 would result in the loss of up to 194 trees on the project site. Mature trees along the western property line are proposed to be retained. All trees removed, regardless of size or species, would be replaced in accordance with the City's tree replacement policy. 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 would be compatible in height, massing, and scale to the nearby development at the Valley Fair Shopping Center, Santana Row, and recently approved high-density residential development south of I-280. In addition, the buildings have been designed and sited to be sensitive to nearby residential land uses, including

stepping back the upper floors of the buildings nearest the adjacent single-family neighborhood. 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: As discussed in Section 4.10, *Hazards and Hazardous Materials*, proposed mid and high rise development on the project site would comply with applicable Federal Aviation Administration (FAA) regulations and review determinations. Therefore, the project is consistent with Policy CD-5.8.

Policy CD-7.6: Incorporate a full range of uses in each Urban Village Plan to address daily needs of residents, businesses, and visitors in the area. Consider retail, parks, school, libraries, day care, entertainment, plazas, public gathering space, private community gathering facilities, and other neighborhood-serving uses as part of the Urban Village planning process. Encourage multi-use spaces wherever possible to increase flexibility and responsiveness to community needs over time.

Consistency: The proposed project incorporates a mix of commercial uses and public spaces for gathering and provide commercial services to the residents, businesses and visitors to the area. Therefore, the project is consistent with Policy CD-7.6.

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 4.6. 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.

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 would have an impact on nearby residences with the addition of project traffic on Olin Avenue. As a result, the project would not comply 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 from new non-residential structures location near sensitive receptors. (is this referring to the operation of the office uses, or the traffic being generated and/or diverted due to the changed roadway network? Office use should be quiet next to housing, but the changed traffic patterns are significant?) 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 project would comply with the City's requirements for noise suppression and hours of construction. Nevertheless, project would be constructed in three phases over a six year period and construction of the project would result in a significant noise impact. Therefore, the proposed project is not 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 project include specific mitigation measures and would comply with the City's requirements to control groundborne vibration from heavy equipment to avoid impacts to the Winchester Mystery House and the Century 21 Theater. 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,* the proposed project would 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 severe ground shaking. As a result, the project would be required to 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,* the proposed project would be constructed in conformance with the Building Code. In addition, the project would 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 development would 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 *Geology and Soils*, the proposed project 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 *Hydrology*, the proposed project would 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 *Hazards and Hazardous Materials*, 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 *Hazards and Hazardous Materials* discusses all known and potential hazardous materials issues on the project site and applicable regulatory requirements 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 *Hazards and Hazardous Materials*, discusses the 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 *Biological Resources*, 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 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 *Biological Resources*, 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 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 *Hydrology*, the proposed project would replace more than 10,000 square feet of impervious surface area on the project site. The project would 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 include adequate measures to treat stormwater runoff.

Consistency: As discussed in Section 4.8 *Hydrology*, the project would 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 *Hydrology*, the proposed project would be required to implement stormwater control measures consistent 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 *Cultural Resources,* 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: Based on the location of the project site relative to known occupation sites and local waterways, 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 would be stopped and all applicable State regulations would 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 *Cultural Resources,* 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 would 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 *Public Services,* 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 *Hydrology*, the proposed development would 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 LU-13.2: Preserve candidate or designated landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for a new use, or third to rehabilitation and relocation on-site. If the City concurs that no other option is feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.

Consistency: The project, as proposed, would remove one historic building and demolish a second historic building (Century 21 Theater) but would preserve the underlying metal substructure inconsistent with the Secretary of the Interior Standards. Therefore, the project is not consistent with Policy LU-13.2.

Policy LU-13.3: For landmark structures located within new development areas, incorporate the landmark structures within the new development as a means to create a sense of place, contribute to a vibrant economy, provide a connection to the past, and make more attractive employment, shopping, and residential areas.

Consistency: The project, as proposed, would demolish a City Landmark structure but would preserve the underlying substructure on-site in its original location publically-accessible private open space. Therefore, the project is generally not consistent with Policy LU-13.3.

Policy LU-13.4: Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.

Consistency: The project, as proposed, would demolish a City Landmark structure but would preserve the underlying substructure on-site in its original location, which is inconsistent with Secretary of the Interior Standards. Therefore, the project is not consistent with Policy LU-13.4.

Policy LU-13.6: Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.

Consistency: The project, as proposed, would retain a City Landmark structure on-site in its original location, but would modify the structure inconsistent with Secretary of the Interior Standards. Therefore, the project is not consistent with Policy LU-13.6.

Policy LU-13.9: Promote the preservation, conservation, rehabilitation, restoration, reuse, and/ or reconstruction, as appropriate, of contextual elements (e.g., structures, landscapes, street lamps, street trees, sidewalk design, signs) related to candidate and/or landmark buildings, structures, districts, or areas.

Consistency: The project does not propose to retain the existing roadway sign for the Century Theaters. The sign was not part of the original Century 21 Theater construction. The sign was added during expansion of the site and has been modified over the years. The sign, by itself, is a good example of mid-century roadway signage, but does not appear to be individually significant. As a result, the project is consistent with Policy LU-13.9.

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 below new office buildings. By redeveloping existing parking lots, the project would 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: As discussed in Section 4.3 *Air Quality*, 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 would 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 MS-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: As discussed in Section 4.9, *Biological Resources*, implementation of the proposed project would result in the loss of up to 194 trees on the project site of which 100 are considered mature. Mature trees along the western property line are proposed to be retained. All trees removed, regardless of size or species, would be replaced in accordance with the City's tree replacement policy. 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-21.4.

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 effect 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 would 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 to the extent feasible and tree protection measures are included in the project. 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 would result in the loss of trees throughout the project site. There are currently no street trees along the project frontages. All trees removed would be replaced in accordance with the City's tree replacement policy

and street trees would be planted as required by the City. 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 21 freeway segment impacts. The project proposes mitigation to reduce the intersection impacts and would 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 would 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 would provide new jobs within an urban village in proximity to existing high density, mixed-use development and 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. Two intersections are currently designated by the City as protected intersections. 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 12.99-acre site is located at the southwest corner of the Winchester Boulevard/Olin Drive intersection, between Stevens Creek Boulevard and Interstate 280 (I-280) in the City of San Jose. The project site is currently developed with three dome-style movie theaters and a 6,800 square foot restaurant. The theater buildings are located along the western boundary of the site, with a large surface parking lot between the buildings and Winchester Boulevard. The restaurant is located at the northeast corner of the project site, along the Winchester Boulevard frontage. The movie theaters closed in March 2014 and are currently vacant. The restaurant is still in operation.

A two-lane roadway, Olsen Road, is the primary access to the site from Winchester Boulevard. The roadway transects the site and provides access from a mobile home park located west and south of the site to Winchester Boulevard. Secondary driveways are located along Olin Drive.

The project site is located within a habitat conservation plan area.

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 Olin Avenue to the north, Winchester Boulevard to the east, the Winchester Mystery House (a historic landmark) and the Winchester Ranch mobile home park to the south (the mobile home park wraps around the southwest corner of the project site), and a single-family residential neighborhood to the west. The neighborhood, comprise of one- and two-story houses, includes six properties that back up to the project site.

North of Olin Avenue, directly across from the project site, is a gas station, a small, two-story office building, and multiple single-family houses. Some of the houses have been converted into businesses. Winchester Boulevard is a six-lane roadway which is the main north-south transportation corridor in the project area. Raised center medians span the width of the project site. Santana Row, a 42.53-acre mixed-use development is located on the east side of Winchester Boulevard. Along the roadway frontage, directly across from the project site, Santana Row has a nine-story commercial/residential building and 228,200-square foot, six-story office building which is currently under construction. The bottom four floors of the mixed-use building are visible from the roadway, but the upper five floors are set back and are only visible from the westernmost portion of the project site.

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES FIGURE 4.1-1

Olin Avenue runs along the northern façade of the mixed-use building and there is a four-story commercial building on the north side of the roadway. Adjacent to the office construction site is a seven-story assisted senior living facility. Additional office buildings are located south and east of the senior facility.

4.1.1.3 Existing Land Use Designation and Zoning

The project site is designated *Neighborhood/Community Commercial* by the *Envision San Jose 2040 General Plan* and is located within a designed Urban Village. The project site is zoned *CG – General Commercial*, consistent with the General Plan.

The *Urban Village* designation allows for a wide variety of commercial, residential, and institutional land uses with building density of up to 10.0 floor area ratio (FAR) and residential densities up to 250 dwelling units per acre (DU/AC). The *Neighborhood/Community Commercial* designation applies supports a broad range of commercial activity, including neighborhood serving retail and services and commercial/professional office development. Under this designation, the General Plan allows for a building density of up to 2.0 FAR and building heights of one to four stories.

The CG Commercial General Zoning District is intended to serve the needs of the general population. This district allows for a full range of retail and commercial uses with a local or regional market. Development is expected to be auto-accommodating and includes larger commercial centers as well as regional malls.

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 *Neighborhood/Community Commercial* within a designated Urban Village overlay in the City of San José General Plan and is zoned *CG – General Commercial*. Implementation of the proposed project would allow for redevelopment of the site with office and retail land uses which would further enhance the Urban Village in which it is located, providing both local and regional jobs and services along a major transportation corridor and in proximity to existing high density mixed-use development. Therefore, the project site is consistent with the General Plan land use designation.

The project proposes to rezone the site to *CP(PD) –Planned Development* zone district. The new zoning designation would incorporate the development standards and modified uses of the *CP – Commercial Pedestrian* zone district. The CP zoning designation is intended to support pedestrian-oriented retail activity at a scale compatible with surrounding residential neighborhoods. This district is designed to support the goals and policies of the general plan related to Neighborhood Business Districts. The CP Commercial Pedestrian District also encourages mixed residential/commercial development where appropriate, and is designed to support the commercial goals and policies of the General Plan in relation to Urban Villages. This district is also intended to support intensive pedestrian-oriented commercial activity and development consistent with general plan urban design policies.

The type of development supported by this district includes Neighborhood Business Districts, neighborhood centers, multi-tenant commercial development along city connector and main streets as designated in the general plan, and small corner commercial establishments. New development should orient buildings towards public streets and transit facilities and include features to provide an enhanced pedestrian environment.

While the project is consistent with the existing zoning, the CG zone district requires a minimum 15 foot setback of buildings from the sidewalk, which is inconsistent with the pedestrian oriented development envisioned in the urban village. Therefore, the proposed PD zoning would utilize the setbacks of the CP zone district to allow for the commercial buildings fronting Winchester Boulevard, which includes the proposed retail space, to be built up to the sidewalk with no setbacks. The rezoning also increases the required setback along the western property line from zero to 25 feet. If the proposed rezoning is not approved, the proposed site plan would have to be modified to account for the required setback along the site frontage.

The land uses allowed under the proposed PD zoning would be consistent with the CP zoning designation. The PD zoning would allow all the uses of a CP zone district except that additional and uses such as outdoor theater uses and television/radio studio uses would be permitted. In addition, any uses on-site shall not be subject to the maximum individual occupant square footage requirements set forth in Part 3, Section 20.40.200.

As proposed, the project is consistent with the General Plan and would still be consistent with the intent of the urban village with the proposed rezoning. **(Less Than Significant Impact)**

Land Use Impacts

Changes in land use are not adverse environmental impacts in and of themselves, but they may create conditions that adversely affect existing uses in the immediate vicinity. The proposed project is a commercial development located within a designated Urban Village on a major transportation corridor. This area is a mix of office, commercial/retail, and residential land uses.
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, as proposed, is consistent with the General Plan. The *San Jose 2040 General Plan FEIR* concluded that land use conflicts, including impacts to adjacent residential development and existing businesses, 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. The proposed project would comply with all applicable City policies, actions and ordinances, and would be consistent with adopted design guidelines. Therefore, the proposed project would have a less than significant impact on surrounding land uses. **(Less Than Significant Impact)**

While the project proposes to vacate an existing roadway between Winchester Boulevard and the mobile home park to the east of the project site, the project would provide alternative access to allow residences of the mobile home park to still access Winchester Boulevard. In addition, new pedestrian/bicycle access through the project site from the adjacent residential area is proposed. As a result, the proposed project would not physically divide an established community. **(Less Than Significant Impact)**

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)**

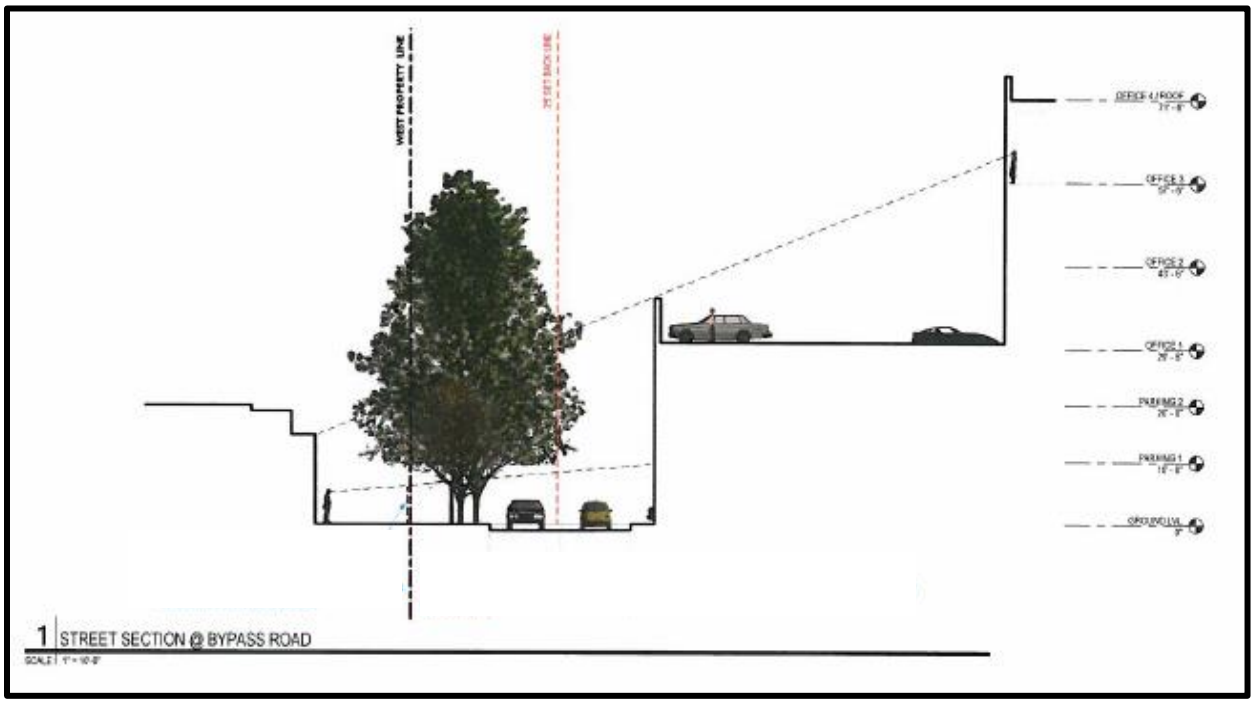
4.1.2.3 Visual Intrusion (Privacy)

Visual intrusion addresses the general concern that windows or balconies from taller buildings would provide visual access to neighboring yards and windows of private residences. There are existing off-site single-family residences adjacent to the western boundary of the project site. The six houses along Maplewood Avenue that share a property line with the project site having varying setbacks from the project boundary ranging from approximately 25 to 50 feet.

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 existing development on-site includes three theater domes which are approximately 35 feet tall. The setbacks between these buildings and the adjacent residential neighborhood vary. The Century 21 building, which is proposed to be retained, is setback approximately 45 feet from the western

property line and the Century 22 building is setback approximately 50 feet. The Century 23 building is surrounded on the south and west sides by the adjacent mobile home park. The building is setback approximately 50 feet from each property line. The project proposes two buildings on the westernmost portion of the site. The buildings would consist of three levels of office space over five levels of parking (three above grade and two below grade). The above grade parking levels would have a maximum height of 29.5 feet (comparable to a two-story house) and would be setback 41.5 feet from the western property line. The office levels would be stepped back, approximately 60 feet from the western edge of the parking structure, making the office levels approximately 101.5 feet from the wester property line. Along the southern property line, building F would be setback more than 185 feet from the nearest mobile homes. The existing mature trees and landscaping along the western and southern property lines would be retained.



As shown in the above figure, persons in the highest floor of the office building would have no direct line of site to the off-site residences. Views from the parking structures would be blocked by the existing landscaping and fencing, and a solid wall along the upper deck of the parking structure.

The proposed office buildings would be set back approximately 101 feet from the property line and 126 feet from the nearest off-site residences. The distance between the buildings, combined with building orientation and visual barriers such as fencing, 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

To determine the specific shading of the proposed office buildings on the surrounding land uses, a shade and shadow analysis was completed by the project architect. Shade and shadow analyses are

typically prepared for March 21, June 21, September 21, and December 21. This provides an analysis of each season as well as the longest and shortest days of the year, covering the full spectrum of possible shade and shadow issues. Consistent with standard practices, for each day the analysis provides data for 9:00 AM, noon, and 3:00 PM.

As shown in Figure 4.1-2, the maximum off-site shading from the proposed development would occur in the morning hours and afternoon hours in the winter. Minimal shading would occur the remainder of the year.

In the winter morning hours, the proposed buildings would shade the residential properties adjacent to the western property line and some of the properties on the north side of Olin Avenue. In the winter afternoon hours, the proposed development would also shade some of the residential properties on the north side of Olin Avenue. The proposed building F would shade the northwest corner of the Winchester Mystery House property in the winter afternoon hours, but at no time would the Winchester Mystery House itself be shaded.

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 CEQA Guidelines do not provide a quantifiable threshold by which to assess the level of impact resulting from increased shading. As a result, it is the discretion of the Lead Agency (the City of San Jose) to determine the impact threshold. Currently, for CEQA purposes, the City of San Jose only has an adopted threshold of significance for shade and shadow in the vicinity of public parks in the Downtown area. No thresholds for increased shade and shadow apply to other areas of the City, including private open space. Furthermore, the courts have determined that "California landowners do not have a right of access to air, light and view over adjoining property."[2]

As of January 2016, there were no existing solar collectors seen on the roofs of the adjacent residential properties that would be shaded by the project. The California Solar Rights Act (AB 3250, 1978) and the Solar Shade Act (AB 2321, 1978) protect existing solar panels and solar easements from trees and shrubs planted after installation of the solar panels but provide no guarantee of solar access as it pertains to new building construction.

While the project would increase the amount of shade in the immediate project area in the winter months, the proposed project would not preclude the use of any public or private open space. Consistent with City policy and the CEQA Guidelines, since there is no adopted quantifiable threshold and shading would only increase for a limited number of hours per day in the winter months, the project would not result in significant shade or shadow impact. **(Less Than Significant Impact)**

[2] *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal. App. 4th 492

1 SHADOW STUDY - VERNAL EQUINOX - 0900

4 SHADOW STUDY - SUMMER SOLSTICE - 0900

7 SHADOW STUDY - AUTUMNAL EQUINOX - 0900

10 SHADOW STUDY - WINTER SOLSTICE - 0900

2 SHADOW STUDY - VERNAL EQUINOX - 1200

5 SHADOW STUDY - SUMMER SOLSTICE - 1200

8 SHADOW STUDY - AUTUMNAL EQUINOX - 1200

11 SHADOW STUDY - WINTER SOLSTICE - 1200

3 SHADOW STUDY - VERNAL EQUINOX - 1500

6 SHADOW STUDY - SUMMER SOLSTICE - 1500

9 SHADOW STUDY - AUTUMNAL EQUINOX - 1500

12 SHADOW STUDY - WINTER SOLSTICE - 1500

SHADE AND SHADOW STUDY

FIGURE 4.1-2

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)**

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. [3] 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.

The proposed project would result in a net increase in jobs citywide of approximately 3,300. 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. The site has not been used for residential purposes in the past; therefore, the proposed development would not displace existing housing or people. Therefore, implementation of the proposed project will have a less than significant impact on population and housing in San Jose. **(Less Than Significant Impact)**

4.1.3 Mitigation and Avoidance Measures for Land Use Impacts

No mitigation is required or proposed.

[3] 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.

4.1.4 Conclusion

The proposed project would be compatible with all adjacent and nearby land uses and would not impact any designated agricultural lands. The project would not displace existing housing and would not contribute to the jobs/housing imbalance in the City. With approval of the proposed 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 June 2016. 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.

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) to Santa Cruz. I-880 provides access to the project site via interchanges at Stevens Creek Boulevard.

Local Access

Local access to the project site is provided via Stevens Creek Boulevard, Winchester Boulevard, Olin Avenue, Olsen Drive, Tisch Way, and 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 Winchester Boulevard.

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.

Olin Avenue is two-lane, east-west roadway that runs along the northern boundary of the project site. Site access is provided via multiple driveways on Olin Avenue.

Olsen Avenue is a two-lane, east-west roadway that connects Santana Row and the project site. The intersection of Olsen Drive and Winchester Boulevard would serve as the main entrance to the project site.

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

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

4.2.1.2 Existing Pedestrian and Bicycle Facilities

Bicycle and Pedestrian Facilities

Bicycle facilities are comprised of paths (Class I), lanes (Class II), and routes (Class III). Bicycle paths are paved trails that are separate from roadways. Bicycle lanes are lanes on roadways designed for bicycle use by striping, pavement legends, and signs. Bicycle routes are roadways designated for bicycle use by signs only. Currently, there are no City designated bike lanes in the vicinity of the project site, but some roadways are designated bike routes.

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.

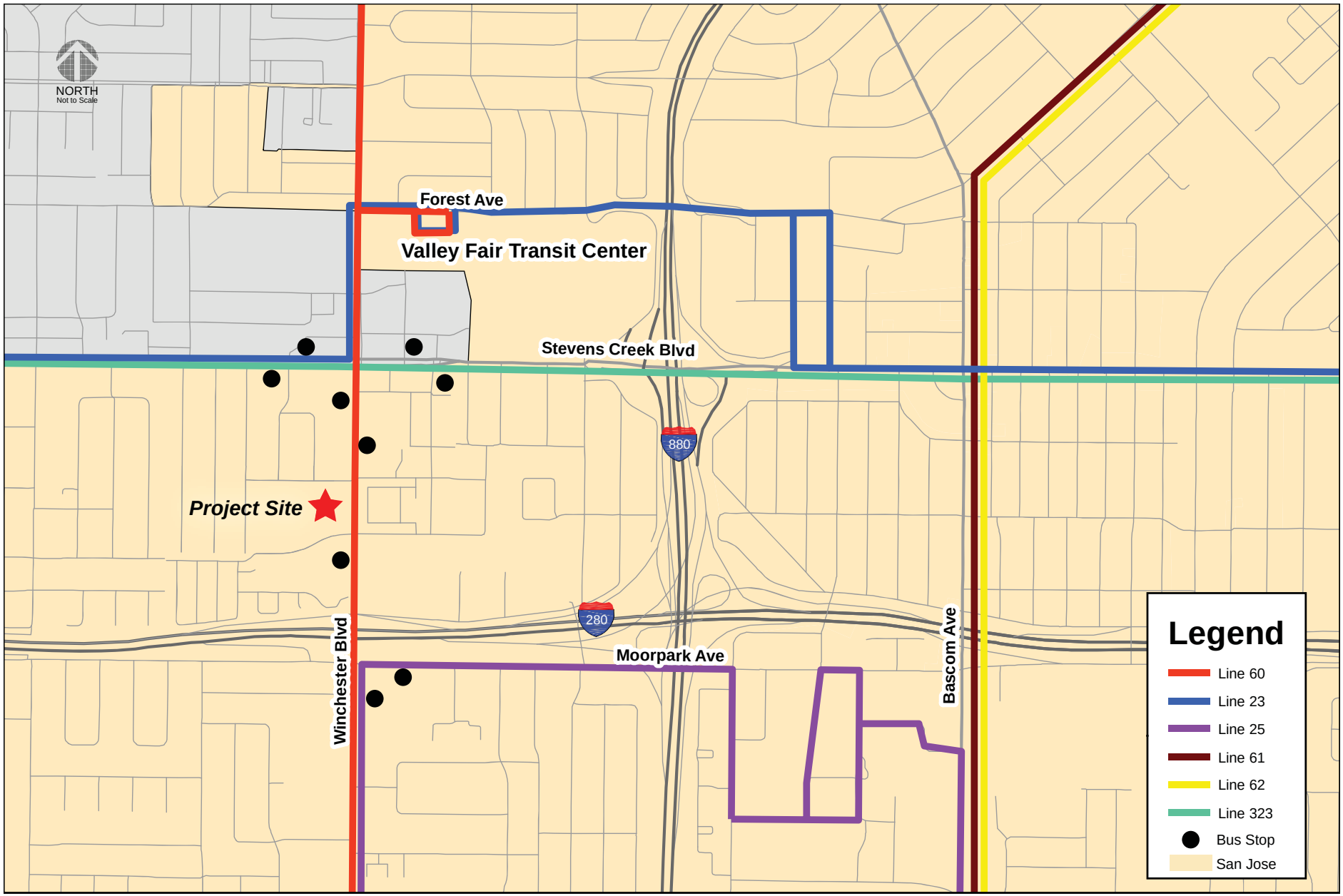
4.2.1.3 Existing Transit Service

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 via 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 project site is also located approximately three-quarters of a mile from the Valley Fair Transit Center, located at the Valley Fair Shopping Mall.



EXISTING TRANSIT SERVICES

FIGURE 4.2-1

4.2.1.4 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. Traffic conditions at all study intersections and freeway segments were analyzed for the weekday AM and PM Peak Hours. The AM Peak Hour is defined as 7:00AM and 9:00AM and the PM Peak Hour is defined as 4:00PM to 6:00PM. The peak hours represent the periods of greatest traffic congestion on a typical weekday.

Traffic conditions were evaluated under existing conditions, background conditions[4], existing plus project conditions, background plus project conditions, and cumulative conditions to determine if the level of service (LOS) of the local intersections in the project area would be adversely affected by project generated traffic. The cumulative impact analysis is provided in Section 6.0. The existing traffic conditions were established based on traffic volumes from the City of San Jose 2014 CMP Annual Monitoring Report, previously completed traffic studies, and new manual turning-movement counts.

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[5]
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[6] 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

[4] Background conditions are existing plus approved but not yet constructed development.
[5] Measured in seconds.
[6] Volume to capacity ratio.

The traffic study analyzed AM and PM Peak Hour traffic conditions for 59 signalized intersections 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[7], the City of San Jose LOS methodology is TRAFFIC, which is based on the 2000 *Highway Capacity Manual* (HCM) method for signalized intersections.

4.2.1.5 Existing Intersection Operations

Existing LOS of Study Intersections

Analysis of the existing intersection operations concluded that six intersections operate at an unacceptable LOS during at least one peak hour. In some cases, an intersection meets the CMP threshold LOS but not the applicable City threshold.

City of San Jose Intersections

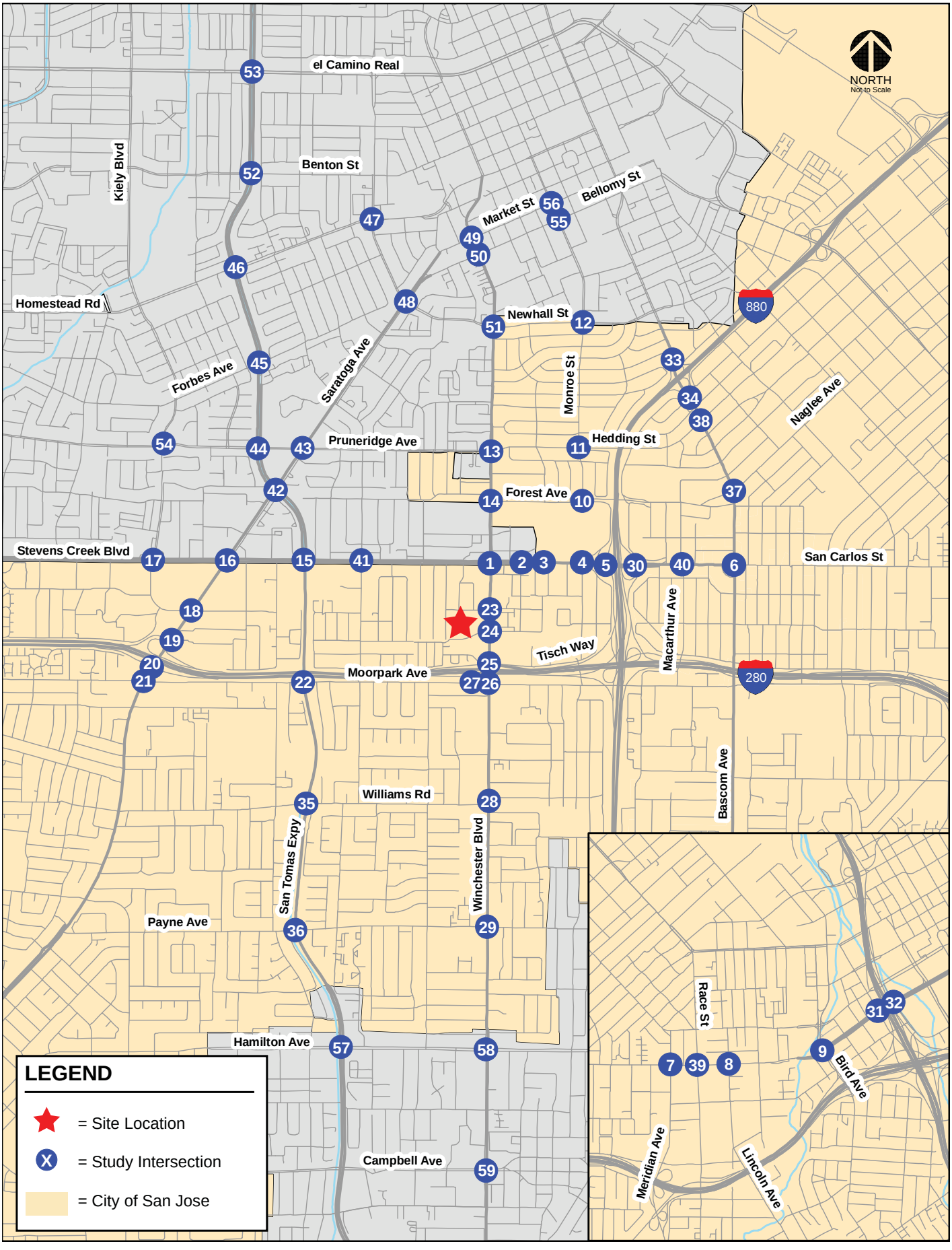
- No. 15 – San Tomas Expressway and Stevens Creek Boulevard (AM and PM Peak Hour)
- No. 22 – San Tomas Expressway and Moorpark Avenue (AM Peak Hour)
- No. 35 – San Tomas Expressway and Williams Road (AM and PM Peak Hour)
- No. 36 – San Tomas Expressway and Payne Avenue (AM Peak Hour)

City of Santa Clara Intersections

- No. 52 – San Tomas Expressway and Benton Street (AM Peak Hour)
- No. 53 – San Tomas Expressway and El Camino Real (AM Peak Hour)

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.

[7] City of San Jose Website. http://www.sanjoseca.gov/DocumentCenter/Home/View/382



SITE LOCATION AND STUDY INTERSECTIONS FIGURE 4.2-2

Table 4.2-3: Study Intersections Level of Service – Existing Conditions[8]				
No.	**Intersection**	**Peak Hour**	**Delay**	**LOS**
1	Winchester Boulevard and Stevens Creek Boulevard (SJ, CMP)	AM PM	35.2 46.6	D D
2	Santana Row and Stevens Creek Boulevard (SJ)	AM PM	13.7 30.8	B C
3	Redwood Avenue and Stevens Creek Boulevard (SJ)	AM PM	7.5 23.0	A C
4	Monroe Street and Stevens Creek Boulevard (SJ)	AM PM	29.8 35.4	C D
5	I-880 SB Ramps and Stevens Creek Boulevard (SJ, CMP)	AM PM	24.7 23.7	C C
6	Bascom Avenue and San Carlos Street (SJ)	AM PM	41.1 48.7	D D
7	Meridian Avenue and San Carlos Street (SJ)	AM PM	37.8 48.2	D D
8	Lincoln Avenue and San Carlos Street (SJ)	AM PM	34.2 34.1	C C
9	Bird Avenue and San Carlos Street (SJ, CMP)	AM PM	32.9 39.6	C D
10	Monroe Street and Forest Street (SJ)	AM PM	16.4 20.0	B B
11	Monroe Street and Hedding Street (SJ)	AM PM	32.0 32.8	C C
12	Monroe Street and Newhall Street (SJ)	AM PM	27.2 29.1	C C
13	Winchester Boulevard and Hedding Street/Pruneridge Avenue (SJ)	AM PM	29.6 35.6	C D
14	Winchester Boulevard and Forest Street/Worthington Circle (SJ)	AM PM	24.2 24.9	C C
15	San Tomas Expressway and Stevens Creek Boulevard (SJ, CMP)	AM PM	**78.1** **64.1**	**E** **E**
16	Saratoga Avenue and Stevens Creek Boulevard (SJ, CMP)	AM PM	35.5 38.8	D D
17	Kiely Boulevard and Stevens Creek Boulevard (SJ, CMP)	AM PM	37.5 37.7	D D
18	Saratoga Avenue and Kiely Boulevard (SJ, CMP)	AM PM	35.6 41.0	D D
19	Saratoga Avenue and I-280 North (SJ, CMP)	AM PM	29.7 23.9	C C

[8] Compared to the two most recent traffic studies completed in the project area, the LOS and/or delay at some study intersections are shown to have improved. The Santana Row Planned Development Rezoning EIR and the Reserve Residential Project EIR were based on 2013 traffic counts which could not be updated at the time the analyses were done due to construction of the new interchange at I-880 and Stevens Creek Boulevard. Since the interchange was completed prior to initiation of the traffic study for the proposed project, new counts were completed in October 2015. As a result of the interchange, some traffic movements have improved relative to the previous conditions and some intersections have shown an improvement in LOS and/or delay. This also carries through the background conditions.

Table 4.2-3: Study Intersections Level of Service – Existing Conditions				
No.	**Intersection**	**Peak Hour**	**Delay**	**LOS**
20	Saratoga Avenue and I-280 South (SJ, CMP)	AM PM	34.1 33.2	C C
21	Saratoga Avenue and Moorpark Avenue (SJ, CMP)	AM PM	45.9 45.3	D D
22	San Tomas Expressway and Moorpark Avenue (SJ, CMP)	AM PM	**85.5** 46.9	**F** D
23	Winchester Boulevard and Olin Avenue (SJ)	AM PM	18.6 20.4	B C
24	Winchester Boulevard and Olsen Drive (SJ)	AM PM	14.0 19.6	B B
25	Winchester Boulevard and I-280 Westbound on-ramp/Tisch Way (SJ)	AM PM	25.6 34.6	C C
26	Winchester Boulevard and Moorpark Avenue (SJ)	AM PM	38.6 42.1	D D
27	I-280 Eastbound off-ramp and Moorpark Avenue (SJ, CMP)	AM PM	11.1 12.9	B B
28	Winchester Boulevard and Williams Road (SJ)	AM PM	35.3 36.3	D D
29	Winchester Boulevard and Payne Avenue (SJ)	AM PM	38.8 39.3	D D
30	I-880 Northbound Ramps and Stevens Creek Boulevard (SJ)	AM PM	20.5 22.8	C C
31	Delmas Avenue and San Carlos Street (SJ)	AM PM	12.0 16.5	B B
32	Woz Way and San Carlos Street (SJ)	AM PM	32.8 34.0	C C
33	Bascom Avenue and I-880 North (SJ, CMP)	AM PM	10.9 9.7	B A
34	Bascom Avenue and I-880 Sorth (SJ, CMP)	AM PM	9.1 6.6	A A
35	San Tomas Expressway and Williams Road (SJ)	AM PM	**58.5** **63.7**	**E** **E**
36	San Tomas Expressway and Payne Avenue (SJ)	AM PM	**73.1** 37.5	**E** D
37	Bascom Avenue and Naglee Avenue (SJ)	AM PM	33.8 42.6	C D
38	Bascom Avenue and Hedding Street (SJ)	AM PM	39.6 47.6	D D
39	Race Street and San Carlos Street (SJ)	AM PM	34.5 35.7	C D
40	Bellerose Drive/MacArthur Avenue and Stevens Creek Boulevard (SJ)	AM PM	31.0 33.5	C C
41	Cypress Avenue and Stevens Creek Boulevard (SJ)	AM PM	17.3 15.1	B B
42	San Tomas Expressway and Saratoga Avenue (SC, CMP)	AM PM	61.3 58.8	E E

Table 4.2-3: Study Intersections Level of Service – Existing Conditions				
No.	**Intersection**	**Peak Hour**	**Delay**	**LOS**
43	Saratoga Avenue and Pruneridge Avenue (SC)	AM PM	29.1 29.7	C C
44	San Tomas Expressway and Pruneridge Avenue (SC)	AM PM	68.3 57.2	E E
45	San Tomas Expressway and Forbes Avenue (SC)	AM PM	43.3 8.0	D A
46	San Tomas Expressway and Homestead Road (SC, CMP)	AM PM	70.9 61.7	E E
47	Scott Boulevard and Homestead Road (SC)	AM PM	23.4 26.1	C C
48	Saratoga Avenue and Scott Boulevard (SC)	AM PM	25.6 23.2	C C
49	Winchester Boulevard and Market Street (SC)	AM PM	7.1 5.8	A A
50	Winchester Boulevard and Bellomy Street (SC)	AM PM	9.5 7.4	A A
51	Winchester Boulevard and Newhall Street (SC)	AM PM	23.5 19.2	C B
52	San Tomas Expressway and Benton Street (SC)	AM PM	**89.6** 69.5	**F** E
53	San Tomas Expressway and El Camino Real (SC, CMP)	AM PM	**107.8** 79.7	**F** E
54	Kiely Boulevard and Pruneridge Avenue (SC)	AM PM	31.4 30.2	C C
55	Monroe Street and Bellomy Street/Jackson Street (SC)	AM PM	8.3 5.8	A A
56	Monroe Street and Market Street (SC)	AM PM	8.4 6.7	A A
57	San Tomas Expressway and Hamilton Avenue (CB, CMP)	AM PM	77.4 60.0	E E
58	Winchester Boulevard and Hamilton Avenue (CB, CMP)	AM PM	39.7 46.4	D D
59	Winchester Boulevard and Campbell Avenue (CB)	AM PM	34.3 34.7	C C

Notes: (CMP) VTA Congestion Management Program, (SC) City of Santa Clara, (SJ) City of San José, (CB) City of Campbell
Bold represents intersection operating under unacceptable conditions.

Observed Existing Traffic Conditions

Traffic conditions in the field were observed to identify existing operational deficiencies and to confirm the accuracy of calculated levels of service. The purpose was (1) to identify any existing traffic problems that may not be directly related to intersection level of service, and (2) to identify any locations where the level of service calculation does not accurately reflect level of service in the field.

Stevens Creek Boulevard generally experiences heavy congestion during the weekday PM Peak Hour in both directions of travel between Winchester Boulevard and I-880. The congestion is made worse by the close spacing of several signalized intersections along the roadway. At its intersections with I-880 and Monroe Street, 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 provided turn-pockets at its intersections with Winchester Boulevard and Santana Row during the PM peak hour. Left-turn pockets in the eastbound direction are adequate with no vehicles spilling out of the provided storage. In addition, the right lane on eastbound Stevens Creek Boulevard is sometimes congested from I-880 to Santana Row with vehicles accessing the southbound I-880 or I-280 on-ramps.

4.2.1.6 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 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.

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.

Santana Row and Stevens Creek Boulevard – As part of the approved expansion of the Valley Fair Shopping Center, this intersection will be restriped to provide one left-turn lane, one through lane, and one right-turn lane on the north and south approaches. The north and south approaches will also be converted from split to protected phasing.

Redwood Avenue and Stevens Creek Boulevard – As part of the approved expansion of the Valley Fair Shopping Center, this intersection will be relocated from its current position to align with Baywood Avenue. The north approach at the relocated intersection will serve as the primary access point to Valley Fair and will be restriped to provide one left-turn lane and one shared left/right-turn lane.

Winchester Boulevard and Olsen Drive – As part of the Santana Row Lot 11 construction currently in progress, Olsen Drive, east of Winchester Boulevard, is narrowed temporarily from two lanes to one lane in the eastbound direction. The temporary narrowing includes the closure of one of the two southbound left-turn lanes and conversion of the shared eastbound through/right-turn lane to an exclusive right-turn lane. Under background conditions, Santana Row Lot 11 is assumed to be completed and the lane geometries would be reverted to those that were in place before construction.

San Tomas Expressway and El Camino Real – The San Tomas Expressway Improvement project, currently in progress, will add a second left-turn lane to the existing single left-turn lanes on each of the intersection approaches and permanently remove the two 'free running right' turn lanes from El Camino Real to San Tomas Expressway.

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 11 intersections would operate at an unacceptable LOS:

City of San Jose Intersections

- No. 4 – Monroe Street and Stevens Creek Boulevard (PM Peak Hour)
- No. 15 – San Tomas Expressway and Stevens Creek Boulevard (AM and PM Peak Hour)
- No. 22 – San Tomas Expressway and Moorpark Avenue (AM Peak Hour)
- No. 35 – San Tomas Expressway and Williams Road (AM and PM Peak Hour)
- No. 36 – San Tomas Expressway and Payne Avenue (AM Peak Hour)

City of Santa Clara Intersections

- No. 42 – San Tomas Expressway and Saratoga Avenue (AM and PM Peak Hour)
- No. 44 – San Tomas Expressway and Pruneridge Avenue (AM and PM Peak Hour)
- No. 45 – San Tomas Expressway and Forbes Avenue (AM Peak Hour)
- No. 46 – San Tomas Expressway and Homestead Road (AM and PM Peak Hour)
- No. 52 – San Tomas Expressway and Benton Street (AM and PM Peak Hour)
- No. 53 – San Tomas Expressway and El Camino Real (AM and 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: Study Intersections Level of Service – Background Conditions						
No.	**Intersection**	**Peak Hour**	**Existing**		**Background**	
			Delay	**LOS**	**Delay**	**LOS**
1	Winchester Boulevard and Stevens Creek Boulevard (SJ, CMP)	AM	35.2	D	36.4	D
		PM	46.6	D	52.7	D
2	Santana Row and Stevens Creek Boulevard (SJ)	AM	13.7	B	12.9	B
		PM	30.8	C	30.8	C
3	Redwood Avenue and Stevens Creek Boulevard (SJ)	AM	7.5	A	19.6	B
		PM	23.0	C	48.5	D
4	Monroe Street and Stevens Creek Boulevard (SJ)	AM	29.8	C	36.0	D
		PM	35.4	D	**88.3**	**F**
5	I-880 SB Ramps and Stevens Creek Boulevard (SJ, CMP)	AM	24.7	C	25.2	C
		PM	23.7	C	25.4	C
6	Bascom Avenue and San Carlos Street (SJ)	AM	41.1	D	42.6	D
		PM	48.7	D	50.7	D
7	Meridian Avenue and San Carlos Street (SJ)	AM	37.8	D	39.0	D
		PM	48.2	D	53.6	D
8	Lincoln Avenue and San Carlos Street (SJ)	AM	34.2	C	37.2	D
		PM	34.1	C	36.9	D
9	Bird Avenue and San Carlos Street (SJ, CMP)	AM	32.9	C	35.8	D
		PM	39.6	D	43.8	D
10	Monroe Street and Forest Street (SJ)	AM	16.4	B	17.6	B
		PM	20.0	B	19.9	B
11	Monroe Street and Hedding Street (SJ)	AM	32.0	C	32.3	C
		PM	32.8	C	33.2	C
12	Monroe Street and Newhall Street (SJ)	AM	27.2	C	27.4	C
		PM	29.1	C	29.5	C
13	Winchester Boulevard and Hedding Street/Pruneridge Avenue (SJ)	AM	29.6	C	30.6	C
		PM	35.6	D	38.6	D
14	Winchester Boulevard and Forest Street/Worthington Circle (SJ)	AM	24.2	C	26.6	C
		PM	24.9	C	31.1	C
15	San Tomas Expressway and Stevens Creek Boulevard (SJ, CMP)	AM	**78.1**	**E**	**84.7**	**F**
		PM	**64.1**	**E**	**67.5**	**E**
16	Saratoga Avenue and Stevens Creek Boulevard (SJ, CMP)	AM	35.5	D	35.7	D
		PM	38.8	D	39.7	D
17	Kiely Boulevard and Stevens Creek Boulevard (SJ, CMP)	AM	37.5	D	37.5	D
		PM	37.7	D	37.6	D
18	Saratoga Avenue and Kiely Boulevard (SJ, CMP)	AM	35.6	D	35.1	D
		PM	41.0	D	41.2	D
19	Saratoga Avenue and I-280 North (SJ, CMP)	AM	29.7	C	29.5	C
		PM	23.9	C	23.7	C
20	Saratoga Avenue and I-280 South (SJ, CMP)	AM	34.1	C	34.6	C
		PM	33.2	C	33.2	C
21	Saratoga Avenue and Moorpark Avenue (SJ, CMP)	AM	45.9	D	46.8	D
		PM	45.3	D	46.3	D
22	San Tomas Expressway and Moorpark Avenue (SJ, CMP)	AM	**85.5**	**F**	**88.6**	**F**
		PM	46.9	D	48.7	D

Table 4.2-4: Study Intersections Level of Service – Background Conditions						
No.	**Intersection**	**Peak Hour**	**Existing**		**Background**	
			Delay	**LOS**	**Delay**	**LOS**
23	Winchester Boulevard and Olin Avenue (SJ)	AM	18.6	B	17.9	B
		PM	20.4	C	19.5	B
24	Winchester Boulevard and Olsen Drive (SJ)	AM	14.0	B	22.9	C
		PM	19.6	B	32.5	C
25	Winchester Boulevard and I-280 Westbound on-ramp/Tisch Way (SJ)	AM	25.6	C	32.7	C
		PM	34.6	C	52.5	D
26	Winchester Boulevard and Moorpark Avenue (SJ)	AM	38.6	D	42.4	D
		PM	42.1	D	43.5	D
27	I-280 Eastbound off-ramp and Moorpark Avenue (SJ, CMP)	AM	11.1	B	11.8	B
		PM	12.9	B	13.5	B
28	Winchester Boulevard and Williams Road (SJ)	AM	35.3	D	35.5	D
		PM	36.3	D	36.2	D
29	Winchester Boulevard and Payne Avenue (SJ)	AM	38.8	D	38.6	D
		PM	39.3	D	38.5	D
30	I-880 Northbound Ramps and Stevens Creek Boulevard (SJ)	AM	20.5	C	22.4	C
		PM	22.8	C	24.9	C
31	Delmas Avenue and San Carlos Street (SJ)	AM	12.0	B	15.0	B
		PM	16.5	B	22.0	C
32	Woz Way and San Carlos Street (SJ)	AM	32.8	C	32.9	C
		PM	34.0	C	35.0	D
33	Bascom Avenue and I-880 North (SJ, CMP)	AM	10.9	B	11.2	B
		PM	9.7	A	10.3	B
34	Bascom Avenue and I-880 South (SJ, CMP)	AM	9.1	A	9.2	A
		PM	6.6	A	6.6	A
35	San Tomas Expressway and Williams Road (SJ)	AM	**58.5**	**E**	**60.7**	**E**
		PM	**63.7**	**E**	**65.6**	**E**
36	San Tomas Expressway and Payne Avenue (SJ)	AM	**73.1**	**E**	**74.8**	**E**
		PM	37.5	D	37.6	D
37	Bascom Avenue and Naglee Avenue (SJ)	AM	33.8	C	35.2	D
		PM	42.6	D	43.8	D
38	Bascom Avenue and Hedding Street (SJ)	AM	39.6	D	40.3	D
		PM	47.6	D	48.3	D
39	Race Street and San Carlos Street (SJ)	AM	34.5	C	35.6	D
		PM	35.7	D	35.6	D
40	Bellerose Drive/MacArthur Avenue and Stevens Creek Boulevard (SJ)	AM	31.0	C	30.7	C
		PM	33.5	C	33.3	C
41	Cypress Avenue and Stevens Creek Boulevard (SJ)	AM	17.3	B	17.2	B
		PM	15.1	B	14.9	B
42	San Tomas Expressway and Saratoga Avenue (SC, CMP)	AM	61.3	E	**112.3**	**F**
		PM	58.8	E	**83.5**	**F**
43	Saratoga Avenue and Pruneridge Avenue (SC)	AM	29.1	C	29.1	C
		PM	29.7	C	29.9	C
44	San Tomas Expressway and Pruneridge Avenue (SC)	AM	68.3	E	**128.8**	**F**
		PM	57.2	E	**94.4**	**F**

Table 4.2-4: Study Intersections Level of Service – Background Conditions						
No.	**Intersection**	**Peak Hour**	**Existing**		**Background**	
			Delay	**LOS**	**Delay**	**LOS**
45	San Tomas Expressway and Forbes Avenue (SC)	AM	43.3	D	**88.9**	**F**
		PM	8.0	A	36.2	D
46	San Tomas Expressway and Homestead Road (SC, CMP)	AM	70.9	E	**136.2**	**F**
		PM	61.7	E	**130.4**	**F**
47	Scott Boulevard and Homestead Road (SC)	AM	23.4	C	23.7	C
		PM	26.1	C	27.3	C
48	Saratoga Avenue and Scott Boulevard (SC)	AM	25.6	C	26.4	C
		PM	23.2	C	23.9	C
49	Winchester Boulevard and Market Street (SC)	AM	7.1	A	7.0	A
		PM	5.8	A	5.7	A
50	Winchester Boulevard and Bellomy Street (SC)	AM	9.5	A	9.5	A
		PM	7.4	A	7.4	A
51	Winchester Boulevard and Newhall Street (SC)	AM	23.5	C	24.7	C
		PM	19.2	B	20.4	C
52	San Tomas Expressway and Benton Street (SC)	AM	**89.6**	**F**	**175.5**	**F**
		PM	69.5	E	**140.1**	**F**
53	San Tomas Expressway and El Camino Real (SC, CMP)	AM	**107.8**	**F**	**173.1**	**F**
		PM	79.7	E	**126.5**	**F**
54	Kiely Boulevard and Pruneridge Avenue (SC)	AM	31.4	C	32.5	C
		PM	30.2	C	31.5	C
55	Monroe Street and Bellomy Street/Jackson Street (SC)	AM	8.3	A	8.2	A
		PM	5.8	A	5.9	A
56	Monroe Street and Market Street (SC)	AM	8.4	A	8.3	A
		PM	6.7	A	6.8	A
57	San Tomas Expressway and Hamilton Avenue (CB, CMP)	AM	77.4	E	77.4	E
		PM	60.0	E	60.1	E
58	Winchester Boulevard and Hamilton Avenue (CB, CMP)	AM	39.7	D	39.8	D
		PM	46.4	D	46.5	D
59	Winchester Boulevard and Campbell Avenue (CB)	AM	34.3	C	34.3	C
		PM	34.7	C	34.7	C

Notes: (CMP) VTA Congestion Management Program, (SC) City of Santa Clara, (SJ) City of San José, (CB) City of Campbell
Bold represents intersection operating under unacceptable conditions.

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

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 38 of the 46 mixed flow study segments currently operate at an unacceptable LOS F during at least one peak hour. The result also show five directional HOV lane segment currently operates at an unacceptable LOS F during at least one peak hour. All other study freeway segments operate at an acceptable LOS under existing conditions. The freeway segments are listed on page 23 of Appendix A and 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	Lark Avenue to SR 85	NB	AM PM	D C	---
		SB	AM PM	B **F**	---

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	SR 85 to San Tomas Expressway/Camden Avenue	NB	AM PM	**F** C	---
		SB	AM PM	C D	---
SR 17	San Tomas Expressway/Camden Avenue to Hamilton Avenue	NB	AM PM	**F** C	---
		SB	AM PM	D D	---
SR 17	Hamilton Avenue 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** C	---
		SB	AM PM	C D	---
I-880	Stevens Creek Boulevard to N. Bascom Avenue	NB	AM PM	**F** **F**	---
		SB	AM PM	D **F**	---
I-880	N. Bascom Avenue to The Alameda	NB	AM PM	**F** **F**	---
		SB	AM PM	C **F**	---
I-880	The Alameda to Coleman Avenue	NB	AM PM	**F** **F**	---
		SB	AM PM	D **F**	---
I-880	Coleman Avenue to SR 87	NB	AM PM	**F** **F**	---
		SB	AM PM	D **F**	---
I-880	SR 87 to First Street	NB	AM PM	D **F**	---
		SB	AM PM	**F** **F**	---
I-880	First Street to US 101	NB	AM PM	E D	---
		SB	AM PM	**F** **F**	---
I-280	SR 85 to De Anza Boulevard	EB	AM PM	C **F**	A E
		WB	AM PM	**F** C	D A

Table 4.2-6: Study Freeway Segments Level of Service – Existing Conditions					
Freeway	**Segment**	**Direction**	**Peak Hour**	**LOS – Mixed Lanes**	**LOS – HOV Lanes**
I-280	De Anza Boulevard to Wolfe Road	EB	AM	D	A
			PM	**F**	E
		WB	AM	**F**	E
			PM	C	A
I-280	Wolfe Road to Lawrence Expressway	EB	AM	D	B
			PM	**F**	E
		WB	AM	**F**	D
			PM	C	A
I-280	Lawrence Expressway to Saratoga Avenue	EB	AM	D	A
			PM	**F**	D
		WB	AM	**F**	**F**
			PM	D	B
I-280	Saratoga Avenue to Winchester Boulevard	EB	AM	D	A
			PM	**F**	D
		WB	AM	**F**	E
			PM	E	B
I-280	Winchester Boulevard to I-880	EB	AM	D	B
			PM	**F**	**F**
		WB	AM	**F**	**F**
			PM	**F**	C
I-280	I-880 to Meridian Avenue	EB	AM	C	A
			PM	**F**	**F**
		WB	AM	**F**	**F**
			PM	C	C
I-280	Meridian Avenue to Bird Avenue	EB	AM	D	---
			PM	**F**	
		WB	AM	**F**	---
			PM	D	
I-280	Bird Avenue to SR 87	EB	AM	C	---
			PM	**F**	
		WB	AM	**F**	---
			PM	D	
I-280	SR 87 to Tenth Street	EB	AM	B	---
			PM	**F**	
		WB	AM	**F**	---
			PM	D	
I-280	Tenth Street to McLaughlin Avenue	EB	AM	C	---
			PM	D	
		WB	AM	**F**	---
			PM	D	
I-280	McLaughlin Avenue to US 101	EB	AM	C	---
			PM	D	
		WB	AM	**F**	---
			PM	C	

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[9] 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:

[9] Additional capacity refers to adding new lanes.

- 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.

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 fail to meet the CMP or County Expressway intersection standard 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 recommended rates from the City of San Jose. A summary of the project trip generation estimates 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	10,689	1,331	181	1,512	245	1,199	1,444
Retail	1,238	17	11	28	52	56	108
Transit/Pass-By Reduction	<562>	<67>	<9>	<76>	<25>	<74>	<99>
Existing Land Uses							
Restaurant	865	41	33	74	40	27	67
Movie Theater	1,072	0	0	0	40	61	101
Pass-By Reduction	<29>	0	0	0	<17>	<12>	<29>
Net New Trips	**9,457**	**1,240**	**150**	**1,390**	**209**	**1,105**	**1,314**

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.

Winchester Boulevard and Olsen Drive – On the western leg of this intersection, the eastbound lanes currently consist of one shared left-turn/through lane and one right-turn lane. The project proposes to convert the western leg of this intersection to provide one left-turn lane, one shared through/left-turn lane, and one right-turn lane. In addition, the project would add a second northbound left-turn lane. The addition of the second northbound left-turn lane would require the removal and reconstruction of a center median on the south approach to provide two 10-foot left-turn lanes with an approximately two to three foot median nose. The new median and left-turn lanes would match and align with those of the north leg of the intersection.

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 six intersections would continue to operate at an unacceptable LOS in one or more peak hours.

City of San Jose Intersections

- No. 15 – San Tomas Expressway and Stevens Creek Boulevard (AM and PM Peak Hour)
- No. 22 – San Tomas Expressway and Moorpark Avenue (AM Peak Hour)
- No. 35 – San Tomas Expressway and Williams Road (AM and PM Peak Hour)
- No. 36 – San Tomas Expressway and Payne Avenue (AM Peak Hour)

City of Santa Clara Intersections

- No. 52 – San Tomas Expressway and Benton Street (AM 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: Study Intersections Level of Service – Existing Plus Project Conditions

No.	Intersection	Peak Hour	Existing		Existing Plus Project	
			Delay	LOS	Delay	LOS
1	Winchester Boulevard and Stevens Creek Boulevard (SJ, CMP)	AM	35.2	D	37.2	D
		PM	46.6	D	**56.0**	**E**
2	Santana Row and Stevens Creek Boulevard (SJ)	AM	13.7	B	13.8	B
		PM	30.8	C	28.4	C

Table 4.2-8: Study Intersections Level of Service – Existing Plus Project Conditions						
No.	**Intersection**	**Peak Hour**	**Existing**		**Existing Plus Project**	
			Delay	**LOS**	**Delay**	**LOS**
3	Redwood Avenue and Stevens Creek Boulevard (SJ)	AM	7.5	A	7.4	A
		PM	23.0	C	20.8	C
4	Monroe Street and Stevens Creek Boulevard (SJ)	AM	29.8	C	32.1	C
		PM	35.4	D	44.3	D
5	I-880 SB Ramps and Stevens Creek Boulevard (SJ, CMP)	AM	24.7	C	25.2	C
		PM	23.7	C	23.2	C
6	Bascom Avenue and San Carlos Street (SJ)	AM	41.1	D	42.0	D
		PM	48.7	D	49.5	D
7	Meridian Avenue and San Carlos Street (SJ)	AM	37.8	D	37.9	D
		PM	48.2	D	48.3	D
8	Lincoln Avenue and San Carlos Street (SJ)	AM	34.2	C	34.2	C
		PM	34.1	C	33.6	C
9	Bird Avenue and San Carlos Street (SJ, CMP)	AM	32.9	C	34.5	C
		PM	39.6	D	39.9	D
10	Monroe Street and Forest Street (SJ)	AM	16.4	B	16.5	B
		PM	20.0	B	19.7	B
11	Monroe Street and Hedding Street (SJ)	AM	32.0	C	32.1	C
		PM	32.8	C	32.9	C
12	Monroe Street and Newhall Street (SJ)	AM	27.2	C	27.3	C
		PM	29.1	C	29.2	C
13	Winchester Boulevard and Hedding Street/Pruneridge Avenue (SJ)	AM	29.6	C	30.3	C
		PM	35.6	D	36.2	D
14	Winchester Boulevard and Forest Street/Worthington Circle (SJ)	AM	24.2	C	23.7	C
		PM	24.9	C	25.6	C
15	San Tomas Expressway and Stevens Creek Boulevard (SJ, CMP)	AM	**78.1**	**E**	**79.1**	**E**
		PM	**64.1**	**E**	**64.7**	**E**
16	Saratoga Avenue and Stevens Creek Boulevard (SJ, CMP)	AM	35.5	D	35.4	D
		PM	38.8	D	39.5	D
17	Kiely Boulevard and Stevens Creek Boulevard (SJ, CMP)	AM	37.5	D	37.4	D
		PM	37.7	D	37.6	D
18	Saratoga Avenue and Kiely Boulevard (SJ, CMP)	AM	35.6	D	35.4	D
		PM	41.0	D	41.1	D
19	Saratoga Avenue and I-280 North (SJ, CMP)	AM	29.7	C	29.5	C
		PM	23.9	C	23.8	C
20	Saratoga Avenue and I-280 South (SJ, CMP)	AM	34.1	C	34.2	C
		PM	33.2	C	33.1	C
21	Saratoga Avenue and Moorpark Avenue (SJ, CMP)	AM	45.9	D	46.2	D
		PM	45.3	D	45.3	D
22	San Tomas Expressway and Moorpark Avenue (SJ, CMP)	AM	**85.5**	**F**	**85.2**	**F**
		PM	46.9	D	47.8	D
23	Winchester Boulevard and Olin Avenue (SJ)	AM	18.6	B	22.1	C
		PM	20.4	C	34.1	C
24	Winchester Boulevard and Olsen Drive (SJ)	AM	14.0	B	22.8	C
		PM	19.6	B	37.4	D

Table 4.2-8: Study Intersections Level of Service – Existing Plus Project Conditions						
No.	**Intersection**	**Peak Hour**	**Existing**		**Existing Plus Project**	
			Delay	**LOS**	**Delay**	**LOS**
25	Winchester Boulevard and I-280 Westbound on-ramp/Tisch Way (SJ)	AM	25.6	C	36.6	D
		PM	34.6	C	41.1	D
26	Winchester Boulevard and Moorpark Avenue (SJ)	AM	38.6	D	41.5	D
		PM	42.1	D	42.3	D
27	I-280 Eastbound off-ramp and Moorpark Avenue (SJ, CMP)	AM	11.1	B	11.6	B
		PM	12.9	B	13.0	B
28	Winchester Boulevard and Williams Road (SJ)	AM	35.3	D	35.8	D
		PM	36.3	D	35.9	D
29	Winchester Boulevard and Payne Avenue (SJ)	AM	38.8	D	38.7	D
		PM	39.3	D	38.9	D
30	I-880 Northbound Ramps and Stevens Creek Boulevard (SJ)	AM	20.5	C	22.1	C
		PM	22.8	C	23.1	C
31	Delmas Avenue and San Carlos Street (SJ)	AM	12.0	B	12.1	B
		PM	16.5	B	16.4	B
32	Woz Way and San Carlos Street (SJ)	AM	32.8	C	32.7	C
		PM	34.0	C	33.9	C
33	Bascom Avenue and I-880 North (SJ, CMP)	AM	10.9	B	10.8	B
		PM	9.7	A	9.7	A
34	Bascom Avenue and I-880 Sorth (SJ, CMP)	AM	9.1	A	9.0	A
		PM	6.6	A	6.6	A
35	San Tomas Expressway and Williams Road (SJ)	AM	**58.5**	**E**	**60.7**	**E**
		PM	**63.7**	**E**	**65.2**	**E**
36	San Tomas Expressway and Payne Avenue (SJ)	AM	**73.1**	**E**	**75.1**	**E**
		PM	37.5	D	37.6	D
37	Bascom Avenue and Naglee Avenue (SJ)	AM	33.8	C	34.0	C
		PM	42.6	D	42.7	D
38	Bascom Avenue and Hedding Street (SJ)	AM	39.6	D	39.8	D
		PM	47.6	D	47.8	D
39	Race Street and San Carlos Street (SJ)	AM	34.5	C	34.0	C
		PM	35.7	D	35.1	D
40	Bellerose Drive/MacArthur Avenue and Stevens Creek Boulevard (SJ)	AM	31.0	C	30.4	C
		PM	33.5	C	31.8	C
41	Cypress Avenue and Stevens Creek Boulevard (SJ)	AM	17.3	B	17.1	B
		PM	15.1	B	14.6	B
42	San Tomas Expressway and Saratoga Avenue (SC, CMP)	AM	61.3	E	61.1	E
		PM	58.8	E	58.7	E
43	Saratoga Avenue and Pruneridge Avenue (SC)	AM	29.1	C	29.2	C
		PM	29.7	C	29.7	C
44	San Tomas Expressway and Pruneridge Avenue (SC)	AM	68.3	E	68.5	E
		PM	57.2	E	58.0	E
45	San Tomas Expressway and Forbes Avenue (SC)	AM	43.3	D	43.1	D
		PM	8.0	A	8.1	A
46	San Tomas Expressway and Homestead Road (SC, CMP)	AM	70.9	E	71.0	E
		PM	61.7	E	61.9	E

Table 4.2-8: Study Intersections Level of Service – Existing Plus Project Conditions						
No.	**Intersection**	**Peak Hour**	**Existing**		**Existing Plus Project**	
			Delay	**LOS**	**Delay**	**LOS**
47	Scott Boulevard and Homestead Road (SC)	AM	23.4	C	23.4	C
		PM	26.1	C	26.2	C
48	Saratoga Avenue and Scott Boulevard (SC)	AM	25.6	C	25.7	C
		PM	23.2	C	23.2	C
49	Winchester Boulevard and Market Street (SC)	AM	7.1	A	7.3	A
		PM	5.8	A	5.8	A
50	Winchester Boulevard and Bellomy Street (SC)	AM	9.5	A	9.4	A
		PM	7.4	A	7.3	A
51	Winchester Boulevard and Newhall Street (SC)	AM	23.5	C	23.9	C
		PM	19.2	B	20.3	C
52	San Tomas Expressway and Benton Street (SC)	AM	**89.6**	**F**	**89.6**	**F**
		PM	69.5	E	69.8	E
53	San Tomas Expressway and El Camino Real (SC, CMP)	AM	**107.8**	**F**	**107.9**	**F**
		PM	79.7	E	**80.6**	**F**
54	Kiely Boulevard and Pruneridge Avenue (SC)	AM	31.4	C	31.7	C
		PM	30.2	C	30.2	C
55	Monroe Street and Bellomy Street/Jackson Street (SC)	AM	8.3	A	8.3	A
		PM	5.8	A	5.7	A
56	Monroe Street and Market Street (SC)	AM	8.4	A	8.4	A
		PM	6.7	A	6.7	A
57	San Tomas Expressway and Hamilton Avenue (CB, CMP)	AM	77.4	E	78.2	E
		PM	60.0	E	60.2	E
58	Winchester Boulevard and Hamilton Avenue (CB, CMP)	AM	39.7	D	40.0	D
		PM	46.4	D	46.5	D
59	Winchester Boulevard and Campbell Avenue (CB)	AM	34.3	C	34.6	C
		PM	34.7	C	34.7	C

Notes: (CMP) VTA Congestion Management Program, (SC) City of Santa Clara, (SJ) City of San José, (CB) City of Campbell **Bold** represents intersection operating under unacceptable conditions.

San Tomas Expressway and Stevens Creek Boulevard would continue to operate at LOS E in both peak hours but would not result in a measurable increase in delay.

San Tomas Expressway and Moorpark Avenue would continue to operate at LOS F in the AM Peak Hour but would not result in a measurable increase in delay.

San Tomas Expressway and Williams Road would continue to operate at LOS E in both peak hours but would not result in a measurable increase in delay.

San Tomas Expressway and Payne Avenue would continue to operate at LOS E in the AM Peak Hour but would not result in a measurable increase in delay.

San Tomas Expressway and Benton Street would continue to operate at LOS F in the AM Peak Hour but would not result in a measurable increase in delay.

San Tomas Expressway and El Camino Real would continue to operate at LOS F in the AM Peak Hour and LOS E in the PM Peak Hour but would not result in a measurable increase in delay.

Implementation of the proposed project would have a less than significant impact at these intersections during the peak hours under existing plus project conditions. **(Less Than Significant Impact)**

Under existing plus project conditions, the intersection of Winchester Boulevard and Stevens Creek Boulevard would degrade from LOS D to LOS E in the PM Peak Hour. This intersection has, however, been designated a Protected Intersection pursuant to the City's adopted Transportation Impact Policy (Council Policy 5-3).

Project Conditions

Winchester Boulevard and Stevens Creek Boulevard: This intersection has been identified by the City of San Jose as a protected intersection. Pursuant to the City's Transportation Impact Policy (Council Policy 5-3), in lieu of physical improvements to the intersection, the project applicant shall construct offsetting improvements to other parts of the citywide transportation system in the vicinity of the project site. The final improvements required will be identified by the City of San Jose based on the number of peak hour trips generated by the project. The specific offsetting improvements shall be identified in the subsequent planning permits and shall be implemented by the developer with all required public improvement plans, bonding, and security prior to the issuance of Public Works clearance. Pursuant to the City's policy, the implementation of offsetting improvements would provide project benefits that outweigh the project's 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	10,689	1,331	181	1,512	245	1,199	1,444
Retail	1,238	17	11	28	52	56	108
Transit/Pass-By Reductions	<562>	<67>	<9>	<76>	<25>	<74>	<99>
Existing Land Uses							
Movie Theaters	1,072	0	0	0	40	61	101
Restaurant	865	41	33	74	40	27	67
Pass-By Reductions	<29>	0	0	0	<17>	<12>	<29>
Net New Trips	**9,457**	**1,240**	**150**	**1,390**	**209**	**1,105**	**1,314**

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 transportation network under background conditions except for roadway improvements planned as part of the proposed project.

Winchester Boulevard and Olsen Drive – On the western leg of this intersection, the eastbound lanes currently consist of one shared left-turn/through lane and one right-turn lane. The project proposes to convert the western leg of this intersection to provide one left-turn lane, one shared through/left-turn lane, and one right-turn lane. The addition of the second northbound left-turn lane would require the removal and reconstruction of the center median on the south approach to provide two 10-foot left-turn lanes with an approximately two to three foot median nose. The new median ;and left-turn lanes would match and align with those of the north leg of the intersection.

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:

City of San Jose Intersections

- 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 and PM Peak Hour)
- No. 22 – San Tomas Expressway and Moorpark Avenue (AM Peak Hour)
- No. 25 – Winchester Boulevard and I-280 WB on-ramps/Tisch Way (PM Peak Hour)
- No. 35 – San Tomas Expressway and Williams Road (AM and PM Peak Hour)
- No. 36 – San Tomas Expressway and Payne Avenue (AM Peak Hour)

City of Santa Clara Intersections

- No. 42 – San Tomas Expressway and Saratoga Avenue (AM and PM Peak Hour)
- No. 44 – San Tomas Expressway and Pruneridge Avenue (AM and PM Peak Hour)
- No. 45 – San Tomas Expressway and Forbes Avenue (AM Peak Hour)
- No. 46 – San Tomas Expressway and Homestead Road (AM and PM Peak Hour)
- No. 52 – San Tomas Expressway and Benton Street (AM and PM Peak Hour)
- No. 53 – San Tomas Expressway and El Camino Real (AM and 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 Blvd (CMP)	AM	36.4	D	39.7	D	13.1	0.209
		PM	52.7	D	**76.1**	**E**	**65.5**	**0.247**
2	Santana Row and Stevens Creek Boulevard	AM	12.9	B	12.9	B	0.6	0.076
		PM	30.8	C	29.4	C	-1.7	0.067
3	Redwood Avenue and Stevens Creek Boulevard (SJ)	AM	19.6	B	18.9	B	-0.4	0.074
		PM	48.5	D	50.0	D	5.7	0.066
4	Monroe Street and Stevens Creek Boulevard (SJ)	AM	36.0	D	40.2	D	4.8	0.095
		PM	**88.3**	**F**	**148.1**	**F**	**86.4**	**0.209**
5	I-880 SB Ramps and Stevens Creek Boulevard (SJ, CMP)	AM	25.2	C	27.1	C	2.9	0.131
		PM	25.4	C	25.3	C	-0.1	0.063
6	Bascom Avenue and San Carlos Street (SJ)	AM	42.6	D	43.7	D	1.8	0.034
		PM	50.7	D	51.5	D	0.8	0.030
7	Meridian Avenue and San Carlos Street (SJ)	AM	39.0	D	39.3	D	0.5	0.026
		PM	53.6	D	54.3	D	1.0	0.016
8	Lincoln Avenue and San Carlos Street (SJ)	AM	37.2	D	37.3	D	0.3	0.022
		PM	36.9	D	36.7	D	0.0	0.014
9	Bird Avenue and San Carlos Street (SJ, CMP)	AM	35.8	D	36.3	D	0.6	0.009
		PM	43.8	D	44.2	D	0.7	0.009
10	Monroe Street and Forest Street (SJ)	AM	17.6	B	17.7	B	0.1	0.009
		PM	19.9	B	19.9	B	0.0	0.005
11	Monroe Street and Hedding Street (SJ)	AM	32.3	C	32.4	C	0.0	0.004
		PM	33.2	C	33.2	C	0.3	0.011
12	Monroe Street and Newhall Street (SJ)	AM	27.4	C	27.5	C	0.0	0.010
		PM	29.5	C	29.7	C	0.1	0.012
13	Winchester Blvd and Hedding Street/Pruneridge Avenue (SJ)	AM	30.6	C	32.6	C	7.0	0.070
		PM	38.6	D	39.4	D	1.8	0.026
14	Winchester Blvd and Forest Street/Worthington Circle (SJ)	AM	26.6	C	26.0	C	-0.1	0.006
		PM	31.1	C	31.5	C	0.6	0.047
15	San Tomas Expressway and Stevens Creek Blvd (SJ, CMP)	AM	**84.7**	**F**	**86.9**	**F**	**3.3**	**0.022**
		PM	**67.5**	**E**	**68.5**	**E**	**0.4**	**0.006**
16	Saratoga Avenue and Stevens Creek Boulevard (SJ, CMP)	AM	35.7	D	35.5	D	0.0	0.001
		PM	39.7	D	40.3	D	1.1	0.022
17	Kiely Boulevard and Stevens Creek Boulevard (SJ, CMP)	AM	37.5	D	37.5	D	0.0	0.001
		PM	37.6	D	37.6	D	0.0	0.001
18	Saratoga Avenue and Kiely Boulevard (SJ, CMP)	AM	35.1	D	35.0	C	0.1	0.001
		PM	41.2	D	41.3	D	0.2	0.006
19	Saratoga Avenue and I-280 North (SJ, CMP)	AM	29.5	C	29.4	C	0.0	0.000
		PM	23.7	C	23.6	C	-0.2	0.006
20	Saratoga Avenue and I-280 South (SJ, CMP)	AM	34.6	C	34.7	C	0.0	0.000
		PM	33.2	C	33.2	C	0.0	0.000

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**
21	Saratoga Avenue and Moorpark Avenue (SJ, CMP)	AM	46.8	D	47.1	D	0.4	0.010
		PM	46.3	D	46.3	D	0.2	0.007
22	San Tomas Expressway and Moorpark Avenue (SJ, CMP)	AM	**88.6**	**F**	**88.3**	**F**	**0.0**	**0.001**
		PM	48.7	D	50.6	D	4.6	0.021
23	Winchester Boulevard and Olin Avenue (SJ)	AM	17.9	B	21.1	C	7.6	0.200
		PM	19.5	B	32.7	C	22.4	0.243
24	Winchester Boulevard and Olsen Drive (SJ)	AM	22.9	C	26.8	C	5.5	0.066
		PM	32.5	C	46.9	D	18.1	0.274
25	Winchester Blvd and I-280 WB on-ramp/Tisch Way (SJ)	AM	32.7	C	52.6	D	33.4	0.165
		PM	52.5	D	**69.2**	**E**	**19.5**	**0.075**
26	Winchester Boulevard and Moorpark Avenue (SJ)	AM	42.4	D	48.2	D	9.4	0.088
		PM	43.5	D	43.6	D	0.4	0.010
27	I-280 Eastbound off-ramp and Moorpark Avenue (SJ, CMP)	AM	11.8	B	12.2	B	0.1	0.030
		PM	13.5	B	13.6	B	0.0	0.007
28	Winchester Boulevard and Williams Road (SJ)	AM	35.5	D	35.8	D	0.5	0.028
		PM	36.2	D	36.0	D	-0.5	0.014
29	Winchester Boulevard and Payne Avenue (SJ)	AM	38.6	D	38.6	D	0.2	0.020
		PM	38.5	D	38.2	D	-0.5	0.014
30	I-880 Northbound Ramps and Stevens Creek Boulevard (SJ)	AM	22.4	C	23.9	C	1.5	0.099
		PM	24.9	C	25.5	C	1.0	0.049
31	Delmas Avenue and San Carlos Street (SJ)	AM	15.0	B	15.0	B	0.1	0.004
		PM	22.0	C	22.1	C	0.2	0.007
32	Woz Way and San Carlos Street (SJ)	AM	32.9	C	32.9	C	0.1	0.002
		PM	35.0	D	35.0	D	0.0	0.002
33	Bascom Avenue and I-880 North (SJ, CMP)	AM	11.2	B	11.1	B	0.0	0.001
		PM	10.3	B	10.3	B	-0.1	0.006
34	Bascom Avenue and I-880 Sorth (SJ, CMP)	AM	9.2	A	9.1	A	0.0	0.001
		PM	6.6	A	6.6	A	0.0	0.000
35	San Tomas Expressway and Williams Road (SJ)	AM	**60.7**	**E**	**63.0**	**E**	**4.0**	**0.009**
		PM	**65.6**	**E**	**67.2**	**E**	**2.8**	**0.006**
36	San Tomas Expressway and Payne Avenue (SJ)	AM	**74.8**	**E**	**76.9**	**E**	**3.6**	**0.008**
		PM	37.6	D	37.6	D	0.2	0.003
37	Bascom Avenue and Naglee Avenue (SJ)	AM	35.2	D	35.4	D	0.2	0.003
		PM	43.8	D	43.9	D	0.1	0.003
38	Bascom Avenue and Hedding Street (SJ)	AM	40.3	D	40.5	D	0.3	0.005
		PM	48.3	D	48.5	D	0.2	0.005
39	Race Street and San Carlos Street (SJ)	AM	35.6	D	35.3	D	-0.4	0.018
		PM	35.6	D	35.2	D	-0.5	0.016
40	Bellerose Drive/MacArthur Ave and Stevens Creek Blvd (SJ)	AM	30.7	C	30.2	C	-0.2	0.044
		PM	33.3	C	31.8	C	-1.2	0.039

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
41	Cypress Avenue and Stevens Creek Boulevard (SJ)	AM	17.2	B	16.9	B	-0.1	0.003
		PM	14.9	B	14.5	B	-0.1	0.004
42	San Tomas Expressway and Saratoga Avenue (SC, CMP)	AM	**112.3**	**F**	**111.9**	**F**	**0.9**	**0.002**
		PM	**83.5**	**F**	**83.8**	**F**	**1.0**	**0.002**
43	Saratoga Avenue and Pruneridge Avenue (SC)	AM	29.1	C	29.2	C	0.0	0.001
		PM	29.9	C	29.9	C	0.0	0.002
44	San Tomas Expressway and Pruneridge Avenue (SC)	AM	**128.8**	**F**	**128.5**	**F**	**0.7**	**0.010**
		PM	**94.4**	**F**	**95.4**	**F**	**1.4**	**0.011**
45	San Tomas Expressway and Forbes Avenue (SC)	AM	**88.9**	**F**	**88.5**	F	0.7	0.005
		PM	36.2	D	36.5	D	1.0	0.005
46	San Tomas Expressway and Homestead Road (SC, CMP)	AM	**136.2**	**F**	**135.9**	**F**	**0.7**	**0.001**
		PM	**130.4**	**F**	**130.3**	**F**	**0.8**	**0.004**
47	Scott Boulevard and Homestead Road (SC)	AM	23.7	C	23.7	C	0.0	0.001
		PM	27.3	C	27.5	C	0.4	0.005
48	Saratoga Avenue and Scott Boulevard (SC)	AM	26.4	C	26.5	C	0.0	0.002
		PM	23.9	C	23.9	C	0.0	0.002
49	Winchester Boulevard and Market Street (SC)	AM	7.0	A	7.2	A	0.2	0.004
		PM	5.7	A	5.7	A	0.0	0.001
50	Winchester Boulevard and Bellomy Street (SC)	AM	9.5	A	9.5	A	0.0	0.002
		PM	7.4	A	7.3	A	0.0	0.001
51	Winchester Boulevard and Newhall Street (SC)	AM	24.7	C	25.1	C	0.3	0.015
		PM	20.4	C	21.6	C	1.5	0.031
52	San Tomas Expressway and Benton Street (SC)	AM	**175.5**	**F**	**175.1**	**F**	**0.4**	**0.001**
		PM	**140.1**	**F**	**140.1**	**F**	**0.7**	**0.005**
53	San Tomas Expressway and El Camino Real (SC, CMP)	AM	**173.1**	**F**	**173.0**	**F**	**0.3**	**0.000**
		PM	**126.5**	**F**	**126.8**	**F**	**0.9**	**0.002**
54	Kiely Boulevard and Pruneridge Avenue (SC)	AM	32.5	C	32.9	C	0.6	0.008
		PM	31.5	C	31.5	C	0.0	0.001
55	Monroe Street and Bellomy Street/Jackson Street (SC)	AM	8.2	A	8.2	A	0.0	0.001
		PM	5.9	A	5.9	A	0.0	0.002
56	Monroe Street and Market Street (SC)	AM	8.3	A	8.3	A	0.0	0.002
		PM	6.8	A	6.8	A	0.0	0.002
57	San Tomas Expressway and Hamilton Avenue (CB, CMP)	AM	77.4	E	78.2	E	1.5	0.003
		PM	60.1	E	60.3	E	0.1	0.003
58	Winchester Boulevard and Hamilton Avenue (CB, CMP)	AM	39.8	D	40.1	D	0.9	0.022
		PM	46.5	D	46.6	D	0.2	0.005
59	Winchester Boulevard and Campbell Avenue (CB)	AM	34.3	C	34.6	C	0.4	0.012
		PM	34.7	C	34.7	C	0.0	0.003

Notes: (CMP) VTA Congestion Management Program, (SC) City of Santa Clara, (SJ) City of San José, (CB) City of Campbell
Bold represents intersection operating under unacceptable conditions.

San Tomas Expressway and Stevens Creek Boulevard would continue to operate at LOS F in the AM Peak Hour and LOS E in PM Peak Hour, but would not result in a significant increase in critical delay.

San Tomas Expressway and Moorpark Avenue would continue to operate at LOS F in the AM Peak Hour but would not result in a significant increase in critical delay.

San Tomas Expressway and Williams Road would continue to operate at LOS E in both peak hours but would not result in a significant increase in critical delay.
San Tomas Expressway and Payne Avenue would continue to operate at LOS E in the AM Peak Hour but would not result in a significant increase in critical delay.

San Tomas Expressway and Saratoga Avenue would continue to operate at LOS F in both peak hours but would not result in a significant increase in critical delay.

San Tomas Expressway and Pruneridge Avenue would continue to operate at LOS F in both peak hours but would not result in a significant increase in critical delay.
San Tomas Expressway and Forbes Avenue would continue to operate at LOS F in the AM Peak Hour but would not result in a significant increase in critical delay.

San Tomas Expressway and Homestead Road would continue to operate at LOS F in both peak hours but would not result in a significant increase in critical delay.

San Tomas Expressway and Benton Street would continue to operate at LOS F in both peak hours but would not result in a significant increase in critical delay.

San Tomas Expressway and El Camino Real would continue to operate at LOS F in both peak hours but would not result in a significant increase in critical delay.

Implementation of the proposed project would have a less than significant impact at these intersections during the peak hours under existing plus project conditions. **(Less Than Significant Impact)**

Winchester Boulevard and I-280 WB on-ramp/Tisch Way would degrade from LOS D to an unacceptable LOS E with a 19.5 second increase in critical delay and a 0.075 increase in V/C.

Impact TRAN-1: Implementation of the proposed project would have a significant impact on the Winchester Boulevard and I-280 WB on-ramp/Tisch Way intersection under background plus project conditions. **(Significant Impact)**

Winchester Boulevard and Stevens Creek Boulevard (Protected) would degrade from LOS D to an unacceptable LOS E in in the PM Peak Hour with a 65.5 second increase in critical delay and a 0.247 increase in V/C.

Monroe Street and Stevens Creek Boulevard (Protected) would continue to operate at LOS F in the PM Peak Hour with an 86.4 second increase in critical delay and a 0.209 increase in V/C.

Pursuant to the City's Transportation Impact Policy, in lieu of physical improvements to these two intersections, the project applicant shall construct offsetting improvements to other parts of the Citywide transportation system in the vicinity of the project site.

Project Conditions

Winchester Boulevard and Stevens Creek Boulevard: This intersection has been identified by the City of San Jose as a protected intersection. Pursuant to the City's Transportation Impact Policy (Council Policy 5-3), in lieu of physical improvements to the intersection, the project applicant shall construct offsetting improvements to other parts of the citywide transportation system in the vicinity of the project site. The final improvements required will be identified by the City of San Jose based on the number of peak hour trips generated by the project. The specific offsetting improvements shall be identified in the subsequent planning permits and shall be implemented by the developer with all required public improvement plans, bonding, and security prior to the issuance of Public Works clearance. Pursuant to the City's policy, the implementation of offsetting improvements would provide project benefits that outweigh the project's significant impact.

Monroe Street and Stevens Creek Boulevard: This intersection has been identified by the City of San Jose as a protected intersection. Pursuant to the City's Transportation Impact Policy (Council Policy 5-3), in lieu of physical improvements to the intersection, the project applicant shall construct offsetting improvements to other parts of the citywide transportation system in the vicinity of the project site. The final improvements required will be identified by the City of San Jose based on the number of peak hour trips generated by the project. The specific offsetting improvements shall be identified in the subsequent planning permits and shall be implemented by the developer with all required public improvement plans, bonding, and security prior to the issuance of Public Works clearance. Pursuant to the City's policy, the implementation of offsetting improvements would provide project benefits that outweigh the project's significant impact.

4.2.2.6 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 the mixed-flow lanes of 21 freeway segments and HOV lanes of two 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.

Mixed-Flow Lane Segment Impacts:

- Northbound SR 17, between SR 85 and San Tomas Expressway/Camden Avenue (AM Peak Hour)
- Northbound SR 17, between San Tomas Expressway/Camden Avenue and Hamilton Avenue (AM Peak Hour)
- Northbound SR 17, between Hamilton Avenue and I-280 (AM Peak Hour)

- Northbound I-880, between Stevens Creek Boulevard and Bascom Avenue (PM Peak Hour)
- Northbound I-880, between Bascom Avenue and The Alameda (PM Peak Hour)
- Northbound I-880, between The Alameda and Coleman Avenue (PM Peak Hour)
- Northbound I-880, between Coleman Avenue and SR 87 (PM Peak Hour)
- Northbound I-880, between SR 87 and First Street (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)
- Eastbound I-280, between Bird Avenue and SR 87 (PM Peak Hour)
- Eastbound I-280, between SR 87 and Tenth Street (PM Peak Hour)
- Westbound I-280, between US 101 and McLaughlin Avenue (AM Peak Hour)
- Westbound I-280, between McLaughlin Avenue and Tenth Street (AM Peak Hour)
- Westbound I-280, between Tenth Street and SR 87 (AM Peak Hour)
- Westbound I-280, between SR 87 and Bird Avenue (AM 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)
- Southbound I-880, between US 101 and First Street (AM Peak Hour)
- Southbound I-880, between First Street and SR 87 (AM Peak Hour)
- Southbound SR 17, between SR 85 and Lark Avenue (PM Peak Hour)

HOV Lane Segment Impacts:

- Eastbound I-280, between I-880 and Meridian Avenue (PM Peak Hour)
- Westbound I-280, between Meridian Avenue and I-880 (AM Peak Hour)

Impact TRANS-2: Implementation of the proposed project would have a significant impact on the mixed-flow lanes of 21 freeway segments and HOV lanes of two freeway segments. **(Significant Impact)**

4.2.2.7 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. Currently, there are no bicycle links between the project site and other bicycle or transit facilities in the area. The San Jose Bike Plan 2020 and the General Plan identify planned improvements to the bicycle network. The planned improvements will provide better connectivity through the project area and a more balanced transportation system. 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 may construct 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)**

The primary pedestrian traffic generated by the project would be office employees walking to and from the parking areas and retail establishments (on-site and across Winchester Boulevard) 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 project may construct 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)**

Transit Operations

The project site is currently served by fixed route bus services provided by the VTA. The nearest bus stop to the project site is Line 60 located at the intersection of Olin Avenue and Winchester Boulevard. It is estimated that the proposed project would generate approximately 44 new transit riders in the peak hours. Assuming service would remain unchanged from the current operations, this would equate to 15 riders per bus during the peak hours. VTA has indicated that Line 60 and other bus routes in the immediate area do not operate at capacity and could accommodate the increase in riders.

The proposed project will not alter existing transit facilities or conflict with the operation of existing or planned facilities. Therefore, the proposed project will have a less than significant impact on transit operations. **(Less Than Significant Impact)**

4.2.2.8 Interstate 280 – Winchester/Moorpark Transportation Development Policy

Due to the impacts of the proposed project and the planned growth for the project area under the General Plan, the TIA evaluated the need for a new westbound off-ramp from I-280 to Winchester Boulevard. The new off-ramp would provide additional capacity in the immediate area of the I-880/Stevens Creek Boulevard and I-280/Winchester Boulevard interchanges and alleviate some of the traffic on the Winchester Boulevard and Stevens Creek Boulevard corridors and would support the City's Urban Villages planned growth. The corridors currently have two protected intersections which are projected to continue operating below the City's acceptable LOS standards as there are no vehicular capacity improvements available.

Neither the City of San Jose nor the project propose to design and construct the new off-ramp. The City is proposing a Transportation Development Policy (TDP) that is intended to provide a funding mechanism for the off-ramp. If the TDP is approved, the City would collect traffic fees from new development projects to cover a portion of the total cost of implementing the improvement. The design and construction of the off-ramp would be under the jurisdiction of the VTA and Caltrans and would require separate environmental review. Additional funding would also be required from other sources.

Nine of the study intersections were analyzed to determine the effects of a new off-ramp on the LOS of intersections along Stevens Creek Boulevard and Winchester Boulevard, which are the intersections that would be the most affected by the new ramp. Traffic conditions at the study intersections were evaluated using the LOS methodology in the 2000 Highway Capacity Manual (HCM), consistent with the other project scenarios. This method is applied using TRAFFIX software and evaluates signalized intersection operations on the basis of average control delay time for all vehicles at the intersection. The intersection level of service analysis was supplemented with an evaluation of vehicle queuing (length or number of vehicles) for individual high demand turn movements at the study intersections. Table 4.2-11 shows a comparison of the LOS under

background, background plus project, and background plus project with the proposed off-ramp conditions.

Table 4.2-11: Background Plus Project LOS with I-280/Winchester Off-Ramp

Intersection	Peak Hour	Background Plus Project				Background Plus Project with I-280/Winchester Off-Ramp			
		Delay	LOS	Δ in Critical Delay	Δ in Critical V/C	Delay	LOS	Δ in Critical Delay	Δ in Critical V/C
1 – Winchester Blvd and Stevens Creek Blvd	AM	39.7	D	13.1	0.209	52.2	D	47.0	0.433
	PM	76.1	E	65.5	0.247	158.1	F	223.3	0.631
2 – Santana Row and Steven Creek Blvd	AM	12.9	B	0.6	0.076	12.4	B	0.7	0.080
	PM	29.4	C	-1.7	0.067	28.5	C	-2.5	0.166
3 – Redwood Ave and Stevens Creek Blvd	AM	18.9	B	-0.4	0.074	13.1	B	-6.0	0.007
	PM	50.0	D	5.7	0.066	49.1	D	8.0	0.098
4 – Monroe St and Stevens Creek Blvd	AM	40.2	D	4.8	0.095	26.6	C	-11.7	-0.086
	PM	148.1	F	86.4	0.209	68.1	E	-34.5	-0.072
5 – I-880 SB Ramps and Stevens Creek Blvd	AM	27.1	C	2.9	0.131	27.7	C	2.2	0.002
	PM	25.3	C	-0.1	0.063	26.4	C	-0.1	0.063
23 – Winchester Blvd and Olin Avenue	AM	21.1	C	7.6	0.200	19.4	B	6.7	0.224
	PM	32.7	C	22.4	0.243	36.5	D	26.8	0.398
24 – Winchester Blvd and Olsen Drive	AM	26.8	C	5.5	0.066	25.6	C	-0.2	0.247
	PM	46.9	D	18.1	0.274	45.5	D	14.7	0.237
25 – Winchester Blvd and I-280 EB on-ramp/Tisch	AM	52.6	D	33.4	0.165	30.1	C	10.0	0.079
	PM	69.2	E	19.5	0.075	31.4	C	-24.5	-0.106
30 – I-880 NB Ramps and Stevens Creek Blvd	AM	23.9	C	1.5	0.099	19.8	B	-2.2	-0.060
	PM	25.5	C	1.0	0.049	20.8	C	-3.8	-0.064

The above table shows the traffic delay with and without the implementation of the new off-ramp and indicates that seven of the nine intersections studied with the proposed ramp show decreases in the overall intersection delay.

4.2.3 Planning Considerations – Operations Impacts

4.2.3.1 Effects on Surrounding Streets

As proposed, direct access to the project site would be provided via the existing intersections of Olin Avenue and Olsen Drive. Based on the available site access points, the majority of project traffic is estimated to utilize Winchester Boulevard. Some project traffic may, however, utilize the residential streets north of the project site as a route between the project site and Stevens Creek Boulevard. While this is not a required analysis under CEQA, an evaluation of the effects of project traffic along these four roadway segments was completed. The study roadway segments include:

1. Maplewood Avenue, north of Olin Avenue
2. Hanson Avenue, north of Olin Avenue
3. Spar Avenue, north of Olin Avenue
4. Olin Avenue, between Winchester Boulevard and Spar 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 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 Roadway Characteristics

A brief description of each of the selected roadway segments is provided below:

- Maplewood Avenue is a two-lane roadway that runs south from Stevens Creek Boulevard to a southern cul-de-sac termination. The roadway is lined by residential and commercial/office land uses (near Stevens Creek Boulevard). Parking is permitted along both sides of Maplewood Avenue adjacent to the commercial land uses, but is restricted by permit beginning approximately 250 feet south of Stevens Creek Boulevard, adjacent to the residential. The posted speed limit on Maplewood Avenue is 25 miles per hour (mph). Maplewood Avenue provides access to the project site via its connection to Olin Avenue.

- Hanson Avenue is a two-lane roadway that runs between Stevens Creek Boulevard and Olin Avenue. The roadway is lined by residential and commercial/office land uses (near Stevens Creek Boulevard). Parking is permitted along both sides of Hanson Avenue adjacent to the commercial land uses, but is restricted by permit beginning approximately 250 feet south of Stevens Creek Boulevard, adjacent to the residential. The posted speed limit on Hanson Avenue is 25 mph. Hanson Avenue provides access to the project site via its connection to Olin Avenue.

- Spar Avenue is a two-lane roadway that runs between Hanson Avenue and Olsen Drive. The roadway is lined by residential land uses. Spar Avenue provides an alternative north-south connection between Stevens Creek Boulevard and Olin Avenue. Parking is prohibited except by permit along Spar Avenue. The posted speed limit on Spar Avenue is 25 mph.

- Olin Avenue is a two-lane east-west roadway that, along with Olsen Drive, provides direct access to the project site via several driveways. Parking is prohibited along Olin Avenue between

Winchester Boulevard and Spar Avenue. On-street parking is allowed on both sides of Olin Avenue, west of Spar Avenue. The posted speed limit on Olin Avenue is 25 mph.[10]

Estimated Project Traffic on Surrounding Roadways

The effects of project traffic on the each of the streets was evaluated based on field observations, the collection of traffic volume and speed data collected in October 2015, and projections of the additional project generated traffic. It is important to note that the roadway volumes do not include the project site traffic, which would have been higher when the theatres were open. Table 4.2-12 presents a summary of existing and projected average daily traffic volumes along each of the roadways and Table 4.2-13 summarizes the existing and projects Peak Hour traffic volumes. The speed surveys for existing traffic are summarized in Table 4.2-14 below.

Table 4.2-12: Average Daily Traffic Volumes Along Roadway Segments

Roadway Segment	Direction	Existing Trips	Project Trips	Existing Plus Project
Maplewood – North of Olin Avenue	NB	209	138	347
	SB	197	138	335
	Total	406	276	682
Hanson Avenue – North of Olin Avenue	NB	84	83	167
	SB	268	83	351
	Total	352	166	518
Spar Avenue – North of Olin Avenue	NB	130	55	185
	SB	115	55	170
	Total	245	110	355
Olin Avenue – West of Winchester Boulevard	EB	550	2,008	2,558
	WB	387	1,963	2,350
	Total	937	3,971	4,908

Table 4.2-13: Peak Hour Traffic Volumes Along Roadway Segments

Roadway Segment	Direction	AM Peak Hour			PM Peak Hour		
		Existing Trips	Project Trips	Existing Plus Project	Existing Trips	Project Trips	Existing Plus Project
Maplewood – North of Olin Avenue	NB	9	4	13	11	31	42
	SB	8	33	41	18	7	25
	Total	17	37	54	29	38	67
Hanson Avenue – North of Olin Avenue	NB	5	2	7	6	18	24
	SB	5	20	25	28	4	32
	Total	10	22	32	34	22	56

[10] There is no posted speed limit on the study section of Olin Avenue. It is presumed, however, to be 25 mph.

Table 4.2-13: Peak Hour Traffic Volumes Along Roadway Segments							
Roadway Segment	**Direction**	**AM Peak Hour**			**PM Peak Hour**		
		Existing Trips	**Project Trips**	**Existing Plus Project**	**Existing Trips**	**Project Trips**	**Existing Plus Project**
Spar Avenue – North of Olin Avenue	NB	23	2	25	7	12	19
	SB	13	13	26	16	3	19
	Total	36	15	51	23	15	38
Olin Avenue – West of Winchester Boulevard	EB	39	63	102	74	394	468
	WB	39	402	441	52	105	157
	Total	78	465	543	126	499	625

Table 4.2-14: Speed Survey Along Roadway Segments				
Roadway Segment	**Speed Limit**	**85th Percentile Speed**		
		Northbound/ Eastbound	**Southbound/ Westbound**	**Average Both Directions**
Maplewood – North of Olin Avenue	25	36.0	33.0	34.5
Hanson Avenue – North of Olin Avenue	25	28.0	31.0	29.5
Spar Avenue – North of Olin Avenue	25	21.0	28.0	24.5
Olin Avenue – West of Winchester Boulevard	25	27.0	29.0	28.0

Maplewood, Hanson, and Spar Avenues

Maplewood, Hanson, and Spar Avenues would be classified as residential or local streets. There is variation in the 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 average daily traffic (ADT) volumes typically ranging from 50 to 2,000 vehicles.

Twenty-four-hour tube counts completed in October 2015 revealed that along each of the segments ranges from 240-410 daily vehicles. It is projected that the project would result in the addition of 100 to 300 daily trips on each segment. Although the average daily trips with the projected traffic are within an acceptable range for this type of street, the added project trips constitute a measurable increase from the existing volumes.

Speed surveys also were also completed in October 2015. The speed limit on each roadway is 25 mph. The speed surveys revealed the 85th percentile speeds to be approximately 35 mph along Maplewood Avenue. The speed surveys revealed the 85th percentile speeds to be approximately 30 mph on Hanson Avenue and 25 mph on Spar Avenue. Speeds within five mph of the posted limit are

considered reasonable. Therefore, based on the speed surveys, Maplewood Avenue exceeds the posted speed limit by 9.5 mph. The posted speed limits appear to be adequate for Hanson and Spar Avenues.

Olin Avenue

Olin Avenue is classified as a local connector street, which the City defines as a two lane roadway that would accommodate low to moderate volumes of through traffic within the City and prioritizes automobiles, bicycles, pedestrians, and trucks equally. Connector streets generally have low speeds (25 to 35 mph) and low to moderate traffic volumes ranging from 5,000 to 15,000 vehicles per day. The City defines connector streets as being between 60 and 90 feet wide with an ADT of 2,000 to 16,000 vehicles.

The 24-hour tube counts completed in October 2015 revealed that the existing traffic volume along Olin Avenue is approximately 1,000 daily vehicles. It is projected that the project would result in the addition of approximately 4,000 daily trips between Spar Avenue and Winchester Boulevard.

Speed surveys were also completed in October 2015. The posted speed limit along the roadway is 25 mph. Based on the collected data, the 85th percentile speed along Olin Avenue is approximately 28 mph. As noted above, 85th percentile speeds within five mph of the posted speed limits are considered reasonable. Therefore, it can be concluded that the speed survey did not indicate a speeding problem along Olin Avenue, and the posted speed limit is 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 roadway segments are and would continue to be within the volume range characteristic of each of the streets with the exception of Olin Avenue.
- Speeds along Maplewood Avenue exceed the posted speed limit by more than five mph.
- Traffic along these streets will increase with implementation of the project.
- As congestion and delay increase along Winchester, further traffic may intrude into the neighborhood

In order to address potential project traffic on the neighboring streets, there are options that could be considered to minimize impacts to the neighborhood.

- The surrounding roadways, Spar, Maplewood, Hanson, and Olin were originally constructed to County standards. Theses streets are wider than typical neighborhood streets with rolled curbs and narrow or no sidewalks. To address potential traffic increases, installation of wider sidewalks, speed bumps, and street trees could be considered. These improvements would narrow the roadway, potentially reducing speed and volume of traffic, and improve the pedestrian facilities.
- Construction of cul-de-sac bulbs along Olin Avenue east of Hanson Avenue and at the terminus of Spar Avenue at Olin Avenue. This improvement would ensure that project traffic would not intrude into the neighborhood. The neighborhood streets would, however, have no direct vehicular access to Olin Avenue.

Implementation of the proposed project will increase traffic on the nearby residential roadways, but will not significantly affect operation of the roadways or safety.

4.2.3.2 Queuing – Intersection Operations

Operations at nearby intersections were evaluated under project conditions to assess whether the project would create a safety impact and for informational purposes. From a CEQA standpoint, there are no thresholds specific to queuing. There is, however, a threshold which states that the project would have a significant impact if the project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections). It is important to note that lengthening a left-turn queue does not in itself create a safety impact. The following discussion evaluates projected queuing at several intersections and identifies measures that could be employed to accommodate existing and projected queues. The 95th percentile queue length value, on which the analysis is based, indicates that during the peak hour, a queue of this length or less would occur on 95 percent of the signal cycles. A car length is assumed to be 25 feet.

Based upon the discussion below, the project would not substantially increase hazards at these locations.

Winchester Boulevard and Stevens Creek Boulevard

Northbound Queues

The northbound left-turn lanes (there are two designated left-turn lanes) have approximately 275 feet of vehicle storage (11 cars) per lane. A queuing analysis determined that under existing conditions, the maximum vehicle queues for the northbound left-turn lane at the Winchester Boulevard/Stevens Creek Boulevard intersection do not exceed the existing vehicle storage capacity during the AM and PM Peak Hours. In the AM Peak Hour, the northbound left-turn queue is 150 feet and the in the PM Peak Hour the queue is 200 feet. Under background conditions, the AM Peak Hour queue is 175 feet. The PM Peak Hour queue is 300 feet and exceeds the existing vehicle storage capacity by one car. Under background plus project conditions, the northbound queue would not be exceeded in the AM Peak Hour (175 feet), but would be exceeded by two cars in the PM Peak Hour.

If a new off-ramp is constructed at I-280 and Winchester Boulevard, the queues under background plus project conditions would change. The northbound AM Peak Hour queue would increase from 175 feet to 200 feet and the PM Peak Hour queue would increase from 325 feet to 350 feet. The increase in the AM Peak Hour queue would not exceed the existing lane capacity.

The queues in the northbound left-turn lane would block the through-lane under the 95 percentile queue in the PM Peak Hour under background conditions. As a result, through traffic would have to stop or change lanes until the turn-lane cycles through, clearing the through-lane. Whether the through-lane is blocked by one or more cars does not substantially change the operational conditions on the roadway. The additional cars that would exceed the queue under project conditions do not create a hazard or cause unsafe driving conditions. Generally, the increased traffic results in slower traffic and more congestion.

It is recommended that if the new off-ramp is constructed, the northbound left-turn queue be extended by 75 feet per lane.

Westbound Queues

The westbound left-turn lanes (there are two designated left-turn lanes) have approximately 350 feet of vehicle storage (14 cars) per lane. A queuing analysis determined that in the westbound left-turn lane, there is sufficient capacity under existing conditions. Under background conditions, the AM Peak Hour queue is 275 feet. The PM Peak Hour queue is 425 feet and exceeds the existing vehicle storage capacity by thee cars. Under background plus project conditions, the westbound queue would be exceeded in the AM and PM Peak Hour by five cars.

If a new off-ramp is constructed at I-280 and Winchester Boulevard, the queues under background plus project conditions would change. The northbound AM Peak Hour queue would increase from 475 feet to 550 feet and the PM Peak Hour queue would increase from 475 feet to 600 feet.

Having the westbound left-turn queue length be exceeded by five cars a limited number of times in the Peak Hour would cause cars in the through lane to wait for the turn-lane queue to move or change lanes. This would not, by itself, create a hazard or cause unsafe driving conditions.

While it is not feasible to extend the turn-pockets at the Stevens Creek Boulevard/Winchester Boulevard intersection, there are improvements planned along Stevens Creek Boulevard between Winchester Boulevard and Monroe Street as part of the Valley Fair expansion. The planned roadway improvements include the following:

- Widening of Stevens Creek Boulevard along its north side to accommodate right-turning traffic (into Valley Fair driveways).
- Lengthening of turn pockets at selected intersections along Stevens Creek Boulevard from Winchester Boulevard to Monroe Street by shifting of travel lanes and adjustment of medians.
- Pedestrian enhancements at the intersection of Santana Row/Stevens Creek. The intersection will be modified to provide safer pedestrian crossing by realigning the intersection, reducing right-turn lanes, and improving crosswalk treatments and pedestrian waiting areas.

The planned roadway improvements would increase storage capacities for the left-turn movements along Stevens Creek Boulevard between Monroe Street and Winchester Boulevard and implement a coordinated signal system on Stevens Creek Boulevard between I-880 and Winchester Boulevard. With the implementation of signal coordination along Stevens Creek Boulevard and Winchester Boulevard between Forest Avenue and Stevens Creek Boulevard, traffic flow along the streets would improve. The coordination would require that extra green time be provided to the through traffic along Stevens Creek Boulevard and Winchester Boulevard, which may result in longer delays at the minor street approaches.

<u>Monroe Street and Stevens Creek Boulevard</u>

The westbound left-turn lanes along Stevens Creek Boulevard (there are two designated left-turn lanes) have approximately 325 feet of vehicle storage (13 cars) per lane. A queuing analysis determined that under existing conditions, the maximum vehicle queues for the westbound left-turn

lane at the Monroe Street/Stevens Creek Boulevard intersection are approximately 250 feet in both the AM and PM Peak Hours and do not exceed the existing vehicle storage capacity. Under background conditions, the AM Peak Hour queue would exceed the capacity of the turn lane by 200 feet and the PM Peak Hour queue would exceed capacity by 50 feet.

The background conditions would be exacerbated under background plus project conditions. The westbound queue would be exceeded in the AM Peak Hour by approximately 325 feet and in the PM Peak Hour by approximately 75 feet.

If a new off-ramp is constructed at I-280 and Winchester Boulevard, the queues under background plus project conditions would change. The westbound AM Peak Hour queue would decrease from 650 feet to 375 feet and the PM Peak Hour queue would decrease from 400 feet to 225 feet. As a result, the queue would no longer exceed the capacity of the lane in the PM Peak Hour.

The queues in the westbound left-turn lane already block the through-lane under the 95 percentile queue, meaning through traffic has to stop or change lanes until the turn-lane cycles through, clearing the through-lane. Whether the through-lane is blocked by one or more cars does not substantially change the operational conditions on the roadway. The additional cars that would exceed the queue under project conditions does not create a hazard or cause unsafe driving conditions and typically results in slower traffic and increased congestion.

Winchester Boulevard and Tisch Way

The southbound left-turn lane (there is one designated left-turn lane and one shared left-, right-, through-lane) has approximately 150 feet of vehicle storage (six cars). A queuing analysis determined that under existing conditions, the maximum vehicle queues for the southbound left-turn lane at the Winchester Boulevard/Tisch Way intersection are approximately 100 feet in the AM and PM Peak Hours and does not exceed the existing vehicle storage capacity. Under background conditions, the AM Peak Hour queue would exceed the capacity of the turn lane by 100 feet and the PM Peak Hour queue would exceed capacity by 25 feet.

The background conditions would be exacerbated under background plus project conditions. The southbound queue would be exceeded in the AM Peak Hour by approximately 150 feet and in the PM Peak Hour by approximately 325 feet.

Since the I-280 and Winchester Boulevard off-ramp has not been designed. For the purposes of this analysis, the southbound left-turn movement from Tisch Way to Winchester Boulevard would assumed to be removed.

Under background conditions, the queues in the westbound left-turn lane already block the through-lane under the 95 percentile queue, meaning through traffic has to stop or change lanes until the turn-lane cycles through, clearing the through-lane. Whether the through-lane is blocked by one or more cars does not substantially change the operational conditions on the roadway. The additional cars that would exceed the queue under project conditions, if the off-ramp is not constructed, does not create a hazard or cause unsafe driving conditions.

Winchester Boulevard and Moorpark Avenue

The eastbound left-turn lanes (there are two designated left-turn lanes) have approximately 250 feet of vehicle storage (10 cars) per lane. A queuing analysis determined that under existing conditions, the maximum vehicle queues for the eastbound left-turn lane at the Winchester Boulevard/Moorpark Avenue intersection are approximately 375 feet in the AM Peak Hour and 300 feet in the PM Peak Hour and exceed the existing vehicle storage capacity. Under background conditions, the AM Peak Hour queue would increase to 500 feet and the PM Peak Hour queue would increase to 425 feet. The background conditions would be exacerbated under background plus project conditions. The eastbound queue would be exceeded in the AM Peak Hour by approximately 325 feet and in the PM Peak Hour by approximately 200 feet. There would be no change in the background plus project conditions with construction of a new off-ramp at I-280 and Winchester Boulevard.

The queues in the eastbound left-turn lane already block the through-lane under the 95 percentile queue, meaning through traffic has to stop or change lanes until the turn-lane cycles through, clearing the through-lane. Whether traffic movements are blocked by one or more cars does not substantially change the operational conditions on the roadway. The additional cars that would exceed the queue under project conditions does not create a hazard or cause unsafe driving conditions. Due to the location of the freeway off-ramp, there is no ability to extend the lanes to create additional capacity.

Moorpark Avenue and I-280 Off-Ramp

The southbound left-turn lanes (there are two designated left-turn lanes and one shared left- and right-turn lane) have approximately 550 feet of vehicle storage (22 cars) per lane. A queuing analysis determined that under existing conditions, the maximum vehicle queues for the southbound left-turn lane at the Moorpark Avenue and I-280 Off-Ramp intersection are approximately 200 feet in the AM Peak Hour and 250 feet in the PM Peak Hour and do not exceed the existing vehicle storage capacity. Under background conditions, each queue increases by one car, but does not exceed the capacity of the lanes.

Under background plus project conditions, the southbound queues would increase to 250 in the AM Peak Hour and 300 in the PM Peak Hour, but would not exceed the existing capacity. There would be no change in the background plus project conditions with construction of a new off-ramp at I-280 and Winchester Boulevard.

I-880 Northbound Off-Ramp and Stevens Creek Boulevard

The northbound left-turn lanes (there are three designated left-turn lanes) have approximately 550 feet of vehicle storage (22 cars) per lane. Under existing and background conditions, the queues do not exceed the vehicle storage capacity. Under background plus project conditions, the AM Peak Hour queue would be exceeded by 50 feet and the PM Peak Hour queue would be exceeded by 25 feet.

If a new off-ramp is constructed at I-280 and Winchester Boulevard, the queues under background plus project conditions would change. The northbound AM Peak Hour queue would decrease from 600 feet to 350 feet and the PM Peak Hour queue would decrease from 575 feet to 375 feet. As a result, the queue would no longer exceed the capacity of the lane in the peak hours.

4.2.3.3 Parking

The San Jose Municipal Code (Chapter 20.90.060) details the required parking ratios for all land uses. Office land uses are required to provide one space per 300 square feet of floor area and retail land uses are required to provide one space per 200 square feet. Based on these requirements, the project would be required to provide 3,231 spaces for the office development and 145 spaces for the retail development, for a total of 3,376 spaces. The Urban Village Overlay allows for a 20 percent parking reduction since the project site is located within the Valley Fair/Santana Row Urban Village. With the reduction, the project would be required to have 2,700 parking spaces on-site. The project proposes 2,545 parking spaces, which is 156 spaces below the City requirement.

The City's also requires one bicycle parking space per 4,000 square feet of office and 3,000 square feet of retail. This equate to a total bicycle parking requirement of 253 spaces. The project would meet the City's bicycle parking requirement.

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 I-280 WB on-ramp/Tisch Way: In lieu of physical improvements, the project applicant shall pay the applicable fees established by the Interstate 280 – Winchester/Moorpark Transportation Development Policy. If the TDP is not adopted, the impact would be significant and unavoidable.

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

While the proposed project would be required to pay the applicable fees established by the Interstate 280 – Winchester/Moorpark Transportation Development Policy, implementation of the new off-ramp is not under the jurisdiction of the City of San Jose. Therefore, while the new ramp would mitigate the background plus project impact and the fees would be used for this specific improvement, the impact would be significant and unavoidable until such time as the ramp is completed. **(Significant Unavoidable Impact)**

There are no feasible mitigation measures to reduce the identified freeway segment. **(Significant Unavoidable Impact)**

4.3 AIR QUALITY

The following discussion is based, in part, on an air quality analysis prepared by *Illingworth & Rodkin* in April 2106. 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 2013-2015 period (the most recent years for which data is available) include high levels of ozone, PM_{10}, and $PM_{2.5}$.[11] Violations of the CO standard have not been recorded since 1992.

[11] 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 (2013-2015)[12]				
Pollutant	**Standard**	**Days Exceeding Standard**		
		2013	**2014**	**2015**
SAN JOSÉ CENTRAL STATION				
Ozone	State 1-hour	1	0	0
	Federal 8-hour	1	0	2
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	5	1	1
$PM_{2.5}$	Federal 24-hour	6	2	2

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 residential neighborhood directly adjacent to the western boundary of the site (comprised of single-family houses and a senior mobile home park) and a mixed residential neighborhood immediately north of the site. Multi-family residences and an assisted living facility are located east of the site, on the east side of Winchester Boulevard.

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.

[12] Bay Area Air Quality Management District. Annual Bay Area Air Quality Summaries. <http://www.baaqmd.gov/about-air-quality/air-quality-summaries> Accessed April 13, 2016.

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[13] 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.

[13] 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. In a December 2015 opinion [*California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (No. S 213478)] the California Supreme Court confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. The opinion did not negate the BAAQMD thresholds.

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 is consistent with the General Plan and, as a result, 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 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 jobs and retail within walking distance of residential, restaurants, other 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.
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.
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 project does, however, include low-reflective paving that would reduce the urban heat island effect, worth noting here) The proposed project, therefore, is consistent with this control measure.

The project includes transportation and energy control measures and is 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 970,000 square feet of new office space and 29,000 square feet of retail space. 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				
Annual Project Emissions	12.46	6.99	8.02	2.27
Existing Emissions[14]	<1.37>	<2.67>	<1.66>	<0.47>
Adjustment for Parking Structure[15]	<3.98>	--	--	--
Total Net Project Emissions	*7.11*	*4.32*	*6.36*	*1.80*
BAAQMD Thresholds	**10**	**10**	**15**	**10**
Pounds Per Day				
Average Daily Net Project Emissions	39.0	23.7	34.8	9.8
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 project would not result in ROG, NOx, $PM_{2.5}$, and PM_{10} emissions above the established thresholds. **(Less Than 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 9,457 total daily traffic trips including 1,390 AM and 1,314 PM Peak Hour trips. and, therefore, would not result in CO impacts. **(Less Than Significant Impact)**

[14] Assumes operation of the movie theaters, consistent with the assumptions in the transportation analysis. Credit is given because the buildings could still be reoccupied as movie theaters without discretionary approvals.
[15] CalEEMod computes emissions associated with consumer projects for all land uses, regardless of their types. This is an unrealistic default assumption because certain land uses, such as parking structures, are not associated with the use of consumer projects. For this analysis, the parking structures are not considered sources of consumer project ROG emissions. To correct this, a separate model run for the parking structure was developed and the emissions subtracted from the total operational project emissions.

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[16] due to its potential to cause cancer), TACs from all vehicles, and $PM_{2.5}$, which is a regulated air pollutant. The proposed development 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.

Table 4.3-6 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 proposed project, which would be phased, would be built over a six year period with an assumed start date of April 2017. While the general phasing of project construction is known, the actual timing and potential overlap of project phases is not. As a result, individual yearly emissions could not be accurately calculated. Furthermore, even if specific construction timing was known, any changes in the phasing of the project would negate the analysis of construction emissions.

What is certain is that the projects would be completed within a six-year time frame. Consistent with guidance provided by BAAQMD regarding analysis of phased projects, the analysis of construction emissions assumes all projects under construction at one time averaged over a six-year period.

Table 4.3-6: Average Daily Construction Emissions from the Project

Description	ROG	NOx	PM_{10}	$PM_{2.5}$
Phase 1 Construction Emissions (tons)	4.13	6.32	0.20	0.18
Phase 2 Construction Emissions (tons)	3.56	4.82	0.15	0.14
Phase 3 Construction Emissions (tons)	4.74	4.06	0.13	0.12
Total Construction Emissions (tons)	*12.43*	*15.2*	*0.48*	*0.44*
Average Daily Emissions (pounds per day)	15.9	19.5	0.6	0.6
BAAQMD Thresholds (pounds per day)	***54***	***54***	***82***	***54***

Construction of the project would involve demolition of three of the existing buildings and surface parking lots, excavation for the underground parking, site grading, trenching, paving, building construction, and architectural coating. As shown in Table 4.3-X, 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 known TAC. The project will be required to implement BAAQMD dust control measures as a condition of project approval, as outlined below.

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

All construction phases of the proposed project 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 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 project site are the residences along the western boundary of the site.

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

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 of 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 sensitive receptor locations that could be effected by project construction are shown in the figure below. The maximum exposure from construction emissions was found to occur on the lowest residential floor of the mixed use building immediately east of the project site, within Santana Row.

The maximum incremental residential child cancer risk was calculated to be 36.5 cancer cases per million and the adult cancer risk was calculated to be 0.7 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. The maximum annual $PM_{2.5}$ concentration was calculated to be 0.2 micrograms per cubic meter ($\mu g/m^3$), which does not exceed the BAAQMD significance threshold of 0.3 $\mu g/m^3$.

Impact AIR-1: Construction of the proposed project would result in a temporary community risk impact. **(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. **(Less Than Significant Impact)**

4.3.4 Mitigation and Avoidance Measures for Air Quality Impacts

In addition to the dust control measures previously identified, the project applicant shall be required to implement the following mitigation measures to reduce construction related TAC impacts:

MM AIR 1-1: 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 4 engines or equivalent. The project applicant shall submit to the Department of Planning, Building, and Code Enforcement a construction operations plan that includes specifications of the equipment to be used during construction. The plan shall be accompanied by a letter signed by an air quality specialist, verifying that the equipment included in the plan meets the standards set forth in these mitigation measures. The plan shall be submitted for review and approval to the Supervising Planner of the Department of Planning, Building and Code Enforcement's Environmental Review Division prior to issuance of a grading, demolition, and/or building permit (whichever occurs earliest).

Implementation of the dust control measures previously identified would reduce exhaust emissions five percent. With the identified mitigation measure, the maximum excess child cancer risk would be reduced to 3.0 per million. As a result, the required mitigation measure and BMPs will reduce the temporary construction emissions impact to a less than significant level.

4.3.5 Conclusion

With implementation of the identified mitigation measure 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 proposed project would not conflict with or obstruct implementation of the 2010 CAP and would have a less than significant operational emissions impact. Operation of the proposed project would not generate excessive odors. **(Less Than Significant Impact)**

4.4 GREENHOUSE GAS EMISSIONS

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

The project site is developed with three movie theaters (currently vacant) and a small restaurant. The existing restaurant 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.[17]

[17] California Environmental Protection Agency. Air Resources Board. *First Update to the AB 32 Scoping Plan*. Accessed April 17, 2016. Available here: http://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm

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.[18] 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.

Executive Order B-30-15

On April 29, 2015, Governor Edmund G. Brown Jr. issued Executive Order B-30-15, setting a new interim statewide GHG reduction target. The purpose of establishing the interim target is to ensure California meets its previously established target of reducing greenhouse gas emissions to 80 percent below 1990 levels by 2050, as set forth in Executive Order S-3-05 in 2005. Under Executive Order B-30-15, the interim target is to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030.

As a part of this effort, the California Air Resources Board is required to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of carbon dioxide equivalent. CARB initiated a public process in the summer of 2015 to update the State's Climate Change Scoping Plan. The updated Scoping Plan provides a framework for achieving the 2030 target and will be completed and adopted by CARB in 2016.

This Executive Order also calls for the California Natural Resources Agency to update the State of California's climate adaption strategy, *Safeguarding California*, every three years. *The Safeguarding California* plan will identify vulnerabilities to climate change by region and sector, including water,

[18] 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.

energy, transportation, public health, agriculture, emergency services, forestry, biodiversity and habitat, and ocean and coastal resources. It also will identify actions needed to reduce risks to residents, property, communities, and natural systems from the vulnerabilities. A lead agency or group of agencies will be identified to lead adaptation efforts in each sector. Overall, the Natural Resources Agency will be responsible for ensuring that the provisions in the state's climate adaption strategy are fully implemented and state agencies must take climate change impacts into account in their planning decisions, including for all infrastructure projects.

4.4.3.2 Regional and Local Plans

2010 Bay Area Clean Air Plan

The Bay Area 2010 Clean Air Plan (CAP) addresses 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 and 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.

BAAQMD CEQA Guidelines

BAAQMD identifies sources of information on potential thresholds of significance and mitigation strategies for operational GHG emissions from land-use development projects in its CEQA Air Quality Guidelines. The BAAQMD CEQA Guidelines also outline a methodology for estimating greenhouse gases.

In jurisdictions where a qualified GHG Reduction Strategy has been reviewed under CEQA and adopted by decision-makers, compliance with the GHG Reduction Strategy would reduce a project's contribution to cumulative greenhouse gas emission impacts to a less than significant level.[19] The BAAQMD CEQA Guidelines also outline a methodology for estimating greenhouse gases.

City of San José Municipal Code

The City's Municipal Code includes the following regulations that would reduce GHG emissions from future development:

- Green Building Regulations for Private Development (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

[19] The required components of a "qualified" GHG Reduction Strategy or Plan are described in both Section 15183.5 of the CEQA Guidelines and the BAAQMD CEQA Air Quality Guidelines (amended 2012).

Envision San José 2040 General Plan

The General Plan includes a GHG Reduction Strategy that is designed to help the City sustain its natural resources, grow efficiently, and meet California legal requirements for GHG emissions reduction. Multiple policies and actions in the General Plan have GHG implications including those targeting land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The policies also include a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and the recent standards for "qualified plans" as set forth by BAAQMD.

The GHG Reduction Strategy was re-adopted by the San Jose City Council in December 2015. The environmental impacts of the GHG Reduction Strategy were analyzed in the General Plan FPEIR and a 2015 Supplement to the General Plan FPEIR. The City's projected emissions and the GHG Reduction Strategy are consistent with the measures necessary to meet state-wide 2020 goals established by AB 32 and addressed in the Climate Change Scoping Plan. Measures have not been identified that would ensure GHG emissions would be consistent with state-wide 2050 goals; however, the City adopted overriding considerations for identified future impacts associated with buildout of the City's General Plan.

General Plan Policies

The General Plan includes the following GHG reduction policies, which are applicable to the project. These policies are also described within the City's GHG Reduction Strategy.

Policy MS-2.3: Encourage consideration of solar orientation, including building placement, landscaping, design, and construction techniques for new construction to minimize energy consumption.

Policy MS-2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).

Policy MS-14.4: Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

Policy CD-2.10: Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land regulations to require compact, low-impact development that efficiently uses land planned for growth, particularly for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in growth areas.

CD-2.11: Within the Downtown and Urban Village Overlay areas, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.

Policy CD-3.2: Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.

Policy CD-5.1: Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.

Policy LU-5.4: Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.

Policy TR-2.18: Provide bicycle storage facilities as identified in the Bicycle Master Plan.

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.

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.

4.4.4.1 Greenhouse Gas Emissions

Construction

The proposed development would result in temporary increases in GHG emissions associated with construction activities including operation of construction equipment and emissions from construction workers' personal vehicles traveling to and from the project 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 project construction 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 less than significant. **(Less Than Significant Impact)**

Operation

Per 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. Since the project is consistent with the General Plan land use designation for the site and the land use assumptions of the GHG Reduction Strategy, compliance with the mandatory measures and voluntary measures required by the City would ensure its consistency with the City's GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions. The project's conformance with the GHG Reduction Strategy is discussed further in the following section. **(Less Than Significant Impact)**

4.4.4.2 Conflict with Plans or Policies

Consistency with the San José Greenhouse Gas Reduction Strategy

The General Plan contains goals and policies adopted for the purpose of reducing GHG emissions, which center around five strategies: energy, waste, water, transportation, and carbon sequestration. These goals and policies are also discussed within the City's GHG Reduction Strategy. Some measures are considered mandatory for all proposed development projects, while others are voluntary. Voluntary measures can be incorporated as mitigation measures for projects at the discretion of the City. The proposed project's consistency with the relevant mandatory GHG reduction criteria is detailed below.

<u>Mandatory Criteria</u>

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies IP-1, LU-10)

2. Implementation of Green Building Measures (GP Goals: MS-1, MS-2, MS-14)
   - Solar Site Orientation
   - Site Design
   - Architectural Design
   - Construction Techniques
   - Consistency with City Green Building Ordinance and Policies
   - Consistency with GHG Reduction Strategy Policies: MS-1.1, MS-1.2, MC-2.3, MS-2.11, and MS-14.4

3. Pedestrian/Bicycle Site Design Measures
   - Consistency with Zoning Ordinance
   - Consistency with GHGRS Policies: CD-2.1, CD-3.2, CD-3.3, Cd-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7

4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;

5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g. data centers) (General Plan Policy MS-2.8), if applicable;

6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and

7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g. drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.

The proposed project is consistent with the General Plan land use designation for the site. Bicycle parking would be provided consistent with San José requirements, though the final quantity would be determined at the development permit stage. Given the project is consistent with the General Plan land use designation and the inclusion of bicycle parking, the project would be consistent with the mandatory Criteria 1 and 3.

As proposed, the project would include the following green building measures:

- Exceed the State Title 24 California Energy Code requirements by 15 percent;
- High performance building envelopes;
- Daylight maximization into interior office areas;
- Tenant sub-metering of utility consumption;
- Preferred parking for rideshare vehicles;
- Electric vehicle charging stations at 2 percent minimum of total parking stall count;
- Designated low emission vehicle stalls at 5 percent minimum of total parking stall count;
- Salvage or recycle at least 50 percent of construction waste;
- Use of recycled and/or regional building materials;
- Specification of efficient life cycle materials and products through Environmental Product Declarations;
- Cool roofs; and
- Water efficient landscaping and irrigation design.

With implementation of the green building measures, the project would be consistent with Criteria 2,4, and 6. Criteria 5 and 7 are not applicable to the proposed project because the project does not include a data center or other energy-intensive use or drive-through or vehicle serving uses.

Voluntary Criteria

Table 4.4-1 provides a summary of the voluntary criteria and describes the proposed project's compliance with each criterion.

Table 4.4-1: Voluntary Greenhouse Gas Reduction Strategy Criteria		
Policies	**Description of Project Measure**	**Project Conformance/ Applicability**
BUILT ENVIRONMENT AND RECYCLING		
Installation of solar panels or other clean energy power generation sources on development sites, especially over parking areas MS-2.7, MS-15.3, MS-16.2	Solar panels are not included as a component of the proposed project.	☐ Proposed ☒ Not Proposed or ☐ Not Applicable
Use of Recycled Water Use recycled water wherever feasible and cost-effective (including non-residential uses outside of the Urban Service Area) MS-17.2, MS-19.4	Recycled water is available to the project site and could be required by the City as a condition of project approval.	☒ Required/Proposed ☐ Not Proposed or ☐ Not Applicable
TRANSPORTATION AND LAND USE		
Limit parking above code requirements TR-8.4	The number of parking spaces proposed by the project is below the City's code requirements.	☒ Project is Parked at or below Code Requirements ☐ Project is Parked above Code Requirements or ☐ Not Applicable
Car share programs Promote car share programs to minimize the need for parking spaces TR-8.5	Car sharing programs are not proposed as part of the project.	☐ Proposed ☒ Not Proposed or ☐ Not Applicable
Consider opportunities for reducing parking spaces (including measures such as shared parking, TDM, and parking pricing to reduce demand) TR-8.12	The number of parking spaces proposed by the project is consistent with the code requirements. Furthermore, the project will include a TDM program to reduce traffic trips.	☐ Proposed ☒ Project Does Not Propose or ☐ Not Applicable

The proposed project is consistent with the applicable mandatory GHG Reduction Strategy goals and policies intended to reduce GHG emissions. **(Less than Significant Impact)**

4.4.5.2 Project Specific Mitigation Measures

No mitigation is required or proposed.

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 April 2016. 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.

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 southwest corner of Olin Avenue and Winchester Boulevard, between I-280 and Stevens Creek Boulevard. Noise levels in the project area are primarily the result of vehicular noise on the surrounding roadways. 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 the project site and at the nearest off-site residences, a noise monitoring survey was completed at the site over six days in March 2016. The survey consisted of five long-term measurement (LT-1 through LT-5) and three short-term measurements (ST-1 through ST-3). Tables 4.5-3 and 4.5-4 gives a summary of the acoustical locations and measurements. The noise monitoring locations are shown in the figure.

Table 4.5-3: Existing Long-Term Noise Measurements (dBA DNL)				
Measurement	**Location**	**Daytime Level**	**Nighttime Level**	**Average Noise Level**
LT-1	Near the southwest corner of the Winchester Mystery House, approximately 110 feet from the Century 23 building.	52-66	44-64	61-64
LT-2	On Olin Avenue, across from the restaurant on the project site and approximately 135 feet west of the Winchester Boulevard centerline.	60-73	52-69	66-70
LT-3	Along the western property line, across from the Century 21 building.	44-55	37-58	53-57
LT-4	Across from 3165 Olin Avenue, approximately 160 feet east of Hanson Avenue and 430 feet west of Winchester Boulevard.	54-64	48-58	61
LT-5	On the street frontage at 350 Winchester Boulevard, approximately 66 feet from the centerline of the roadway.	62-73	55-67	69-71

Table 4-5.4: Existing Short-Term Noise Measurements (dBA)			
Measurement	**Location**	**Lmax**	**Leq**
ST-1	Southwest corner of the project site, approximately 250 feet south of Olsen Drive	57	47
ST-2	On Olsen Drive, across from the Winchester Mystery House entrance and 310 feet west of Winchester Blvd.	68	59
ST-3a	Across from 3165 Olin Avenue, approximately 160 feet east of Hanson Avenue and 430 feet west of Winchester Boulevard.	72	55
ST-3b	Across from 3165 Olin Avenue, approximately 160 feet east of Hanson Avenue and 430 feet west of Winchester Boulevard.	78	57

Sensitive Receptors

The nearest noise sensitive receptors to the project site would be the residences adjacent to west and south sides of the project site, the residences on the north side of Olin Avenue, and the mixed residential/commercial building and senior housing facility located at the northeast and southeast corner of Olsen Drive and Winchester Boulevard, respectively.

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 from the Project Site

Project-Generated Traffic Noise

Based upon the traffic study prepared by *Hexagon Transportation Consultants* (see Section 4.2, *Transportation and Circulation)*, the proposed development would generate approximately 9,457 net new daily trips.

A noise increase is considered substantial if it would 1) increase the ambient noise level by five dBA DNL or more when future noise levels would be less than 60 dBA DNL, or 2) increase the ambient noise level by three dBA DNL or more when future noise levels would be 60 dBA DNL or greater. Analysis of existing and projected traffic noise volumes on the adjacent roadway segments found that the ambient noise level on Olin Avenue, between Winchester Boulevard and Maplewood Avenue, would increase by approximately three dBA between Spar Avenue and Hanson Avenue and approximately five dBA near Maplewood Avenue. The increase would result from increased traffic trips on Olin Avenue and overall changes in traffic distribution. All other roadways around the project site would experience an increase in ambient noise levels of two dBA DNL or less.

Impact NOI – 1: New traffic trips associated with the proposed project would significantly increase noise levels on Olin Avenue between Winchester Boulevard and Maplewood Avenue. **(Significant Impact)**

The proposed parking structures in Buildings E and F would be three levels above grade. Levels 1 and 2 would be screened to reduce noise. In addition, existing fencing and existing and proposed trees along the shared property line would further reduce noise. The third level would have a solid wall to minimize noise. Lastly, the parking structures would primarily be utilized during standard weekday business hours. For all these reasons, the parking located within Buildings E and F would not result in a significant noise impact. **(Less Than Significant Impact)**

Mechanical Equipment

The proposed buildings would 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[20] in the City's Municipal Code

[20] Per the Municipal Code, the office buildings cannot generate noise greater than 55 dBA at the shared property line with the adjacent residential development.

(Sections 20.40.600 and 20.50.300). Conformance with the Municipal Code would be achieved with mechanical equipment screening and would ensure that the identified equipment for the proposed buildings 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.

Table 4.5-5: Calculated Construction Noise Levels By Construction Phase[21]

Construction Phase	Leq dBA	Lmax dBA
Demolition	81	81
Site Preparation	78	78
Grading/Excavation/Foundation	82	82
Trenching	75	75
Building Exterior	76	76
Building Interior	n/a	n/a
Paving	76	76

Construction of the project would occur in three phases. Phase I would construct buildings A and B, to be located adjacent to Winchester Boulevard. Phase II would construct buildings C and D, located in the interior of the site, generally in line with Spar Avenue. Phase II would construct buildings E and F, to be located near the western property line. This analysis assumes a construction start date of April 2017 and approximately a two-year construction period for each phase. Table 4.5-5 shows the calculated construction noise, based on equipment specified for the project, at a distance of 100 feet from the center of the construction zone.

Based on the noise data for the project area and the construction phasing of the project, the noise analysis calculated the maximum and average noise levels for nearby land uses during all phases of construction, as shown in Table 4.5-6. In some cases, distance between the receivers and the construction site and/or existing or future buildings would buffer construction noise sufficiently so there would be no noticeable increase in ambient noise levels.

[21] The Leq is the average A-weighted noise level during the measurement period. The Lmax is the maximum A-weighted noise level during the measurement period. In the case of the proposed project, the Leq and Lmax would be equivalent during all construction phases.

Table 4.5-6: Construction Noise Levels at Nearby Land Uses (dBA Leq)						
Receiver	**Phase I**		**Phase II**		**Phase III**	
	Worst Case	**Typical**	**Worst Case**	**Typical**	**Worst Case**	**Typical**
Santana Row Apartments and Winchester Boulevard Retail	72-79	68-75	65-72	62-69	---	---
Winchester Mystery House	67-74	62-69	70-77	63-70	75-82	67-74
Spar Avenue Residents	72-79	65-72	71-78	64-71	65-72	61-68
Olin Avenue/Hanson Avenue Residences	59-67	58-66	68-75	63-70	77-84	66-73
Maplewood Avenue Residences	58-66	57-65	65-72	62-69	77-84	71-78
Olin Avenue Commercial	77-84	68-75	77-84	68-75	74-81	65-72
Winchester Ranch	---	---	---	---	77-84	71-78

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 equipment shall be checked by a certified mechanic prior to the start of each phase of construction and determined to be running in proper condition.
- All unnecessary idling of internal combustion engines is prohibited. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes.
- 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.
- To the extent possible, utilize the Olsen Drive project entrance from Winchester Boulevard for construction truck traffic. If construction truck traffic must utilize Olin Avenue, prohibit construction truck traffic on Olin Avenue west of the proposed project entrance closest to Winchester Boulevard.

All phases of construction of the proposed project would be required to comply with all applicable City policies and the Municipal Code.

Pursuant to General Plan Policy EC-1.7, the City considers 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 a significant impact. Even with implementation of all required measures, project construction would occur over a six year period. Therefore, the extended timeframe of construction would make this impact significant.

Impact NOI-2: Implementation of the proposed project would result in construction activities on the project site for a time frame of six years. **(Significant Impact)**

Construction Vibration

Construction activities would include demolition of existing pavement and buildings (two of the theater buildings and the restaurant), site preparation work, excavation of below grade parking, foundation work, and construction of the new buildings and underground parking. 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 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 Winchester Mystery House is located within 50 feet of planned construction activities (i.e., demolition of a portion of Olsen Drive and construction of a parking lot). The use of a heavy vibratory roller or the dropping of a heavy loader bucket within 60 feet of the structure could result in a vibration level of 0.08 in/sec PPV or more. The Century 21 Theater building, which is proposed to be retained on-site, could also experience vibration levels above City standards. The nearest off-site

contemporary buildings to the project site would experience construction vibration levels well below the 0.20 in/sec PPV criteria established by the City.

Impact NOI-3: Construction of the proposed project could expose the Winchester Mystery House and Century 21 Theater to vibration levels in excess of City standards. **(Significant Impact)**

4.5.2.2 Existing Noise Conditions Affecting the Project

The California Supreme Court in a December 2015 opinion (*BIA v. BAAQMD*) confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project; nevertheless the City has policies that address existing conditions (e.g. noise) affecting a proposed project, which are addressed below.

The policies of the City of San Jose 2040 General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. Based on the General Plan noise and land use compatibility guidelines, commercial/office development is allowed in areas with ambient noise levels up to 70 dBA DNL and is conditionally allowed in areas with noise levels up to 80 dBA DNL.

Buildings A and B of the project would be located adjacent to Winchester Boulevard, which has existing noise levels of 70-71 dBA DNL at the ground level. Future noise levels are estimated to increase by two dBA which would increase the ambient noise levels along Winchester Boulevard to 72-73 dBA DNL. At the third and fourth floor facades, the noise level was calculated to be one to two dBA higher than the ground floor levels. Above the fourth floor, noise levels drop as the distance from the ground level noise sources increases.

Building F of the project would be located approximately 375 feet from the centerline of I-280 and the upper floors would have unobstructed views of the highway. Based on the noise data available in the General Plan, the southern façade of building F would be exposed to ambient noise levels of 75 dBA DNL.

The California Green Building Code requires that commercial building be constructed to provide an interior noise environment of 50 dBA in occupied areas during any hour of operation. A typical commercial building envelope provides at least a 30 dBA reduction in traffic noise. The noise exposure at the proposed building façades along Winchester Boulevard was calculated to be up to 75 dBA DNL. With exterior noise levels up to 75 dBA DNL, the interior noise levels would be 45 dBA with standard construction techniques. As a result, interior noise levels would comply with Green Building Code standards.

The project site is located approximately 2.7 miles southwest of the nearest airport (the Mineta San José International Airport) and is not within the Airport Influence Area or the Airport Noise Contours.

4.5.5 Mitigation and Avoidance Measures for Noise Impacts

4.5.5.1 Traffic Noise

The noise analysis determined that noise barriers along Olin Avenue would not be feasible because of requirements for driveways, pedestrian access, and the short distances between intersections. The noise analysis concluded that access from Olin Avenue should be limited to the eastern north/south internal access road. Limiting access from Olin Avenue to a single driveway would hinder access to the site, creating greater queuing backups on Olin Avenue and Winchester Boulevard from automobiles entering the site than would occur under the proposed circulation plan. For this reason, this mitigation was determined to be infeasible. No other feasible mitigation was identified to reduce traffic noise impacts on Olin Avenue to a less than significant level. This would be a significant and unavoidable impact. **(Significant and Unavoidable Impact)**

4.5.5.2 Construction Noise

While the project would be required to implement all identified noise control measures during construction, the project would result in a significant impact due to the length of time it would take to implement the project. Unless the construction phasing was changed to reduce the overall length of construction to 12 months or less, this impact would be significant and unavoidable. **(Significant and Unavoidable Impact)**

4.5.5.3 Construction Vibration

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

MM NOI-3.1: The use of vibration-generating construction equipment, such as impact compactors and larger dozers shall be prohibited within 60 feet of the Winchester Mystery House and Century 21 Theater.

MM NOI-3.2: Prepare and implement a Historical Resources Protection Plan to protect the building fabric of the City Landmark Sarah L. Winchester House and the Century 21 Theater buildings from direct or indirect impacts during construction activities (i.e., due to damage from operation of construction equipment, staging, and material storage). The project sponsor shall, prior to issuance of demolition and grading permits, prepare a plan establishing procedures to protect these resources. The project sponsor shall ensure the contractor follows the plan while working near these historic resources. The plan shall be prepared by a qualified Historic Architect, and reviewed and approved by the City's Historic Preservation Officer prior to issuance of demolition and grading permits. At a minimum, the plan shall include:

- guidelines for operation of construction equipment adjacent to historical resources;
- requirements for monitoring and documenting compliance with the plan; and
- education/training of construction workers about the significance of the

historical resources around which they would be working.

MM NOI-3.3: The Historic Architect and/or a qualified structural engineer shall make periodic site visits to monitor the condition of the existing historic fabric at the project site and provide detailed reports to the City's Historic Preservation Officer noting any concerns regarding the historic resources to remain as well as recommended corrective actions. Monitoring should include any instruments such as crack gauges if necessary per approval of nearby property owners, or reviewing vibration monitoring required by other construction monitoring processes required under the City's permit processes.

The Historic Architect shall consult with a structural engineer if any problems with character-defining features are discovered. If, in the opinion of the Historic Architect, substantial adverse impacts related to construction activities are found during construction, the Historic Architect shall so inform the project applicant or applicant's designated representative responsible for construction activities. The project applicant shall respond accordingly to the Historic Architect's recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger historic resources. The monitoring team shall prepare site visit reports and submit the reports to the City's Historic Preservation Officer.

MM NOI-3.4: If damage does occur to the Winchester Mystery House or the Century 21 Theater, the Historic Architect shall document (e.g., with photographs and other appropriate means) the level of success in meeting the Secretary of the Interior's Standards for the Treatment of Historic Properties as noted above for the character-defining features, and in preserving the character-defining features of nearby historic properties.

The project sponsor shall ensure that if repairs occur, in the event of damage to nearby historic resource during construction, repair work shall comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties and shall restore the character defining features in a manner that does not affect their historic status.

MM NOI-3.5: The project applicant shall designate a specific person responsible for registering and investigating claims of excessive vibration. The contact information shall be clearly posted on the construction site so as to be seen from either Winchester Boulevard or Olin Avenue.

(Less Than Significant With Mitigation)

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)**

Even with compliance with City code requirements, construction noise impacts would be significant and unavoidable.

With implementation of the proposed mitigation, construction vibration impacts would be reduced to a less than significant level. **(Less Than Significant Impact with Mitigation)**

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 commercial property comprised of three dome-style movie theaters and a small restaurant surrounded by a large surface parking lot. The movie theaters have glass front entrances with multiple sets of double doors. The entrances are covered and have prominent column. Each theater has a lighted sign over the main entrance advertising the name of the theater. The lower portion of the buildings is painted concrete blocks. The most prominent feature is the domed roofs. The theaters are set back to the western property line. The movie theaters are currently vacant and there is a six-foot iron fence around buildings 21 and 22.

The restaurant, located along the Winchester Boulevard frontage, is a one-story structure with large floor to ceiling windows separated by round columns. A large roadside sign protrudes through the roof above the entrance. Mature landscaping, including large tropical plants around the restaurant, boarders the site on all sides.

4.6.1.2 Surrounding Land Uses

Development in the project area is a mix of retail/commercial and residential land uses. Building heights vary by land use from one to 12 stories. The project site is bound by Olin Avenue to the north, Winchester Boulevard to the east, the Winchester Mystery House and a mobile home park to the south, and a residential neighborhood to the west.

North of Olin Avenue is a gas station, small one-story commercial buildings, and a residential neighborhood with one- and two-story single family houses built in the 1950s. On the north side of Olin Avenue, some of the houses have been converted to businesses. All the properties in the area are well maintained and have mature landscaping.

East of Winchester Boulevard is Santana Row which is a large mixed-use development with residential, retail, office, and entertainment space and building heights of up to 120 feet. Along Winchester Boulevard, Santana Row has a variety of architectural styles, building colors, and minimal landscaping.

The Winchester Mystery House, located south of the site, is a designated historic structure with prominent red roofs. The house is surrounded by formal gardens and accessory buildings. A mobile home park is located south and west of the Winchester Mystery House. The mobile home park, located immediately south and west of the site is comprised of small mobile homes oriented along a grid of internal roadways. The mobile home park is well maintained with landscaping along all the roadways. Mature trees line both shared property lines with the project site, blocking views of the mobile home park.

Immediately west of the project site is a residential neighborhood comprised primarily of mid-century, one-story, single-family houses. The houses vary somewhat in style, but consistent design elements include a ranch-style architecture with centrally located entrances, small covered porchs, and prominent two-car garages.

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 would be visible from several public vantage points including Olsen Drive, Winchester Boulevard, Olin Avenue, Spar Avenue, Hanson Avenue, and Maplewood Avenue. 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 there are 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 area is already developed with buildings ranging from one to 12 stories. The proposed project would result construct six buildings on-site ranging from 71 to 120 feet, with the tallest structures located along Winchester Boulevard. While the proposed development may further block skyline views for a limited number of 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.

The proposed development would alter the visual character of the project site compared to the existing conditions. The proposed buildings would, however, be comparable in massing and scale to the existing commercial/office and mixed-use buildings near the site, and would not obscure any scenic vistas, damage scenic resources, or degrade the visual quality of the area. **(Less Than Significant Impact)**

4.6.2.3 Light and Glare

As noted above, the proposed buildings would be visible from several public vantage points including Olsen Drive, Winchester Boulevard, Olin Avenue, Spar Avenue, Hanson Avenue, and Maplewood Avenue. All new structures on-site would contribute to increased light levels in the immediate project area, primarily from internal security lighting.

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.[22] As a result, the proposed project

[22] 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.

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)**

4.7 GEOLOGY AND SOILS

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 project area 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 previous soil testing in the immediate project area, the alluvial soils consist 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, the soil is dense to very dense sands and gravels.

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 has been encountered at depths from 45 to 60 feet below ground surface across the entire nearby Santana Row development area. Because the two site are approximately 100 feet apart, it is reasonable to assume that groundwater levels on the project site are equivalent to Santana Row.

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.

The site is not located within a designated Alquist-Priolo Earthquake Fault Zone[23] or in a Santa Clara County Fault Hazard Zone[24] 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.

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)	9.0 miles NE
Hayward (Total Length)	11.5 miles NE
Calaveras	11.5 miles SE
Sargent	12.5 miles SE

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.

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.

[23] California Department of Conservation Website, http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm, Accessed April 16, 2016.
[24] Santa Clara County, Geologic Hazard Zones – Spatial Data, *Fault Rupture Hazard Zones*, February 26, 2002. Available for download at: https://www.sccgov.org/sites/dpd/PlansOrdinances/GeoHazards/Pages/GeoMaps.aspx Accessed April 16, 2016.

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 must 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.

Action EC-4.11: Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.

Action EC-4.12: Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of grading permits by the Director of Public Works.

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

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

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. The project site and surrounding areas are, however, relatively flat and have a low potential for liquefaction and lateral spreading during large seismic events. As a result, development of the project site would not expose adjacent or nearby properties to landslide or erosion related hazards. **(Less Than Significant Impact)**

The project site is located in an area of moderate to high expansion potential, moderately low to low potential for vertical and lateral ground failure, and very strong ground shaking during an earthquake. Development of the project site would not change or exacerbate the geologic conditions of the project area and would not result in a significant geology hazards impact. **(Less Than Significant Impact)**

The project site is located within an urbanized area of San José where sewers are available to dispose of wastewater from the project site. Therefore, the site will not need to support septic tanks or alternative wastewater disposal systems. **(No Impact)**

Groundwater

The proposed underground parking levels would extend to a depth of 19 feet below the ground surface for all buildings except building B. The underground parking levels for building B would extend to a depth of 24 feet. For the entire project, planned excavation would not extend near or below the current groundwater level, which has been determined to be between 45 and 60 feet below ground surface. As a result, the proposed project would have no impact on the shallow groundwater aquifers. **(No 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 and buildings, grading, and construction of proposed 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 phases of the project to comply with all applicable City regulatory programs pertaining to construction related erosion. Because the project would comply with the regulations identified in the General Plan FEIR, implementation of the proposed project would have a less than significant soil erosion impact. **(Less Than Significant Impact)**

Demolition and construction on the project site 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 project would 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)**

4.7.3.5 Existing Geologic Conditions Affecting the Project

The California Supreme Court in a December 2015 opinion (*BIA v. BAAQMD*) confirmed CEQA is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project; nevertheless the City has policies that address existing conditions (e.g. geologic hazards) affecting a proposed project, which are addressed below.

The policies of the City of San Jose 2040 General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. The City of San Jose General Plan Policy EC-4.2 states that development is allowed in areas subject to soils and geologic hazards, including unengineered 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. To ensure this, the policy requires the City of San José Geologist to review and approve

geotechnical and geological investigation reports for projects within these areas as part of the project approval process. In addition, Policy EC-4.4 requires all new development to conform to the City of San José's Geologic Hazard Ordinance. To ensure that proposed development sites are suitable, Action EC-4.11 requires the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.

As discussed in Section 4.7.3.2, 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. The project would be built and maintained in accordance with site-specific geotechnical report and applicable regulations including the California Building Code.

Because the proposed project would comply with the design-specific geotechnical report, the California Building Code, and regulations identified in the General Plan FEIR that ensure geologic hazards are adequately addressed, the project would comply with Policies EC-4.2 and EC-4.4.

4.7.4 Mitigation and Avoidance for Geology and Soils Impacts

No mitigation is required or proposed.

4.7.5 Conclusion

Adherence to all existing building codes, regulations, and policies, including the 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)**

4.8 HYDROLOGY AND WATER QUALITY

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.

Dam Failure

Based on the Santa Clara Valley Water District dam failure inundation hazard maps, the project site is likely located in the Lexington Reservoir failure inundation hazard zones but outside the Andersen Dam failure inundation hazard zone.[25] [26]

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 San Tomas Aquino Creek. San Tomas Aquino 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, 87 percent of the entire project site is covered with impervious surfaces. There are existing storm drain lines that run along the northern, western, and eastern borders of the site that serve the existing development and would also serve the proposed development. The pervious surface area is comprised entirely of trees and some vegetation around the perimeter of the parking lot, and a few trees within the parking lot and adjacent to the buildings.

4.8.1.3 Stormwater Runoff

Water Quality

The water quality of San Tomas Aquino 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

[25] Santa Clara Valley Water District. *Andersen Dam EAP 2009 Flood Inundation Maps. 2009*. http://www.valleywater.org/uploadedFiles/Services/CleanReliableWater/WhereDoesYourWaterComeFrom/Reservoirs/Anderson_Dam/Anderson%20Inundation%20Maps%202009.pdf?n=6912 Accessed April 13, 2016.
[26] Santa Clara Valley Water District. *Lexington Reservoir 2009 Flood Inundation Maps. 2009.* *http://www.valleywater.org/Services/LexingtonReservoirAndLenihanDam.aspx* Accessed April 13, 2016.

animal wastes. Currently, San Tomas Aquino Creek is listed on the California 303(d) list[27] for Diazinon and trash and on the Total Maximum Daily Load (TMDL)[28] high priority schedule.[29]

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 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.

All development projects, whether subject to the General Permit for Construction Activities or not, shall comply with the City of San Jose's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activities occurring during the rainy season (October 15 to April 15), the project would be required to submit an Erosion Control Plan to the Director of Public Works detailing BMPs that would prevent the discharge of stormwater pollutants.

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.

[27] The Clean Water Act, section 303, establishes water quality standards and TMDL programs. The 303(d) list is a list of impaired water bodies.
[28] 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.
[29] California State Water Quality Control Board website. Accessed June 14, 2016. http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml?wbid=CAR20550040199902181 33956

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.

Municipal Regional Stormwater NPDES Permit

The City of San Jose is required to operate under a Municipal Stormwater NPDES Permit to discharge stormwater from the City's storm drain system to surface waters. On November 18, 2016, the San Francisco Bay Regional Water Quality Control Board reissued the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) for 76 Bay Area municipalities, including the City of San Jose.

The MRP (Permit No. CAS612008) mandates the City of San Jose use it's planning and development review authority to require that stormwater management measures such as Site Design, Pollutant Source Control and Treatment measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff.

The MRP require regulated projects (as outlined above) to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore a site's natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

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 currently exempt from the NPDES hydromodification requirements because it is located in a subwatershed that drains into a hardened channel and/or tidal area.[30] The project must, however, 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 45 to 55 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.

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.

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

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 redirect flood flows or 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 is currently 87 percent impervious. Implementation of the proposed project would result in a net reduction in impervious surfaces on-site by 10 percent (approximately 58,100 square feet). As a result, the proposed project would not increase the demand upon the storm drainage system compared to the current land use.

The project would replace more than 10,000 square feet of impervious surface area on the project site. Therefore, the proposed development would 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.

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)**

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. **(No Impact)**

4.8.2.4 Water Quality Impacts

Construction Impacts

Implementation of the proposed project would disturb one or more acres land area and would 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 redevelopment of the site would 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 would disturb approximately 565,700 square feet of land area which is well above the one acre threshold. Therefore, construction of the project would also be required as a condition of approval to comply with the NPDES General Permit for Construction Activities.

Specifically, the project would include 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 the project would include the specific measures identified above, and would 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 would decrease with implementation of the proposed project. The project would, however, still contribute pollutants to stormwater runoff. Although the amounts of pollutants from the proposed development ultimately discharged into the waterways are unknown at this time, over time they could be substantial.

The full project (and each phase of the project) would replace more than 10,000 square feet of impervious surface area on the project site. Therefore, the project would 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.

In order to meet these requirements, the project proposes bioretention treatment areas along the perimeters of the buildings, in the open space areas, and within the Olsen Drive median. 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.

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. 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 project would have a less than significant water quality impact. **(Less Than Significant Impact)**

4.8.2.5 Groundwater Impacts

The quantity of impervious surfaces on the project site with implementation of the proposed project would be less than under existing conditions. The project site does not presently contribute to recharging of the groundwater aquifers and this condition will not change once development is complete. As a result, redevelopment of the project site would not interfere with groundwater recharge or cause a reduction in the overall groundwater supply. **(Less Than Significant Impact)**

Construction of the proposed project would include one to two levels of below grade parking with a total depth of approximately 24 feet. Groundwater on the project site is found at 45 to 55 feet bgs. Based on this data, the proposed development will not interfere 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 *HortScience* in January 2016. The report can be found in Appendix D 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 three unoccupied movie theater buildings, a restaurant, and a large surface parking lot. There is landscaping throughout the site including trees and lawn areas. The site is surrounded by commercial and residential development. Due to the extensive development in the project area, there is no on-site vegetation that is indigenous to the project site. There are a total of 194 trees on-site. Eight coast live oak trees, which are native to the San Jose area, are present on the site. The remaining trees are not native to the San Jose area.

4.9.2.2 Special Status 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 project 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

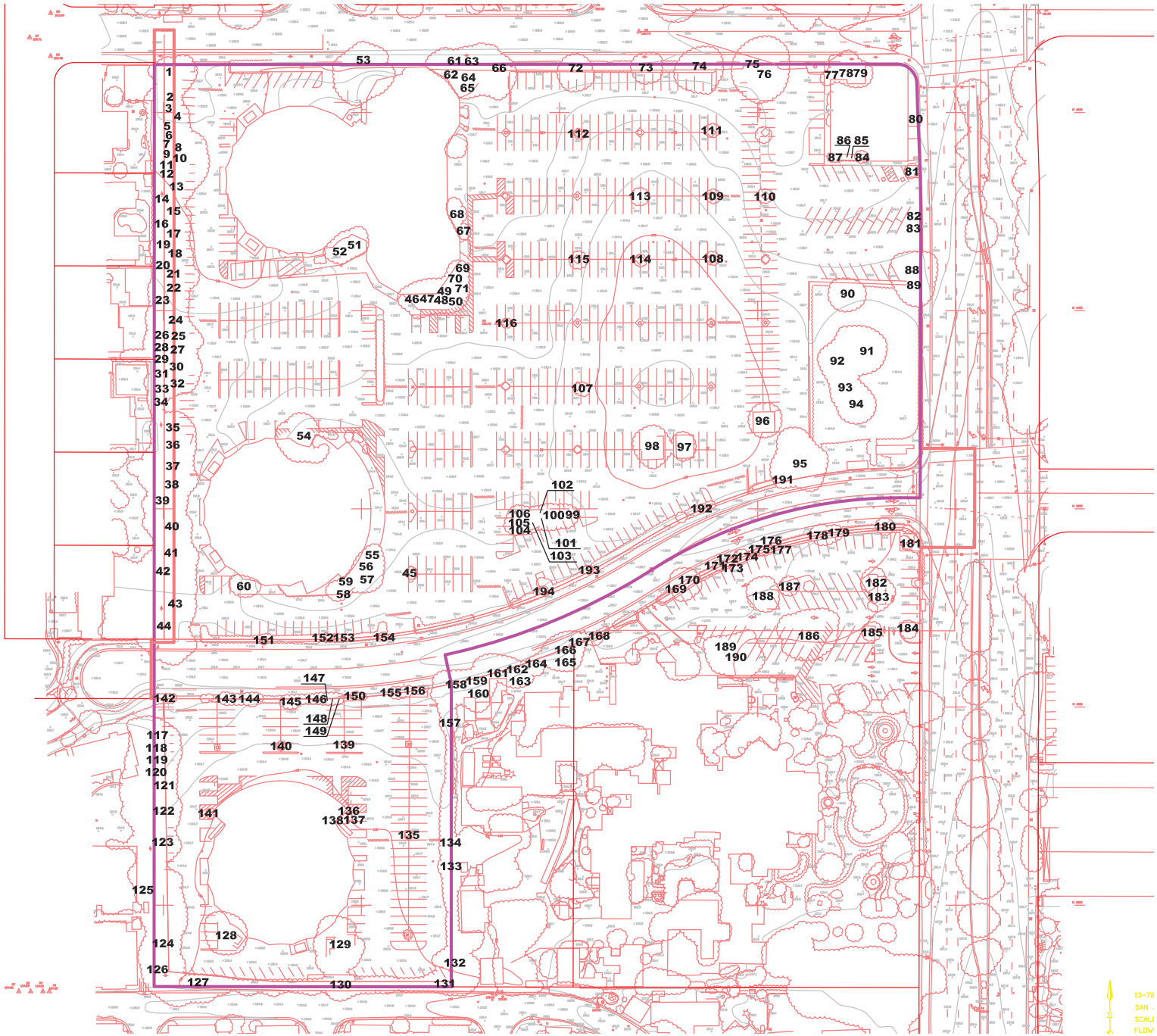
Trees (both native and non-native) are valuable to the human environment for the benefits they provide including resistance to global climate change (i.e., carbon dioxide absorption), protection from weather, nesting and foraging habitat for raptors and other migratory birds, and as a visual enhancement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

There are a total of 194 trees on-site which include a mixture of native and non-native species in varying sizes and levels of health (refer to Table 4.9-1 below). Of the identified trees, 101 are ordinance-sized trees. Only eight coast live oak trees are native to the San Jose area.

The following table lists all trees identified on the project site during the tree survey. Ordinance-size trees are 18 inches or greater in trunk diameter shown below. The location of the trees is shown on Figure 4.9-1.

Table 4.9-1: On-Site Trees

Species	Diameter			Total No. of Trees
	0-12 inches	12-18 inches	18 inches or greater	
Aleppo pine	1		1	2
Bailey acacia	1			1
Blackwood acacia	3		4	7
Blue atlas cedar			2	2
Bottle tree			2	2
Bottlebrush		2	1	3
California black walnut (orchard)	-	-	1	1
California pepper	-	-	2	2
Camphor	2	-	-	2
Canary Island date palm	-	-	3	3
Canary Island pine	-	-	9	9
Coast live oak	6	-	2	8
Coast redwood	2	4**	7	13**
Cordyline	-	1	3	4
Evergreen pear	1	1	-	2
Firethorn	2	2	-	4
Fremont cottonwood	-	-	1	1
Glossy privet	1	2	6	9
Guadalupe palm	-	1	3	4
Hollyleaf cherry	-	2	2	4
Hollywood juniper	7	4	6	17
Japanese maple		1	-	1
King palm	1		-	1
Mayten	5*	4**	-	9***



TREE SURVEY MAP

FIGURE 4.9-1

Table 4.9-1: On-Site Trees				
Species	**Diameter**			**Total No. of Trees**
	0-12 inches	**12-18 inches**	**18 inches or greater**	
Mexican fan palm	-	-	5	5
Monterey pine	-	2	10	12
Mulberry	2	1	-	3
Olive	-	-	1	1
Queen palm	-	2	-	2
Silk oak	-	-	5*	5*
Silver dollar gum	-	1	24	25
Strawberry tree	-	-	1	1
Sweetgum	-	3	-	3
Windmill palm	26	-	-	26
Total No. of Trees Assessed and to be Removed	**60**	**33**	**101**	**194**
Number of Trees to be Replaced[1]	59	29	100	188[1]

Bold = Total number of trees that were assessed in the arborist report.
*****One dead tree (which not considered in tree replacement mitigation) (multiple asterisks means multiple dead trees, i.e. each * equals a dead tree?)
[1]Number of Trees Proposed to be Replaced = No. of On-site Trees Assessed – No. of Dead Trees On-site

Based on the site's tree assessment, 106 trees are in poor health or have significant defects in structure that cannot be mitigated. These trees can be expected to decline regardless of management. Sixty-five trees were considered to be in fair health with some structural defects. Trees in this category require intense management and monitoring, and may have shorter life-spans than trees that are in good condition. Only 23 trees, none of which were native, were considered to be in good health, structurally stable, or to have the potential for longevity at the project site.

4.9.2.4 Applicable Biological Regulations and Policies

Envision San José 2040 General Plan

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

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 buffers 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 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 effect 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 effect 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.

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) was adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (SCVWD), Santa Clara Valley Transportation Authority (VTA), U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW) in October 2013. The Habitat Plan is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The 12.99-acre project site is located within the Habitat Plan study area and has a land cover designation of *Urban-Suburban.*

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 Impacts to 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 and lawn areas. Because of the history of development on the site and in the area, no natural or sensitive habitats such as riparian, wetland or aquatic exist on or adjacent to the site that would support endangered, threatened, or special status wildlife species. The General Plan FEIR concluded that impacts to developed habitats resulting from development under the General Plan would 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. For these reasons, the proposed project would have a less than significant impact on sensitive natural communities. **(Less Than Significant Impact)**

Given that the project site and surrounding land uses are located in an urban environment, the site is not a designated wildlife movement corridor or a native wildlife nursery site. The proposed project would, therefore, not significantly impact the movement of wildlife species through the area or impede the use of nursery sites. **(Less Than Significant Impact)**

4.9.3.3 Impacts of Project on Protected Raptors and Migratory Birds

Raptors and/or migratory birds could be impacted by loss of the mature trees on the site that provide nesting and/or foraging habitat. The project would, however, be required to plant replacement trees, in accordance with the City's Tree Ordinance. In addition, mature trees with high suitability for preservation that could be incorporated into the site design would be retained.

Migratory birds and nesting raptors are protected under the Migratory Bird Treaty Act and the California Department of Fish and Game Code Sections 3503, 3503.5, and 2800. The California Department of Fish and Wildlife (CDFW)[31] defines "taking" as causing abandonment and/or loss of

[31] Formerly the California Department of Fish and Game.

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.

Impact BIO-1: Construction activities associated with the proposed project could result in an impact to nesting migratory birds due to the loss of fertile eggs or nest abandonment. **(Significant Impact)**

4.9.3.4 Impacts of Project on Trees

As stated in Section 4.9.2.3 above, there are 101 ordinance-sized trees (including two native coast live oak trees),[32] and 93 non-ordinance-sized trees on the project site. While trees located along the western property line that would be suitable for preservation would be retained, this analysis conservatively assumes all 194 on-site trees are proposed for removal. The impact to the urban forest resulting from the removal of 194 trees would be offset by the planning of replacement trees on-site, in conformance with Policies MS-21.4, MS-21.5, and MS-21.6.

Consistent with the Envision San José 2040 General Plan, trees removed by the project would be replaced in accordance with all applicable laws, policies or guidelines, including:

- City of San José Municipal Code
  - Section 13.28 (Street Trees)
  - Section 13.32 (Tree Protection Controls)
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6

Standard Permit Condition: The removed trees would be replaced according to tree replacement ratios required by the City, as provided in Table 4.9-2 below.

Table 4.9-2: 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 more	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-gal. container

x:x = tree replacement to tree loss ratio
Note: Trees greater than or equal to 18-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

For development on-site, two trees would be replaced at a 5:1 ratio, 98 trees would be replaced at a 4:1 ratio, and 29 tree would be replaced at a 2:1 ratio with minimum 24-inch box trees. The remaining 59 trees on-site are less than 12 inches in diameter and would be replaced at a 1:1 ratio with a minimum 15-gallon container trees. The total number of trees required to be planted would be 519.

The location and species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement. A tree replacement plan

[32] The on-site ordinance-sized California black walnut tree is classified as an orchard tree.

will be required as a standard permit condition to ensure compliance with the City's tree replacement ratios.

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:

- The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees.

- An alternative site(s) will be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the Director of Planning, Building and Code Enforcement.

- A donation of $300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds will be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

Tree Protection Plan

Trees are located adjacent to the project site at residential properties to the west and the Winchester Mystery House property to the south. Project construction within the dripline of these trees could potentially damage the tree roots, harming the health of the trees.

Impact BIO-2: Construction activities within the dripline area of preserved or adjacent trees could result in a significant impact to health and preservation of the trees. **(Significant Impact)**

4.9.3.5 Habitat Conservation Plan

The 12.99-acre project site is located within the Habitat Plan study area and has a land cover designation of *Urban-Suburban*.

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*;[33] and
- In Figure 2-5 (of the HCP), the activity is located in an area identified as "Private Development is Covered," OR

[33] 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 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 tend 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 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.

The project is subject to the requirements of the HCP because 1) the project site is above two acres in size, 2) the project would 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 would be required to pay applicable nitrogen deposition fees prior to the issuance of grading permits. Because the project would be required to comply to the requirements of the HCP, the project would have a less than significant impact. **(Less Than Significant Impact)**

4.9.4 Mitigation and Avoidance Measures for Biology Impacts

4.9.4.1 Raptors and Migratory Birds

In accordance with the MBTA, CDFW, and General Plan Policies ER-5.1 and ER-5.2, the following mitigation measures are included to reduce impacts to raptors and migratory birds during construction:

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 activities outside of the breeding season (September 1 to January 31), then pre-construction surveys for nesting birds following the CDFW bird survey protocols 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 1 through April 30) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of 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.

4.9.4.2 Trees

The project proposes the following mitigation measures to reduce construction impacts to preserved trees or trees adjacent to the site to a less than significant level:

MM BIO-2.1: The project applicant shall include the location and tag numbers of all trees on the final site plans. A certified Arborist shall review all future project submittals including grading, utility, drainage, irrigation, and landscape plans prior to the City's issuance of a grading permit.

MM BIO-2.2: Prior to issuance of demolition and grading permits, a Tree Protection Zone (TPZ) shall be established around any trees to be preserved. The TPZ shall be defined as the dripline.

MM BIO-2.3: Underground services such as water or sewer lines shall be routed around the TPZ. Where encroachment cannot be avoided, special construction techniques such as hand digging or tunneling under roots shall be implemented where necessary to minimize root injury.

MM BIO-2.4: If herbicides are used during on preserved trees, herbicides safe for use around trees and labeled for that use shall be applied. Irrigation systems shall be designed so that no trenching will occur within the TPZ.

MM BIO-2.5: The demolition contractor shall meet with a qualified arborist before beginning work to discuss work procedures and tree protection. Trees to be preserved may require pruning to clean the crown and to provide clearance. All pruning shall be completed by an International Society of Arboriculture (ISA) Certified Arborist or Tree Worker and adhere to the latest editions of the American National Standards for Tree Work (Z133 and A300) and International Society of Arboriculture Best Management Practices, Pruning.

MM BIO-2.6: Prior to construction commencement, the contractors working in the vicinity of trees to be preserved shall be required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.

MM BIO-2.7: Trees to be removed shall be felled so as to fall away from the TPZ and avoid pulling and breaking of roots of trees to remain. If roots are entwined, the consultant may require first severing the major woody root mass before extracting the trees, or grinding the stump below ground.

MM BIO-2.8: Trees to be preserved must be irrigated during the construction period. The irrigation schedule to be determined by the Consulting Arborist. Each irrigation shall wet the soil within the TPZ to a depth of 30 inches. Each tree shall be irrigated weekly during months with no or low rainfall.

MM BIO-2.9: Any grading, construction, demolition or other work that is expected to encounter roots of trees to be preserved shall be monitored by the Consulting Arborist. If injury occurs to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.

MM BIO-2.10: A chain link fence shall be installed at the edge of the TPZ. No entry shall be permitted into a TPZ without permission of the project superintendent. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the project superintendent. Construction trailers, traffic and storage areas must remain outside fenced areas at all times. No materials, equipment, soil, waste or wash-out water may be deposited, stored, or parked within the TPZ.

MM BIO-2.11: Any additional tree pruning needed for clearance during construction must be completed by a qualified arborist and not by construction personnel. Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a saw.

(Less Than Significant Impact with Mitigation)

4.9.5 Conclusion

Implementation of the proposed mitigation measures would reduce impacts to raptors and other migratory birds as well as construction impacts to trees retained on site or adjacent to the site 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 (Phase I ESA) and Phase I ESA Update prepared by *Cornerstone* in November 2013 and November 2015, respectively. The Phase I reports are included in this EIR as Appendix E.

4.10.1 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

4.10.2.1 Current and Historical Uses of the Project Site

The project site was historically occupied by row crops, an orchard, several sheds which were likely outbuildings associated with the adjacent Winchester Mystery House, and a residence from the 1930s until the 1950s. The former residence was demolished by 1956 and by 1961, no structures or agricultural uses were on the project site. By 1968, the site was occupied by the existing three Century Theater buildings located at 3161 Olsen Drive, 3162 Olin Avenue, 3164 Olsen Drive, and the restaurant building located at 449 South Winchester Boulevard. The restaurant building was occupied by Bob's Big Boy Restaurant from 1970 to 1991 and has been occupied by Flames Coffee

Shop since 1996. By 2014, the three theaters were no longer in operation and the buildings are currently unoccupied. The restaurant is currently in operation.

During the site assessments completed in October 2013 and 2015, the hazardous materials observed were common janitorial and building maintenance supplies and dish washing detergents, as well as hydraulic fluid used for the operation of a trash compactor. No evidence of hazardous materials spills were observed and the potential for these materials to have significantly impacted the site is low.

Since the project site was used for agricultural purposes from the 1930s until 1950s, pesticides may have been applied to crops in the normal course of farming operations. The possible historic pesticide use on-site could have resulted in the accumulation of residual pesticides (e.g., DDT compounds, arsenic, and lead) in the shallow soil on-site.

4.10.2.2 Groundwater

Published data indicated that seasonal and/or historical high groundwater levels in the vicinity of the site would range from depths of 45 to 55 feet below the ground surface (bgs). Fluctuations in the groundwater level may occur due to seasonal changes, variation in underground drainage patterns, and other factors. Groundwater at the site is anticipated to flow in the northerly direction.

4.10.2.3 On-Site Sources of Contamination

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 (e.g., San Jose Building Department and San Jose Fire Department) found no records pertaining to underground storage tanks (USTs), toxic releases, or site cleanup requirements.

Former Agricultural Uses

As noted above, the project site was historically used for agricultural purposes which could have resulted in elevated levels of pesticide residues in the near-surface soils on the project site.

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.

Given that the on-site buildings were constructed in the 1960s, 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 in 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. Given the age of the existing on-site buildings, lead-based paint may be present on-site.

4.10.2.4 Off-Site Sources of Soil and Groundwater Contamination

A review of environmental databases was completed to evaluate whether contamination on any nearby properties, within one mile of the site, could impact the project site.

The potential for off-site contamination sources to impact soil, soil vapor, or groundwater beneath the project site was determined by evaluating the type of incidents reported (e.g., chemical releases) in the site's vicinity, the location of where the off-site incidents occurred in relation to the site, and the assumed groundwater flow direction beneath the off-site facilities. Based on a Phase I ESA Update report, there have been no hazardous material spill incidents reported in the site vicinity that would significantly impact the project site.

4.10.2.5 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 or 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 Project Impacts on the Public and Environment

The project site is not listed as a hazardous waste or substances site on a regulatory database, and is, therefore, not anticipated to result in a significant hazards to the public or environmental due to accidental chemical releases. **(Less than Significant Impact)**

The nearest school to the project site is Lynhaven Elementary School, located at 881 Cypress Avenue, which is approximately 0.6 miles southwest of the site. Since the nearest school is more than one-quarter mile from the site, emissions and hazardous materials handling at the site, during project construction or operation, would not pose a significant health risk to nearby schools. **(No Impact)**

Project Operation Impacts

Operation of the proposed office and commercial development would include the use and storage of cleaning supplies and maintenance chemicals in small quantities, similar to the operations and former operations of the existing buildings, as well as nearby businesses. No other hazardous materials would be used or stored on-site. The small quantities of cleaning supplies and maintenance chemicals that would be transported, used and stored on-site, would not generate substantial hazardous emissions or accidental chemical releases that would pose a risk to site users or adjacent residential land uses. Compliance with applicable federal, state and local handling, storage, and disposal requirements would ensure that no significant hazards to adjacent residences are created by the routine transport, use, or disposal of hazardous substances. **(Less Than Significant Impact)**

Project Construction Impacts

Soil Contamination Impacts

The project site is not listed as a hazardous waste or substances site on a regulatory database. Redevelopment of the project site could, however, disturb on-site soils with residual pesticide contamination, and expose construction workers to elevated concentrations of pesticide chemicals.

Impact HAZ-1: Implementation of the proposed project could release pesticide chemicals from on-site soils into the environment, and expose construction workers to residual agricultural soil contamination. **(Significant Impact)**

Asbestos Containing Materials and Lead-Based Paint Impacts

The project proposes to demolish two existing theater buildings located at 3162 Olin Avenue (Century 22) and 3164 Olsen Drive (Century 23), and the restaurant, and adaptively reuse the Century 21 dome which may entail physical alterations which could release asbestos particles into

the environment and expose construction workers and nearby residents to harmful levels of asbestos. Lead-based paint may also be present within these buildings.

Suspected ACMs would 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:

- 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.

- 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.

- 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.

- 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.

- 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 Project Impacts on Emergency Response and Adjacent Uses

The project would construct new internal roadways to replace the Olsen Drive right-of-way within the project boundary. The proposed roadways would be accessible to emergency vehicles at all times. The project would, therefore, not interfere with any emergency response or evacuation plans. **(No Impact)**

The project site is not located in an area prone to wildfires and would not result in a wildfire hazard to adjacent occupied residences or structures. **(No Impact)**

4.10.3.4 Planning Considerations –Hazardous Impacts to Future Site Users

As previously discussed in Section 4.0, on December 17, 2015, the California Supreme Court issued an opinion in "CBIA vs. BAAQMD" holding that CEQA is primarily concerned with the impacts of a project on the environment and generally does not require agencies to analyze the impact of existing conditions on a project's future users unless the project risks exacerbating those environmental hazards or risks that already exist. Nevertheless, the City has policies and regulations that address existing conditions affecting a proposed project, which are also discussed below.

Impacts from Historic Site Operations

Soils on the site could be contaminated with residual pesticide chemicals from former agricultural operations. Since contaminated soils would be hauled off-site and/or contained and capped with asphalt in accordance with the proposed soil management plan (see mitigation measures in Section 4.10.4), on-site soil contamination would not pose a health risk to future occupants of the project site. Implementation of the proposed project would include mitigation measures to reduce exposure risks from residual agricultural contamination. Therefore, the project would be consistent with Policy EC-7.2 and would not pose a safety risk to future site users.

Impacts of Off-Site Facilities on the Project

Based on the Phase I ESA review of environmental databases, there are no off-site facilities where hazardous material releases have been reported that would significantly impact future occupants or construction workers at the site. Therefore, the project would be consistent with Policy EC-7.2 and would not pose a safety risk to future site users.

Impacts of Airport Operations on the Project

The nearest airport to the project site is Mineta San Jose International Airport, located at 1701 Airport Boulevard, approximately 2.3 miles northeast of the project site. Although the project site is not within the Airport Influence Area defined by the Santa Clara County Airport Land Use Commission, Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77), required that the FAA be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground. For the project site, any structure exceeding approximately 70-75 feet in height above ground would require submittal to the FAA for airspace safety review. Subsequent FAA issuance of a "Determination of No Hazard" for each submitted structure, and compliance with any conditions

set forth by the FAA in its determinations, would ensure that project development would not be a potential aviation hazard.

4.10.4 Mitigation and Avoidance Measures for Hazardous Materials Impacts

The project applicant shall be required to implement the following mitigation measures to reduce the impacts of potential on-site soil contamination to a less than significant level.

MM HAZ-1.1: After demolition but prior to the issuance of grading permits, shallow soil samples shall be taken in the native soil layers within the surface lots to determine if contaminated soil from previous agricultural operations is located on-site with concentrations above established construction/trench worker thresholds. The soil sampling plan must be reviewed and approved by the Director of Planning, Building and Code Enforcement prior to initiation of work.

MM HAZ-1.2: Once the soil sampling analysis is complete, a report of the findings will be provided to the Director of Planning, Building and Code Enforcement, and other applicable City staff for review.

MM HAZ-1.3: If contaminated soils are found in concentrations above established thresholds, a Site Management Plan (SMP) will be prepared and implemented (as outlined below) and any contaminated soils found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations. The contaminated soil removed from the site shall be hauled off-site and disposed of at a licensed hazardous materials disposal site.

An SMP will be prepared to establish management practices for handling impacted groundwater and/or soil material that may be encountered during site development and soil-disturbing activities. Components of the SMP will include: a detailed discussion of the site background; preparation of a Health and Safety Plan by an industrial hygienist; notification procedures if previously undiscovered significantly impacted soil or free fuel product is encountered during construction; on-site soil reuse guidelines based on the California Regional Water Quality Control Board (RWQCB), San Francisco Bay Region's reuse policy; sampling and laboratory analyses of excess soil requiring disposal at an appropriate off-site waste disposal facility; soil stockpiling protocols; and protocols to manage ground-water that may be encountered during trenching and/or subsurface excavation activities. Prior to issuance of grading permits, a copy of the SMP must be approved by the Santa Clara County Environmental Health Department, Director of Planning, Building and Code Enforcement, and other applicable City staff.

4.10.5 Conclusion

With implementation of identified mitigation measures, applicable General Plan policies, and existing regulations, the proposed development would have a less than significant hazardous materials impact. **(Less than Significant Impact With Mitigation)**

4.11 CULTURAL RESOURCES

The following analysis is based, in part, on a historical evaluation prepared by *Archives and Architecture* in May 2016. The historic report can be found in Appendix F of this report.

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. The project site is located approximately 2.5 miles west of Los Gatos Creek and 3.2 miles west of Guadalupe River.

There are no existing conditions or physical evidence that would suggest the presence of prehistoric resources on-site and there are no recorded prehistoric sites on or adjacent to the project site. A 1992 field inspection was completed on the nearby Santana Row site and no evidence of prehistoric artifacts were found. 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 Archaeological 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 archaeological resources on-site and there are no recorded prehistoric sites on or adjacent to the project site. A 1992 field inspection on the nearby Santana Row site found no evidence of prehistoric artifacts. In addition, no artifacts have been found during many years of construction activities.

4.11.1.3 Historic Structures – Regulatory Framework

Below is an overview of criteria used to assess the historic significance and eligibility of a building, structure, object, site or district for listing in the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), and the City of San Jose Historic Resources Inventory.

National Criteria

The NRHP is the nation's most comprehensive list of historic resources and includes historic resources significant in American history, architecture, archeology, engineering and culture, at the local, State and National level. National Register Bulletin Number 15, How to Apply the National Register Criteria for Evaluation, describes the Criteria for Evaluation as being composed of two factors. First, the property must be "associated with an important historic context", and second the property must retain integrity of those features necessary to convey its significance.

The National Register identifies four possible context types or criteria, at least one of which must be applicable at the National, State, or local level. As listed under Section 8, "Statement of Significance," of the National Register of Historic Places Registration Form, these are:

A. Property is associated with events that have made a significant contribution to the broad patterns of our history.

B. Property is associated with the lives of persons significant in our past.

C. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

D. Property has yielded, or is likely to yield, information important to prehistory or history.

State of California Criteria

The California Office of Historic Preservation's Technical Assistance Series #6, *California Register and National Register: a Comparison*, outlines the differences between the federal and state processes. The context types to be used when establishing the significance of a property for listing on the California Register of Historical Resources are very similar, with emphasis on local and State significance. They are:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or

2. It is associated with the lives of persons important to local, California, or national history; or

3. It embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values; or

4. It has yielded, or is likely to yield, information important to prehistory or history of the local area, California, or the nation.

City of San Jose Criteria for Local Significance

In accordance with the City of San José's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), a resource qualifies as a City Landmark if it has "special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature" and is one of the following resource types:

1. An individual structure or portion thereof;
2. An integrated group of structures on a single lot;
3. A site, or portion thereof; or
4. Any combination thereof.

The ordinance defines the term "historical, architectural, cultural, aesthetic, or engineering interest or value of an historic nature' as deriving from, based on, or related to any of the following factors:

1. Identification or association with persons, eras or events that have contributed to local, regional, state or national history, heritage or culture in a distinctive, significant or important way;
2. Identification as, or association with, a distinctive, significant or important work or vestige:
   a. Of an architectural style, design or method of construction;
   b. Of a master architect, builder, artist or craftsman;
   c. Of high artistic merit;
   d. The totality of which comprises a distinctive, significant or important work or vestige whose component parts may lack the same attributes;
   e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or
   f. That the construction materials or engineering methods used in the proposed landmark are unusual or significant of uniquely effective.

3. The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic, or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists (Section 13.48.020 A).

   The ordinance also provides a designation of a district: "a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development (Section 13.48.020 B).

Any potentially historic property can be nominated for designation as a city landmark by the City Council, the Historic Landmarks Commission or by application of the owner or the authorized agent of the owner of the property for which designation is requested.

Based upon the criteria of the City of San José Historic Preservation Ordinance, the San José Historic Landmarks Commission established a quantitative process, based on the work of Harold Kalman (1980), by which historical resources are evaluated for varying levels of significance. This historic evaluation criterion, and the related Evaluation Rating Sheets, is utilized within the Guidelines for Historic Reports published by the City's Department of Planning, Building and Code Enforcement, as last revised on February 26, 2010.

Although the criteria listed within the Historic Preservation Ordinance are the most relevant determinants when evaluating the significance of historic resources in San José, the numerical tally system is used as a general guide for the identification of potential historic resources. The "Historic Evaluation Sheet" reflects the historic evaluation criteria for the Registers as well as the City's Historic Preservation Ordinance, and analyzes resources according to the following criteria:

- Visual quality/design
- History/association
- Environment/context
- Integrity
- Reversibility

A rating with numerical "points" is assigned by a qualified evaluator according to the extent to which each building meets the criteria listed above.

33 and above points Structure of Merit (SM)
1-32 points Evaluated and found to be non-significant

The numerical rating system is not used to determine eligibility of a property for City Landmark designation.

4.11.1.4 Structures on the Project Site

The project site has four buildings, three movies theaters and a small restaurant.

The Century 21 Theater was previously evaluated in 2013 and was nominated for listing on the NRHP. The property was found to be eligible for listing in the NRHP, but ultimately the property was not listed due to the property owners objection. Subsequently, the State listed the structure on the CRHR (2014) and the City designated the structure as a City Landmark in June 2014 (designation HL14-212). The remaining buildings on-site have not previously been evaluated due to their age (less than 50 years old).

The Century 21 Theater is a one-story, concrete block, steel-frame, domed building. The shingled dome is parasol-shaped, with scalloped eaves, and it terminates at the top with an antenna-like steel finial. The primary façade faces east and consists of a projecting arcade composed of square piers supporting a painted plywood canopy embellished with zig-zag detailing. The canopy is topped by a plain stucco parapet and has a neon sign indicating the name of the building. The main entrance is centrally located and is composed of four pairs of glazed aluminum doors surmounted by transoms. Concrete block wing walls extend beyond the main entry area to the left and to the right, enclosing the lobby. The wing walls are embellished with decorative detailing in the form of alternating projecting half-blocks arranged in a grid pattern. The roof of the dome originally featured a decorative starburst pattern, but was re-shingled with gray asphalt shingles in 1997.

The Century 21 Theater was found to retain integrity of location as the building has never been moved. The building was also found to retain integrity of design and materials because the building maintains its original massing, most of its original materials, and the features that reflect its historic function. Because the building has not been moved and the materials, massing, and historic use of the structure remain intact, the building also retains integrity of workmanship, feeling, and association.

The Century 22 and 23 Theaters and the restaurant were evaluated as part of this EIR for historic significance based on the National, State, and local criteria. The discussion below is a summary of the analysis for the Century 22 and 23 Theaters and the Flames Coffee Shop. The full analysis, including Department of Parks and Recreation forms (DPR 523), is projects in Appendix F.

Century 22 and 23 Theaters

The Century 22 Theater is a multiplex theater building constructed in 1966. The structure was originally a single dome, single screen theater, but was expanded in 1973. The Century 23 Theater is a single dome, single screen theater constructed in 1967. Both theaters were constructed by Syufy Enterprises (later Century Theaters), founded by Raymond J. Syufy, a Bay Area resident, and designed by Vincent G. Raney.

Both structures were designed to accommodate projection of 70mm Cinerama branded wide-screen movies, with large curved screens. The design of the buildings is associated with roadside

architecture of the west in the post-World War II era. It is generically referred to as Mid-Century Modern. The buildings also exhibit some "Googie" design influences. The "Googie" style is known for simple materials including concrete, steel, plate glass, and stone formed into non-traditional building shapes, such as the domes on the theater buildings.

The Century 22 building is comprised of one large dome and two smaller domes with a shared lobby. The original dome has scalloped eaves, where the later additions only have horizontal trim bands on the eaves. Other features of the building include concrete block walls, a recessed entrance with a canopy supported by marble tiled columns, and a full-height aluminum storefront with five pairs of doors with upper transoms. A large, lit sign box is located above the entrance with the name of the theater above.

The structure was not found by *Archives & Architecture* to be eligible for inclusion in the CRHR under Criterion 1. While the structure is associated with an important period of cultural development as San Jose became increasingly suburban, the building represents only secondary patterns of community development in San Jose's later post World War II period.

While the building is directly associated with Raymond J. Syufy, it is one of dozens of theaters constructed by the company and does not in and of itself represent his primary achievements. As a result, the structure is not eligible for inclusion in the CRHR under Criterion 2.

The building's architecture is distinguished within the context of San Jose and the South Bay, an example of dome design by Vincent G Raney, a prominent architect. The building has, however, been substantially modified with the addition of two domes to change it from a single-screen theater to a multiplex. While the addition was also designed by Raney, it is not considered exceptional within his body of work. Because of the expansion of the theater from one dome to three, the original massing and design of the structure was materially changed. In addition, the building was modified from a single-screen threaten to a multiplex. For these reasons, the building is not eligible for inclusion in the CRHR under Criterion 3.

The structure does qualify for listing on the City's Historic Resources Inventory as a Structure of Merit but does not meet City Landmark criteria due to the modifications of the building noted above.

The Century 23 building is a 49 year old single dome structure with scalloped eaves. Other features of the building include concrete block walls, a recessed entrance in an arch design with a canopy supported by concrete-block columns, and a full-height aluminum storefront with four pairs of doors with upper transoms. The doors are flanked by generally symmetrical window walls (four plate-glass windows on the east side and three windows on the west side). Decorative curved concrete block walls are located on either side of the entrance. A large, lit sign with the name of the theater is located above the entrance.

The structure is not eligible for inclusion in the CRHR under Criterion 1. While the structure is associated with an important period of cultural development as San Jose became increasingly suburban, the building represents only secondary patterns of community development in San Jose's later post World War II period.

While the building is directly associated with Raymond J. Syufy, it is one of dozens of theaters constructed by the company and does not in and of itself represent his primary achievements. As a result, the structure is not eligible for inclusion in the CRHR under Criterion 2.

The building's architecture is distinguished within the context of San Jose and the South Bay, an example of dome design by Vincent G Raney. While the original building fabric remains mostly intact, the building is not considered exceptional within Mr. Raney's body of work, which would be required for any building less than 50 years old. Therefore, the building is not eligible for inclusion in the CRHR under Criterion 3.

The structure does qualify for listing on the City's Historic Resources Inventory as a Structure of Merit but does not meet City Landmark criteria for the same reasons it does not qualify for the CRHR.

Flames Coffee Shop

The Flames Coffee Shop, originally Bob's Big Boy, is a one-story somewhat asymmetrical T-shaped building that was constructed in 1965 in the Coffee Shop Modern or "Googie" style. The concrete building has a cantilevered roof curved into the shape of a half arch. The roof is a prominent feature and is supported by slender stone-clad columns. The columns are concrete with stone veneer which has been painted. The eastern façade includes the main entry which is a semi-solid cube also clad in stone. A recent aluminum entrance addition obscures some of the

form and detailing. Glass curtain walls span between the veneer columns. The rear (western) façade consists of a block wall in a checkerboard pattern.

Above the main entrance is a large, metal pylon sign which has been slightly altered. The sign has an L-shaped base that appears to extend through the roof and cantilever over the entrance.

The structure was originally a Bob's Big Boy, the first in northern California and is one of the few remaining prototypes still in operation as a restaurant. The restaurant chain was founded by Bob Wein and was developed based on a prototype design by Armet and Davis, a Los Angles architectural firm that was influential in mid-century roadside architecture.

The structure is not eligible for inclusion in the CRHR under Criterion 1. While the structure is associated with an important period of cultural development as San Jose became increasingly suburban, the building represents only secondary patterns of community development in San Jose's later post World War II period.

While the building is directly associated with Bob Wien, it is one of many restaurants he franchised during his period of ownership (1926 to 1987), the building does not in and of itself represent his primary achievements. As a result, the structure is not eligible for inclusion in the CRHR under Criterion 2.

The building's architecture is distinguished within the context of San Jose and the South Bay, an example of prototype restaurant design by architectural firm Armet and Davis, and is a notable representation of mid-century Googie architecture. For these reasons, the building is eligible for inclusion in the CRHR under Criterion 3.

The structure qualifies for listed on the City's Historic Resources Inventory as a Structure of Merit and appears to qualify as a City Landmark under Factors 1, 4, 5, 6, and 8. Specifically, the building 1) has sufficient character, interest, or value as part of the local, regional, state, or national history, heritage, or culture, 2) exemplifies the cultural, economic, social, or historic heritage of San Jose, 3) it portrays an era of history characterized by a distinctive architectural style, 4) it embodies the distinguishing characteristics of an architectural type, and 5) it embodies element of architectural or engineering design, detail, materials or craftsmanship which are unique or represent a significant architectural innovation.

4.11.1.5 Historic Structures Adjacent to the Project Site

The project site is adjacent to the Winchester Mystery House. The Winchester Mystery is designated as a San Jose City Landmark, a California State Landmark, and is listed on the National Register of Historic Places. The Winchester Mystery House is significant for its association with Sarah Winchester and because it is a wholly unique structure. As noted in the 1974 NRHP nomination form, "Although it is basically Victorian, the structure has overtones of a Midwestern or eastern Victorian home with its mixture of shingles, sidings, bric-a-brac, cornices and appurtenances which show traces of definite eastern influence in design not found in local craftsmen. It is an outstanding

example of Victorian construction, complete with the inevitable accidents of unrestricted and unchecked growth."[34]

4.11.1.6 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 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 inches/second (in/sec) PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building.[35] 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.

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.

Policy LU-13.2: Preserve candidate or designated landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for a new use, or third to rehabilitation and relocation on-site. If the City concurs that no other option is feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.

Policy LU-13.3: For landmark structures located within new development areas, incorporate the landmark structures within the new development as a means to create a sense of place, contribute to a vibrant economy, provide a connection to the past, and make more attractive employment, shopping, and residential areas.

Policy LU-13.4: Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.

[34] National Parks Service Website. http://focus.nps.gov/nrhp/GetAsset?assetID=f213e4be-3c4b-4798-95c7-d57cab7179b8 Access May 24, 2016.
[35] For reference, a jackhammer has a PPV of 0.09 inches/second at a distance of 25 feet.

Policy LU-13.6: Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.

Policy LU-13.9: Promote the preservation, conservation, rehabilitation, restoration, reuse, and/ or reconstruction, as appropriate, of contextual elements (e.g., structures, landscapes, street lamps, street trees, sidewalk design, signs) related to candidate and/or landmark buildings, structures, districts, or areas.

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 of the CEQA Guidelines;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines;
- 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 Archaeological 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 on-site or in the immediate project area. 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 the project site (which would involve excavation to a depth of 25 feet) would not likely result in the exposure or destruction of subsurface prehistoric or historic archaeological resources, including human remains. Nevertheless, the project will be required as a condition of project approval to implement the following Standard Permit Conditions.

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; however, mammoth remains were found along the nearby Guadalupe River in San Jose in 2005. 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.

The *2040 General Plan Final EIR* concluded that with implementation of existing regulations (California Public Resources Code Section 30244) and adopted General Plan policies ER-10.1 and ER-10.3, new development within San José would have a less than significant impact on paleontological resources.

While excavation on-site would reach a maximum depth of 25 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. **(Less Than Significant Impact)**

4.11.2.3 Impacts to Historic Structures

Under CEQA, a structure need not be listed on a National, State, or local register to qualify as a significant resource. A structure is considered a significant resource under CEQA if it is found to be *eligible* for inclusion on a National, State, or local register. Furthermore, as outlined in the criteria of significance above, a prized architectural style or appealing aesthetic is not the sole determining factor in the historical significance of a structure, as structures can also be significant for association with important persons or events. Public opinions on what is visually appealing or architecturally important change over time, so a structure's aesthetic may not be appreciated by modern standards. That does not, however, preclude it from being eligible for listing as a historic resource.

Demolition of Buildings and Structures on the Project Site

As discussed in the Section 4.11.1.4, the Century 22 and 23 Theaters have been too heavily modified or otherwise do not possess a distinctive architectural style or significant historic connection that would make them eligible for listing on any historic register. The buildings do qualify as Structures of Merit under the local City criteria. Nevertheless, while the City deems Structures of Merit as important local resources, they are not considered significant historic resources under CEQA.

The roadway sign is considered part of the setting defined for the Century 21 Theater during the NRHP nomination process. The sign was not, however, part of the original Century 21 Theater construction. The sign was added during expansion of the site in 1966-67 and has been modified over the years. The sign, by itself, is a good example of mid-century roadway signage, but does not appear to be individually significant. In addition, the expanded site, including the sign and the theater buildings, were not found to qualify as a historic district.

The project proposes to demolish the Century 22 and 23 Theaters and remove the roadway sign. Because the structures are not eligible for listing on the CRHR and do not meet the requirements for local landmark designation, demolition of the structures would be a less than significant impact. **(Less Than Significant Impact)**

The Flames Coffee Shop was found to be eligible for inclusion in the CRHR. The building is also eligible for listing as a City Landmark. As proposed, the project would demolish the restaurant to allow for redevelopment of the property. Demolition of the restaurant building would be a significant impact.

Impact CUL-1: Demolition of the Flames Coffee Shop, a CRHR and City Landmark eligible structure, would be a significant impact. **(Significant Impact)**

Reuse of Historic Resources

As proposed, the project would largely demolish the Century 21 Theater but would retain the underlying metal substructure in its original location and straighten Olsen Drive to align with the

structure, making the remains of the theater a focal point of the site. The area surrounding the dome would be landscaped and utilized as publically accessible private open space. The project would remove the exterior shell of the building, retaining the metal substructure and utilize the structure as an outdoor pavilion (as shown in the project applicant's rendering).

The removal of the exterior of the building and retention of the original substructure does not meet the Secretary of the Interior's Standards[36] for reuse of a historic structure because it would remove all aspects of the buildings materials and architecture elements, except for the dome shape. This would result in a substantial loss of integrity.

Reuse of the structure as proposed would make it ineligible for listing on the NRHP, the CRHR, and as a City Landmark.

Impact CUL-2: The demolition of the Century 21 Theater and retention of the underlying metal substructure for reuse as an open space pavilion would result in a significant impact. **(Significant Impact)**

Impacts of Construction on Historic Structures

Please refer to Section 4.5.2.4, for a complete discussion of construction vibration impacts on historic structures.

Impact of the Proposed Project on Adjacent Historic Structures

The proposed development would result in changes to the area immediately adjacent to the Winchester Mystery House property. Specifically, Olsen Drive would be straightened and the existing parking lot would be expanded and reconfigured immediately south of the roadway. In addition, the Century 23 Theater would be demolished and, based on the conceptual site plan, a six-

[36] The Standards are a series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations. The Guidelines offer general design and technical recommendations to assist in applying the Standards to a specific property. Together, they provide a framework and guidance for decision-making about work or changes to a historic property. For this project, the rehabilitation standards would apply. The rehabilitation standards require that the building be used as it was historically or given a new use that requires minimal change to the distinctive materials, features, spaces, and spatial relationships of the structure.

story office building would be constructed in its place. While the proposed project would alter the existing setting around the 2.8-acre Winchester Mystery House property, the property once covered 160 acres and due to continual development, the surrounding area does not contribute to the significance of the structure.

The proposed project would not have a direct physical impact on the historic fabric of the house and historically designated grounds. Expansion and reconfiguration of the adjacent parking lot could result in the loss of some large trees within the eastern portion of the parking lot, which are visible from the front garden. While these trees may appear to be an extension of the Winchester Mystery House landscaping, there is no direct connection between the parking lot trees and the landscaping within the historically designated grounds. Nevertheless, the final parking lot design and landscape plan would be reviewed at the PD Permit stage to determine how many of the mature trees could be retained in the parking lot. The final determination would take into account the health of the trees as well as their location within the parking area. If any of the mature trees need to be removed, they would need to be replaced within the parking area consistent with the City's tree replacement ratios. (**Less Than Significant Impact)**.

Development of a new six-story office building west of the Winchester Mystery House would alter the views from the grounds behind the house. The view is not, however, protected nor does it contribute to the historic significance of the house and grounds. While the massing of the building would not impact the Winchester Mystery House, the building materials would need to be carefully considered. The final design of the building would be reviewed at the PD Permit stage to ensure that the proposed exterior building materials are compatible with and complementary to the Winchester Mystery House. **(Less Than Significant Impact)**

Persons traveling southbound on Winchester Boulevard from Stevens Creek Boulevard do not have views of the Winchester Mystery House until they are at the immediate frontage of the house. The view traveling southbound on Winchester Bouelvard is dominated by trees and the large Century Theaters and Winchester Mystery House roadway signs. Brief views of portions of the house begin at the intersection of Olsen Drive and Winchester Boulevard. Full views of the house are only visible along the property's street frontage. Traveling northbound on Winchester Boulevard, the house is partially visible (views are obstructed by large trees around the property and in the center median of Winchester Boulevard) from just north of Tisch Way to Olsen Drive.

Implementation of the proposed project would place a six-story office building west of the Winchester Mystery House. As a result, direct views of the house from pedestrians on Winchester Boulevard would be altered because an office building would be somewhat visible behind the house. The Winchester Mystery House is primarily four stories (estimated to be 48 feet to the top of the fourth floor roof). The proposed office building would be 71.5 feet to the top of the roof and set back 70 feet from the shared property line. From the street level on Winchester Boulevard, the office building would not be prominently visible. A portion of the top floor would be visible just beyond the peaked roof. The new office building to the north, on the north side of Olsen Drive, would be clearly visible, but would not impose on the view of the Winchester Mystery House. (see Figure 4.11-1)

From the intersection of Olsen Avenue and Winchester Boulevard, views of the new building would be obscured by the existing Winchester Mystery House roadway sign and the trees proposed within the new landscape median in Olsen Drive. As shown in Figure 4.11-1, where the building is clearly

PHOTO SIMULATIONS FIGURE 4.11-1

visible, the Winchester Mystery House is not. Even with removal of the Century Theaters roadway sign, views of the Winchester Mystery House from farther north on Winchester Boulevard would still be obscured by the proposed buildings along the roadway frontage. As a result, implementation of the proposed project would not significantly impact the historic view of the Winchester Mystery House from Winchester Boulevard. The final design of the building would be reviewed at the PD Permit stage to ensure that the proposed exterior building materials are compatible with the Winchester Mystery House. **(Less Than Significant Impact)**

4.11.3 Mitigation and Avoidance Measures for Cultural Resources

The following mitigation is proposed to reduce impacts to historic structures on the project site:

MM CUL-1.1: The following measures shall be implemented prior to issuance of a demolition permit for the Flames Restaurant.

Documentation: The structure shall be documented in accordance with the guidelines established for the Historic American Building Survey (HABS) and shall consist of the following components:

1. Drawings – Prepare sketch floor plans.
2. Photographs – Digital photographic documentation of the interior, exterior, and setting of the buildings in compliance with the National Register Photo Policy Fact Sheet. Photos must have a permanency rating of approximately 75 years.
3. Written Data – HABS written documentation in short form.

This documentation shall be prepared by a professional who meets the Secretary of Interior's Professional Qualifications Standards. The report shall be deposited with History San José and a copy provided to the City's Planning Division as well as filed with the Northwest Information Center, Sonoma State University.

Relocation by a Third Party: The structure shall be advertised for relocation by a third party. The applicant will be required to advertise the availability of the structure for a period of no less than 30 days. The advertisements must include a newspaper of general circulation, a website, and notice on the project site and must be reviewed by the City's Historic Preservation Officer or Environmental Review Supervising Planner prior to circulation. The applicant must provide evidence to City staff that this condition has been met prior to the issuance of demolition permits.

If a third party does agree to relocate the structure the following measures must be followed:

1. The City's Director of Planning, Building and Code Enforcement, based on consultation with the City's Historic Preservation Officer, must determine that the receiver site is suitable for the building.

2. Prior to relocation, a historic preservation architect and a structural engineer shall undertake an existing condition study. The purpose of the study shall be to establish the baseline condition of the building prior to relocation. The documentation shall take the form of written descriptions and visual illustrations, including those character-defining physical features of the resource that convey its historic significance and must be protected and preserved. The documentation shall be reviewed and approved by the City of San Jose prior to the structure being moved. Documentation already completed will be used to the extent possible to avoid repetition in work.
3. To protect the building during relocation, the third party shall engage a building mover who has experience moving similar historic structures. A structural engineer will also be engaged to determine if the building needs to be reinforced/stabilized before the move.
4. The applicant shall offer financial assistance for the relocation that is equal to a reasonable cost of demolition of the structure.
5. Once moved, the building shall be repaired and restored, as needed, in conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties.* In particular, the character-defining features shall be restored in a manner that preserves the integrity of the features for the long term preservation of these features.

   Upon completion of the repairs, a qualified architectural historian shall document and confirm that renovations of the structure were completed in conformance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* and that all character-defining features were preserved and submit a memo report to the City.

Salvage: If no third party relocates the structure, the structure will be made available for salvage to salvage companies facilitating the reuse of historic building materials. The time frame available for salvage will be established by the City. The applicant must provide evidence to City staff that this condition has been met prior to the issuance of demolition permits.

MM CUL-2.1: The following measure shall be implemented prior to issuance of a building permit for removal of any building materials on the Century 21 Theater.

Documentation: The structure shall be documented in accordance with the guidelines established for the HABS and shall consist of the following components:

1. Drawings – Prepare sketch floor plans.
2. Photographs – Digital photographic documentation of the interior, exterior, and setting of the buildings in compliance with the National Register Photo Policy Fact Sheet. Photos must have a permanency rating of approximately 75 years.
3. Written Data – HABS written documentation in short form.

This documentation shall be prepared by a professional who meets the Secretary of Interior's Professional Qualifications Standards. The report shall be deposited with History San José and a copy provided to the City's Planning Division as well as filed with the Northwest Information Center, Sonoma State University.
Salvage: The portions of the structure that will not be retained will be made available for salvage to salvage companies facilitating the reuse of historic building materials. The time frame available for salvage will be established by the City. The applicant must provide evidence to City staff that this condition has been met prior to the issuance of a permit that would allow removal of materials from the Century 21 Theater building.

MM CUL-2.2: The project shall include a permanent exhibit or artwork to memorialize the role of the Century 21 Theater and the Flames Restaurant in local mid-twentieth century culture. Prior to issuance of any Historic Preservation Permit or Planned Development Permit that will result in a substantial alteration or demolition of the Century 21 Theater building or Flames Coffee Shop, the size and scope of this permanent exhibit shall be developed with input from the Historic Landmarks Commission, Preservation Action Council San Jose and the public to the satisfaction of the Director of Planning, Building and Code Enforcement. If incorporated into a new building, a façade easement including permanent exhibit space should be dedicated to ensure the preservation and management/maintenance of this exhibit in perpetuity. The applicant and City shall consider all feasible means of preserving this legacy, including digital media, curation and exhibition of artifacts at appropriate off-site repositories such as History San José.

4.11.4 Conclusion

Implementation of the proposed project would have a less than significant impact on subsurface prehistoric resources and paleontological resources. **(Less Than Significant Impact)**

With implementation of the standard permit conditions, construction-related impacts to identified historic resources would be reduced to a less than significant level. **(Less Than Significant Impact)**

Demolition of the Century 22 and 23 theaters would have a less than significant impact on historic structures. **(Less Than Significant Impact)**

Implementation of the proposed project would have a less than significant impact on the integrity of off-site historic resources. **(Less Than Significant Impact)**

Demolition of the Flames Coffee Shop would result in a significant and unavoidable impact on historic structures. If, however, the Flames Coffee Shop is relocated to a suitable receiver site and renovated consistent with the Secretary of Interior Standards, the impact to the building would be less than significant. **(Significant Unavoidable Impact)**

Demolition of the Century 21 Theater and preservation of the underlying metal substructure for reuse as an outdoor pavilion would result in a significant and unavoidable impact on historic structures. **(Significant Unavoidable 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 April 2016. The report can be found in Appendix B of this EIR.

4.12.1 Environmental Setting

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 of energy use.

Energy usage is typically quantified using the British thermal unit (Btu).[37] 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[38] 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).

Total energy usage in California was approximately 7,642 trillion Btus in the year 2013 (the most recent year for which this specific data was available).[39] The breakdown by sector was approximately 19 percent for residential uses, 19 percent for commercial uses, 24 percent for industrial uses, and 38 percent for transportation.[40]

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 operations within the building. Given the nature of land uses proposed as part of the project, the remainder of this discussion will focus on the three most relevant sources of energy: electricity, natural gas, and gasoline for vehicle trips.

[37] A Btu is the amount of energy that is required to raise the temperature of one pound of water by one degree Fahrenheit.
[38] 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.
[39] U.S. EIA. California Energy Consumption Estimates 2013. Accessed April 18, 2016. http://www.eia.gov/state/?sid=CA#tabs-2.
[40] U.S. EIA. California Energy Consumption by End-Use Sector, 2013. Accessed April 18, 2016. http://www.eia.gov/beta/state/seds/data.cfm?incfile=/state/seds/sep_sum/html/sum_btu_1.html&sid=CA.

4.12.1.1 Electricity

The electricity supply in California involves a complex grid of power plants and transmission lines. In 2014, California produced approximately 75 percent of the electricity it consumed; it imported the remaining 25 percent from 11 western states, Canada, and Mexico. Recent drought-related decreases in hydroelectric generation resulting from lower precipitation in California and the northwest was made up for by an increase in renewable energy generation, specifically utility-scale solar photovoltaic, solar thermal, and wind generation.

The bulk of California's electricity comes from power plants. In 2014, 45 percent the state's electricity was generated by natural gas, nine percent by nuclear, five percent by large hydroelectric, and six percent by coal. Renewable sources such as rooftop photovoltaic systems, biomass power plants, and wind turbines, accounted for 20 percent of California's electricity. Fifteen percent of California's power comes from unspecified sources.[41]

In 2014, total electrical system power for California was 293,268 gigawatt-hours (GWh), about one percent lower than 2013. California's in-state electricity production remained virtually unchanged from 2013 levels at 198,908 GWh, a difference of less than one percent compared to the year before. Growth in annual electricity consumption was flat or declining in 2014 reflecting continued slow economic growth in California, particularly in Southern California. It is estimated that future demand in California for electricity will grow at approximately one percent each year through 2025, and that 320,862 GWh of electricity would be utilized in the state in 2025.[42]

Pacific Gas and Electric Company (PG&E) is San José's energy utility, providing both natural gas and electricity for residential, commercial, industrial, and municipal uses. PG&E generates or buys electricity from hydroelectric, nuclear, renewable, natural gas, and coal facilities. In 2015, natural gas facilities provided 25 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 23 percent; hydroelectric operations provided six percent; renewable energy facilities including solar, geothermal, and biomass provided 30 percent; and 17 percent was unspecified.[43]

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 in Santa Clara County in 2014 was consumed primarily by the commercial sector (77 percent), the residential sector consuming 23 percent. In 2014, a total of approximately 16,671 GWh of electricity were consumed in Santa Clara County.[44]

4.12.1.2 Natural Gas

In 2013, approximately ten percent of California's natural gas supply came from in-state production, while 90 percent was imported from other western states and Canada.[45] In 2015, approximately 36 percent of the natural gas delivered for consumption in California was for electricity generation, 35

[41] CEC, Energy Almanac, Total Electricity System Power. Accessed April 18, 2016. Available at: http://energyalmanac.ca.gov/electricity/total_system_power.html.
[42] CEC. California Energy Demand Updated Forecast 2015-2015. Accessed April 18, 2016. http://www.energy.ca.gov/2014publications/CEC-200-2014-009/CEC-200-2014-009-SD.pdf.
[44] CEC, Energy Consumption Data Management System. Electricity Consumption by County. Accessed April 18, 2016. http://ecdms.energy.ca.gov/elecbycounty.aspx.
[45] CEC. Natural Gas Supply by Region. 2011. Accessed April 18, 2016. Available at: http://www.energyalmanac.ca.gov/naturalgas/natural_gas_supply.html.

percent for industrial uses, 18 percent for residential uses, 10 percent for commercial uses, and less than one percent for transportation. 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 2015, the State of California consumed approximately 2.3 trillion cubic feet of natural gas, or 2.36 billion MBtu.[4647]

Overall demand for direct-service natural gas in the commercial residential sectors California is expected to flatten or decrease as a result of overall energy efficiency. Demand for natural gas for at power plants for electricity generation is also expected to decrease by one percent by 2025 (as compared to 2013 demand rates). This decrease is a result of increases in renewable power generation.[48]

4.12.1.3 Gasoline for Motor Vehicles

California accounts for more than one-tenth of the United States' crude oil production and petroleum refining capacity.[49] In 2015, over 18 billion gallons of gasoline, diesel, and jet fuel were consumed in California.[50] The United States has seen low prices and high demand in the last few years due to low oil prices and a recovering economy, and this trend is expected to continue in the near term.[51]

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 23.4 mpg in 2013.[52] 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, applies to cars and light trucks of Model Years 2011 through 2020. [53,54] 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.[55]

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[46] U.S. EIA. Natural Gas Summary. Accessed April 18, 2016. http://www.eia.gov/dnav/ng/ng_sum_lsum_dcu_SCA_a.htm.
[47] U.S. EIA. Natural Gas Conversion Calculator. Accessed April 18, 2016. https://www.eia.gov/kids/energy.cfm?page=about_energy_conversion_calculator-basics#natgascalc.
[48] [48] CEC. *2013 Natural Gas Issues Trends, and Outlook*. Accessed April 20, 2016. http://www.energy.ca.gov/2014publications/CEC-200-2014-001/CEC-200-2014-001-SF.pdf.
[49] U.S. EIA. California State Energy Profile. Accessed April 18, 2016. http://www.eia.gov/beta/state/analysis.cfm?sid=CA.
[50] California State Board of Equalization. Taxable Gasoline, Diesel Fuel, Jet Fuel Ten Year Reports. Accessed April 18, 2016. http://www.boe.ca.gov/sptaxprog/spftrpts.htm.
[51] U.S. EIA. Short-Term Energy and Fuels Outlook. Accessed April 18, 2016. http://www.eia.gov/forecasts/steo/report/us_oil.cfm.
52 U.S. EPA. Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles. Accessed April 18, 2016. http://www.rita.dot.gov/bts/sites/rita.dot.gov.bts/files/publications/national_transportation_statistics/html/table_04_23.html.
[53] U.S. Department of Energy. Energy Independence & Security Act of 2007. Accessed April 18, 2016. Available at: http://www.afdc.energy.gov/laws/eisa
[54] Public Law 110–140—December 19, 2007. Energy Independence & Security Act of 2007. Page 1449. Accessed April 18, 2016. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf
[55] National Highway Traffic Safety Administration. *Obama Administration Finalizes Historic 54.5 mpg Fuel Efficiency Standards*. Accessed April 19, 2016. http://www.nhtsa.gov/About+NHTSA/Press+Releases/2012/Obama+Administration+Finalizes+Historic+54.5+mpg+Fuel+Efficiency+Standards.

4.12.1.4 Regulatory Framework

Many federal, state, and local statutes and policies address energy conservation. At the federal level, energy standards set by the U.S. EPA apply to numerous consumer and commercial products (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

State of California

Renewable Energy Standards

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. In 2006, California's 20 percent by 2010 RPS goal was codified under Senate Bill 107. Under the provisions of SB 107 (signed into law in 2006), investor-owned utilities were required to generate 20 percent of their retail electricity using qualified renewable energy technologies by the end of 2010. In 2008, Executive Order S-14-08 was signed into law and required that retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. As described previously, PG&E's (the electricity provider to the project site) 2015 electricity mix was 30 percent renewable.

In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 for retail sellers and publicly owned utilities, requires them to procure 50 percent of the state's electricity from renewable sources by 2030.

Building Codes

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 (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years; the 2013 standards became effective July 1, 2014. The 2016 Title 24 updates will be published on or before July 1, 2016 and will go into effect on January 1, 2017.[56] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[57]

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. In 2013, the code was subsequently updated. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality.

[56] California Building Standards Commission. 2015 Triennial Code Adoption Cycle. Accessed April 19, 2016. http://www.bsc.ca.gov/.
[57] CEC. Building Energy Efficiency Program. 2013. Accessed April 18, 2016. http://www.energy.ca.gov/title24/.

City of San Jose

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED)[58], GreenPoint[59], 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 New Construction 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

Source: City of San José. Private Sector Green Building Policy: Policy Number 6-32. October 7, 2008. http://www3.sanjoseca.gov/clerk/cp_manual/CPM_6_32.pdf.

4.12.1.5 Energy Use of Existing Development

The electricity and natural gas used by the existing development (theaters and restaurant) is estimated in Table 4.12-2 based on energy demand factors used in the California Emissions Estimator Model (CalEEMod).

Table 4.12-2: Estimated Annual Energy Use of Existing Development

Development	Energy Demand Factors	Electricity Use (kWh)	Natural Gas Use (kBtu)
70,000 square foot movie theater	5.33 kWh/square foot; 20.74 kBtu/square foot	373,100	1,451,800
6,800 square foot restaurant	12.83 kWh/square foot; 64.82 kBtu/square foot	87,244	440776
	Total:	**460,344**	**1,892,576**

Source: California Air Pollution Control Officers Association (CAPCOA). *CalEEMod User's Guide, Version 2013.2*. July 2013. Appendix D, Table 8.1. Climate Zone 4.

[58] Created by the U.S. Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.
[59] Created by Build It Green, GreenPoint is a certification system that assigns points for green building measures based on a 381-point scale for multi-family developments and 341-point scale for single-family developments.

As shown above, each year the existing development on-site consumes approximately 460,344 kWh of electricity, and 1,892,576 kBtu, or 18,873 MMBtu of natural gas.

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:

- 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 maintain the existing historic Century 21 Theater building and construct 970,000 square feet of office space and 29,000 square feet of retail space. Parking would be provided in above- and below-grade parking structures within several floors the larger office/retail structures. 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 4.12-3 summarizes the estimated energy use of the project.

Table 4.12-3: Estimated Annual Energy Use of Proposed Project			
Proposed Project	**Energy Demand Factors**	**Electricity (kWh)**	**Natural Gas (kBtu)**
18,000 square foot Century 21 Theater* (existing structure)	2.99 kWh/square foot; 4.2 kBtu/square foot	53,820	75,600
29,000 square foot retail space	9.01 kWh/square foot; 2.49 kBtu/square foot	261,290	72,210
970,000 square foot office	11.87 kWh/square foot; 19.90 kBtu/square foot	11,513,900	18,430,000
850,000 square foot parking garage			
610,000 square feet enclosed	6.50 kWh/square foot	3,965,000	0
240,000 square feet unenclosed	2.87 kWh/square foot	688,800	0
	Total:	**16,482,810**	**18,577,810**

* The ultimate use the structure has not yet been determined. For the purposes of energy calculations, the Unrefrigerated Warehouse Space category was utilized.

Source: CAPCOA. *CalEEMod User's Guide, Version 2013.2*. July 2013. Appendix D, Table 8.1

4.12.2.3 Site Transportation-Related Energy Use

The proposed project would generate approximately 9,457 daily vehicle trips[60]. The total annual VMT is approximately 27,047,020 miles, assuming that the average trip length in Santa Clara County is 11 miles. [61] [62] Using U.S. EPA fuel economy estimates (for 2014, the estimated average fuel economy of 23.2 mpg, the existing development results in the consumption of approximately 1,165,820 gallons of gasoline per year.

4.12.2.4 Operational Impacts from the Proposed Project

Table 4.12-4 below compares the energy use that would result from the proposed project with the energy use of the existing development.

Table 4.12-4: Annual Energy Demand Summary (Existing and Proposed)			
Development Scenario	**Electricity (kWh)**	**Natural Gas (kBtu)**	**Gasoline (gallons)**
Existing Development	460,344	1,892,576	144,678
Proposed Project	16,482,810	18,577,810	1,165,820
Increase:	**16,022,466**	**16,685,234**	**1,021,142**

Source: CAPCOA. Cal *CalEEMod User's Guide, Version 2013.2*. July 2013. Appendix D, Table 8.1

60 Hexagon Transportation Consultants. *Santana Row West Development Traffic Impact Analysis*. April 8, 2016.

61 9,457daily trips (260 yearly work days)=2,458,820 yearly trips(11 miles)=27,047,020 VMT/23.2 mpg=1,165,820 gallons of gasoline.

62 Association of Bay Area Governments. *Plan Bay Area*. Table 2.1-5. Accessed April 18, 2016. http://planbayarea.org/pdf/Draft_EIR_Chapters/2.1_Transportation.pdf 10,529.

As shown in Table 4.12-4 above, the project would increase electricity use at the project site by approximately 16,022,466 kWh per year, natural gas usage by 16,685,234 kBtu per year, and gasoline consumption by 1,021,142 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 project will be built to the 2016 California Building Code standards and Title 24 energy efficiency standards (or subsequently adopted standards during the six-year construction term), thereby improving the efficiency of the overall project.

As described above, annual 293,268 GWh electricity use in California was projected to increase by approximately one percent each year through 2025. The proposed project would increase annual electricity use by approximately 16,022,466 kWh, or 16.0 GWh. The project would not result in a substantial increase in demand on electrical energy resources in relation to projected supply.

California uses approximately 2.36 billion MBtu of natural gas each year. It is assumed that energy efficiency technology and the RPS targets are likely to reduce demand for natural gas in the state in the future. Additionally, system and drilling efficiencies will continue to enhance production and decrease the overall need for natural gas.[63] Based on the relatively small increase in natural gas demand from the project (16,685,234 kBtu per year) 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.

As detailed above, the proposed project would increase annual gasoline demand by approximately 1,021,142 gallons over the existing condition. Though this increase is sizable when compared to the gasoline use associated with the existing development, it would not be a substantial 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 users 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, 61, 63, 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 of the project site could commute to and from work without increasing transportation-related energy use. Furthermore, the project site is located within walking distance to services and amenities in Santana Row and Westfield Valley Fair, reducing the need for employees to drive for personal off-site trips. **(Less Than Significant Impact)**

4.12.2.5 Energy Efficiency

Construction

The anticipated construction schedule assumes that the project would be built out over a period of approximately 6 years beginning as early as April 2017, or an estimated 1,560 construction workdays

[63] CEC. *2013 Natural Gas Issues Trends, and Outlook*. Accessed April 20, 2016. http://www.energy.ca.gov/2014publications/CEC-200-2014-001/CEC-200-2014-001-SF.pdf.

(assuming an average of 260 construction days per year).[64] The project would require demolition, grading, and site preparation for construction of the proposed buildings. Based on data provided by the project applicant, the proposed project would require up to 50,000 cubic yards of soil export for each of the six proposed buildings.

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 several 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 30 percent of construction waste as part of its LEED 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 the Air Quality-related BMPs, the energy impacts of construction and unavoidable effects of development would be less than significant.

Operation

The proposed project would be required to build to the state's 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 project would be required to provide 253 bicycle parking spaces, per the City of San Jose Municipal Code; as well as five showers for employees, which would incentivize the use of alternative methods of transportation to and from the site. The project would also be required to implement a transportation management plan (TDM plan) as a condition of project approval to reduce single-occupancy trips. In addition, at least 50 percent of the hardscape surfaces on the site would have a solar reflectance index 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

[64] Illingworth & Rodkin. *Santana West Project Air Quality Assessment*. April 2016.

Silver certification, not only would the proposed project comply with existing state energy standards, it would likely exceed them. **(Less than Significant Impact)**

4.12.2.6 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 by potentially providing approximately 3,330 jobs (assuming one job per 300 square feet of office and retail space). Therefore, the project would not increase the distance between jobs and housing.

In addition, the project would include bicycle parking 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. While 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 as a result of an increase in 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 a commercial and office 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 2016. 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-site uses approximately 6,000 gallons per day (gpd) of water.

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 95 percent of the total on-site water use to account for the minimal amount of landscaping on-site. The current land uses on-site generate approximately 5,700 gpd of wastewater.

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.

Existing sanitary sewer mains along the project site include six-inch lines along Olsen Drive, Olin Avenue, and the western side of the property. Additionally, a 12-inch sanitary sewer main runs along Winchester Boulevard.

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 San Tomas Aquino Creek. San Tomas Aquino Creek flows north, carrying the runoff from the storm drains into San Francisco Bay. There is no overland release of stormwater directly into any water body from the project site. Existing storm drain mains along the project site include a 15-inch line along Winchester Boulevard and 24-inch lines along Olin Avenue and the western side of the property.

Currently, 87 percent of the project site is covered with impervious surfaces. There are existing storm drain lines that run along the northern and eastern 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-site currently generate approximately 34 pounds of waste per day with the theater buildings vacant. When operational, the theaters would have generated approximately 3.12 pounds of waste per 100 square feet of building space per day. [65]

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;
- 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;

[65] Cal Recycle. Web Site. http://www.calrecycle.ca.gov/WasteChar/WasteGenRates/default.htm Accessed April 17, 2016.

- 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, the proposed development would result in a net increase in water use on-site of 98,300 gpd. This represents a 0.08 percent increase in overall citywide demand.

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 SJWCo's 2010 Urban Water Management Plan (UWMP). The SJWCo'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 5,700 gpd of wastewater. The proposed project would generate approximately 88,730 gpd of wastewater, a net increase of 83,030 gpd over current conditions.[66]

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. The proposed project is consistent with the development assumptions in the General Plan. Therefore, implementation of the proposed project would have a less than significant impact on the Wastewater Facility. **(Less Than Significant Impact)**

[66] 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 retail generate rates were assumed to be 100 percent of the water usage rate estimated in the WSA (0.25 gallons per square foot of retail space).

The existing sanitary sewer lines that serve the project site have limited capacity to support an intensification of land uses on the project site. As a condition of project approval, the sanitary sewer lines along Olin Avenue and Maplewood Avenue (and possibly Stevens Creek Boulevard) would need to be upsized to serve full build out of the site. The Department of Public Works would determine the full extent of upgrades required during the PD Permit review for each phase of development proposed. **(Less Than Significant Impact)**

4.13.2.4 Storm Drainage Impacts

As stated in Section 4.8, *Hydrology*, the project site is currently about 87 percent impervious. The pervious areas are comprised of the existing landscaped areas around the perimeter and within the parking lots and immediately adjacent to the buildings. With implementation of the proposed project, the impervious surfaces on-site would decrease by 10 percent. As a result, the proposed project would decrease the demands upon the storm drainage system compared to the current land use. In addition, the proposed development would comply with the NPDES Municipal Regional Permit which requires 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

The proposed project would increase the total solid waste generated by the project site compared to existing conditions. The proposed office and retail square footage would generate approximately 6,725 pounds per day (ppd) of solid waste, a net increase of 6,691 ppd over the existing development.

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 project is consistent with the development assumptions in the General Plan. Therefore, redevelopment of the project site 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 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 3.1 miles northeast of the project site. The most frequent calls for service in the project area are property crimes and disorderly conduct.[67]

[67] City of San José Police Department. Accessed April 13, 2016. http://www.sjpd.org/CrimeStats/PoliceDataFAQ.html

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 demolish the existing restaurant and two of the movie theaters, and construct 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. Nevertheless, redevelopment of the project site with higher density retail and office 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 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, the proposed project could be adequately served by existing resources. No additional police personnel, equipment, or expanded facilities would be required.

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 1,850 feet 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 2014 (January through December) was 4:58 minutes and in 2015 (January through September) was 4:52 minutes. For fire and other calls, the average response time in 2014 was 5:38 and in 2015 was 5:06. There was little variation in travel times from month to month.[68] The Fire Department has the ability to preempt traffic signals to speed response times.

[68] City of San Jose Fire Department. Fire Station Response Metrics. City of San Jose 2014. Accessed April 13, 2016. http://www.sanjoseca.gov/DocumentCenter/View/36886.

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. As shown in the data presented above, response times exceed City performance standards.

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 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 goals. As a result, the proposed project could be adequately served by existing fire station facilities.

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 proposed project would construct new office and retail buildings and would not include any residential uses. No new students would be directly generated by the implementation of the proposed project. Therefore, the proposed project would have no impact on school facilities or capacities 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 1,260 feet east of the project site. Various communal publically accessible private open space areas for site occupants are proposed as part of the project. The proposed project does not include residential development and would not result in a direct increase in the resident population.

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 outdoor exercise and recreation, 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. 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	1.5 miles northeast
West Valley	1243 San Tomas Aquino Road	1.75 miles southwest
Willow Glen	1157 Minnesota Avenue	2.9 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 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.

The CEQA Guidelines advise that a discussion of cumulative impacts should reflect both their severity and the likelihood of their occurrence. To accomplish these two objectives, the analysis should include either a list of past, present, and probable future projects or a summary of projections from an adopted general plan or similar document. The analysis must then determine whether the project's contribution to any cumulatively significant impact is cumulatively considerable, as defined by CEQA Guideline Section 15065(a)(3).

The cumulative discussion for each environmental issue addresses two aspects of cumulative impacts: 1) would the effects of all of the pending development listed result in a cumulatively significant impact on the resources in question? And, if that cumulative impact is likely to be significant, 2) would the contributions to that impact from the proposed project make a cumulatively considerable contribution to those cumulative impacts?

The following projects are pending or approved and are evaluated in the cumulative analysis:

Project	Development Proposed
350 Winchester Mixed Use (Volar)	330 Residential Units 49,250 Square Feet Commercial/Office
Stevens Creek Boutique Hotel	175 Rooms
Garden City Mixed Use	871 Residential Units 400,000 Square Feet Commercial/Office 15,500 Square Feet Retail

The cumulative analysis also includes:

- North San Jose Phase II
- Downtown Strategy Plan Phase II
- Campbell Pending Projects
- Santa Clara Pending Projects

The effects of past projects are typically on the ground and reflected in the existing conditions, especially as relates to traffic, air quality, and noise.

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?

6.1.2 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, in the City of San Jose the proposed project would have a significant cumulative LOS 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

- for 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 volume-to-capacity ratio (V/C) to increase by one percent (0.01) or more[69]; or

- for any designed Protected Intersection that is already at an unacceptable LOS E or F under background conditions, cause both the critical movement delay at the intersection to increase by two or more seconds and the V/C to increase by one-half percent (0.005) 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. A significant cumulative impact is deemed mitigated to a less than significant level by the City of San Jose if the measures implemented would restore the intersection LOS to background conditions or better at non-protected intersections.

[69] An exception to this threshold applies when the addition of project traffic reduces the amount of average stopped delay for critical movements (i.e., the critical movement is negative). In this case, the threshold of significance is an increase in the critical V/C of 0.01 or more.

Significance Thresholds – Cities of Campbell and Santa Clara

The project is said to create a significant adverse impact on traffic conditions at a signalized intersection in the Cities of Campbell and Santa Clara if for either peak hour:

- The level of service at the intersection degrades from an acceptable level (LOS D or better at all city-controlled intersections and LOS E or better at all expressway intersections) under cumulative no project conditions to an unacceptable level (LOS E or F at city-controlled intersections and LOS F at expressway intersections) under cumulative conditions, or

- The level of service at the intersection is an unacceptable level (LOS E or F at city-controlled intersections and LOS F at expressway intersections) under cumulative no project conditions and the addition of project trips causes the average critical delay to increase by four (4) or more seconds *and* the volume-to-capacity ratio (V/C) to increase by one percent or more. The same exception applies as noted for San Jose.

A significant impact by the local municipalities' standards is said to be satisfactorily mitigated when measures are implemented that would restore intersection level of service to an acceptable level or no worse than cumulative no project conditions.

6.1.2.1 Changes to the Roadway Network

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

6.1.2.2 Cumulative Intersection Level of Service Impacts

Under the cumulative condition, 14 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.

- No. 1: Winchester Boulevard and Stevens Creek Boulevard – PM Peak Hour (Protected)
- No. 4: Monroe Street and Stevens Creek Boulevard – PM Peak Hour (Protected)
- No. 6: Bascom Avenue and San Carlos Street – AM and PM Peak Hour
- No. 7: Meridian Avenue and San Carlos Street – AM and PM Peak Hour
- No. 8: Lincoln Avenue and San Carlos Street – PM Peak Hour
- No. 9: Bird Avenue and San Carlos Street – AM and PM Peak Hour
- No. 15: San Tomas Expressway and Stevens Creek Boulevard – AM Peak Hour
- No. 22: San Tomas Expressway and Moorpark Avenue – AM Peak Hour
- No. 25: Winchester Boulevard and I-280 WB on-ramp/Tisch Way – AM and PM Peak Hour
- No. 32: Woz Way and San Carlos Street – PM Peak Hour
- No. 35: San Tomas Expressway and Williams Road – AM and PM Peak Hour
- No. 36: San Tomas Expressway and Payne Avenue – AM Peak Hour
- No. 37: Bascom Avenue and Naglee Avenue – PM Peak Hour
- No. 38: Bascom Avenue and Hedding Street – PM Peak Hour

The results of the cumulative plus project conditions analysis are summarized in Table 6.1-1 below.

Table 6.0-1: Intersection Level of Service – Cumulative Conditions

No.	Intersection	Peak Hour	Background		Cumulative		Cumulative Plus Project			
			Delay	LOS	Delay	LOS	Delay	LOS	Δ in Critical Delay	Δ in Critical V/C
1	Winchester Boulevard and Stevens Creek Boulevard	AM	36.4	D	37.3	D	40.7	D	14.2	0.232
		PM	52.7	D	**59.1**	E	**90.0**	**F**	**99.3**	**0.334**
2	Santana Row and Stevens Creek Boulevard	AM	12.9	B	12.7	B	12.9	B	0.8	0.096
		PM	30.8	C	30.1	C	28.9	C	-1.9	0.089
3	Redwood Avenue and Stevens Creek Boulevard	AM	19.6	B	19.9	B	19.3	B	-0.4	0.094
		PM	48.5	D	49.7	D	53.1	F	12.8	0.104
4	Monroe Street and Stevens Creek Boulevard	AM	36.0	D	36.7	D	42.3	D	6.9	0.121
		PM	**88.3**	**F**	**95.1**	**F**	**157.0**	**F**	**99.6**	**0.240**
5	I-880 SB Ramps and Stevens Creek Boulevard	AM	25.5	C	26.4	C	28.2	C	4.4	0.164
		PM	25.4	C	27.3	C	27.4	C	2.0	0.111
6	Bascom Avenue and San Carlos Street	AM	42.6	D	**72.2**	**E**	**79.3**	**E**	**60.4**	**0.348**
		PM	50.7	D	**104.6**	**F**	**112.6**	**F**	**101.6**	**0.483**
7	Meridian Avenue and San Carlos Street	AM	39.0	D	**57.7**	**E**	**62.2**	**E**	**33.4**	**0.360**
		PM	53.6	D	**98.5**	**F**	**102.8**	**F**	**60.9**	**0.269**
8	Lincoln Avenue and San Carlos Street	AM	37.2	D	40.9	C	41.3	D	5.8	0.193
		PM	36.9	D	**96.5**	**F**	**99.3**	**F**	**100.7**	**0.515**
9	Bird Avenue and San Carlos Street	AM	35.8	D	**61.6**	**E**	**63.4**	**E**	**41.5**	**0.387**
		PM	43.8	D	**174.4**	**F**	**177.4**	**F**	**213.8**	**0.648**
10	Monroe Street and Forest Street	AM	17.6	B	17.7	B	17.7	B	0.1	0.010
		PM	19.9	B	20.0	B	20.0	B	0.1	0.011
11	Monroe Street and Hedding Street	AM	32.3	C	32.5	C	32.6	C	0.2	0.014
		PM	33.2	C	33.3	C	33.3	C	0.5	0.020
12	Monroe Street and Newhall Street	AM	27.4	C	27.5	C	27.6	C	0.2	0.019
		PM	29.5	C	29.7	C	29.9	C	0.4	0.024
13	Winchester Boulevard and Hedding St./Pruneridge Ave.	AM	30.6	C	32.2	C	32.7	C	7.2	0.081
		PM	38.6	D	39.0	D	39.8	D	2.6	0.037
14	Winchester Boulevard and Forest St./Worthington Circle	AM	26.6	C	26.4	C	25.8	C	-0.2	0.014
		PM	31.1	C	31.3	C	31.7	C	1.0	0.054
15	San Tomas Expressway and Stevens Creek Boulevard	AM	**84.7**	**F**	**94.0**	**F**	**96.3**	**F**	**16.0**	**0.062**
		PM	**67.5**	**E**	**70.3**	**E**	**71.5**	**E**	**2.7**	**0.023**
16	Saratoga Avenue and Stevens Creek Boulevard	AM	35.7	D	38.1	D	38.0	D	5.9	0.055
		PM	39.7	D	40.6	D	41.3	D	3.6	0.057

Table 6.0-1: Intersection Level of Service – Cumulative Conditions

No.	Intersection	Peak Hour	Background		Cumulative		Cumulative Plus Project			
			Delay	LOS	Delay	LOS	Delay	LOS	Δ in Critical Delay	Δ in Critical V/C
17	Kiely Boulevard and Stevens Creek Boulevard	AM	37.5	D	37.1	D	37.0	D	0.1	0.032
		PM	37.6	D	37.7	D	37.6	D	0.3	0.023
18	Saratoga Avenue and Kiely Boulevard	AM	35.1	D	38.2	D	38.1	D	9.2	0.065
		PM	41.2	D	48.7	D	48.8	D	6.8	0.084
19	Saratoga Avenue and I-280 North	AM	29.5	C	27.8	C	27.7	C	-23.5	0.038
		PM	23.7	C	23.0	C	22.9	C	-1.3	0.035
20	Saratoga Avenue and I-280 South	AM	34.6	C	39.9	D	40.2	D	9.2	0.055
		PM	33.2	C	35.7	D	35.7	D	4.3	0.051
21	Saratoga Avenue and Moorpark Avenue	AM	46.8	D	47.2	D	47.7+	D	1.1	0.037
		PM	46.3	D	46.7	D	46.8	D	1.0	0.031
22	San Tomas Expressway and Moorpark Avenue	AM	**88.6**	**F**	**89.6**	**F**	**89.3**	**F**	**5.1**	**0.090**
		PM	48.7	D	49.5	D	51.6	D	5.6	0.030
23	Winchester Boulevard and Olin Avenue	AM	17.9	B	18.4	B	21.2	C	7.4	0.207
		PM	19.5	C	22.5	C	33.8	C	25.2	0.291
24	Winchester Boulevard and Olsen Drive	AM	22.9	C	22.5	C	26.6	C	5.3	0.073
		PM	32.5	C	32.2	C	47.0	D	18.3	0.283
25	Winchester Blvd and I-280 Westbound on-ramp/Tisch Way	AM	32.7	C	34.2	C	56.3	**E**	**43.0**	**0.197**
		PM	52.5	D	**56.7**	**E**	**75.1**	**E**	**29.1**	**0.103**
26	Winchester Boulevard and Moorpark Avenue	AM	42.4	D	43.1	D	49.6	D	11.8	0.103
		PM	43.5	D	43.8	D	43.9	D	1.0	0.007
27	I-280 Eastbound off-ramp and Moorpark Avenue	AM	11.8	B	11.8	B	12.3	B	0.2	0.037
		PM	13.5	B	13.6	B	13.7	B	0.1	0.019
28	Winchester Boulevard and Williams Road	AM	35.5	D	35.5	D	35.8	D	0.5	0.032
		PM	36.2	D	36.1	D	35.9	D	-0.6	0.016
29	Winchester Boulevard and Payne Avenue	AM	38.6	D	38.5	D	38.5	D	0.1	0.023
		PM	38.5	D	38.5	D	38.2	D	-0.6	0.016
30	I-880 Northbound Ramps and Stevens Creek Boulevard	AM	22.4	C	22.6	C	24.1	C	1.7	0.110
		PM	24.9	C	25.3	C	25.9	C	1.3	0.059
31	Delmas Avenue and San Carlos Street	AM	15.0	B	14.7	B	14.8	B	1.2	0.218
		PM	22.0	D	37.0	D	38.2	D	22.1	0.309
32	Woz Way and San Carlos Street	AM	32.9	C	46.6	D	46.8	D	17.7	0.382
		PM	35.0	D	**151.1**	**F**	**151.6**	**F**	**140.8**	**0.678**
33	Bascom Avenue and I-880 North	AM	11.2	B	11.5	B	11.4	B	0.3	0.010
		PM	10.3	B	10.8	B	10.8	B	0.4	0.020
34	Bascom Avenue and I-880 South	AM	9.2	A	9.3	A	9.2	A	0.2	0.009
		PM	6.6	A	6.6	A	6.6	A	0.2	0.006
35	San Tomas Expressway and Williams Road	AM	**60.7**	**E**	**64.4**	**E**	**66.8**	**E**	**10.5**	**0.025**
		PM	**65.6**	**E**	**68.1**	**E**	**69.4**	**E**	**6.7**	**0.019**
36	San Tomas Expressway and Payne Avenue	AM	**74.8**	**E**	**78.6**	**E**	**80.8**	**F**	**10.4**	**0.020**
		PM	37.6	D	37.5	D	37.6	D	0.3	0.003

Table 6.0-1: Intersection Level of Service – Cumulative Conditions

No.	Intersection	Peak Hour	Background		Cumulative		Cumulative Plus Project			
			Delay	LOS	Delay	LOS	Delay	LOS	Δ in Critical Delay	Δ in Critical V/C
37	Bascom Avenue and Naglee Avenue	AM	35.2	D	50.4	D	51.5	D	21.2	0.213
		PM	43.8	D	**81.3**	**F**	**83.0**	**F**	**53.6**	**0.415**
38	Bascom Avenue and Hedding Street	AM	40.3	D	45.1	D	45.3	D	5.1	0.083
		PM	48.3	D	**65.0**	**E**	**66.6**	**E**	**33.4**	**0.246**
39	Race Street and San Carlos Street	AM	35.6	D	41.0	D	41.3	D	11.1	0.233
		PM	35.6	D	41.5	D	41.7	D	12.5	0.292
40	Bellerose Drive/MacArthur Avenue and Stevens Creek Boulevard	AM	30.7	C	41.2	D	47.9	D	23.6	0.329
		PM	33.3	C	32.8	C	31.9	C	-0.7	0.145
41	Cypress Avenue and Stevens Creek Boulevard	AM	17.2	B	16.7	B	16.2	B	-0.6	0.021
		PM	14.9	B	14.6	B	14.2	B	-0.4	0.017
42	San Tomas Expressway and Saratoga Avenue	AM	**112.3**	**F**	**119.5**	**F**	**119.2**	**F**	**0.9**	**0.002**
		PM	**83.5**	**F**	**91.5**	**F**	**91.6**	**F**	**0.8**	**0.002**
43	Saratoga Avenue and Pruneridge Avenue	AM	29.1	C	29.2	C	29.3	C	0.0	0.001
		PM	29.9	C	30.2	C	30.2	C	0.0	0.002
44	San Tomas Expressway and Pruneridge Avenue	AM	**128.8**	**F**	**140.7**	**F**	**140.1**	**F**	**0.5**	**0.009**
		PM	**94.4**	**F**	**104.0**	**F**	**105.8**	**F**	**1.3**	**0.018**
45	San Tomas Expressway and Forbes Avenue	AM	**88.9**	**F**	**96.6**	**F**	**96.2**	**F**	**0.7**	**0.005**
		PM	36.2	D	44.0	D	44.3	D	1.0	0.005
46	San Tomas Expressway and Homestead Road	AM	**136.2**	**F**	**144.4**	**F**	**144.1**	**F**	**0.6**	**0.001**
		PM	**130.4**	**F**	**135.7**	**F**	**135.7**	**F**	**0.9**	**0.003**
47	Scott Boulevard and Homestead Road	AM	23.7	C	24.0	C	24.0	C	0.0	0.001
		PM	27.3	C	28.8	C	28.9	C	0.4	0.005
48	Saratoga Avenue and Scott Boulevard	AM	26.4	C	26.4	C	26.5	C	0.0	0.002
		PM	23.9	C	24.1	C	24.1	C	0.0	0.002
49	Winchester Boulevard and Market Street	AM	7.0	A	7.0	A	7.2	A	0.3	0.004
		PM	5.7	A	5.7	A	5.7	A	0.1	0.002
50	Winchester Boulevard and Bellomy Street	AM	9.5	A	9.5	A	9.5	A	0.0	0.002
		PM	7.4	A	7.4	A	7.3	A	0.0	0.001
51	Winchester Boulevard and Newhall Street	AM	24.7	C	24.7	C	25.1	C	0.3	0.015
		PM	20.4	C	20.4	C	21.6	C	1.5	0.031
52	San Tomas Expressway and Benton Street	AM	**175.5**	**F**	**187.6**	**F**	**187.2**	**G**	**0.5**	**0.001**
		PM	**140.1**	**F**	**146.7**	**F**	**146.8**	**G**	**0.8**	**0.004**
53	San Tomas Expressway and El Camino Real	AM	**173.1**	**F**	**182.2**	**F**	**182.0**	**G**	**0.2**	**0.000**
		PM	**126.5**	**F**	**132.8**	**F**	**133.3**	**G**	**1.1**	**0.002**
54	Kiely Boulevard and Pruneridge Avenue	AM	32.5	C	32.9	C	33.3	C	0.6	0.009
		PM	31.5	C	31.8	C	31.8	C	0.0	0.001
55	Monroe Street and Bellomy Street/Jackson Street	AM	8.2	A	8.2	A	8.2	A	0.0	0.002
		PM	5.9	A	5.9	A	5.9	A	0.0	0.002
56	Monroe Street and Market Street	AM	8.3	A	8.3	A	8.3	A	0.0	0.002
		PM	6.8	A	6.8	A	6.8	A	0.0	0.002

Table 6.0-1: Intersection Level of Service – Cumulative Conditions										
No.	Intersection	Peak Hour	Background		Cumulative		Cumulative Plus Project			
			Delay	LOS	Delay	LOS	Delay	LOS	Δ in Critical Delay	Δ in Critical V/C
57	San Tomas Expressway and Hamilton Avenue	AM	77.4	E	77.5	E	78.4	E	1.6	0.003
		PM	60.1	E	60.2	E	60.4	E	0.1	0.003
58	Winchester Boulevard and Hamilton Avenue	AM	39.8	D	39.9	D	40.2	D	0.9	0.023
		PM	46.5	D	46.6	D	46.7	D	0.2	0.005
59	Winchester Boulevard and Campbell Avenue	AM	34.3	C	34.4	C	34.6	C	0.5	0.013
		PM	34.7	C	34.7	C	34.7	C	0.0	0.003

Of the impacted intersections, the project would contribute more than 25 percent of the increased delay at the following City of San Jose intersections:

Winchester Boulevard and Stevens Creek Boulevard (PM Peak Hour): The cumulative volumes would cause the intersection to degrade from LOS D under background conditions to LOS F under cumulative plus project conditions. The project would account for 68 percent of the increase in traffic volume under cumulative conditions.

Monroe Street and Stevens Creek Boulevard (PM Peak Hour): The intersection would continue to operate at LOS F under cumulative plus project conditions with a 99.6 second increase in critical delay and a 0.240 increase in V/C. The project would account for 70 percent of the increase in traffic volume under cumulative conditions.

San Tomas Expressway and Stevens Creek Boulevard (AM Peak Hour): The intersection would continue to operate at LOS F under cumulative plus project conditions with a 16.0 second increase in critical delay and a 0.062 increase in V/C. The project would account for 34 percent of the increase in traffic volume under cumulative conditions.

San Tomas Expressway and Moorpark Avenue (AM Peak Hour): The intersection would continue to operate at LOS F under cumulative plus project conditions with a 5.1 second increase in critical delay and a 0.090 increase in V/C. The project would account for 35 percent of the increase in traffic volume under cumulative conditions.

Winchester Boulevard and I-280 WB on-ramp/Tisch Way (AM and PM Peak Hour): In the AM Peak Hour, the cumulative volumes would cause the intersection to degrade from LOS C under background conditions to LOS E under cumulative plus project conditions. The project would account for 85 percent of the increase in traffic volume under cumulative conditions.

In the PM Peak Hour, the cumulative volumes would cause the intersection to degrade from LOS D under background conditions to LOS E under cumulative plus project conditions. The project would account for 81 percent of the increase in traffic volume under cumulative conditions.

San Tomas Expressway and Williams Road (AM and PM Peak Hour): The intersection would continue to operate at LOS F in both peak hours under cumulative plus project conditions. In the AM Peak Hour, the project would cause a 10.5 second increase in critical delay and a 0.025 increase

in V/C, accounting for 32 percent of the increase in traffic volume under cumulative conditions. In the PM Peak Hour, the project would cause a 6.7 second increase in critical delay and a 0.019 increase in V/C, accounting for 38 percent of the increase in traffic volume under cumulative conditions.

San Tomas Expressway and Payne Avenue (AM Peak Hour): The cumulative volumes would cause the intersection to degrade from LOS E under background conditions to LOS F under cumulative plus project conditions. The project would account for 34 percent of the increase in traffic volume under cumulative conditions.

Impact TRAN(C)-1: The proposed project would provide a cumulatively considerable contribution to seven intersections. **(Significant Impact)**

6.1.2.3 Mitigation Measures for Cumulative Transportation Impacts

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

MM TRAN(C) 1-1: The LOS at the San Tomas Expressway/Stevens Creek Boulevard intersection would be improved over background conditions with the addition of a fourth through lane to both the northbound and southbound approaches. This improvement has been identified as a Tier 1 improvement in the County Expressway Planning Study. The project would pay a fair share fee to this improvement.

MM TRAN(C) 1-2: The LOS at the San Tomas Expressway/Moorpark Avenue intersection would be improved over background conditions with the addition of a fourth through lane to both the northbound and southbound approaches. This improvement has been identified as a Tier 1 improvement in the County Expressway Planning Study. The project would pay a fair share fee to this improvement.

MM TRAN(C) 1-3: A new westbound I-280 off-ramp to Winchester Boulevard has been identified to mitigate transportation impacts to multiple intersections along Winchester Boulevard and Stevens Creek Boulevard, including the Winchester Boulevard and I-280 WB on-ramp/Tisch Way. If the proposed TDP is approved, the project applicant would pay the associated traffic impact fees toward this improvement. If the TDP is not approved, this impact would be significant and unavoidable.

MM TRAN(C) 1-4: The LOS at the San Tomas Expressway/Williams Road intersection would be improved over background conditions with the addition of a fourth through lane to both the northbound and southbound approaches. This improvement has been identified as a Tier 1 improvement in the County Expressway Planning Study. The project would pay a fair share fee to this improvement.

There are no feasible physical improvements to improve the LOS of the San Tomas Expressway/Payne Avenue intersection as the projected traffic delays are the result of traffic backups on Payne Avenue. This impact is significant and unavoidable.

Pursuant to the City's Transportation Impact Policy, in lieu of physical improvements to the Winchester Boulevard/Stevens Creek Boulevard and Monroe Street/Stevens Creek Boulevard intersections, the project applicant shall construct offsetting improvements to other parts of the Citywide transportation system in the vicinity of the project site.

Project Conditions

Winchester Boulevard/Stevens Creek Boulevard and Monroe Street/Stevens Creek Boulevard: These intersections have been identified by the City of San Jose as protected intersections. Therefore, in lieu of physical improvements to these intersections, the project applicant shall construct offsetting improvements to other parts of the citywide transportation system in the vicinity of the project site. 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 project site. Pursuant to the City's policy, the implementation of offsetting improvements would provide project benefits that outweigh the project's significant impacts.

6.1.2.4 Interstate 280 – Winchester/Moorpark Transportation Development Policy

Consistent with the project analysis, nine of the study intersections were analyzed under cumulative conditions to determine the effects of a new off-ramp on the LOS of intersections along Stevens Creek Boulevard and Winchester Boulevard, which are the intersections that would be the most affected by the new ramp. Table 6.0-2 shows a comparison of the LOS under cumulative project conditions with the proposed off-ramp.

Table 6.0-2: Cumulative Plus Project LOS with I-280/Winchester Off-Ramp

Intersection	Peak Hour	Cumulative Plus Project				Cumulative Plus Project with I-280/Winchester Off-Ramp			
		Delay	LOS	Δ in Critical Delay	Δ in Critical V/C	Delay	LOS	Δ in Critical Delay	Δ in Critical V/C
1 – Winchester Blvd and	AM	40.7	D	14.2	0.232	59.6	E	54.6	0.324
Stevens Creek Blvd	PM	90.0	F	99.3	0.334	178.1	F	199.8	0.482
2 – Santana Row and	AM	12.9	B	0.8	0.096	12.4	B	0.9	0.110
Steven Creek Blvd	PM	28.8	C	-1.9	0.089	28.2	C	-0.8	0.134
3 – Redwood Ave and	AM	19.2	B	-0.4	0.094	13.9	B	0.6	0.108
Stevens Creek Blvd	PM	52.2	D	11.9	0.104	53.3	D	22.7	0.149
4 – Monroe St and	AM	42.3	D	6.9	0.121	27.0	C	0.4	0.118
Stevens Creek Blvd	PM	157.0	F	99.6	0.240	72.6	E	23.1	0.108
5 – I-880 SB Ramps and	AM	28.2	C	4.4	0.164	28.5	C	2.9	0.127
Stevens Creek Blvd	PM	27.4	C	2.0	0.111	28.5	B	2.0	0.111
23 – Winchester Blvd and	AM	21.2	B	7.4	0.207	19.6	D	8.6	0.105
Olin Avenue	PM	33.8	B	25.2	0.291	38.3	C	21.1	0.341
24 – Winchester Blvd and	AM	26.6	C	5.3	0.073	25.7	D	0.4	0.050
Olsen Drive	PM	47.0	C	18.3	0.283	45.5	D	11.6	0.166
25 – Winchester Blvd and	AM	56.3	C	43.0	0.197	35.1	D	30.0	0.146
I-280 EB on-ramp/Tisch	PM	75.1	D	29.1	0.103	35.2	D	15.0	0.154
30 – I-880 NB Ramps and	AM	24.1	C	1.7	0.110	20.0	B	1.2	0.065
Stevens Creek Blvd	PM	25.9	C	1.3	0.059	21.1	C	0.4	0.047

Of the intersections impacted under cumulative plus project conditions, two would still be impacted with implementation of the off-ramp, compared to background plus project conditions.

Winchester Boulevard and Stevens Creek Boulevard (PM Peak Hour): With the off-ramp, the cumulative volumes would cause the intersection to degrade from LOS D under background conditions to LOS F in the AM Peak Hour. The intersection would continue to operate at LOS F in the PM Peak Hour with an increase in critical delay and V/C. The project would account for 70 percent of the increase in AM traffic volumes and 75 percent of the PM traffic volume under cumulative conditions.

Monroe Street and Stevens Creek Boulevard (PM Peak Hour): Without the off-ramp, the intersection would operate at LOS F in the PM Peak Hour. While the off-ramp, the overall LOS would improve to LOS E. The intersection would, however, see a significant increase in critical delay and V/C compared to background plus project conditions. The project would account for 71 percent of the increase in traffic volume under cumulative conditions.

Pursuant to the City's Transportation Impact Policy, in lieu of physical improvements to the Winchester Boulevard/Stevens Creek Boulevard and Monroe Street/Stevens Creek Boulevard intersections, the project applicant shall construct offsetting improvements to other parts of the Citywide transportation system in the vicinity of the project site.

Project Conditions

Winchester Boulevard/Stevens Creek Boulevard and Monroe Street/Stevens Creek Boulevard: These intersections have been identified by the City of San Jose as protected intersections. Therefore, in lieu of physical improvements to these intersections, the project applicant shall construct offsetting improvements to other parts of the citywide transportation system in the vicinity of the project site. 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 project site. Pursuant to the City's policy, the implementation of offsetting improvements would provide project benefits that outweigh the project's significant impacts.

6.1.3 Cumulative Air Quality Impacts

The project would result in a temporary TAC emissions impact resulting from construction of the proposed development, due to the proximity of sensitive receptors. The impact would be temporary and would be reduced to a less than significant level with implementation of the proposed mitigation measures. Nevertheless, construction of the proposed project, combined with construction of the pending project at 350 Winchester Boulevard and the existing mobile and stationary emissions sources in the area could result in a temporary cumulative impact. All other pending projects are outside the impact area for cumulative construction emissions. Table 6.0-3 shows the cumulative health risk during project construction.

Table 6.0-3: Cumulative Community Risk Impacts During Construction			
Source	**Maximum Cancer Risk (per million)**	**Maximum Hazard Index**	**Maximum Annual $PM_{2.5}$ Concentration**
Proposed Project – Unmitigated Construction Emissions (child exposure)	36.5	0.04	0.22
350 Winchester Project – Unmitigated Construction Emissions	1.3	<0.01	0.01
Interstate 280 Traffic	12.0	0.01	<0.09
Winchester Boulevard Traffic	26.9	<0.03	0.66
Plant 13040: Generator – 500 feet south of project	< 0.1	<0.01	<0.01
Plant G11422: Generator – 500 feet southeast of project	0.6	<0.01	0.00
Plant 13698: Generator – 325 feet north of project	1.3	<0.01	<0.01
Unmitigated Cumulative Total Emissions	**78.7**	**<0.12**	**<1.0**
BAAQMD Thresholds	**100**	**10.0**	**0.8**
Proposed Project – Mitigated Construction Emissions (child exposure)	2.3	<0.01	0.02
350 Winchester Project – Unmitigated Construction Emissions	1.3	<0.01	0.01
Interstate 280 Traffic	12.0	0.01	<0.09
Winchester Boulevard Traffic	26.9	<0.03	0.66
Plant 13040: Generator – 500 feet south of project	< 0.1	<0.01	<0.01
Plant G11422: Generator – 500 feet southeast of project	0.6	<0.01	0.00
Plant 13698: Generator – 325 feet north of project	1.3	<0.01	<0.01
Mitigated Cumulative Total Emissions	**44.5**	**<0.09**	**<0.08**
BAAQMD Thresholds	**100**	**10.0**	**0.8**

While the maximum annual PM2.5 concentrations would exceed BAAQMD thresholds under fully unmitigated conditions, the project identified specific mitigation measures to reduce construction emissions. With the mitigation, the cumulative emissions would not exceed BAAQMD thresholds. In addition, the cumulative effect of these emissions would be temporary. As a result, the projects contribution to a cumulatively significant TAC emissions impact would not be considerable. **(Less Than Significant Cumulative Impact)**

6.1.4 Cumulative Noise Impacts

6.1.4.1 Traffic Noise

As discussed in Section 4.5, *Noise*, traffic trips associated with the proposed project would increase ambient noise levels on the adjacent residential streets. The proposed project, combined with other pending and approved projects in the immediate area would further increase ambient noise levels over existing conditions.

A substantial permanent cumulative noise increase would occur if the project 1) contributed a minimum one dBA DNL to an overall five dBA DNL noise increase where future noise levels would

be less than 60 dBA DNL, or 2) contributed a minimum one dBA DNL to an overall three dBA DNL noise increase where future noise levels would be 60 dBA DNL or more. Consistent with the project level analysis, under cumulative conditions, the project would result in an approximately three dBA increase in noise between Spar Avenue and Hanson Avenue and a five dBA increase near Maplewood. As a result, the project would result in a cumulatively considerable increase in ambient noise levels on Olin Avenue between Winchester Boulevard and Maplewood Avenue. **(Significant Cumulative Impact)**

6.1.4.2 Construction Noise

The construction of Phase I of the proposed project would likely occur at the same time as the proposed 350 Winchester Boulevard development, located approximately 350 feet northeast of the project site. Both projects are anticipated to begin construction in the spring of 2017 and have a two-year time frame. All other pending projects are outside the impact area for cumulative construction noise. The combine construction noise would be most noticeable at the Santana Row apartments on Winchester Boulevard and at the residences on Olin Avenue, Spar Avenue, Hanson Avenue, and Maplewood Avenue.

Both projects would individually impact the nearby residential receptors. Combined the projects would have a significant cumulative noise impact. As with the project level impact, the duration of project construction (more than one year) would result in a significant and unavoidable impact. As a result, the cumulative construction noise impact would also be significant and unavoidable. **(Significant and Unavoidable Cumulative Impact)**

6.1.5 Cumulative Cultural Resources Impacts

Implementation of the proposed project would result in the demolition of one historic restaurant, two non-historic movie theaters, and the demolition of one historic movie theater inconsistent with the Secretary of the Interior Standards. All four buildings were constructed between 1964 and 1967 and are all representative of mid-century architecture.

While the City of San Jose expanded some after World War II, the fruit processing industry was the predominant employer in the city until approximately 1950. Between 1950 and 1969, the City grew from 17 square miles and 95,280 residents to 137 square miles and over 450,000 residents. This growth resulted in a significant amount of mid-century/modernist buildings throughout the City.[70]

During the 1960s and 1970s, five single-screen and one multiplex dome theaters were constructed in San Jose. The earliest, Century's 21-23, were constructed on the project site. Century 24 was constructed in 1968 on Winchester Boulevard, south of Highway 280. Century 25 was constructed in 1969 in Westgate Shopping Center on West Campbell Avenue. Neither the Century 24 or Century 25 were found to be historic as a result of previous studies and both were demolished in 2014. The final dome theater, which was the first of the Century multiplex theaters built in San Jose, was constructed in 1971 on Gallup Drive. This building was converted to a church in 1998.

With implementation of the proposed project, the Century 21 Theater would be one of two remaining Vincent G. Raney dome theaters in San Jose and the only remaining wide-screen single dome theater.

[70] San Jose Modernism Historic Context Statement. June 2009

Four other Raney designed theaters remain in northern California, including Sacramento (1967), Napa (1982), Newark (1983), and South San Francisco (1985).

While the project would demolish two of the four remaining dome theaters within San Jose, none of the buildings previously demolished or proposed to be demolished was determined to be historically significant. Furthermore, the Century 21, 22, and 23 theaters combined do not qualify as a historic district. There is a finite number of Raney designed domed theaters in northern California. Nevertheless, the lack of historic significance for all but the Century 21 Theater makes the combined loss of structures a less than significant cumulative impact. **(Less Than Significant Cumulative Impact)**

The Flames Restaurant was the original Bob's Big Boy restaurant constructed in San Jose and represents the Coffee Shop Modern style. While the restaurant is individually significant, there is still a significant amount of extant mid-century/modernist architecture in San Jose. While many of the Bob's Big Boy restaurants have been demolished or modified, other examples of mid-century roadside restaurants that represent the expansion and modernization of San Jose and Santa Clara County still exist, particularly along commercial oriented arterial streets. Specific examples of extant mid-century buildings include:

- 5 Spot Drive In Restaurant located at 869 S 1st Street. This building is a City Landmark and the style is identified as "Coffee Shop Modern".
- Sambo's Restaurant (currently Bo Town Seafood) located at 409 South 2nd Street in Downtown San Jose. Circa 1967.
- H. Salt Fish and Chips (currently Subway) located at 905 Meridian Avenue.
- McDonalds located at 2434 Almaden Expressway. Circa 1960. This building is listed in the City's Historic Resources Inventory as an Identified Structure.
- Bonsai Nursery located at 966 S De Anza Boulevard. Listed on the Historic Resources Inventory as Mid-Century Modern.

The proposed demolition of the Flames Restaurant would be significant, but not cumulatively considerable. **(Less Than Significant Cumulative Impact)**

6.1.6 Other Cumulative Impacts

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, hydrology and water quality, and land use (including population and housing). The degree in which the proposed project would add to existing or probable future impacts on existing land uses or the aforementioned resources would be negligible.

The analysis did identify impacts to migratory birds as a result of project construction. These impacts are, however, temporary and would 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. **(Less Than Significant Cumulative Impact)**

6.1.6.1 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 proposed commercial development would not pose a risk from the use or storage of hazardous materials. Future redevelopment within the Valley Fair/Santana Row Urban Village and intensification of growth throughout the City of San Jose could expose existing soil and/or groundwater contamination which would 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. Based on other pending projects in the immediate area, it is probable that the remediation of multiple project sites within a limited geographical area at the same time could occur. Truck routes would be established by the City to avoid residential and other sensitive areas and all remediation activities would be required to comply with all applicable regulations. Therefore, redevelopment within the Valley Fair/Santana Row Urban Village would not result in a cumulatively significant hazardous materials impact. **(Less Than Significant Cumulative Impact)**

6.1.6.2 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 Valley Fair/Santana Row 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. **(Less Than Significant Cumulative Impact)**

6.1.6.3 Greenhouse Gas Emissions

The proposed development is consistent with the General Plan and 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. **(Less Than Significant Cumulative Impact)**

6.1.7 Conclusion

Implementation of the proposed project would result in a cumulatively considerable construction noise impact. The project would also have a cumulatively considerable impact to the San Tomas Expressway/Payne Avenue intersection. There is no feasible mitigation to reduce these impacts to a less than significant level.

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. Entitle approximately 12 acres of currently underutilized land within a City of San Jose designated "Urban Village" to permit development densities consistent with the goals and policies of the San Jose Envision 2040 General Plan.

2. Create a flexible long-term masterplan strategy that will allow for commercial uses during the project's initial phases, and potentially allow for complementary land uses in later phases should favorable policy and market conditions exist.

3. Provide a new master planned development compatible with and benefiting from the existing adjacent Santana Row mixed-use project, which itself provides a balanced mix of uses and densities supportive of San Jose's smart growth.

4. Humanize the pedestrian experience by selectively widening sidewalks and by adding amenities such as new trees and integrated planters, pedestrian-scale lighting, convenient outdoor seating opportunities, and other visual interest on Olsen Drive to reinforce the pedestrian connection between the new development and Santana Row. Further enhance the neighborhood environment with the creation of new open space capable of serving both private and public recreational uses at various points.

5. Support San Jose's stated economic development goals through job creation by providing new Class A, R&D office space and commercial retail space up to a maximum Floor Area Ratio of 2.0 in keeping with the project's current zoning, in a proven, convenient and attractive location.

6. Replace underutilized existing surface parking with easily-accessed, efficient new parking facilities which conceal the majority of the parking from view by integrating it into new structures.

7. Sensitively integrate the existing landmarked structure into the new master-planned development.

8. Study potential passenger vehicle traffic impacts through contributions to a Transportation Demand Policy (TDP) in support of a new City of San Jose Area Development Policy currently

being created. Specific TDP measures under consideration include a trip-based fee contribution toward, among other things, a proposed new off-ramp from Interstate 280 NB onto Winchester Blvd.

9. Encourage multimodal transit opportunities by accommodating private shuttle and public transit stops, secure bike storage and shower facilities, and expanded bicycle pathways.

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 unavoidable impacts identified in this EIR as resulting from the proposed project include 21 freeway segment capacity impacts due to increase traffic trips, the proposed reuse of the Century 21 Theater, demolition of the Flames Restaurant, and construction noise impacts, and operational noise impact resulting from traffic. Significant impacts for which mitigation has been identified include LOS impacts at three local intersections. The logical way to reduce the transportation and noise impacts would be to reduce the overall size of the development. Therefore a reduced development alternative is discussed below. Adaptive reuse alternative for the Century 21 Theater and Flames Restaurant that meets the Secretary of the Interior's Standards are also discussed.

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/retail 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, although the impact to the Century 21 Theater would be avoided if the project were constructed elsewhere. For these reasons, an alternative location was not analyzed.

Table 7.0-1 outlines the impacts of the project alternatives.

[71] CEQA Guidelines Section 15126.6(e)(1)
[72] CEQA Guidelines Section 15126.6(f)(2)(A)

Table 7.0-1: Project Alternatives Summary Table										
Impact	**Proposed Project**	**No Project – No Build**	**No Project – Redevelopment**	**Reduced Development**	**Redesign No. 1**	**Redesign No. 2**	**Century 21 Reuse No. 1**	**Century 21 Reuse No. 2**	**Flames Reuse**	**Reduced Development & Historic Buildings**
TRAN-1: Winchester Boulevard and I-280/Tisch Intersection under background plus project conditions	SU	NI	LTSM	NI	SU	SU	SU	SU	SU	NI
TRAN-2: Twenty-one directional freeway segments	SU	NI	SU	NI	SU	SU	SU	SU	SU	NI
AIR-1: Toxic air contaminant emissions during construction	LTSM	NI	LTSM	LTS	LTSM	LTSM	LTSM	LTSM	LTSM	LTS
NOI-1: Operational noise from traffic	SU	NI	SU	LTS	SU	SU	SU	SU	SU	LTS
NOI-2: Construction noise	SU	NI	SU	LTS	SU	SU	SU	SU	SU	LTS
NOI-3: Construction vibration effects on historic structures	LTSM	NI	LTSM	LTSM	LTSM	LTSM	LTSM	LTSM	LTSM	LTSM
BIO-1: Loss of raptor eggs or nest abandonment	LTSM	NI	LTSM	LTSM	LTSM	LTSM	LTSM	LTSM	LTSM	LTSM
BIO-2: Damage to on-site or off-site trees during construction	LTSM	NI	LTSM	LTSM	LTSM	LTSM	LTSM	LTSM	LTSM	LTSM
HAZ-1: Exposure to contaminated soil	LTSM	NI	LTSM	LTSM	LTSM	LTSM	LTSM	LTSM	LTSM	LTSM
CUL-1: Demolition of the Flames Restaurant	SU	NI	SU	SU	SU	SU	SU	SU	LTS	LTS
CUL-2: Demolition of the Century 21 Theater	SU	NI	SU	SU	SU	SU	LTS	LTS	SU	LTS

NI – No Impact
LTS – Less than Significant Impact
LTSM – Less Than Significant Impact With Mitigation
SU – Significant and Unavoidable Impact

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."

No Project – No Development Alternative

The No Project – No Development Alternative would retain the three existing movie theaters and restaurant. The theaters are currently vacant and it is assumed they would be reopened. If the project site were to remain as is there would be no new impacts, whether from construction or ongoing operation of the proposed office development. This alternative would not meet any of the project objectives.

No Project – Neighborhood Community Commercial Redevelopment Alternative

The project site is currently designated *Neighborhood Community Commercial* in the 2040 General Plan. The existing commercial buildings on-site total approximately 90,000 square feet on a 12.99-acre site, for an FAR of approximately 0.16, and reflect a low-intensity use of the site, well below the minimum development standards of the *Neighborhood Community Commercial* land use designation, which calls for a broad range of commercial development up to 2.0 FAR. Because the current development is at a lower intensity than development envisioned in the General Plan and is located within an Urban Village intended to accommodate future growth, it is reasonable to assume that if the proposed project were not approved, an alternative development would be proposed in the future with higher intensity office and retail.

Given the General Plan land use designation as well as the objectives of the *Envision San Jose 2040 General Plan*, any alternative project proposed on this site would likely be comparable in land use, density, and scale to what is currently proposed. As a result, transportation and other operational impacts such as air quality, utilities, and noise would be comparable to those of the proposed project. Construction impacts would also be comparable to the proposed project.

Conclusion: Implementation of the no-build "No Project" alternative would avoid the significant impacts identified in this EIR. The no-build No Project alternative would not, however, allow for new high intensity commercial and retail development to be constructed on the project site. This alternative does not meet any of the objectives of the proposed project.

The "No Project" Neighborhood/Community Commercial Redevelopment alternative would likely result in the same types of impacts as the proposed project.

B. REDUCED DEVELOPMENT ALTERNATIVE

In an effort to avoid one or more of the significant transportation impacts that would result from the proposed project but still provide new commercial and retail on-site, this alternative evaluates a reduced amount of development.

The proposed project would have a transportation impact at three local intersections, Winchester Boulevard/Stevens Creek Boulevard, Monroe Street/Stevens Creek Boulevard, and Winchester Boulevard/Tisch Way. Both Winchester Boulevard/Stevens Creek Boulevard and Monroe Street/Stevens Creek Boulevard are "protected" intersections, meaning expanding those intersections to create additional capacity to reduce congestion is considered infeasible due to unacceptable impacts to pedestrian, bicycle, and transit facilities, and the increased congestion is acceptable. As such, the reduction of traffic trips at these intersections was not considered. The intent of the reduced development alternative is to identify the total development that could occur on the project site and avoid the impact at the Winchester Boulevard/Tisch Way intersection. The identified mitigation for the Winchester Boulevard/Tisch Way intersection would be the payment of fees consistent with the proposed TDP to support an off-ramp from I-280 to Winchester Boulevard.

Based on the traffic data developed for the proposed project, the total project size would need to be reduced to 175,000 square feet (a reduction of 82 percent) to avoid the impact at the Winchester Boulevard/Tisch Way intersection. At 175,000 square feet, the project would avoid impacting any local freeway segments.

If the proposed site layout and building footprints were maintained[73], a 175,000 square foot development would be one-story over parking. Alternatively, this development could have fewer but taller buildings with above-grade parking. This alternative would maintain the same parking ratios as the proposed project. All other development parameters of this alternative would be the same as the proposed project, including site layout and use of the Century 21 Theater as an outdoor pavilion.

The reduction in project size to 175,000 square feet would avoid the need for underground parking and would significantly reduce the construction TAC emissions impact. It should be noted that a mitigation measure (MM AIR 1-1) is identified to reduce the project level impact to a less than significant level.

Given the reduction in square footage, it is reasonable to assume that this alternative would not be constructed in phases. If development on-site would not exceed 12 months in duration, the project would have a less than significant construction noise impact. Operational noise impacts from traffic would be reduced to less than significant due to the overall reduction in traffic trips.

While not an impact, this alternative would also reduce the shading on adjacent properties due to a reduction in the height of the proposed buildings. There would be no measureable change in the level of impact for hazardous materials compared to the proposed project. Due to the proposed layout of the project and the possibility of underground parking, it is reasonable to assume that this alternative would still remove all the trees currently on the project site. Replacement ratios for removed or damaged trees would remain the same as the proposed project. Mitigation for disturbance of nesting migratory birds during construction would also be the same.

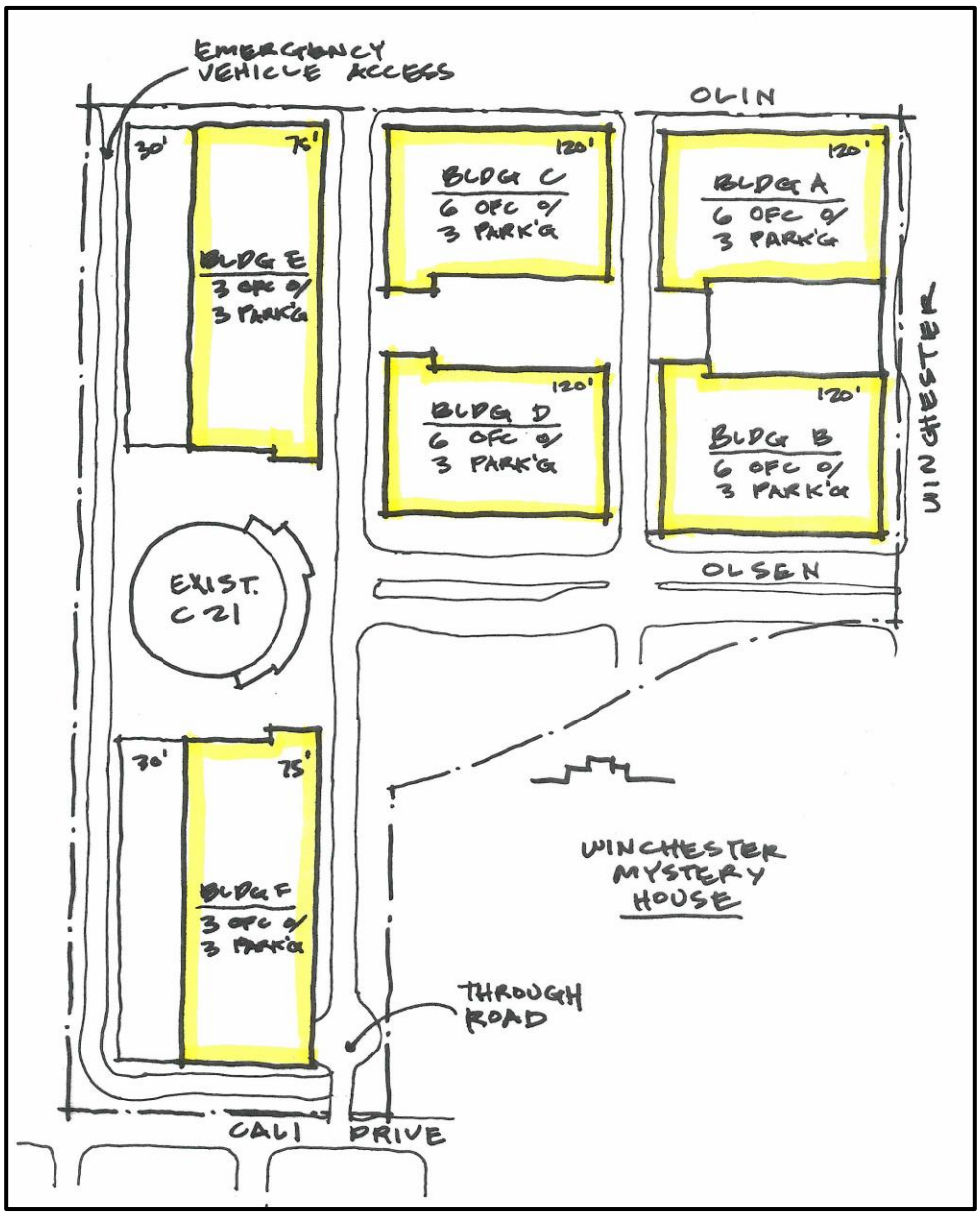
The reduced development alternative represents an 82 percent reduction in commercial development compared to the proposed project. While the reduced development alternative would be generally consistent with the identified objectives of the proposed project and the development policies of the

[73] The proposed project has building floor plates of approximately 30,000 to 37,500 square feet. This alternative assumes a floor plate of 30,000 square feet.

General Plan, it would result in the underutilization of a prime redevelopment site within the Valley Fair/Santana Row Urban Village.

Conclusion: Implementation of the Reduced Density Alternative would avoid one or more of the identified traffic impacts. This alternative generally meets the project objectives, but does not fully utilize the allowable development density of the site (up to 2.0 FAR).

C. REDESIGN ALTERNATIVE NO. 1



As proposed, the project would vacate Olsen Drive and reconfigure the internal roadways, thereby modifying the existing access to the adjacent Winchester Ranch Mobile Home Park. Olsen Drive currently extends from Winchester Boulevard into the mobile home park. Under the proposed project, Olsen Drive would dead end at the Century 21 building and a new access road would be constructed along the western property line to connect the mobile home park to Olin Avenue. The new access road would not serve the proposed project. All project traffic would utilize Olsen Avenue and the two internal access roads located off Olin Avenue between Winchester Boulevard and Hanson Avenue.

The noise report found that increased traffic on Olin Avenue and the new western access road would result in a significant traffic noise impact on Olin Avenue between Hanson Avenue and Maplewood Drive. In addition, the redesign alternative is considered in the event the proposed Olsen Drive street vacation is found infeasible.

In order to provide adequate access between the mobile home park and Winchester Boulevard but reduce traffic noise levels on Olin Avenue, the Redesign Alternative 1 would maintain the same site plan as the proposed project, but would no longer provide access for the mobile home park from the new western roadway. The western access would be restricted to emergency vehicles and the mobile home park would access Olsen Drive via Charles Cali Drive. Specifically, a new access would be provided at the southern boundary of the project site connecting Charles Cali Drive to the new north-south access road between Building F and the Winchester Mystery House. All other development parameters of this alternative would be the same as the proposed project, including total square footage, building heights, site layout, and demolition of the Century 21 Theater and reuse of the underlying metal substructure as an outdoor pavilion.

While the proposed western access road would contribute to the overall traffic noise level on Olin Avenue, the volume of traffic from the mobile home park is minimal and the primary traffic noise source is from automobiles access to the parking structures in buildings C, D, E, and F. This traffic pattern would not change with the modified access for the mobile home park. As such, the Redesign Alternative 1 would result in a slight reduction of noise on Olin Avenue, but would not reduce the identified noise impact to a less than significant level.

All other impacts identified under the proposed project would remain with this alternative design option.

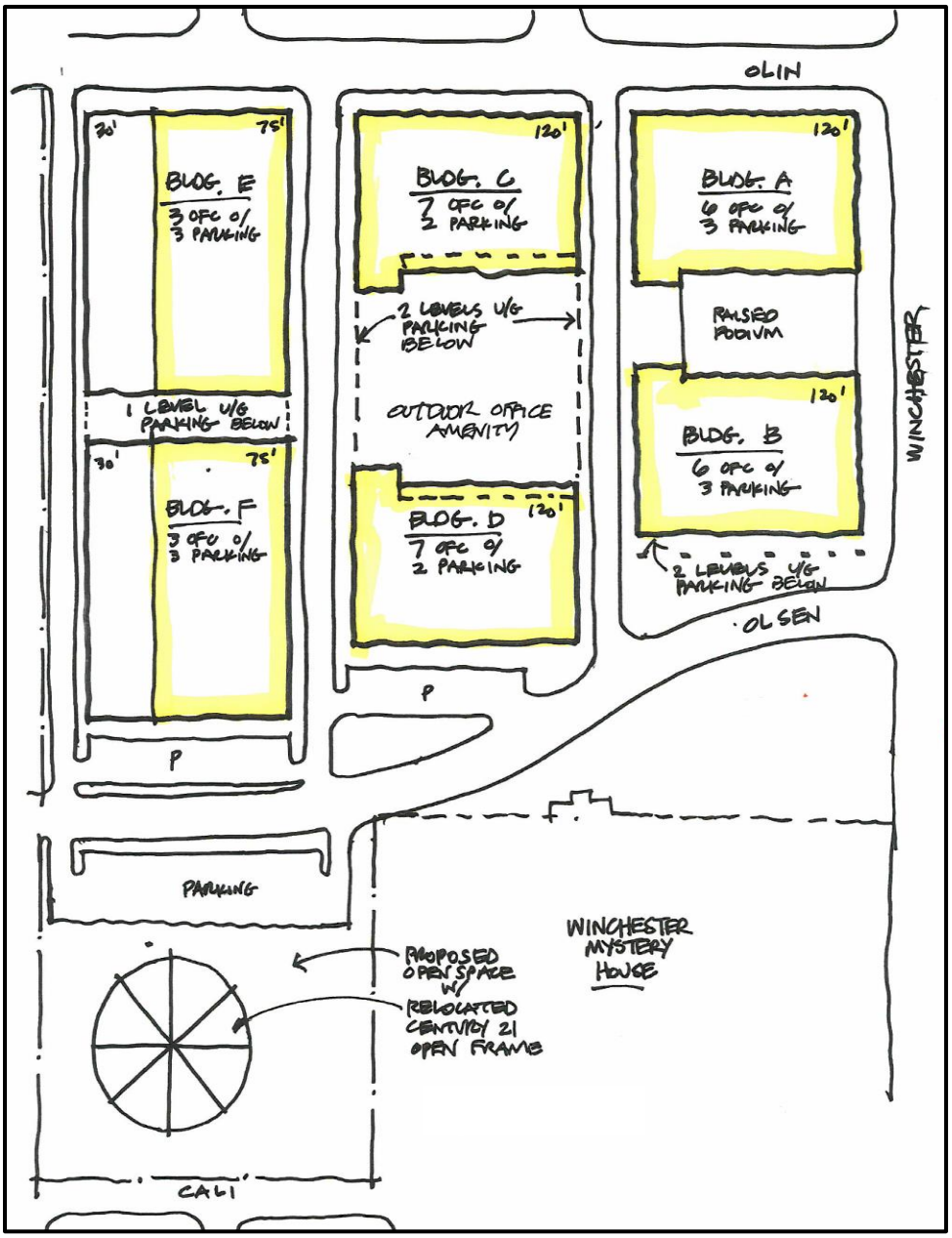
Conclusion: Implementation of the Redesign Alternative 1 would have the same significant impacts as the proposed project, and would meet all of the objectives of the proposed project.

D. REDESIGN ALTERNATIVE NO. 2

As proposed, the project would vacate Olsen Drive and reconfigure the internal roadways, thereby modifying the existing access to the adjacent Winchester Ranch Mobile Home Park. Olsen Drive currently extends from Winchester Boulevard into the mobile home park. Under the Redesign Alternative No. 2, Olsen Drive would not be modified and the current access to the mobile home park would be maintained. This redesign alternative is considered in the event the proposed Olsen Drive street vacation is found infeasible.

In order to accommodate the same square footage of office and retail space on-site without increasing the height or massing of the buildings, Redesign Alternative 2 would shift Building F to the north and relocate the Century 21 Theater building adjacent to and west of the Winchester Mystery House, in the current location of the Century 23 Theater.

Consistent with the proposed project, the Century 21 Theater building would be demolished, with the exterior stripped to the substructure and utilized as an open space pavilion. Landscaping along the northern and western boundary of the Winchester Mystery House property would be expanded to allow for transition into the new publically accessible private open space area.



As with Redesign Alternative 1, under this alternative the proposed western access road would be limited to emergency access vehicles. Furthermore, by maintaining Olsen Drive in its current alignment, there would be no room to expand the current Winchester Mystery House parking lot. All other development parameters of this alternative would be the same as the proposed project, including total square footage, building heights, and general site layout.

As previously discussed, the proposed western access road would contribute to the overall traffic noise level on Olin Avenue. The volume of traffic from the mobile home park is, however, minimal and the primary traffic noise source is from automobiles access the parking structures in buildings C, D, and E. This traffic pattern would not change by maintaining the current access for the mobile home park. As such, the Redesign Alternative 2 would result in a slight reduction of noise on Olin Avenue, but would not reduce the identified noise impact to a less than significant level.

Demolition of the Century 21 Theater and reuse of the metal substructure as an open space pavilion does not meet the Secretary of the Interior Standards for reuse of historic structures. As such, the proposed demolition and reuse of the structure would result in a significant and unavoidable impact. Redesign Alternative 2 would also relocate the metal substructure approximately 175 feet south of its current location. Demolition of the Century 21 Theater and relocation of the metal substructure would result in a loss of setting and location.

Currently, the Century 21 Theater is centrally located on the site and is in the direct line of site for persons entering the property on Olsen Drive. The building entrance also faces Winchester

Boulevard. Relocating the building to the south side of Olsen Drive would effectively remove the building from view for persons on Winchester Boulevard. With removal of the exterior building materials, the entrance or "front" of the structure would no longer be discernable so the ultimate orientation of the building would not be known. While the metal substructure would remain on the project site, relocation of the building would significantly impact the building's setting and orientation relative to the site.

The relocation of Building F north of Olsen Drive would somewhat alter the shading patterns on the adjacent single-family houses in the winter morning hours. Of the six houses adjacent to the western property line, five would be shaded in the winter morning hours with the proposed project. The third house from the corner of Olin Avenue and Maplewood Avenue would not be shaded under the proposed project. Under Redesign Alternative 2, that house would be shaded, but the southernmost house, adjacent to the Olsen Drive cul-de-sac would no longer be shaded. Therefore, while the shading patterns would be slightly modified, the number of houses shaded would not change.

All other impacts identified under the proposed project would remain with this alternative design option.

Conclusion: Implementation of the Redesign Alternative 2 would have the same significant impacts as the proposed project, but meet all of the objectives of the proposed project. This alternative would have exacerbate the significant unavoidable impact to the Century 21 Theater as a result of the proposed relocation.

E. CENTURY 21 THEATER REUSE ALTERNATIVE 1

As proposed, the project would remove the exterior building materials from the Century 21 Theater and maintain the substructure in its current location as an open space pavilion. The use of the metal substructure pf the Century 21 Theater as an open space pavilion does not meet the Secretary of the Interior Standards for reuse of historic structures. Under the Reuse Alternative, the Century 21 Theater would be rehabilitated consistent with Secretary of the Interior Standards[74] and used as a mini-storage facility. All other development parameters of this alternative would be the same as the proposed project, including total square footage, building heights, and site layout.

The interior of the building does not contribute to the historic significance of the structure. As such, any interior modifications to the building would have no impact on the eligibility of the building for listing on the NRHP or CRHR.

Service doors already exist at the rear of the building and the building has a large front entrance. The front entrance would be accessed from the north/south internal access road and Olsen Drive. Street parking is proposed along the access road in front of the building as part of the proposed project and would be designated for the mini-storage under this alternative. Alternatively, persons using the storage facility could access the rear of the building from the new roadway along the western boundary. To accommodate personal automobiles and possibly vans or other large vehicles, the landscaped area around the dome would need to be replaced with parking and sufficient space for loading and unloading of vehicles.

[74] The rehabilitation standards require that the building be used as it was historically or given a new use that requires minimal change to the distinctive materials, features, spaces, and spatial relationships of the structure.

The mini-storage would increase the peak-hour traffic trips to/from the project site. Based on the Institute of Transportation Engineers (ITE) *Trip Generation, 9th Edition*, a mini-storage facility generates an average of 0.28 trips per 1,000 square feet in the AM Peak Hour and 0.29 trips per 1,000 square feet in the PM Peak Hour. The theater is 21,100 square feet, resulting in six AM and PM Peak Hour trips. Given the total volume of Peak Hour traffic trips generated by the proposed project, the minimal increase resulting from the mini-storage would not result in a new significant impact.

Based on the ITE manual, a mini-storage facility generates an average of 2.50 daily trips per 1,000 square feet. This would increase the number of cars and possibility large vehicles utilizing the western access road. While the increase in vehicles on this roadway would result in a minimal increase in traffic noise, any increase in the average ambient noise levels would not be perceptible. There could, however, be occasional instantaneous noise events resulting from persons loading and unloading vehicles, large vehicles backing up, etc., that would be noticeable at the adjacent residences. These events would be limited to the operating hours of the facility and would not be frequent in nature. As a result, these noise events would not be considered significant.

All other impacts identified under the proposed project would remain with this reuse alternative option. To ensure that the identified impact to the Century 21 Theater is reduced to less than significant, the following measures would be required as a condition of approval of this alternative:

- Rehabilitation and reuse of the Century 21 Theater shall comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties to preserve the significant character-defining features of the building. Prior to the issuance of a Historic Preservation Permit or Planned Development Permit, the rehabilitation plans of the theater reuse project shall be evaluated by a qualified Historic Architect or Architectural Historian and shall be found to be commensurate with the Standards. The findings of the Historic Architect or Architectural Historian shall be included in a report submitted to the City's Historic Preservation Officer and Supervising Planner of the Department of Planning, Building, and Code Enforcement's Environmental Review Division for review and approval prior to issuance of the Historic Preservation Permit and/or Planned Development Permit.

Conclusion: Implementation of Reuse Alternative 1 would avoid the significant unavoidable impact to the Century 21 Theater. All other significant impacts would be the same as those identified under the proposed project. This alternative would meet all of the objectives of the proposed project.

F. CENTURY 21 THEATER REUSE ALTERNATIVE 2

As proposed, the project would remove the exterior building materials from the Century 21 Theater and maintain the substructure in its current location as an open space pavilion. The use of the metal substructure of the Century 21 Theater as an open space pavilion does not meet the Secretary of the Interior Standards for reuse of historic structures. Under the Reuse Alternative 2, the Century 21 Theater would be rehabilitated consistent with Secretary of the Interior Standards and used as an entertainment venue, such as a night club. All other development parameters of this alternative would be the same as the proposed project, including total square footage, building heights, and site layout. The venue would operate on nights and weekends, after standard business hours, and would be subject to the City's operation regulations and would be required to obtain a Planned

Development Permit. Regulations include, but are not limited to, hours of operation, noise, beverage service, security, parking, and traffic circulation.

The interior of the building does not contribute to the historic significance of the structure. As such, any interior modifications to the building would have no impact on the eligibility of the building for listing on the NRHP or CRHR.

Service doors already exist at the rear of the building and the building has a large front entrance. Entry points would not change, and patrons would enter and exit primarily through the front entrance. Parking would be provided in Buildings C and D only. Parking would not be allowed in Buildings E or F to avoid late night noise from automobiles and patrons leaving the facility.

As noted above, the entertainment venue would operate nights and weekends, outside peak traffic hours. As a result, no additional Peak Hour trips would result from this alternative. The limitation on parking would limit access options to the project site, and would not result in an increase in the average ambient noise levels on Olin Avenue. There could, however, be occasional instantaneous noise events resulting from persons entering or exiting the venue that would be noticeable at the adjacent residences. These events would be limited to the operating hours of the facility and would not be frequent in nature. As a result, these noise events would not be considered significant.

All other impacts identified under the proposed project would remain with this reuse alternative option. To ensure that the project impact to the Century 21 Theater is reduced to less than significant, the following measures would be required as a condition of approval of this alternative:

- Rehabilitation and reuse of the Century 21 Theater shall comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties to preserve the significant character-defining features of the building. Prior to the issuance of a Historic Preservation Permit or Planned Development Permit, the rehabilitation plans of the theater reuse project shall be evaluated by a qualified Historic Architect or Architectural Historian and shall be found to be commensurate with the Standards. The findings of the Historic Architect or Architectural Historian shall be included in a report submitted to the City's Historic Preservation Officer and Supervising Planner of the Department of Planning, Building, and Code Enforcement's Environmental Review Division for review and approval prior to issuance of the Historic Preservation Permit and/or Planned Development Permit.

Conclusion: Implementation of the Reuse Alternative would avoid the significant unavoidable impact to the Century 21 Theater. All other significant impacts would be the same or less as those identified under the proposed project. This alternative would meet all of the objectives of the proposed project.

G. FLAMES RESTAURANT REUSE ALTERNATIVE

As proposed, the project would demolish the Flames Restaurant to allow for construction of a nine-story office building with ground floor retail. The restaurant building is historically significant and demolition of the structure would be considered a significant impact. Under the Flames Restaurant Reuse Alternative, the restaurant would either be retained in its current location or relocated to another place on-site along the Winchester Boulevard frontage. The original intent of the building

was as a roadside restaurant. Relocation within the interior of the site was not considered because it would not be compatible with the original setting of the building and could diminish the viability of any future business that could occupy the building.

The restaurant building is 6,800 square feet. Accounting for minimal setbacks between the restaurant and the new buildings on-site, it is estimated that the restaurant would require at least 7,000 square feet of area. To account for preservation of the restaurant building, the total square footage of office and retail development on-site would either be reduced a minimum of 63,000 square feet (assumes a 7,000 square feet reduction per floor within the nine-story structure) or the development capacity would be accommodated elsewhere on-site by increasing the height on one or more of the proposed buildings.

Parking for the restaurant building would need to be included within the parking structures located within the new office buildings. Because the restaurant would operate during standard office hours, the restaurant parking could not be shared with the office. With a reduction in office square footage, the alternative would not result in a reduction in the proposed office parking ratios. If the restaurant was maintained on-site with no reduction in office space, there would be a reduction the overall office parking.

All other development parameters of this alternative would be the same as the proposed project, including reuse of the Century 21 Theater as an open space pavilion, building heights, and general site layout.

The interior of the building does not contribute to the historic significance of the structure. As such, any interior modifications to the building would have no impact on the eligibility of the building for listing on the CRHR.

The restaurant is currently in operation. The restaurant relocation and reuse on-site would generate the same number of Peak Hour traffic trips as the current operations. While the restaurant trips were deducted from the total traffic trips of the proposed project, retention of the restaurant and the existing traffic trips would not result in a new traffic impact or increase the severity of the impacts identified under the proposed project because of the reduction in office square footage.

All other impacts identified under the proposed project would remain with this reuse alternative option. To ensure that the project impact to the Flames Restaurant is reduced to less than significant, the following measures would be required as a condition of approval of this alternative:

- Design the proposed project component of the restaurant building to be compatible with the Secretary of the Interiors Standards. Prior to the issuance of building permits, rehabilitation plans of the restaurant reuse project will be development and submitted to the City for review and will be evaluated by a qualified Historic Architect or Architectural Historian. No building permit for the Flames Restaurant will be issued until the rehabilitation plans are found to be commensurate with the Standards.

Conclusion: Implementation of this Reuse Alternative would avoid the significant unavoidable impact to the restaurant building. All other significant impacts would be the same as those identified under the proposed project. Project objective 5 would not be met because the total development on

site because it would reduce the FAR to approximately 1.7. This alternative would meet all other objectives of the proposed project.

H. REDUCED DEVELOPMENT AND HISTORIC BUILDINGS REUSE ALTERNATIVE

The combined Reduced Development and Historic Buildings Reuse Alternative was developed to address the significant transportation, noise, and historic impacts of the proposed project. Similar to Alternatives E and G, under the Reduced Development and Historic Buildings Reuse Alternative the Century 21 Theater would be rehabilitated consistent with Secretary of the Interior Standards and used as a mini-storage facility and the Flames Restaurant would be retained on-site along the Winchester Boulevard frontage. In addition, the total project size would be reduced to 175,000 square feet and the middle access road from Olin Avenue would be removed. The new western access road would be provided for emergency vehicle access and access to the Century 21 building. Olsen Avenue would remain in its current configuration and provide access to the mobile home park. All other project traffic would use the easternmost access road from Olin Avenue (between Spar Avenue and Winchester Boulevard) or Winchester Boulevard. The proposed access road between Spar Avenue and Hanson Avenue would not be included in this alternative. With the reduction in overall square footage, the total height of the buildings would be reduced to two to three floors. All other development parameters of this alternative would be the same as the proposed project.

The interior of the Century 21 building does not contribute to the historic significance of the structure. As such, any interior modifications to the building would have no impact on the eligibility of the building for listing on the NRHP or CRHR.

Service doors already exist at the rear of the building and the building has a large front entrance. The front entrance would be accessed from the north/south internal access road and Olsen Drive. Street parking is proposed along the access road in front of the building as part of the proposed project and would be designated for the mini-storage under this alternative. Alternatively, persons using the storage facility could access the rear of the building from the new roadway along the western boundary. To accommodate personal automobiles and possibly vans or other large vehicles, the landscaped area around the dome would need to be replaced with parking and sufficient space for loading and unloading of vehicles.

The mini-storage would increase the peak-hour traffic trips to/from the project site. Based on the Institute of Transportation Engineers (ITE) *Trip Generation, 9th Edition,* a mini-storage facility generates an average of 0.28 trips per 1,000 square feet in the AM Peak Hour and 0.29 trips per 1,000 square feet in the PM Peak Hour. The theater is 21,100 square feet, resulting in six AM and PM Peak Hour trips. Given the total volume of Peak Hour traffic trips generated by the proposed project, the minimal increase resulting from the mini-storage would not result in a new significant impact.

The restaurant is currently in operation. Retaining the restaurant on-site would generate the same number of Peak Hour traffic trips as the current operations. While the restaurant trips were deducted from the total traffic trips of the proposed project, retention of the restaurant and the existing traffic trips would not result in a new traffic impact or increase the severity of the impacts identified under the proposed project because of the reduction in office square footage.

Based on the ITE manual, a mini-storage facility generates an average of 2.50 daily trips per 1,000 square feet. This would increase the number of cars and possibility large vehicles utilizing the western access road. While the increase in vehicles on this roadway would result in a minimal increase in traffic noise, any increase in the average ambient noise levels would not be perceptible. There could, however, be occasional instantaneous noise events resulting from persons loading and unloading vehicles, large vehicles backing up, etc., that would be noticeable at the adjacent residences. These events would be limited to the operating hours of the facility and would not be frequent in nature. As a result, these noise events would not be considered significant.

The proposed western access road would contribute to the overall traffic noise level on Olin Avenue. The volume of traffic from the mobile home park is, however, minimal and the primary traffic noise source is from automobiles accessing the parking structures in buildings C, D, E, and F. Under this alternative, project traffic would not travel beyond Spar Avenue. Because project traffic would be limited to the easternmost section of Olin Avenue where there is no housing, the project's operational noise impact would be reduced to a less than significant level. The project would still be phased and construction would occur for a duration longer than 12 months. As a result, the construction noise impacts would still be significant and unavoidable.

Based on the traffic data developed for the proposed project, the total project size of 175,000 square feet (a reduction of 82 percent) would avoid the impact at the Winchester Boulevard/Tisch Way intersection as well as the identified freeway impacts.

All other impacts identified under the proposed project would remain with this reuse alternative option.

To ensure that the project impacts to the historic buildings on-site is reduced to less than significant, the following measures would be required as a condition of approval of this alternative:

- Rehabilitation and reuse of the Century 21 Theater shall comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties to preserve the significant character-defining features of the building. Prior to the issuance of a Historic Preservation Permit or Planned Development Permit, the rehabilitation plans of the theater reuse project shall be evaluated by a qualified Historic Architect or Architectural Historian and shall be found to be commensurate with the Standards. The findings of the Historic Architect or Architectural Historian shall be included in a report submitted to the City's Historic Preservation Officer and Supervising Planner of the Department of Planning, Building, and Code Enforcement's Environmental Review Division for review and approval prior to issuance of the Historic Preservation Permit and/or Planned Development Permit.

- Design the proposed project component of the restaurant building to be compatible with the Secretary of the Interiors Standards. Prior to the issuance of building permits, rehabilitation plans of the restaurant reuse project will be development and submitted to the City for review and will be evaluated by a qualified Historic Architect or Architectural Historian. No building permit for the Flames Restaurant will be issued until the rehabilitation plans are found to be commensurate with the Standards.

Conclusion: Implementation of the Reduced Development and Historic Buildings Reuse Alternative would avoid the significant unavoidable impacts to the Century 21 Theater and Flames Restaurant, the operational noise impact on Olin Avenue, and the traffic impacts at the Winchester Boulevard/Tisch Way intersection and local freeway segments. All other significant impacts would be the same as those identified under the proposed project. Project objective 5 would not be met because the total development on-site would be approximately 0.30 FAR, far less than the 2.0 FAR allowed and intended by the proposed project. This alternative would meet all other objectives of the proposed project.

I. 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 and Century 21 Reuse Alternative because one of the project's significant unavoidable historic building impacts, one intersection impact and all freeway impacts, and the operational noise impact would be avoided, and no new significant impacts would result. The Reduced Development and Century 21 Reuse Alternative would achieve all but one of the objectives of the proposed project.

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 would impact the Winchester Boulevard/Tisch Way intersection under background plus project conditions.

2. Implementation of the proposed project will increase traffic volumes on 21 freeway segments by more than one percent that already operate at LOS F.

3. Even with compliance with City code requirements, construction noise would occur for more than 12 months.

4. The construction of Phase I of the proposed project would likely occur at the same time as the proposed 350 Winchester Boulevard development, located approximately 350 feet northeast of the project site. Both projects are anticipated to begin construction in the spring of 2017 and have a two-year time frame.

5. Implementation of the proposed project would result in the modification of the Century 21 Theater.

6. Implementation of the proposed project would result in the demolition of the Flames Restaurant.

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 the project site is currently low because the theater buildings are not operational and there is little landscaping on-site.

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 development would be constructed to LEED Silver standards and would, as a result, use less energy for heat and light and less water than standard design buildings. 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 LEAD AGENCY AND CONSULTANTS

Lead Agency

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Department of Planning, Building and Code Enforcement
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Consultants

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Shannon George, Senior Project Manager
Amber Sharp, Associate Project Manager
Zach Dill, Graphic Artist

Archives & Architecture
Historic Consultants
San Jose, CA

Hexagon Transportation Consultants
Transportation Consultants
San Jose, CA

Hort Science
Arborist
Pleasanton, CA

Illingworth & Rodkin
Air Quality and Noise
Petaluma, CA

SECTION 12.0 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.