Draft Environmental Impact Report

Winchester Ranch Residential Project

File Nos. GP18-014, GPT19-004, PT19-023, PDC18-037, and PD19-019

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with

DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

August 2019

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
ROSALYNN HUGHEY, DIRECTOR

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

A Draft Environmental Impact Report (DEIR) for the **Winchester Ranch Residential Project** is available for public review and comment.

Project Description: The project consists of: 1) a General Plan Amendment to change the Envision San José 2040 General Plan Land Use/Transportation Diagram Designation from Residential Neighborhood to Urban Residential; 2) a General Plan Text Amendment to make minor modifications to the Santana Row/Valley Fair Urban Village Plan to remove references to Winchester Mobile Home Park, update the Building Height Diagram, and update transition areas; 3) rezone the site from the A(PD) – Planned Development Zoning District (for a mobile home park) to the R-M(PD) Planned Development Zoning District to allow the development of up to 688 residential units; 4) a Planned Development Permit to allow a mobile home park conversion and the construction of up to 688 residential units and an approximately 2.0-acre public park; and 5) a Tentative Map to subdivide the site from one parcel to 64 parcels; all on an approximately 15.7 acre site.

Location: Winchester Ranch Mobilehome Community, 555 S. Winchester Boulevard.

File Nos.: GP18-014, GPT19-004, PDC18-037, PD19-019, PT19-023. **Council District:** 1.

The proposed project will have potentially significant environmental effects with regard to air quality, biological resources, cultural resources (historic), hazards and hazardous materials, land use, and noise/vibration. 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 not 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

Bascom Branch Library
1000 S. Bascom Ave.
San José, CA 95128
(408) 808-3077

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 **August 30, 2019** and ends on **October 15, 2019.** Written comments must be received at the Planning Department by **5:00 p.m. on October 15, 2019**, 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 letters and correspondence.

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.

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

8/29/19

Date: 8/26/19

TABLE OF CONTENTS

Figures

Photos

Tables

Appendices

PREFACE

This document has been prepared by the City of San José, 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 José. 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 approved the Envision San José 2040 General Plan (General Plan), which is a long-range program for the future growth of the City. The City of San José's Envision San José 2040 General Plan Final EIR (General Plan FEIR), as amended, was a broad range analysis of the planned growth and did not analyze specific development projects. The intent was for the General Plan FEIR (as amended) to be a program level document from which subsequent development consistent with the General Plan could tier.

Purpose of the EIR

In accordance with CEQA, this EIR provides objective information regarding the environmental consequences of the proposed project to the decision makers who would 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 shall 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 to 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.

SUMMARY

The project proposes construction of up to 688 residential units and an approximately 2.0-acre park on an approximately 15.7-acre site that is currently developed with 111 single-story mobile home units, an associated club house facility, and parking.

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 Project Information and Description* and *Section 3.0 Environmental Setting, Impacts, & Mitigation*

Significant Impacts	Mitigation Measures
Air Quality	
Impact AIR-3: The project would not expose sensitive receptors to substantial pollutant concentrations. **Less than Significant Impact with Mitigation Incorporated** **Impact AIR-C:** The project would not result in a cumulatively considerable contribution to a significant air quality impact. **Less than Significant Impact with Mitigation Incorporated**	**MM AIR-3.1:** All diesel-powered off-road equipment operating on-site for more than two days continuously and larger than 25 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 4 engines or equivalent. Where Tier 4 equipment is not feasible, equipment that meets U.S. EPA emissions for Tier 3 engines and CARB Level 3 verifiable diesel emission control devices (that altogether achieve an 85 percent reduction) shall be used. Alternatively, equipment that is electrically powered or uses non-diesel fuels would meet this requirement. Any cranes to be used during construction shall be electrified and a temporary line power must be available to minimize use of portable diesel-powered equipment. 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 a qualified air 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 Environmental Planner of the Department of Planning, Building and Code Enforcement's Environmental Review Division prior to issuance of any grading, demolition, and/or building permit (whichever occurs earliest).

Biological Resources	
Impact BIO-1: The project would not 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 CDFW or USFWS. **Less than Significant Impact with Mitigation Incorporated**	**MM BIO-1.1:** The project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive). If demolition and construction cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests are disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife (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 shall not be disturbed during project construction. Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Supervising Environmental Planner.
Impact BIO-5: The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. **Less than Significant Impact With Mitigation Incorporated**	**MM BIO-5.1:** Prior to issuance of any demolition or grading permits (whichever occurs first), the project applicant shall retain a certified arborist to discuss work procedures and tree protection with the construction superintendent before beginning work on-site.

	MM BIO-5.2: All trees to be retained on-site shall be fenced to completely enclose the tree protection zone prior to demolition or grading. Fences shall be six feet tall and chain link (or equivalent), as approved by the certified arborist. For each phase of construction, fences shall remain until all grading and construction is complete in each phase. **MM BIO-5.3:** Prior to fencing, all trees to be preserved on-site shall be pruned to clean the crown and provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture. **MM BIO-5.4:** Grading, construction, demolition or other work within the tree protection zone is prohibited. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the tree protection zone. Any modifications must be approved and monitored by the certified arborist. **MM BIO-5.5:** Any root pruning required during construction shall receive prior approval of, and be supervised by, the certified arborist. **MM BIO-5.6:** Any additional tree pruning needed for clearance during construction shall be performed or supervised by a certified arborist and not by construction personnel. **MM BIO-5.7:** Supplemental irrigation shall be applied to trees as determined by the certified arborist throughout construction. **MM BIO-5.8:** If injury should occur to any tree during construction, the certified arborist shall evaluate the tree within 24 hours so that appropriate treatment can be applied.
Cultural Resources	
Impact CUL-1: The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. **Less than Significant Impact with Mitigation Incorporated**	**MM CUL-1.1:** Prior to construction, a qualified historic architect shall undertake an existing visual conditions study of the Winchester House and outbuildings on the Winchester House site if the property owner grants access. The purpose of the study would be to establish the baseline conditions of the building prior to

	construction. The documentation shall take the form of detailed written descriptions and visual illustrations and/or photos, including those physical characteristics of the resource that conveys its historic significance. The documentation shall be reviewed and approved by the City of San José's Historic Preservation Officer prior to the issuance of demolition or grading permits. If access to the Winchester House and outbuildings is not provided, the historic architect shall utilize the most recent publicly available photos of the buildings and/or new photos taken by the historic architect from public vantage points around the property. **MM CUL-1.2:** Prior to any demolition or grading permits, the project applicant shall prepare and implement a Historical Resources Protection Plan (HRRP) that provides measures and procedures to protect the Winchester House from direct or indirect impacts during construction activities (i.e., due to damage from operation of construction equipment, staging, and material storage). The HRRP shall be prepared by a qualified Historic Architect and reviewed and approved by the Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement prior to Public Works clearance, including any ground-disturbing work. The project applicant shall ensure the contractor follows the HRRP throughout construction. The HRRP shall be prepared by a qualified historic architect who meets the Secretary of Interior's Professional Qualifications Standards. At a minimum, the plan shall include: • Guidelines for operation of construction equipment adjacent to historical resources; • Guidelines for storage of construction materials away from historic 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 CUL-1.3:** The project applicant shall establish a "Monitoring Team" comprised of at least one qualified Historic Architect and one structural engineer for the duration of the site

	monitoring process. During the demolition and construction phases, the Monitoring Team shall make periodic site visits to monitor the condition of the Winchester House property, including monitoring of any instruments such as crack gauges, if necessary. The monitoring period shall be a minimum of one site visit every month. The Supervising Environmental Planner and the Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement may request additional site visits at their discretion. If, in the opinion of the Monitoring Team, substantial adverse impacts related to construction activities are found during construction, a representative of the Monitoring Team shall inform the project applicant (or the applicant's designated representative responsible for construction activities), the Supervising Environmental Planner, and the Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement of the potential impacts. The project applicant shall implement the Monitoring Team's recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger historic resources. The project applicant shall ensure that, in the event of damage to the Winchester House during construction, repair work is performed in compliance 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 the structure's historic status. The Monitoring Team shall prepare a report documenting all site visits. The reporting period shall be a minimum of once every three months. The Monitoring Team or its representative, shall submit the site visit reports to the Supervising Environmental Planner and the Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement no later than one week after each reporting period.

	The Monitoring Report shall include, but is not limited to, the following: • Summary of the demolition and construction progress; • Identification of substantial adverse impacts related to construction activities; • Problems and potential impacts to the historical resources and adjacent buildings during construction activities; • Recommendations to avoid any potential impacts; • Actions taken by the project applicant in response to the problem; • Progress and the level of success in meeting the applicable Secretary of the Interior's Standards for the Treatment of Historic Properties for the project as noted above for the character-defining features, and in preserving the character-defining features of nearby historic properties; and • Inclusion of photographs to explain and illustrate progress. In addition, the Monitoring Team shall submit a final document associated with monitoring and repairs after completion of the construction activities to the Supervising Environmental Planner and the Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement prior to the issuance of any Certificate of Occupancy (temporary or final).
Hazards and Hazardous Materials	
Impact HAZ-2: The project would not 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. **Less than Significant Impact with Mitigation Incorporated**	**MM HAZ-2.1:** A Site Management Plan (SMP) shall be prepared and implemented by a qualified environmental professional (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 or the contaminated portions of the site shall be capped beneath the planned development under the regulatory oversight of the Santa Clara County Department of Environmental Health (SCCDEH), Regional Water Quality Control Board (RWQCB) or State Department of Toxic Substances Control (DTSC). The contaminated soil removed from the site shall be hauled off-site and disposed of at a licensed hazardous materials disposal site.

	Components of the SMP shall include, but shall not be limited to: • A detailed discussion of the site background; • Preparation of a Health and Safety Plan a qualified environmental professional; • 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. **MM HAZ-2.2:** All contractors and subcontractors at the project site shall develop a Health and Safety Plan (HSP) specific to their scope of work and based upon the known environmental conditions for the site. The HSP shall be confirmed as acceptable by the Planning, Building and Code Enforcement Supervising Environmental Planner and Environmental Services Department (ESD) and implemented under the direction of a Site Safety and Health Officer. The HSP shall include, but shall not be limited to, the following elements, as applicable: • Provisions for personal protection and monitoring exposure to construction workers; • Procedures to be undertaken in the event that contamination is identified above action levels or previously unknown contamination is discovered; • Procedures for the safe storage, stockpiling, and disposal of contaminated soils; • Provisions for the on-site management and/or treatment of contaminated groundwater during extraction or dewatering activities; and • Emergency procedures and responsible personnel.

	The SMP shall be submitted to SCCDEH, DTSC, or equivalent regulatory agency for review and approval. Copies of the approved SMP shall be provided to the Planning, Building and Code Enforcement Supervising Environmental Planner and Environmental Services Department (ESD) prior to issuance of grading permits. **MM HAZ-2.3:** If the inoperable underground storage tank (UST) is located on-site, the SCCDEH shall be contacted to determine if the UST can remain on-site or must be removed based on the findings of the ENGEO Phase II ESA report. If the SCCDEH concludes that the UST needs to be removed, the project applicant shall acquire all proper UST removal permits from the San Jose Fire Department and SCCDEH and all work shall be completed consistent with the requirements of the permits and the SMP.
Land Use	
Impact LU-2: The project would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **Significant Unavoidable Impact**	The proposed project would increase shading on the southern grounds of the Winchester House property in the spring, fall, and winter months throughout the day. While increased shading from the taller building would not physically impact the integrity of the Winchester House property, it could alter the current setting of the property by reducing sunlight to the greenhouse, the garden, and some of the decorative windows and/or skylights in the main house. This impact would be significant and unavoidable.
Noise	
Impact NOI-1: The project would result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. **Significant Unavoidable Impact**	**MM NOI-1.1:** Consistent with the Municipal Code and in accordance with the General Plan FEIR (as amended), particularly Policy EC-1.7, the proposed project will be required to prepare a construction noise logistics plan which includes the following Standard Permit Conditions and other site-specific measures during all phases of construction on the project site: • The project would be required to utilize the best available noise suppression devices and techniques during construction activities.

	• Construct temporary noise barriers, where feasible, to screen stationary construction equipment. The noise barrier fences should be constructed around the perimeter of the site adjacent to residences, operational businesses, and other noise-sensitive land uses. The temporary noise barrier fences would provide noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps. • Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. • 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. • Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. If noise-generating equipment must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels. Any enclosure openings or venting shall face away from sensitive receptors. • Utilize "quiet" air compressors and other stationary noise sources where technology exists. • Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during project construction. • Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors. • Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site. • Notify all adjacent businesses, residences, and other noise-sensitive land uses of the

	construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences. The on-site residences that would be exposed to Phase I construction should also receive notification in writing of the Phase I construction schedule. • Include a disclosure in the lease of the future tenants of the Phase I development that provides information regarding the on-going Phase II construction activities. • A temporary noise control blanket barrier shall be erected, if necessary, along building facades facing construction sites. This condition shall only be necessary if conflicts occur which are irresolvable by proper scheduling. Noise control blanket barriers shall be rented and quickly erected. • Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule. The construction noise logistics plan must be reviewed and approved by the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement prior to issuance of demolition and/or grading permits (whichever is issued first).
Impact NOI-2: The project would not result in the generation of excessive groundborne vibration or groundborne noise levels. **Less than Significant Impact with Mitigation Incorporated**	**MM NOI-2.1:** Prior to the issuance of any grading or demolition permits, the project applicant shall prepare a construction management plan which details the types of construction equipment used for each phase of the project, potential vibration levels at structures adjacent to the project site, and measures to reduce potential vibration impacts on the Winchester House property and single-family residential buildings adjacent to the project site. Such measures must include, but are not limited to, the following:

	• Use of heavy vibration-generating construction, such as impact compactors, large dozers, vibratory rollers, and packers, shall be prohibited within 60 feet of the nearest structures located on the Winchester House site. • The project contractor shall be prohibited from using heavy vibration-generating construction equipment within 25 feet of nearby buildings along the northern and western property lines. The project contractor shall use smaller vibratory rollers, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 25 feet if these adjacent structures. • Avoid dropping heavy equipment within 25 feet of adjacent buildings. Use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects within 25 feet of buildings to the north and to the west. • The contractor shall alert heavy equipment operators to sensitive adjacent structures (i.e., historical structures within 60 feet of construction activities and all other structures within 20 feet of construction activities) so they can exercise caution. If the construction management plan includes alternative measures to reduce vibration impacts to adjacent structures, the management plan must include a statement by a qualified vibration specialist confirming that the alternative measures will reduce vibration levels at the adjacent structures to less than 0.20 in/sec PPV for non-historic structures of conventional construction and 0.08 in/sec PPV for historic structures. The construction management plan shall be reviewed and approved by the Supervising Environmental Planner of the Department of Planning, Building, and Code Enforcement prior to issuance of any grading or demolition permits. Measures to reduce vibration in the construction management plan must also be printed on all approved grading and building permit plans.

Summary of Alternatives to the Proposed Project

The California Environmental Quality Act (CEQA) requires that an EIR identify alternatives to the project as proposed. The CEQA Guidelines state that an EIR must identify alternatives that would feasibly attain the most basic objectives of the project, but avoid or substantially lessen significant environmental effects, or further reduce impacts that are considered less than significant with the incorporation of mitigation. A summary of project alternatives follows. A full analysis of project alternatives is provided in Section 7.0 Alternatives Analysis.

No Project – No Development Alternative

The No Project – No Development Alternative would retain the existing mobile home park on-site. If the project site were to remain as is there would be no new impacts.

No Project – Existing Residential Neighborhood Land Use Designation Alternative

The existing development on-site has a density of 7.1 du/ac and is slightly below the development allowed under the *Residential Neighborhood* General Plan land use designation and the existing *Planned Development* zoning designation. Therefore, it is reasonable to assume that if the proposed project were not approved, an alternative development could be proposed in the future which would conform to the General Plan designation, resulting in an increase in density and possibly height over current conditions. Under this alternative, assuming an overall project density of eight du/ac, 126 units would be allowed consistent with the *Residential Neighborhood* General Plan designation.

Single Phase Construction Alternative

Currently, the project would be constructed in two phases and is estimated to take approximately 3.5 years to complete, beginning in fall 2020 and ending in winter 2024. If the project was constructed in one phase instead of two phases, the project would have a shorter construction timeframe. Under this alternative, it is reasonable to assume that construction would take approximately half the time currently estimated (42 to 45 months). Although construction would likely take more than 12 months (General Plan Policy EC-1.7) under this alternative, the sensitive receptors would be exposed to construction noise for a shorter time frame.

Relocation of Podium Building – West

Under this alternative, the project would relocate the podium building west of its proposed location to avoid adjacency to the Winchester House. Relocation of the podium building would result in four of the four-story flat buildings being moved between the podium building and Winchester Boulevard.

Relocation of the Podium Building - South

Under this alternative, the podium building would be relocated along the southern property line, on the eastern side of the site. This would allow Charles Cali Drive to be realigned along the shared property line, providing additional open space (approximately 25 feet) between the proposed new building and the outbuildings.

Reduced Height of Podium Building

As designed, the podium building has six "fingers" along the northern half of the building, where the upper floors are broken up by courtyards beginning on the third level. The southern half of the building has no courtyards and a solid massing. Under the reduced height alternative, the three easternmost fingers of the podium building would be reduced in height to four stories. The remaining fingers, adjacent to the Century 23 Theater site and the southern half of the building would continue to be seven stories. Based on the current building design for the proposed project, this reduction would result in the loss of 54 units.

Areas of Public Controversy

Areas of public concern include:

- Increased traffic
- Insufficient parking
- Height and Massing
- Interface with the Winchester House (a historic resource) and potential impact to the Winchester House

SECTION 1.0 INTRODUCTION

1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

The City of San José, as the Lead Agency, has prepared this Draft Environmental Impact Report (EIR) for the Winchester Ranch Residential Project in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

As described in CEQA Guidelines Section 15121(a), an EIR is an informational document that assesses potential environmental impacts of a proposed project, as well as identifies mitigation measures and alternatives to the proposed project that could reduce or avoid adverse environmental impacts (CEQA Guidelines 15121(a)). As the CEQA Lead Agency for this project, the City of San José is required to consider the information in the EIR along with any other available information in deciding whether to approve the project. The basic requirements for an EIR include discussions of the environmental setting, environmental impacts, mitigation measures, cumulative impacts, alternatives, and growth-inducing impacts. It is not the intent of an EIR to recommend either approval or denial of a project.

1.2 EIR PROCESS

1.2.1 Notice of Preparation and Scoping

In accordance with Sections 15063 and 15082 of the CEQA Guidelines, City of San José prepared a Notice of Preparation (NOP) for this EIR. The NOP was circulated to local, state, and federal agencies on March 12, 2019. The standard 30-day comment period concluded on April 15, 2019. The NOP provided a general description of the proposed project and identified possible environmental impacts that could result from implementation of the project. The City also held a public scoping meeting on March 21, 2019 to discuss the project and solicit public input as to the scope and contents of this EIR. The meeting was held at the Cypress Community and Senior Center, at 403 Cypress Avenue. Appendix A of this EIR includes the NOP and comments received on the NOP.

1.2.2 Draft EIR Public Review and Comment Period

Publication of this Draft EIR will mark the beginning of a 45-day public review and comment period. During this period, the Draft EIR will be available to local, state, and federal agencies and to interested organizations and individuals for review. Notice of this Draft EIR will be sent directly to every agency, person, and organization that commented on the NOP. Written comments concerning the environmental review contained in this Draft EIR during the 45-day public review period should be sent to:

David Keyon
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113
(408) 535-7898
david.keyon@sanjoseca.gov

1.3 FINAL EIR/RESPONSES TO COMMENTS

Following the conclusion of the 45-day public review period, the City will prepare a Final EIR in conformance with CEQA Guidelines Section 15132. The Final EIR will consist of:

- Revisions to the Draft EIR text, as necessary;
- List of individuals and agencies commenting on the DEIR;
- Responses to comments received on the DEIR, in accordance with CEQA Guidelines (Section 15088);
- Copies of letters received on the DEIR.

1.3.1 Notice of Determination

If the project is approved, the City of San José will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15094(g)).

SECTION 2.0 PROJECT INFORMATION AND DESCRIPTION

2.1 PROJECT LOCATION

The approximately 15.7-acre project site is comprised of a single parcel (APN 303-38-001) located at the northwest corner of the Winchester Boulevard and Interstate 280 (I-280) intersection in the City of San José (see Figures 2.1-1, 2.1-2, and 2.1-3). The project site is located within an urbanized area and is surrounded by single-family residences to the north and west. The Winchester House (known colloquially as the Winchester Mystery House) and the former Century 23 Dome Theater are located north and east of the site. Santana Row is also located east of the site and I-280 is to the south. The project site is located within the Santana Row/Valley Fair Urban Village Plan area (refer to Figure 2.1-4).

2.1.1 Existing Site Development

The project site is currently developed with 111 single-story mobile home units, an associated club house facility, and parking. The site is currently accessed by one ingress/egress driveway on Olsen Drive and one ingress-only driveway on Winchester Boulevard. Olsen Drive ends at a private access road at the project site property line. A cul-de-sac is located at the western end of Olsen Drive to allow for traffic to turn around if need be. Landscaping consists of trees located within and around the perimeter of the site.

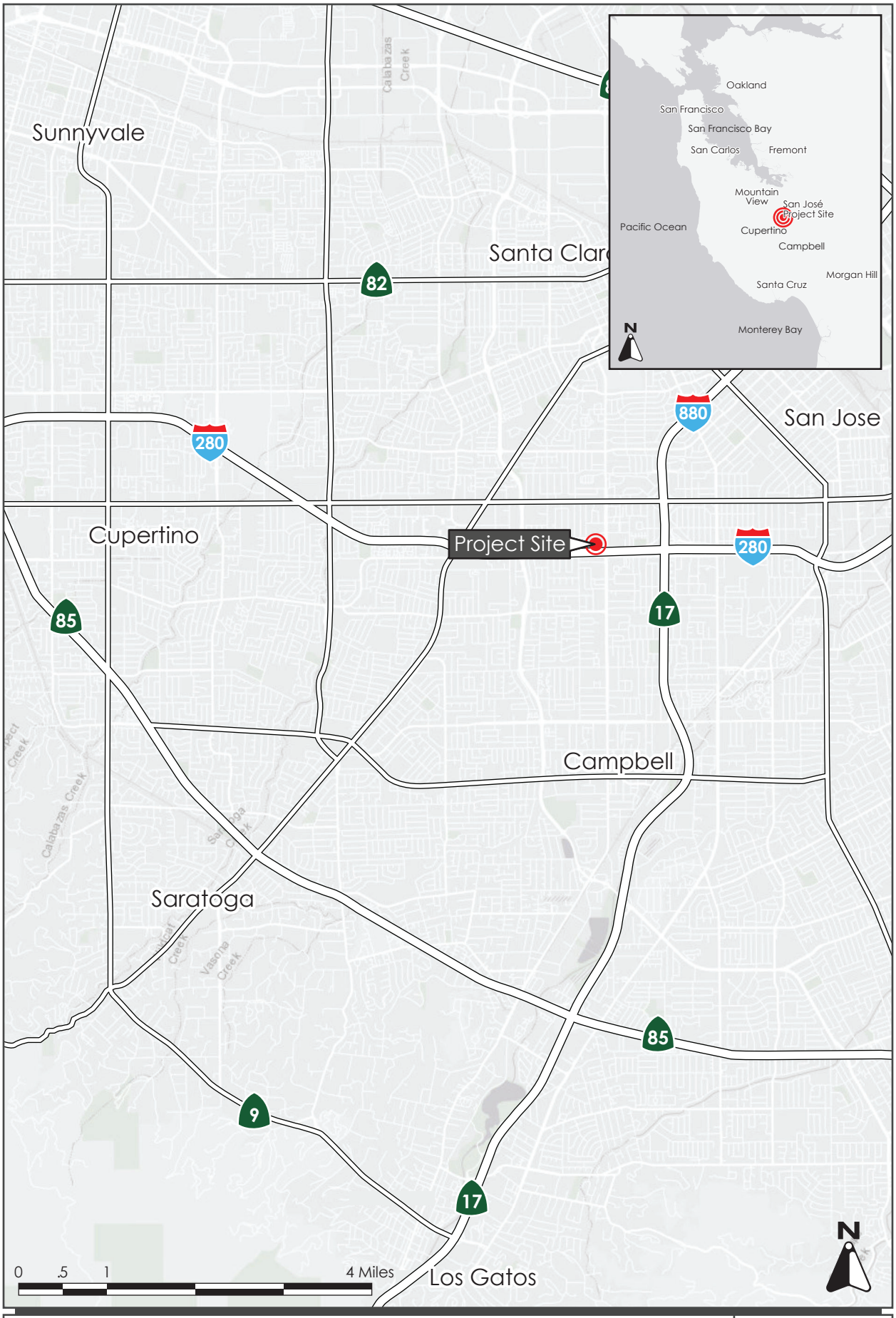
2.2 PROJECT DESCRIPTION

The proposed project includes a General Plan Amendment, a Planned Development Zoning, and a Planned Development Permit to demolish the existing mobile home park structures and construct up to 688 residential units on a 15.7-acre site. The project will also require a Tentative Map to subdivide the property into 64 parcels. Details of the project are described below.

2.2.1 General Plan Amendment from Residential Neighborhood to Urban Residential

The applicant proposes a General Plan Amendment to change the Envision San José 2040 General Plan Land Use/Transportation Diagram Designation (land use designation) from *Residential Neighborhood* to *Urban Residential*.

The site's existing *Residential Neighborhood* land use designation is intended to preserve the existing character of single-family neighborhoods (including both the suburban and traditional residential neighborhood areas) and to strictly limit new development to infill projects which conform to the existing neighborhood character as defined by density. New infill development should improve and/or enhance the existing neighborhood by completing the existing neighborhood pattern and bringing infill properties into general conformance with the quality and character of the surrounding neighborhood. Development within the *Residential Neighborhood* land use designation would have a typical density of eight dwelling units per acre (du/ac) or the prevailing neighborhood density and a floor arear ratio (FAR) of up to 0.7 (one to 2.5 stories).



REGIONAL MAP | FIGURE 2.1-1

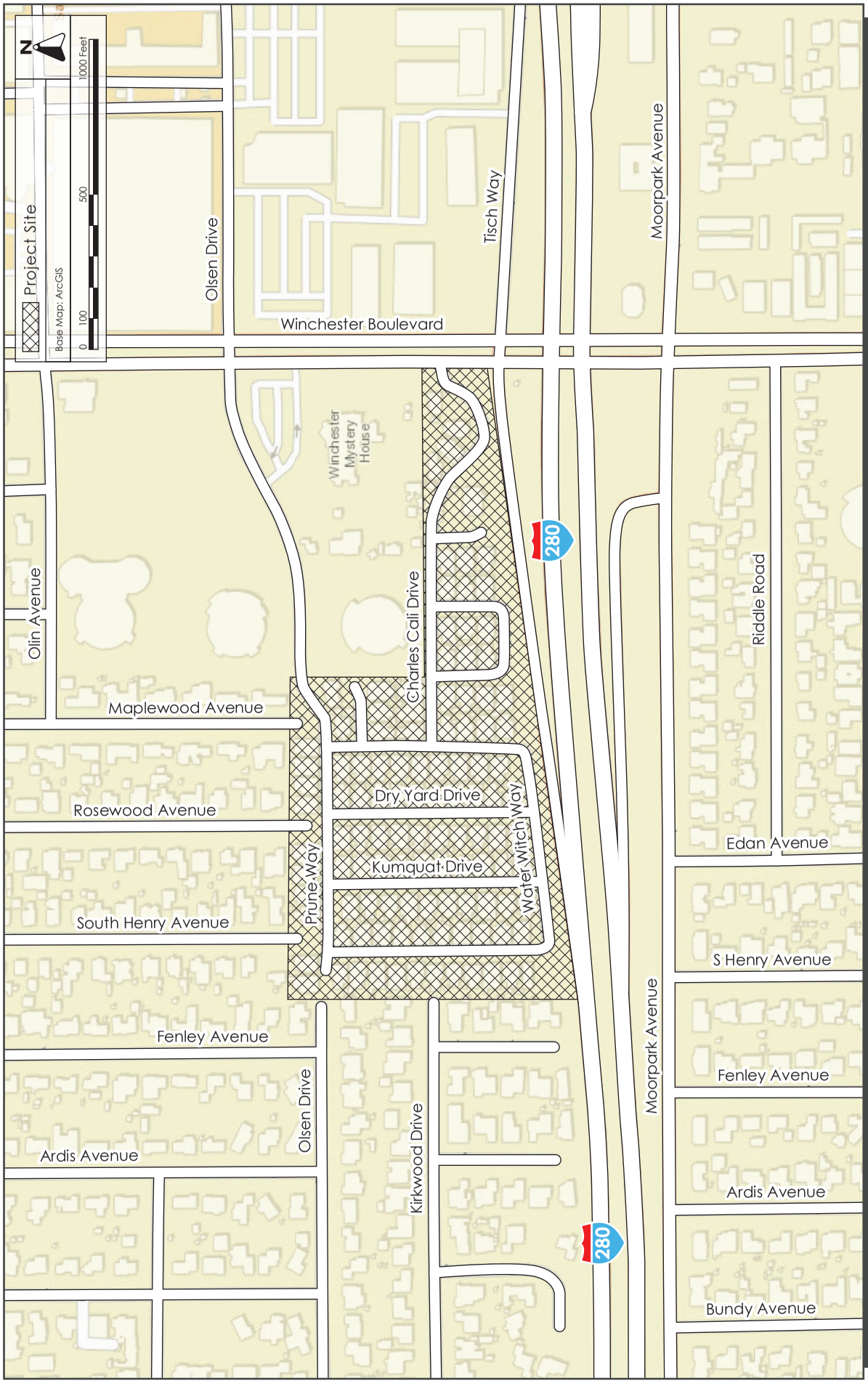
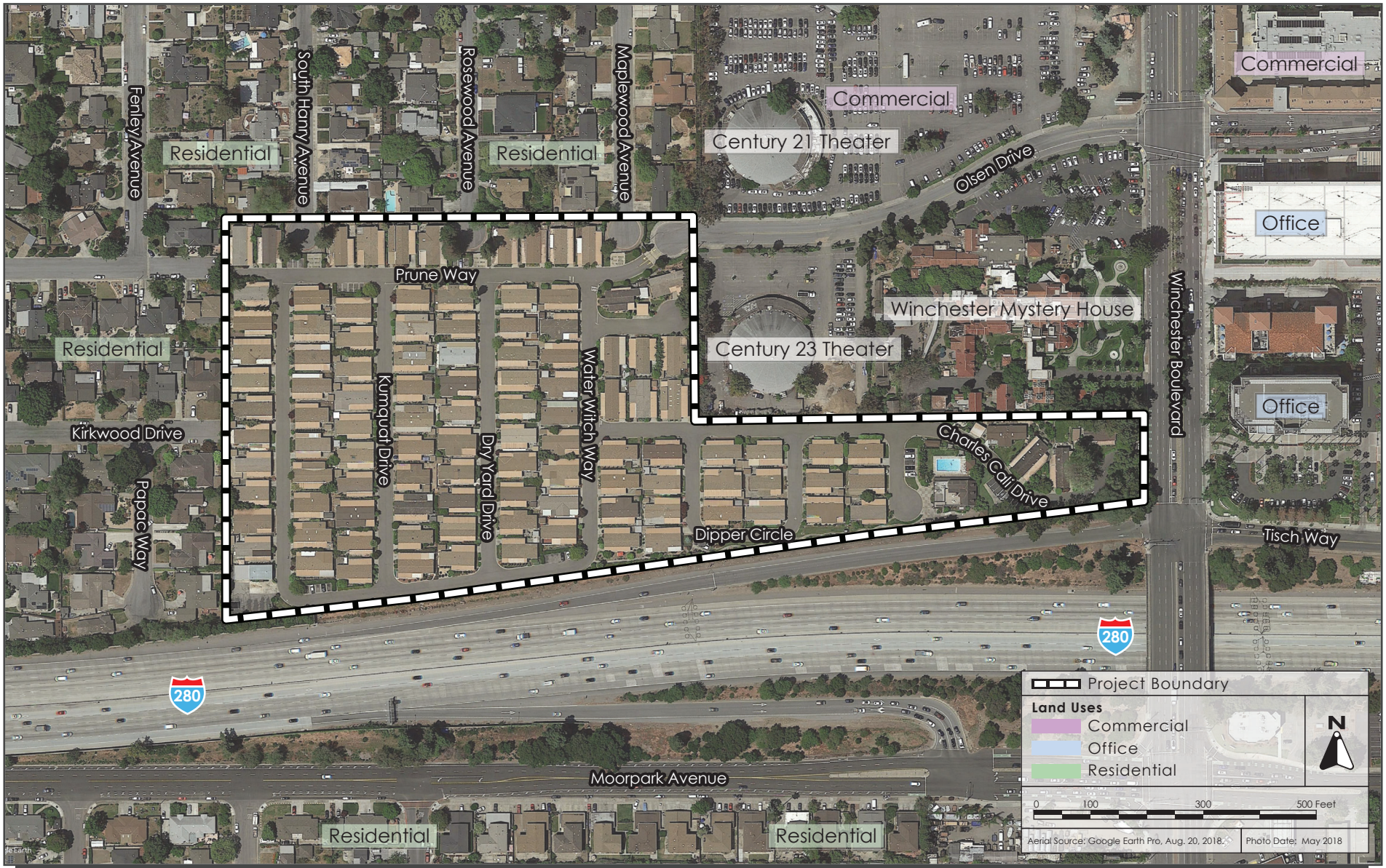
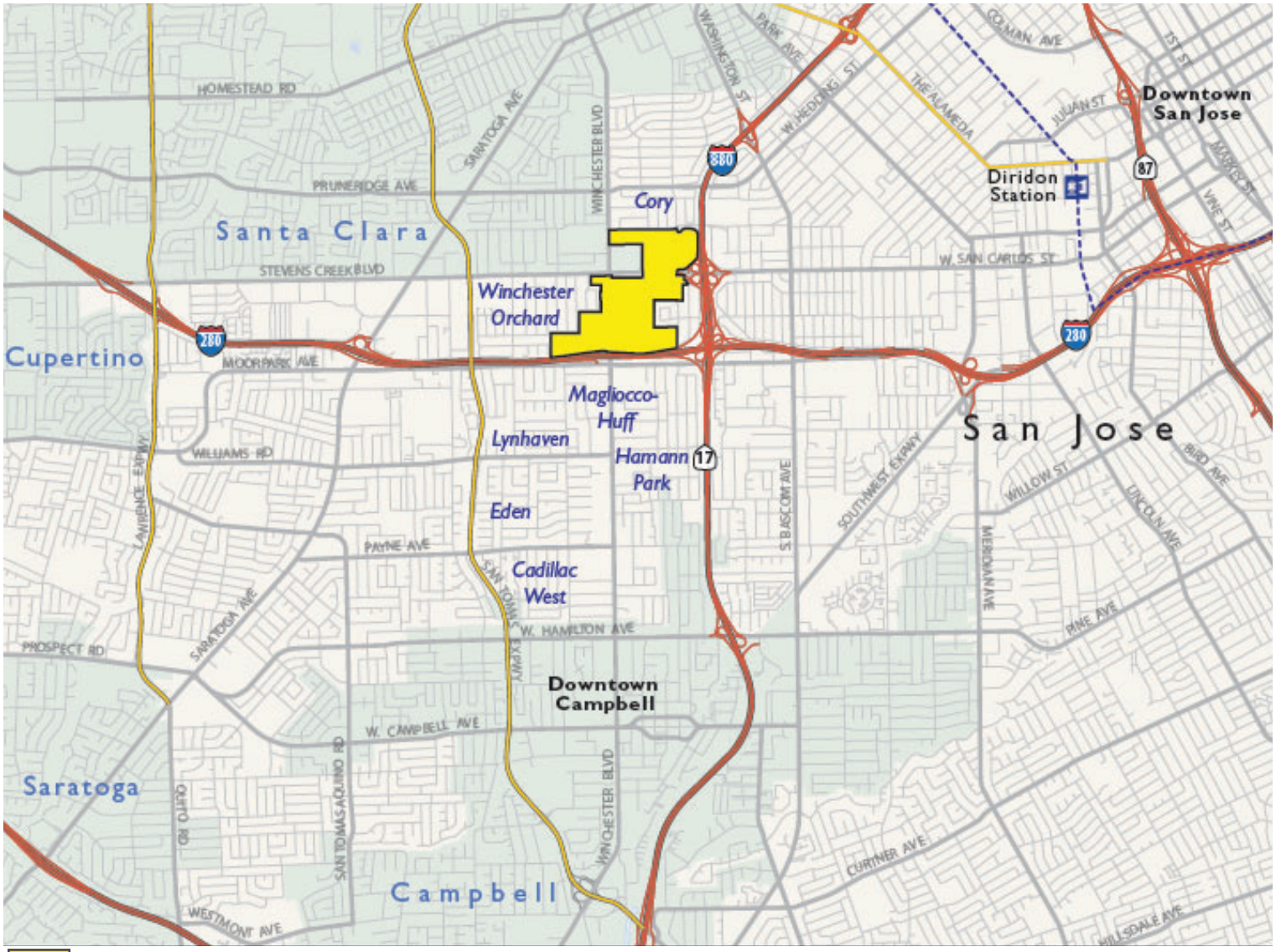


FIGURE 2.1-2

VICNITY MAP



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.1-3



SANTANA ROW/VALLEY FAIR URBAN VILLAGE BOUNDARY | FIGURE 2.1-4

The proposed *Urban Residential* land use designation would allow for medium density residential development (between 30 and 95 du/ac) and an FAR of 1.0 to 4.0 (three to 12 stories). This land use designation would also allow a broad range of commercial uses (including retail, offices, hospitals, and private community gathering facilities) within identified Urban Villages, in other areas within the City that have existing residential development built at this density, within Specific Plan areas, or in areas in close proximity to an Urban Village or transit facility where intensification will support those facilities. Any new residential development at this density should be in Growth Areas or, on a very limited basis, as infill development within areas with characteristics similar to the Urban Village areas (generally developed at high-density and in proximity to transit, jobs, amenities and other services). The allowable density for this designation is further defined within the applicable Zoning Ordinance designation and may also be addressed within an Urban Village Plan or other policy document. The *Urban Residential* designation is also used to identify portions of Urban Village areas where the density of new development should be limited to a medium intensity in order to provide a gradual transition between surrounding low-density neighborhoods and other areas within the Urban Village suitable for greater intensification. The allowable density/intensity for mixed-use development will be determined using an allowable FAR (1.0 to 4.0) to better address the urban form and potentially allow fewer units per acre if in combination with other uses such as commercial or office.

2.2.2 General Plan Text Amendment for Changes to the Santana Row/Valley Fair Urban Village Plan

The project includes a General Plan Text Amendment to make minor modifications to the Santana Row/Valley Fair Urban Village Plan to modify references to the Winchester Mobile Home Park, update the Building Height Diagram and update the transition areas. The proposed text amendment would clarify that any development on Winchester Ranch maximize density while maintaining compatibility with the existing surrounding residential uses. Figure 3-1 of the Land Use Map would be updated to reflect the proposed projects linear park and proposed Urban Residential designation. The Residential Neighborhood designation would be removed entirely from the Land Use Plan Overview chapter. Figure 4-1 Parks and Open space would be changed to show the proposed linear park. Figure 5-1 would be updated to include the park and paseo and bike-only connections. Height transition standards would be applied to the subject site and the "Residential Only" designation would be removed from the Figure 5.3-1. The text amendment would also remove the sentence which says "The Winchester Ranch Mobile Home Park is the one area in the Village in which only residential uses are allowed". The text amendment would include additional paseo descriptions in 5.3-4 and would lastly modify the allowable height to the 85 feet on the apartment portion of the site and 55 feet on the townhome portion of the site.

2.2.3 Planned Development Rezoning

The applicant proposes to rezone the site from the *A(PD) – Planned Development* Zoning District (for a mobile home park) to the R-M(PD) Planned Development Zoning District to allow the development of up to 688 residential units on the 15.7-acre site.

The existing Planned Development zoning district approved for this site in 1975 (File No. PDC75-095) allowed for a mobile home park with up to 111 mobile home units at residential density of 7.1 du/ac of land.

The proposed Planned Development zoning district would allow for the development of up to 688 residential units at approximately 44 du/ac. The rezoning includes an approximately 2.0-acre park. Please refer to Figure 2.2-1 for the site plan.

Of the 688 residential units, 368 units would be located on the eastern portion of the project site within a five-story multi-family residential building above two levels of an above-ground parking garage. The building would be a total of seven stories in height (approximately 79.5 feet tall facing Interstate 280, and 74 feet tall facing Winchester House).

The remaining 320 units would be located on the western portion of the site and would consist of 90 four-story row townhouses, 158 four-story condominiums, and 72 flats. The proposed residential units within the western portion of the property would have a maximum height of 60 feet to the top of the building.

The proposed buildings on-site would be set back approximately 33 feet from the adjacent single-family residences and a minimum of 10 feet from the property line of the Winchester House.

2.2.4 Planned Development Permit

To implement the proposed Planned Development Zoning, the project would require a Planned Development Permit to demolish the existing mobile home park structures and remove the landscaping and hardscape on-site. Details of the proposed Planned Development Permit are described below.

2.2.4.1 *Public Park and Open Space*

An approximately 2.0-acre neighborhood-serving public park would be constructed on the northwestern portion of the site. Based on the conceptual site plan provided by the applicant (dated August 22, 2019), the park may include a small orchard, bocce ball courts, a vegetable garden, children's playground, and/or a dog park. As a neighborhood-serving park, no off-street parking spaces will be provided for park users as most users are anticipated to walk to the part from nearby neighborhoods.

The project also proposes approximately 9,000 square feet of amenity space, including a gym, community room, pool, spa and BBQ areas within the residential buildings. The project also proposes common open space areas including pedestrian paseos, plazas, courtyards, a recreation area, and seating areas.

2.2.4.2 *Parking and Site Access*

The project would have a combined total of 1,213 parking spaces. Of the 1,213 spaces, 586 would be in garages to be located within the row townhouse, condominium, and flat buildings on the western portion of the site and 73 would be surface parking spaces. The remaining 554 spaces would be located in the podium building and would consist of two levels of above-grade and one level of below-grade parking.

Source: Civil Engineering Associates, 8/22/2019.

SITE PLAN | FIGURE 2.2-1

The site would be accessed by one ingress/egress driveway on Olsen Drive and one right-in only driveway on Charles Cali Drive. An alternative site access scenario was analyzed which consists of Charles Cali Drive serving as a full-access driveway (refer to *Section 3.17 Transportation*). The cul-de-sac located at the end of Olsen Drive would remain as is and would provide vehicles traveling on westbound Olsen Drive the ability to make U-turns if necessary.

2.2.4.3 *Tree Removal and Landscaping*

As proposed, the project would remove a total of 561 trees on and adjacent to the site. Of the 561 trees, three are considered native. Of the 561 trees on and adjacent to the site, 11 trees would remain on-site near Winchester Boulevard (Tree Nos. 214, 217, 236, 239, 381, 387, 400, 402, 404, 405, and 406). Refer to *Section 3.4 Biological Resources* for more information.

2.2.4.4 *Utility Connections*

Stormwater currently flows to an existing 24-inch storm drain pipe along Olsen Drive. Runoff on-site would be treated by biotreatment areas and pervious pavement. Wastewater from the project site would be directed to an 18-inch sanitary sewer line that runs along the western boundary of the project site.

2.2.4.5 *Green Building*

The proposed project would be required to build to the California Green Building Code (CALGreen), which includes design provisions intended to minimize wasteful energy consumption. The proposed development would be designed to achieve Leadership in Energy and Environmental Design (LEED) Silver certification consistent with the City of San José Council Policy 6-32.

2.2.4.6 *Construction and Project Phasing*

The proposed project would be constructed in two phases. The first phase would include demolition and construction of the apartment building and 72 flats, and 33 of the row townhouses on the eastern portion of the site. Some existing residents would remain living on the western portion of the site in 60 existing structures during the construction of the first phase. New residents would be living within the new structures on the eastern portion of the site, while the second phase of construction occurs. The first phase of construction would begin in fall 2020 and end in fall 2022. It is estimated that approximately 100,188 cubic yards (cy) of soil would be hauled off-site during grading and excavation.

The second phase would include demolition of the remaining mobile homes and construction of the 57 row townhouses and 158 condominiums on the western portion of the site. The second phase of construction would begin in spring 2022 and end winter 2024. It is estimated that approximately 6,000 cy of soil would be hauled off-site during grading and excavation.

2.2.5 Tentative Map

The project includes a Tentative Map to subdivide from one lot to 64 parcels.

2.3 PROJECT OBJECTIVES

The stated objectives of the project proponent are to:

1. Enact General Plan Amendments, Urban Village Plan Amendments, and Rezoning to redevelop an approximately 15.7-acre existing residential property into a new residential community with a density consistent with the proposed *Urban Residential* land use designation (30 to 95 du/ac) and approximately 2.0-acres of park space.

2. Assist the City of San José to satisfy its Regional Housing Needs Allocation for market rate housing units by intensifying the existing residential property of 111 single-story units to a new medium to high-density residential community with a density consistent with the *Urban Residential* land use designation. Use existing residential land efficiently by increasing density.

3. Provide new open space for an existing residential neighborhood that does not have a park in the immediate area.

4. Avoid the conversion of existing employment lands by intensifying existing low-density residential lands into high-density, urban housing.

5. Locate high-density housing within easy access to existing retail/commercial services, office jobs, bus transit, and planned Bus Rapid Transit along Stevens Creek Boulevard.

6. Create a walkable neighborhood with sidewalks, landscaped paseos, and park spaces. Provide a pedestrian permeable site with pedestrian links to the existing surrounding single-family neighborhood and links to the Winchester Boulevard commercial services and transit.

7. Create a quality architectural and landscape design to enhance the aesthetics and pedestrian focus of the Santana Row/Valley Fair Urban Village.

8. Have a site layout that would support phasing of the project development in a manner that allows existing residents to continue living on-site during construction and then in the newly built residential units after construction of the first phase.

2.4 USES OF THE EIR

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

- General Plan Amendment
- Planned Development Rezoning
- Planned Development Permit
- Tentative Map
- Demolition Permit
- Building Permit
- Grading Permit
- Department of Public Works Clearances

SECTION 3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

3.1	Aesthetics	3.11	Land Use and Planning
3.2	Agriculture and Forestry Resources	3.12	Mineral Resources
3.3	Air Quality	3.13	Noise
3.4	Biological Resources	3.14	Population and Housing
3.5	Cultural Resources	3.15	Public Services
3.6	Energy	3.16	Recreation
3.7	Geology and Soils	3.17	Transportation
3.8	Greenhouse Gas Emissions	3.18	Tribal Cultural Resources
3.9	Hazards and Hazardous Materials	3.19	Utilities and Service Systems
3.10	Hydrology and Water Quality	3.20	Wildfire

The discussion for each environmental subject includes the following subsections:

Environmental Setting – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.

Impact Discussion – This subsection includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts.

- **Project Impacts** – This subsection discusses the project's impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.
- **Cumulative Impacts** – This subsection discusses the project's cumulative impact on the environmental subject. Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant effects taking place over a period of time. CEQA Guideline Section 15130 states that an EIR should 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 impacts that might result from approval of past, present, and reasonably foreseeable future projects, in conjunction with the proposed project addressed in this EIR.

The CEQA Guidelines advise that a discussion of cumulative impacts should reflect both their severity and the likelihood of their occurrence (CEQA Guidelines Section 15130(b)). 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 (CEQA Guidelines Section 15130(b)(1)).

The analysis must 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 impacts discussion for each environmental issue accordingly addresses the following issues: 1) would the effects of all of past, present, and probable future (pending) development result in a significant cumulative impact on the resource in question; and, if that cumulative impact is likely to be significant, 2) would the contribution from the proposed project to that significant cumulative impact be cumulatively considerable?

Table 3.0-1 identifies the approved projects in the project vicinity that are evaluated in the cumulative analysis.

Table 3.0-1: Cumulative Projects List

Project Name	Location	Description
San José Approved		
Westfield Valley Fair Expansion (H06-027-04)	2855 Stevens Creek Boulevard	Construction of 10 screen movie theater complex and new retail space (totaling approximately 102,210 square feet).
Santana Row (PDC13-050, PDC17-023, PD17-017, PDA01-101-07, PDC15-068, and PDC15-066)	Southwest corner of Stevens Creek Boulevard and Winchester Boulevard	Expansion of the Santana Row site by incorporating four adjacent parcels on Dudley Avenue into Santana Row, increase in office capacity by 510,000 square feet, increase retail capacity by 55,641 square feet, demolition of three apartment buildings on Dudley Avenue, increase of six additional hotel rooms within the existing Hotel Valencia; and the construction of a five-level parking garage; all on a 42.53 gross acre site.
Santana West (PDC14-068, PD18-045, and PT19-016)	Southwest corner of Winchester Boulevard and Olin Avenue	Demolition of approximately 62,435 square feet of commercial buildings (Century 22, Century 23, Flames Restaurant buildings) and the construction of three buildings (up to 934,750 square feet, not including potential future reuse of the Century 21 building) for commercial/office, retail, and research and development uses; and the construction of an above grade parking garage.
Volar Mixed-Use (PDC15-065, PD15-059, and PT15-069)	350 South Winchester Boulevard	Demolition of a 26,000-square foot commercial building and construction of an 18-story mixed-use building with up to 307 residential units, approximately 52,200 square feet of commercial (retail/restaurant) and office uses, and four levels of below grade parking.

Hemlock Mixed-Use (PDC18-009, PD18-037, PT18-002)	376 South Baywood Avenue	Demolition of an existing residence and an approximately 4,500-square foot commercial building and construction of a mixed-use project with up to 48 residential units and approximately 18,495 square feet of office space.
Baywood Hotel (SP18-048)	375 and 383 South Baywood Avenue	Demolition of existing residential structures and the construction of an eleven-story hotel with 105 guest rooms.
335 Winchester Office (SP18-049)	335 Winchester Boulevard	Construction of a five-story, 94,996-square foot commercial building with four stories of office space, ground floor commercial retail, and a below-grade mechanical lift parking.
Cambria Hotel (H16-010)	2850 Stevens Creek Boulevard	Demolition of existing gas station and construction of a 10-story, 173,043-square foot hotel with 175 guest rooms, and public eating establishment.
Santa Clara Approved and Under Construction		
Santana Terrace Senior Apartments	100 North Winchester Boulevard	Demolition of existing structure and construction of a four-story, 92-unit senior living apartment community with on-site clubhouse and recreational amenities in two buildings
Westfield Valley Fair Expansion	2855 Stevens Creek Boulevard	Construction of 10 screen movie theater complex and new retail space (totaling approximately 102,210 square feet).
Stevens Creek Subaru	3215 Stevens Creek Boulevard 3155 Stevens Creek Boulevard	Demolition of a one-story showroom/service facility and surface parking lot. Construction of a two-story, 45,778 square foot showroom/service facility and integrated parking structure with modification to increase the maximum building height to 40 feet and two inches. Rezoning of one parcel from *Agricultural* to *Thoroughfare Commercial* to allow for expansion of car dealership.
Agrihood Mixed-Use	90 North Winchester Boulevard (1834 Worthington Circle)	Amendment to existing Planned Development Zoning to allow for the construction of 165 senior affordable units, 419 mixed-income residential units, up to 25,000 square feet of commercial space, and up to 1.5 acres of open space.

In addition to the projects noted above, Caltrans and the Santa Clara Valley Transportation Authority are in the process of planning a new off-ramp from northbound Interstate 280 to Winchester Boulevard. While the Santana West FEIR established a transportation fee associated with this project, the project itself is in the early planning stage and no preferred alignment has been determined. As a result, it would be speculative to estimate the volume or direction of traffic trips (or any associated impacts) resulting from the new off-ramp. Consistent with CEQA Guidelines Section 15145, the proposed off-ramp is not included in the cumulative analysis. For each environmental issue, cumulative impacts may occur within different geographic areas. For example, the project effects on air quality would combine with the effects of projects in the entire air basin, whereas noise impacts would primarily be localized to the surrounding area.

3.1 AESTHETICS

3.1.1 Environmental Setting

3.1.1.1 *Regulatory Framework*

Residential Design Guidelines

The *Residential Design Guidelines* establish a framework for private residential units in San José and reinforce guidelines established in the General Plan. The Residential Design Guidelines address a variety of areas, including street frontage, perimeter setbacks, parking, landscaped areas, building design, and street design, that ultimately influence how developers and residents view and interact with one another in the City of San José.

City Council's Private Outdoor Lighting Policy 4-3

On March 1, 1983, the City of San José implemented the Outdoor Lighting on Private Development policy. The purpose of the policy is to promote energy-efficient outdoor lighting on private development in the City of San José that provides adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

City of San José Interim Lighting Policy Broad Spectrum Lighting for Private Development

The City adopted an Interim Lighting Policy to encourage the use of broad-spectrum lighting such as LED for private streets, parking areas, and pedestrian areas as an alternative to low pressure sodium. Projects that met specific standards outlined in the Interim Policy regarding outdoor lighting plans, illumination levels, backlight, up light, glare, correlated color temperature, and dimming qualify for a permit adjustment and an exception to the required use of low-pressure sodium lighting on private development.

Santana Row/Valley Fair Urban Village Plan

The City Council adopted the Santana Row/Valley Fair Urban Village Plan in August 2017. The Santana Row/Valley Fair Urban Village Plan is intended to provide a policy framework to guide new job and housing growth within the Urban Village boundary. The Santana Row/Valley Fair Urban Village Plan identifies goals and policies for land use, parks, plazas and placemaking, urban design, and circulation and streetscape. Within this urban village plan, development on-site would have a maximum height of 45 feet (three- to four-stories). Figure 2.1-4 shows the Santana Row/Valley Fair Urban Village boundary.

The following Urban Village policies are applicable to the proposed project.

Policy 3-29: Ensure that new development provides convenient walkable pedestrian connections through the site and to existing and planned private open spaces.

Policy DS-6: All buildings shall contain three traditional parts of a building: a base, a mid section, and a top. While a tower (typically above eight stories) may not have a distinct top feature, the building design shall distinguish the pedestrian-oriented base portion from the massing above.

Policy DS-7: Buildings shall maintain facade quality of architectural articulation and finishes on all sides of a building that is visible to the public. Some of the architectural features of the main facade shall be incorporated into the rear and side elevations

Policy DS-26: Building façades should be constructed of high quality and durable materials such as stone, brick, tile, wood, glass, and metal. Use of stucco shall be minimized and aluminum mesh is prohibited as a balcony material. Ground floor should use high quality material with texture

Policy DS-28: Design spaces that balance privacy and safety with access to air and sunlight. Prioritize south facing private open space opportunities.

Policy DS-29: Recessed and projected balconies should be introduced as part of a composition that contributes to the scale and proportion of the residential building facades.

Policy DS-30: Design upper-story windows that are evenly spaced, vertically-oriented and similarly-sized to create a pattern along the street and give the building cohesion.

Policy DS-31: Design roofs to be an integral part of the overall building design and to complement neighboring roofs.

Policy DS-34: Incorporate creative elements into buildings for both functional and aesthetic purposes, such as vertical gardens, which provide aesthetic interest while aiding in temperature control.

Policy DG-35: Non-occupiable architectural features such as roof forms, chimneys, stairwells and towers may project up to ten feet above the maximum height.

Policy DG-83: Deciduous trees shall be the predominant large plant material used adjacent to buildings and within parking areas to provide shade in the summer, color in the fall, and sun in the winter.

Envision San José 2040 General Plan

The General Plan includes the following aesthetic policies applicable 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.

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 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 José.

3.1.1.2 *Existing Conditions*

Project Site

The 15.7-acre project site is located at the northwest corner of the Winchester Boulevard and I-280 intersection in the City of San José. The project site is currently developed with 111 single-story mobile home units, an associated club house facility, and parking. The two-story club house is primarily wooden with a gable roof[1] and a balcony (see Photo 1). The club house is surrounded by landscaping that is well maintained.

Each residential unit has a canopy garage attached to the side of the house and a covered patio. The exterior building façades of the units consist of vinyl siding. A majority of the units have brick veneer around the foundation and are set back from the roadway by landscaping. Additionally, a majority of the units have low pitched roofs.[2] See Photos 2 and 3 for views of the existing development. Landscaping on-site includes a total of 561 trees. There are large, mature trees located on the eastern end of project site which appear to be remnants of Sarah Winchester's original garden.

Surrounding Area

Development in the area consists of residential, commercial, and office land uses. The buildings in the immediate area vary in height from one- to 12-stories and utilize a variety of architectural styles and building materials. Immediately west of the project site are single-family residences with ranch-style architecture.

Immediately north of the project site are single-family residences, the former Century 23 Dome Theater, and the Winchester House. The residential neighborhood to the north of the project site consists of one- to two-story residences that have ranch-style architecture. The Century 23 Theater has a dome-style roof and is surrounded by a large surface parking lot. A large dirt pile is located on the southeastern portion of the lot and a portion of the parking lot (northern portion) is fenced off. The movie theater has a glass front entrance with multiple sets of double doors. Located above the front entrance is a large "Century 23" sign (see Photo 4). Located east of the Century 23 Dome Theater is the Winchester House, a designated historic structure with prominent cone-shaped red roofs. The Winchester House is surrounded by a large, mature garden (see Photo 5).

[1] A roof with two sloping sides
[2] A pitched roof is a roof that slopes downwards at an angle more than 20 degrees.

1. View of existing development on-site, looking east from Citrus Court.

2. View of existing development on-site, looking southwest from Charles Cali Drive.

PHOTOS	1 & 2

3. View of existing development on-site, looking north from Charles Cali Drive.

4. View of surrounding development, looking south from Olsen Drive.

PHOTOS	3 & 4

5. View of surrounding development, looking west from Winchester Boulevard.

6. View of surrounding development, looking east from Winchester Boulevard.

PHOTOS	5 & 6

Located east of the project site Winchester Boulevard, a six-lane roadway with a raised, landscaped median. East of Winchester Boulevard is a seven-story office building with a flat roof (see Photo 6). The office building is primarily stucco with brown-tinted windows. The southwestern portions of floors three to six of the building have a greater setback than the first and second floor. The building itself is set back from Winchester Boulevard by palm trees, grass, and shrubs. Located north of the seven-story office building is the Belmont Village Senior Living and office development. The Belmont Village Senior Living building is five-stories and primarily stucco. South of the project site is I-280, an eight-lane freeway. An 18-foot sound wall separates the project site from the freeway.

Scenic Views and Resources

Based on the City's General Plan, views of hillside areas, including the foothills of the Diablo Range, Santa Cruz Mountains, Silver Creek Hills, and Santa Teresa Hills are scenic features in the San José area. The project site and the surrounding area are relatively flat and prominent viewpoints, other than the surrounding buildings, are limited. The project area has minimal to no scenic views of the Diablo foothills to the east, Santa Cruz Mountains to the west and southwest, and Santa Teresa Hills to the southeast. No natural scenic resources, such as outcropping, are present on-site or in the project area.

Light and Glare

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

3.1.2 Impact Discussion

For the purpose of determining the significance of the project's impact on aesthetics, would the project:

1) Have a substantial adverse effect on a scenic vista?
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
3) Substantially degrade the existing visual character or quality of public views[3] of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Note: Certain projects within transit priority areas need not evaluate aesthetics (Public Resources Code Section 21099).

[3] Public views are those that are experienced from publicly accessible vantage points.

3.1.2.1 *Project Impacts*

Impact AES-1:	The project would not have a substantial adverse effect on a scenic vista. **(Less than Significant Impact)**

Impact AES-2:	The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. **(Less than Significant Impact)**

The CEQA thresholds of significance state that a project would have a significant visual impact if it would substantially affect a scenic vista, or substantially damage scenic resources (including, but not limited to trees, rock outcroppings, historic buildings, and state scenic highway). The proposed project would result in taller buildings than are currently allowed on-site making the project more visible from the surrounding roadways including Winchester Boulevard, Olsen Drive, Maplewood Avenue, Rosewood Avenue, South Henry Drive, and Kirkwood Drive. While there are minimal views of the Santa Cruz mountains to the southwest, the project site and the surrounding area are relatively flat and prominent viewpoints, other than the surrounding buildings, are limited. In addition, the site is not located along or visible from a designated state scenic highway or City scenic rural corridor.[4] As a result, impacts to scenic vistas and other scenic resources would not occur. **(Less Than Significant Impact)**

Impact AES-3:	The project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. The project is within an urbanized area and would not conflict with applicable zoning and other regulations governing scenic quality. **(Less than Significant Impact)**

Generally, visual effects discussed in a CEQA document would be of two types: impacts from the project's appearance (i.e., visual character) and what views, if any, a project would obscure. Aesthetic values are, by their nature, subjective. Opinions as to what constitutes a degradation of visual character would differ among individuals. The best available means for assessing what constitutes a visually acceptable standard for new structures are the City's Design Guidelines and adopted City policies. All future development on-site would be reviewed for consistency with applicable design guidelines and policies prior to issuance of planning permits.

Development in the area consists of residential, commercial, and office land uses. Building heights within the immediate project area vary in height from one- to 12-stories. The project area has a mix of architectural styles with no particular style being dominant. As proposed, the General Plan Amendment and project specific development would allow for buildings up to seven stories and would result in the construction of up to 688 residential units. Specifically, the western portion of the site would consist of four-story townhouses, condominiums, and flats which would be consistent with the adjacent residential land uses. A total of 368 residential units would be located on the eastern side of the site within a podium building. The podium building would be seven stories in height, consistent with development along Winchester. Although the proposed development under the General Plan Amendment would alter the visual character of the project area, the project would

[4] California Department of Transportation. "California Scenic Highway Mapping System." Accessed August 27, 2018. http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.

be comparable in massing and scale to the existing development in the area. As a result, the proposed project would have a less than significant impact on the visual character and quality of the City. **(Less Than Significant Impact)**

Impact AES-4:	The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

Sources of light and glare in the project area include streetlights, parking lot lights from nearby businesses, security lights, vehicular headlights, internal building lights, and reflective building surfaces and windows. The proposed project would likely include internal building lights, exterior lighting, and roadway lighting.

Implementation of the project would increase nighttime light and glare compared to existing conditions due to the proposed building design and the net increase in vehicles traveling to and from the site. The project does not propose to use highly reflective construction materials (e.g., mirrored glass); therefore, the project would not create substantial glare. The project would also go through a design review process, prior to the issuance of building permits, and would be reviewed for consistency with the City's Design Guidelines, and other applicable codes, policies (the City's Outdoor Lighting on Private Development Policy), and regulations. As a result, the proposed project would not significantly impact adjacent land uses with increased nighttime light levels or daytime glare from building materials. **(Less Than Significant Impact)**

3.1.2.2 *Cumulative Impacts*

Impact AES-C:	The project would not result in a cumulatively considerable contribution to a significant cumulative aesthetics impact. **(Less than Significant Cumulative Impact)**

The geographic area for cumulative aesthetic impacts is limited to the project site and adjacent development in which the project site would be visible. The project site is not located along or visible from a designated state scenic highway or a scenic vista. Although the project would alter the visual character of the project area, the project would be comparable in massing and scale to surrounding development. Additionally, the project would comply with the City's Design Guidelines and the City's Outdoor Lighting on Private Development Policy to reduce light and glare. For these reasons the project would not result in a cumulatively considerable contribution to a cumulative aesthetic impact. **(Less than Significant Cumulative Impact)**

3.2 AGRICULTURAL RESOURCES

3.2.1 Environmental Setting

3.2.1.1 *Regulatory Framework*

Farmland Mapping and Monitoring Program

The California Resources Agency's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. In CEQA analyses, the FMMP classifications and published County maps are used, in part, to identify whether agricultural resources that could be effected are present on-site or in the project area.

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments.

Forest Land, Timberland, and Timberland Production

The California Department of Forestry and Fire Protection (Cal Fire) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.[5]

3.2.1.2 *Existing Conditions*

The project site is located in a developed, urban area of San José. The Santa Clara County Important Farmlands 2014 Map designates the project site as "Urban and Built-Up Land."[6] Urban and Built-up Land is defined as land with at least six structures per 10 acres. Common examples of "Urban and Built-Up Land" are residential, institutional, industrial, commercial, landfill, golf course, airports, and other utility uses. There are no forest lands on or adjacent to the project site. The site is not subject to a Williamson Act contract.[7]

[5] *Forest land* is land that can support 10 percent native tree cover and allows for management of one or more forest resources, including timber, fish, wildlife, and biodiversity (California Public Resources Code Section 12220(g)); *Timberland* is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing a crop of trees used to produce lumber and other forest products, including Christmas trees (California Public Resources Code Section 4526); and *Timberland Production* is land devoted to and used for growing and harvesting timber and other compatible uses (Government Code Section 51104(g)).

[6] California Department of Conservation. "Santa Clara County Important Farmland 2014 Map." Accessed May 7, 2019. ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/scl14.pdf.

[7] County of Santa Clara Department of Planning and Development. "Williamson Act and Open Space Easement." Accessed May 7, 2019. https://www.sccgov.org/sites/dpd/Programs/WA/Pages/WA.aspx.

3.2.2 Impact Discussion

For the purpose of determining the significance of the project's impact on agriculture and forestry resources, would the project:

1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?
4) Result in a loss of forest land or conversion of forest land to non-forest use?
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

3.2.2.1 *Project Impacts*

Impact AG-1:	The project would not 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 use. **(No Impact)**

Impact AG-2:	The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. **(No Impact)**

Impact AG-3:	The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

Impact AG-4:	The project would not result in a loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

Impact AG-5:	The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. **(No Impact)**

The site is located within a developed urban area and has not been used as farmland for at least 38 years. The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. The project would not conflict with existing zoning for agricultural operations or facilitate the unplanned conversion of farmland elsewhere in San José to non-agricultural uses. There are no forest lands on or adjacent to the project site and, therefore, the

project would not result in the loss of forest lands in San José. For these reasons, the project would not result in impacts to agricultural or forest resources. **(No Impact)**

3.2.2.2 *Cumulative Impacts*

Impact AG-C:	The project would not result in a cumulatively considerable contribution to a significant agricultural and forestry resources impact. **(No Cumulative Impact)**

The geographic area for cumulative agricultural and forestry resource impacts is the County of Santa Clara. As discussed above, the project would have no impact on agricultural or forest resources; therefore, the project would not result in a cumulatively considerable contribution to agricultural and forest resources impact. **(No Cumulative Impact)**

3.3 AIR QUALITY

The following discussion is based upon an Air Quality and Greenhouse Gas Assessment prepared by *Illingworth & Rodkin, Inc.* in July 2019 and revised in August 2019. The report is attached in Appendix B of this document.

3.3.1 Environmental Setting

3.3.1.1 *Regulatory Framework*

Air Quality Overview

Federal, state, and regional agencies regulate air quality in the San Francisco Bay Area Air Basin, within which the proposed project is located. At the federal level, the United States (U.S.) Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The California Air Resources Board (CARB) is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act.

The federal Clean Air Act requires the EPA to set national ambient air quality standards for six common air pollutants (referred to as "criteria pollutants"): particulate matter (PM), ground-level ozone, carbon monoxide, sulfur oxides, nitrogen oxides, and lead. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate.

Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. "Attainment" status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and fine particulate matter ($PM_{2.5}$), nor does it meet state standards for respirable particulate matter (PM_{10}). The Bay Area is considered in attainment or unclassified for all other pollutants.

Bay Area Air Quality Management District

The Bay Area Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco 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 3.3-1 identifies the major criteria pollutants, characteristics, health effects, and typical sources for the Bay Area.

Table 3.3-1: 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.	- Eye Irritation - Respiratory function impairment	The major sources of ozone precursors are combustion sources such as factories and automobiles, and

Table 3.3-1: Major Criteria Pollutants			
Pollutant	**Characteristics**	**Health Effects**	**Major Sources**
	Often called photochemical smog.		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 has permit authority over stationary sources, acts as the primary reviewing agency for environmental documents, and develops regulations that must be consistent with or more stringent than, federal and state air quality laws and regulations.

Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state air quality standards would be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two closely related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how the BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities.

The 2017 CAP includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants; to reduce emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

The General Plan includes the following aesthetic policies applicable to the proposed project.

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-10.2: Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.

Policy MS-11.1: Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.

Policy MS-11.2: For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level.

Policy MS-12.2: Require new residential development projects and projects categorized as sensitive receptors to be located an adequate distance from facilities that are existing and potential sources of odor. An adequate separate distance will be determined based upon the type, size and operations of the facility.

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 a minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

Policy MS-13.2: 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.

3.3.1.2 *Existing Conditions*

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. BAAQMD monitors air quality conditions at over 30 locations throughout the Bay Area.

BAAQMD is responsible for assuring that the National and State ambient air quality standards are attained and maintained in the Bay Area. Air quality studies generally focus on four pollutants that are most commonly measured and regulated: carbon monoxide (CO), ground level ozone (O_3), nitrogen dioxide (NO_2), and suspended particulate matter (PM_{10} and $PM_{2.5}$). These pollutants are considered criteria pollutants by the U.S. Environmental Protection Agency (U.S. EPA) and the California Air Resources Board (CARB) as they can result in health effects such as respiratory impairment and heart/lung disease symptoms. Table 3.3-2 below shows violations of state and federal standards at the downtown San José monitoring station (the nearest monitoring station to the project site) during the 2015-2017 period (the most recent years for which data is available).[8,9]

Table 3.3-2: Ambient Air Quality Standards Violations and Highest Concentrations

Pollutant	Standard	Days Exceeding Standard		
		2015	2016	2017
SAN JOSÉ STATION				
Ozone	State 1-hour	0	0	3
	Federal 8-hour	2	0	4
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	1	0	6
$PM_{2.5}$	Federal 24-hour	2	0	6

"Attainment" status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB. The Bay Area, as a whole, does not meet state or federal ambient air quality standards for ground level O_3 and $PM_{2.5}$, nor does it meet state standards for PM_{10}. The Bay Area is considered in attainment or unclassified for all other pollutants.

Toxic Air Contaminants

Another group of substances found in ambient air and regulated under the California CAA are toxic air contaminants (TACs). In California, TACs are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Particulate matter from diesel exhaust is the predominant TAC in urban air and is estimated to represent about two-thirds of the cancer risk from TACs (based on the statewide average). Diesel is of particular concern since it can be distributed over large regions, thus leading to widespread public exposure. CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of diesel particulate matter (DPM).

[8] 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.
[9] Bay Area Air Quality Management District. "Annual Bay Area Air Quality Summaries." Accessed August 17, 2018. http://www.baaqmd.gov/about-air-quality/air-quality-summaries.

Fine particulate matter is a complex mixture of substances that includes elements such as carbon and metals; compounds such as nitrates, organics, and sulfates; and complex mixtures such as diesel exhaust and wood smoke. Long-term and short-term exposure to $PM_{2.5}$ can cause a wide range of health effects. Common stationary sources of TACs and $PM_{2.5}$ include gas stations, dry cleaners, and diesel backup generators. The other, more significant, common source is motor vehicles on roadways and freeways.

Sensitive Receptors

Sensitive receptors are groups of people that are more susceptible to pollutant exposure (i.e., children, the elderly, and people with illnesses). Locations that may contain a high concentration of sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, schools, parks, and places of assembly. The nearest sensitive receptors would be the single-family residences located approximately 20 feet north and 15 feet west of the project site.[10]

3.3.2 Impact Discussion

For the purpose of determining the significance of the project's impact on air quality, would the project:

1) Conflict with or obstruct implementation of the applicable air quality plan?
2) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
3) Expose sensitive receptors to substantial pollutant concentrations?
4) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

3.3.3 CEQA Thresholds of Significance

Impacts from the Project

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. The City of San José has carefully considered the thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$.

As part of an effort to attain and maintain ambient air quality standards for ozone and PM_{10}, the BAAQMD has established thresholds of significance for these air pollutants and their precursors.

[10] The proposed project would be built out in two phases. Some existing residents would remain living on the western portion of the site in existing structures during the construction of the first phase (eastern portion of the site). New residents would be living within the new structures on the eastern portion of the site, while the second phase of construction occurs on the western portion of the site. Since the exact location of the residences that would remain on-site are currently unknown, it is reasonable to assume that the distance between the existing residents to remain on-site and center of the construction area would be similar to the distance between the project site and existing adjacent single-family residences (15 to 20 feet). Therefore, the analysis assumes the nearest sensitive receptors would be 15 feet from the construction zone.

The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 3.3-3 below.

Table 3.3-3: BAAQMD Air Quality Significance Thresholds			
Pollutant	**Construction Thresholds**	**Operation Thresholds**	
	Average Daily Emissions (pounds/day)	**Annual Daily Emissions (pounds/year)**	**Annual Average Emissions (tons/year)**
Criteria Air Pollutants			
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust-Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	**Single Source**	**Combined Cumulative Sources**	
Excess Cancer Risk	10 per one million	0.3 µg/m^3	
Hazard Index	1.0	10.0	
Incremental Annual $PM_{2.5}$	0.3 µg/m^3	0.8 µg/m^3 (average)	

Notes: ROG = reactive organic gases
NO_x = nitrogen oxides
PM_{10} = course particulate matter with a diameter of 10 micrometers (µm) or less
$PM_{2.5}$ = fine particulate matter with a diameter of 2.5 µm or less.

Impacts to the Project

The California Supreme Court issued an opinion that CEQA does not generally require an analysis of the impacts of locating development in areas subject to environmental hazards (i.e., impacts to a project) unless the project would exacerbate existing environmental hazards.[11] Specific circumstances where CEQA does require the analysis of exposing new populations to environmental hazards include the location of development near airports, schools near sources of toxic contamination, and certain exemptions for infill and workforce housing.[12] The proposed project does not fall under any of these situations.

[11] California Supreme Court published opinion in *California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369* (No. S 213478), filed December 17, 2015.
[12] Although CEQA does not generally require an evaluation of the effects of existing hazards on future users of the proposed project, it calls for such an analysis in several specific contexts involving certain airport (Public Resources

Nevertheless, the City of San José has policies that address existing air quality conditions affecting a proposed project, which are also discussed below. The criteria used by the City for determining whether new receptors would be effected are the same as those listed for Project Health Risk and Cumulative Health Risk in Table 3.3-3, above.

3.3.3.1 *Project Impacts*

Impact AIR-1:	The project would not conflict with or obstruct implementation of the applicable air quality plan**. (Less than Significant Impact)**

Bay Area 2017 Clean Air Plan

BAAQMD is the agency primarily responsible for assuring the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. BAAQMD's most recent adopted plan is the 2017 CAP. The consistency of the proposed General Plan Amendment and the proposed project with this regional plan is a question of the consistency with the population/employment assumptions utilized in developing the CAP and assessing whether applicable control measures in the 2017 CAP are implemented. Implementation of the control measures improves air quality and protects health.

The consistency of the project is evaluated with respect to each set of applicable control measures in Table 3.3-4: below.

Table 3.3-4: Bay Area 2017 CAP Applicable Control Measures

Control Measures	Description	Project Consistency
Transportation Control Measures		
Bicycle and Pedestrian Access and Facilities	Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The existing pedestrian facilities within the vicinity of the site has good connectivity and provides pedestrians with safe routes to the project site and transit services (refer to *Section 3.17 Transportation*). The Santana Row/Valley Urban Village Plan identifies improvement of Winchester Boulevard (between Forest Avenue and I-280) to a complete street which would include protected bicycle lanes along both sides of Winchester Boulevard. Additionally, the site plan shows that the project would include bicycle parking. The proposed project would be required to meet the City's bicycle parking requirement. The project is consistent with this measure.

Code Section 21096), school projects (Public Resources Code Section 21151.8), and housing projects (Public Resources Code subsection 21159.21).

Land Use Strategies	Support implementation of Plan Bay Area, maintain and disseminate information on current climate action plans and other local best practices.	The project would be located in proximity to multiple transit services; therefore, the project is consistent with this measure (refer to *Section 3.17 Transportation* for more information).
Building Control Measures		
Green Building	Identify barriers to effective local implementation of the CALGreen (Title 24) statewide building energy code; develop solutions to improve implementation/ enforcement. Engage with additional partners to target reducing emissions from specific types of buildings.	The project would comply with the City's Green Building Program and CALGreen requirements. The project, therefore, is consistent with this measure.
Decrease Electricity Demands	Work with local governments to adopt additional energy efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	The proposed building would be constructed in compliance with the San José Green Building Ordinance (Policy 6-32) and the CALGreen requirements. Therefore, the project is consistent with this measure.
Urban Heat Island Mitigation	Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities. Develop and promote adoption of model building code requirements for new construction or re-roofing/roofing upgrades for commercial and residential multi-family housing.	Parking would be in garages located within each unit proposed on the western portion of the site. The podium building proposed on the eastern portion of the site would include two levels of above-grade and one-level of below grade parking. In addition, the project would plant new landscaping and trees on-site. These features would minimize surface parking and reduce the project's heat island effect. The project would be required to comply with the City's Green Building Ordinance and the most recent California Building Code (CBC) requirements which would increase building efficiency

		over standard construction. Therefore, the project is consistent with this control measure.
Waste Management Control Measures		
Recycling and Waste Reduction	Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	The City adopted the Zero Waste Strategic Plan which outlines policies to help the City foster a healthier community and achieve its Green Vision goals, including 75 percent diversion by 2013 and zero waste by 2022. In addition, the project would comply with the City's Construction and Demolition Diversion Program during construction which ensures that at least 75 percent of construction waste generated by the project is recovered and diverted from landfills. Therefore, the project is consistent with this control measure.
Water Control Measures		
Support Water Conservation	Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	The project would comply with CALGreen which requires water efficient fixtures in new buildings. Compliance with CALGreen requirements would, therefore, make the project consistent with this measure.
Natural and Working Lands Measures		
Urban Tree Planting	Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, the Air District's technical guidance, best management practices for local plans, and CEQA review.	The project would be required to adhere to the City's tree replacement policy. Refer to *Section 3.4, Biological Resources* for further discussion on tree replacements. Therefore, the project is consistent with this control measure.

While the project is inconsistent with the planned growth in the General Plan, the project would be consistent with the applicable control measures. Therefore, the proposed project would not result in a significant impact related to consistency with the Bay Area 2017 CAP. **(Less Than Significant Impact)**

Construction Criteria Pollutant Emissions

A detailed air quality assessment was prepared to address construction air quality impacts from the proposed project. To quantify the effects of project construction, the California Emissions Estimator Model (CalEEMod) was used to estimate construction criteria pollutant emissions. The project would be constructed in two phases. The schedule assumes that project construction would begin in fall 2020 and end in winter 2024 for an estimated 1,087 construction workdays. The following proposed project land uses were input into CalEEMod:

Phase I (Eastern Portion)[13]

- 368 dwelling units entered as "Mid-Rise Apartments"
- 105 dwelling units entered as "Condo/Townhouse High-Rise"
- 530 spaces and 200,000 square feet entered as "Enclosed Parking with Elevator"

Phase II (Western Portion)

- 215 dwelling units entered as "Condo/Townhouse High-Rise"
- 2.0 acres entered as "City Park"

Demolition of existing structures on-site and soil export were also input into CalEEMod (refer to Appendix B). Table 3.3-5 below shows the average daily emissions from construction period criteria pollutants.

Table 3.3-5: Construction Period Criteria Pollutant Emissions

Scenario	ROG	NO_x	PM_{10}	$PM_{2.5}$
Eastern Site (2020-2022) [tons]	4.8	13.4	0.5	0.5
Western Site (2022-2024) [tons]	3.1	5.6	0.2	0.2
Average daily emissions (pounds per day)[1]	7.9	19.0	0.7	0.7
BAAQMD Thresholds (pounds per day)	*54*	*54*	*82*	*54*
Exceed Threshold?	**No**	**No**	**No**	**No**

Note: For Phase 1, emissions are based on mitigated construction to capture the use of electrified cranes and generators

[1] The average daily emissions were computed for each building by dividing the total construction emissions by the number of construction days. Therefore, this analysis assumes a total of 1,087 construction workdays for the entire construction period.

As shown in the table above, construction period criteria pollutant emissions associated with the project would not exceed the BAAQMD significance thresholds. As a result, the project would not result in a significant impact from construction emissions. The proposed project would not conflict with or obstruct implementation of the Bay Area 2017 CAP. **(Less Than Significant Impact with Mitigation Incorporated)**

Operational Criteria Pollutant Emissions

CalEEMod was also used to estimate emissions from operation of the proposed project with full build out. The earliest the project would be fully constructed and operational would be 2025. Trip generation rates and CalEEMod defaults for energy use and emissions associated with solid waste

[13] Please note the default building square footage was used for the apartment and condominiums since the square footage was given as a total and not differentiated.

generations and water/wastewater use were used. Please refer to Appendix B for a list of inputs that were used in CalEEMod. Table 3.3-6 below shows the projected estimated daily air emissions.

Table 3.3-6: Operational Emissions for the Project

Description[1]	ROG	NOx	PM_{10}	$PM_{2.5}$
2025 Operational Emissions *(tons/year)*[2,3]	4.0	2.9	3.0	0.8
2025 Existing Use Emissions *(tons/year)*	0.7	0.4	0.3	0.1
Net Annual Emissions *(tons/year)* for 2025	3.3	2.5	2.6	0.7
BAAQMD Thresholds (tons/year)	***10***	***10***	***15***	***10***
Exceed BAAQMD Threshold?	***No***	***No***	***No***	***No***
2025 Project Operational Emissions *(pounds/day)*	18.1	13.6	14.4	4.1
BAAQMD Thresholds (pounds/day)	***54***	***54***	***82***	***54***
Exceed BAAQMD Threshold?	***No***	***No***	***No***	***No***

Notes: [1] Assumes a 365-day operation.
[2] Assumes both sites are operational.
[3] This table is based on operational emissions from full build out. The two components of the project (Phase 1 and Phase 2) would have less emissions than full build out of the entire project.

As shown in the table above, with the increased density from the proposed General Plan Amendment, operational emissions would not exceed BAAQMD thresholds; therefore, the project would have a less than significant operational criteria pollutant emissions impact. **(Less Than Significant Impact)**

Impact AIR-2: The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. **(Less than Significant Impact)**

Construction and operational period criteria pollutant emissions associated with the project would not exceed the BAAQMD significance thresholds (refer to Impact AIR-1). Since the project would have a less than significant criteria pollutant impact, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. **(Less Than Significant Impact)**

Impact AIR-3: The project would not expose sensitive receptors to substantial pollutant concentrations. **(Less than Significant Impact with Mitigation Incorporated)**

Dust Generation

Construction activities on-site would generate dust and other particulate matter that could temporarily impact nearby land uses, particularly sensitive receptors. The project would implement the following Standard Permit Conditions during all phases of construction to reduce dust and other particulate matter emissions.

Standard Permit Conditions

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

- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- 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.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five 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.
- 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.
- Post a publicly visible sign with the telephone number and person to contact 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.

With implementation of the Standard Permit Conditions, construction dust and other particulate matter would have a less than significant temporary construction air quality impact. **(Less Than Significant Impact)**

Construction Community Risk Impacts

Emissions from construction-related automobiles, trucks, and heavy equipment are a primary concern due to release of DPM, organic TACs, and $PM_{2.5}$, which are regulated air pollutants. As mentioned previously, there are single-family residences located approximately 20 feet north and 15 feet west of the project site.

The U.S. EPA AERMOD dispersion model was used to predict DPM and $PM_{2.5}$ concentrations at existing sensitive receptors in the vicinity of the project site. The models, assumptions, and results are described further in Appendix B.

As noted in Table 3.3-3, community risk thresholds for TACs, $PM_{2.5}$, and non-cancer risks are as follows:

- Increased cancer risk of >10.0 in one million
- Increased non-cancer risk of > 1.0 Hazard Index (chronic or acute)
- Ambient $PM_{2.5}$ increase: > 0.3 micrograms per cubic meter (μ/m^3)

The maximum-modeled DPM (both TACs and non-cancer risks) and $PM_{2.5}$ concentrations for the maximum exposed individual (MEI) was identified at a single-family residence located north of the project site, as shown in Figure 3.3-1 below. The off-site sensitive receptors are designated in green and the maximum exposed individual (MEI) is circled in pink.

Figure 3.3-1: Maximum-Modeled DPM and $PM_{2.5}$ Concentration Locations

Using the maximum-annual modeled DPM concentrations, the maximum increased cancer risks were calculated using BAAQMD recommended methods and exposure parameters (refer to *Appendix B*). Non-cancer health hazards and maximum $PM_{2.5}$ concentrations were also calculated and identified.

Table 3.3-7 provides a summary of the maximum health risk impacts from project construction.

Table 3.3-7: Maximum Health Risk Impacts from Project

Construction Activity	Cancer Risk (per million)	Annual $PM_{2.5}$ (μ/m^3)	Chronic Hazard Index
Project Construction			
Unmitigated	**55.2 (infant)** 1.3 (adult)	**0.95** 0.18	0.05 <0.01
BAAQMD Single-Source Thresholds	*>10.0*	*>0.3*	*>1.0*
Significant?			
Unmitigated	***Yes***	***Yes***	*No*

Notes: Bold denotes levels above single-source thresholds.
The risk impacts listed are based upon the location of existing off-site receptors. Therefore, the impacts will not be the same as seen in Table 3.3-8.

Based on the calculation above, the maximum residential excess cancer risk and the maximum annual $PM_{2.5}$ concentration would exceed BAAQMD's significance threshold of 10 per one million

for cancer risk and 0.3 μ/m^3 for annual $PM_{2.5}$ for infant exposure. The hazard index (HI) would not be exceeded.

Mitigation and Avoidance Measures

The following mitigation measure would be implemented prior to any ground-disturbing activities on-site to reduce construction period criteria pollutant emissions.

MM AIR-3.1: All diesel-powered off-road equipment operating on-site for more than two days continuously and larger than 25 horsepower shall, at a minimum, meet U.S. Environmental Protection Agency (EPA) particulate matter emissions standards for Tier 4 engines or equivalent. Where Tier 4 equipment is not feasible, equipment that meets U.S. EPA emissions for Tier 3 engines and CARB Level 3 verifiable diesel emission control devices (that altogether achieve an 85 percent reduction) shall be used. Alternatively, equipment that is electrically powered or uses non-diesel fuels would meet this requirement.

Any cranes to be used during construction shall be electrified and a temporary line power must be available to minimize use of portable diesel-powered equipment.

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 a qualified air 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 Environmental Planner of the Department of Planning, Building and Code Enforcement's Environmental Review Division prior to issuance of any grading, demolition, and/or building permit (whichever occurs earliest).

With implementation of Mitigation Measure AIR-3.1, the construction cancer risk and annual $PM_{2.5}$ concentration would be reduced to 2.8 per one million and 0.18 μ/m^3, respectively, which would be below BAAQMD's significance threshold. Additionally, with implementation of Mitigation Measure AIR-3.1, the cancer risk and annual $PM_{2.5}$ concentrations would be reduced to less than significant level for persons living on-site during construction. **(Less Than Significant Impact with Mitigation Incorporated)**

Criteria Pollutant Emissions

In a 2018 decision (*Sierra Club v. County of Fresno*), the state Supreme Court determined that CEQA requires that when a project's criteria air pollutant emissions would exceed applicable thresholds and contribute a cumulatively considerable contribution to a significant cumulative regional criteria pollutant impact, the potential for the project's emissions to affect human health in the air basin must be disclosed. State and federal ambient air quality standards are health-based standards and exceedances of those standards result in continued unhealthy levels of air pollutants. As stated in the 2017 BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely

a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria pollutants, it is assumed to have no adverse health effect.

The proposed project would result in a less than significant operational and construction criteria pollutant impact as discussed in Impact AIR-1. Therefore, the project would result in a less than significant health impact to sensitive receptors. **(Less Than Significant Impact)**

Impact AIR-4:	The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. **(Less than Significant Impact)**

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; however, the odors would be localized and temporary and are not likely to affect people on or adjacent to the site. The General Plan FEIR (as amended) includes policies (such as Policy MS-12.2) which would provide adequate buffers between sources of odors and sensitive receptors. Implementation of the proposed project would not result in odors that would adversely affect a substantial number of people. **(Less Than Significant Impact)**

3.3.3.2 *Cumulative Impacts*

Impact AIR-C:	The project would not result in a cumulatively considerable contribution to a significant air quality impact. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

Cumulative Impact on the Construction MEI

The locations of the MEI during construction have been identified in Figure 3.3-1 (refer to *Section 3.3 Air Quality*). The cumulative impacts on the construction MEI have been summarized in Table 3.3-8 below.

Table 3.3-8: Impacts from Combined Sources at Off-Site MEI (Cancer Risk and $PM_{2.5}$)

Source	Maximum Cancer Risk (per million)	Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)	Maximum Hazard Index
Project Construction Unmitigated	**55.2 (infant)** 1.3 (adult)	**0.95**	0.05
I-280	23.5	0.14	0.02
Winchester Boulevard (north-south) at 900 feet west	5.9	0.17	<0.03
Moorpark Avenue (east-west) at 1,000 feet north	1.3	0.04	<0.01
Plant #13698 (Diesel Generator) at 1,000 feet	0.1	<0.01	<0.01

Table 3.3-8: Impacts from Combined Sources at Off-Site MEI (Cancer Risk and $PM_{2.5}$)			
Source	**Maximum Cancer Risk (per million)**	**Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)**	**Maximum Hazard Index**
Plant #111422 (Gas Station) at 1,000 feet	0.2	-	<0.01
Plant #110860 (Gas Station) at 1,000 feet	0.2	-	<0.01
Plant #G11755 (Gas Station) at 1,000 feet	0.3	-	<0.01
Cumulative Total *Unmitigated*	86.7	1.31	<0.15
BAAQMD Threshold – Cumulative Sources	***>100***	***>0.8***	***>10.0***
Threshold Exceeded? ***Unmitigated***	***No***	***Yes***	***No***

As shown above, impacts from the combined sources of TACs at the construction MEI would exceed BAAQMD significance threshold for $PM_{2.5}$. With implementation of Mitigation Measure AIR-3.1, the annual $PM_{2.5}$ concentration would be reduced to 0.54 µ/m which would be below BAAQMD's significance threshold of 0.8 μ/m^3 for $PM_{2.5}$. As a result, the effect of project construction combined with existing sources of TACs would not be cumulatively considerable nor would it result in a health risk to sensitive receptors. **(Less Than Significant Cumulative Impact with Mitigation Incorporated)**

3.3.4 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies that address existing air quality conditions affecting a proposed project.

Community Risk Impacts

Increased community risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of TACs or by introducing a new source of TACs to existing sensitive receptors within the project vicinity. The proposed project would place new sensitive receptors (i.e. residences) in proximity to existing sources of TACs (i.e. freeways, high volume roadways, or stationary sources). General Plan Policy MS-11.1 requires completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution. The policy also requires new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project design or be located an adequate distance from sources of TACs to avoid significant risks to health and safety. The proposed General Plan Amendment would allow for a greater number of residents to occupy the project site.

Residential occupation of the project was assumed to begin in 2022 or thereafter. To estimate TAC and $PM_{2.5}$ emissions over the 30-year exposure period and increased cancer risks to new residents

from I-280 traffic, the EMFAC2014 model was used.[14] For a list of inputs and adjustments used in EMFAC2014, please refer to Appendix B. The maximum-modeled TAC and $PM_{2.5}$ concentrations for new residents at the project site would occur at the first residential floor level.

Mobile Sources of TACs

Community health risk assessments typically look at all sources of TACs (including highways, streets, and stationary sources identified by BAAQMD) within 1,000 feet of a project site. Traffic on high volume roadways (10,000 average daily trips [ADT] or more) is a source of TAC emissions that may adversely impact sensitive receptors in close proximity to the roadways.

As mentioned previously, the *Roadway Screening Analysis Calculator* was used to assess whether roadways with traffic volumes over 10,000 vehicles per day would have a potentially significant effect on the proposed project. A review of the project area indicates that traffic on I-280, Winchester Boulevard, and Moorpark Avenue exceeds 10,000 average daily trips. Other nearby streets are assumed to have less than 10,000 vehicles per day based on available data.

The ADT on I-280 was estimated to be 195,000. The estimated cancer risk from this freeway would be 12.0 per million and the annual $PM_{2.5}$ concentration would be 1.38 $\mu g/m^3$. The chronic or acute HI for I-280 would be less than 0.01.

The ADT on Winchester Boulevard was estimated to be 30,155. Using the *Roadway Screening Analysis Calculator* for Santa Clara County, the estimated cancer risk from Winchester Boulevard would be 5.7 per million and the annual $PM_{2.5}$ concentration would be 0.17 $\mu g/m^3$. The chronic or acute HI for Winchester Boulevard would be less than 0.03.

The ADT on Moorpark Avenue was estimated to be 25,055 vehicles. Using the *Roadway Screening Analysis Calculator* for Santa Clara County, the estimated cancer risk from Moorpark Avenue would be 3.0 per million and the annual $PM_{2.5}$ concentration would be 0.08 $\mu g/m^3$. The chronic or acute HI for Moorpark Avenue would be less than 0.03.

Stationary Sources

Stationary sources of air pollution near the project site were identified using BAAQMD's *Stationary Source Risk & Hazard Analysis Tool*[15]. Figure 3.3-2 shows the project site and the nearby TAC and $PM_{2.5}$ sources.

[14] Year 2022 emissions were conservatively assumed as being representative of future conditions over the time period that cancer risks are evaluated (30 years), since overall vehicle emissions will decrease in the future (refer to *Appendix B)*.
[15] This tool uses Google Earth and identifies the location of several stationary sources and their estimated risk and hazard impacts.

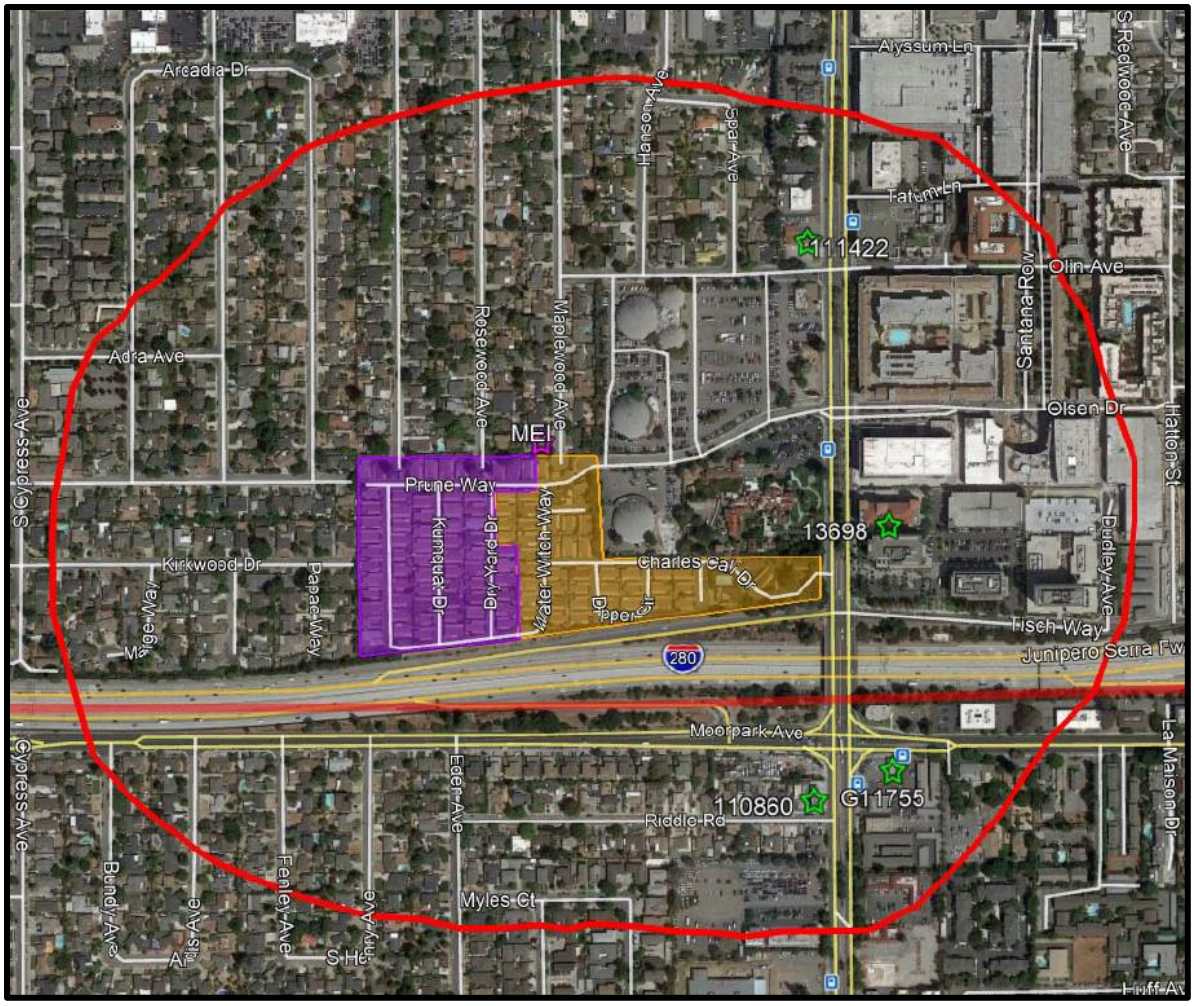


Figure 3.3-2: Project Site and Nearby TAC and $PM_{2.5}$ Sources

Five stationary sources were identified (Plants #13698, #111422, #110860, #G11755, and #20550) with Plant #20550 being shut down. Table 3.3-9 below summarizes nearby TAC and $PM_{2.5}$ sources of air pollution near the project site.

Table 3.3-9: Stationary and Mobile Sources Community Risk Levels

Source	Maximum Cancer Risk (per million)	Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)	Maximum Hazard Index
I-280 Unmitigated	**12.0**	**1.38**	<0.01
Winchester Boulevard (north-south) at 110 feet west	5.7	0.17	<0.03
Moorpark Avenue (east-west) at 300 feet north	3.0	0.08	<0.03
Plant #13698 (Diesel Generator) at 260 feet	0.4	<0.01	<0.01
Plant #111422 (Gas Station) at 1,000 feet	0.2	-	<0.01
Plant #110860 (Gas Station) at 700 feet	0.3	-	<0.01
Plant #G11755 (Gas Station) at 690 feet	0.6	-	<0.01
BAAQMD Threshold – Single Sources	***>10.0***	***>0.3***	***>1.0***
Threshold Exceeded?	***Yes***	***Yes***	***No***

As shown in the table above, the annual cancer risk for I-280 would exceed BAAQMD's significance threshold of 10 per one million for cancer risk and 0.3 μ/m^3 for annual $PM_{2.5}$. The proposed project would be required, as a Condition of Project Approval, to implement the following measures.

Conditions of Project Approval

- Air filtration shall be installed in the proposed buildings. Air filtration devices shall be rated MERV16 or higher for portions of the site that have annual $PM_{2.5}$ exposure above 1.15 $\mu g/m^3$ (calculated as all units on the western half of the project site, within 55 feet of the southern property line) and MERV13 or higher for all other portions of the site. To ensure adequate health protection to sensitive receptors (i.e., residents), all fresh air circulated into the dwelling units shall be filtered.
- An ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration system shall be required. The plan shall be approved by the City's Supervising Environmental Planner in the Department of Planning, Building and Code Enforcement prior to issuance of occupancy permits. Maintenance records must be available for review by the City upon request.
- Ensure that the use agreement and other property documents include the following: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

A properly installed and operated ventilation system with MERV16 filters would achieve reductions of at least 90 percent and a system with MERV13 would achieve an 80 percent reduction. This would reduce the maximum cancer risk to 5.8 in one million and the maximum annual $PM_{2.5}$ concentration to 0.29 $\mu g/m^3$ which is below BAAQMD's significance thresholds of 10 per one million for cancer risk and 0.3 μ/m^3 for annual $PM_{2.5}$. With implementation of the identified Conditions of Project Approval, new sensitive receptors resulting from the project would not be exposed to significant levels of air pollutants or TACs and the proposed project would be consistent with General Plan Policy MS-11.1.

Cumulative TAC Sources at Project Site

The *Roadway Screening Analysis Calculator* was used to assess whether roadways with traffic volumes over 10,000 vehicles per day would have a potentially significant effect on the proposed project. A review of the project area indicates that traffic on I-280, Winchester Boulevard, and Moorpark Avenue exceeds 10,000 average daily trips. Other nearby streets are estimated to have less than 10,000 vehicles per day based on available data. Five stationary sources were identified (Plants #13698, #111422, #110860, #G11755, and #20550), one of which (Plant #20550) is shut down.

The following table summarizes the cumulative impacts from existing nearby sources combined with construction of the proposed project. Please refer to Appendix B of this document for more information regarding the construction emissions modeling and the list of inputs used.

Table 3.3-10: Impacts from Combined TAC Sources at the Project Site			
Source[1]	**Maximum Cancer Risk (per million)**	**Maximum Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)**	**Maximum Hazard Index**
Phase I Construction Mitigated	3.4 (infant) 0.1 (adult)	0.29	<0.01
Phase II Construction Mitigated	3.5 (infant)	0.03	<0.01
I-280 Mitigated	5.8	0.29	N/A
Winchester Boulevard (north-south) at 120 feet west	5.7	0.17	<0.03
Moorpark Avenue (east-west) at 300 feet north	3.0	0.08	<0.03
Plant #13698 (Diesel Generator) at 260 feet	0.4	<0.01	<0.01
Plant #111422 (Gas Station) at 1,000 feet	0.2	-	<0.01
Plant #110860 (Gas Station) at 700 feet	0.3	-	<0.01
Plant #G11755 (Gas Station) at 690 feet	0.6	-	<0.01
BAAQMD Threshold – Single-Sources	***>10.0***	***>0.3***	***>1.0***
Threshold Exceeded? ***Mitigated***	***No***	***No***	***No***
Cumulative Total *Mitigated*	22.9	**0.87**	0.13
BAAQMD Threshold – Cumulative Sources	***>100***	***>0.8***	***>10.0***
Threshold Exceeded? ***Mitigated***	***No***	***Yes***	***N/A***

Notes: [1] This table includes both Phase 1 and Phase 2 construction since existing residents on-site would be temporarily relocated into 60 housing units on the western portion of the site during the first phase of construction. After completion of the first phase, the residents would be permanently relocated into the completed units while the second phase of construction occurs.

As seen in Table 3.3-10 above, the cancer risk and annual $PM_{2.5}$ concentration would not be exceeded for any single-source threshold with implementation of Mitigation Measure AIR-3.1. The annual cancer risk I-280 would exceed the cancer single-source threshold of 10 cases per million and would be required to comply with the Conditions of Project Approval listed above to reduce the construction risk impacts for I-280. With implementation of the identified Conditions of Project Approval and Mitigation Measure AIR-3.1, the cumulative total for $PM_{2.5}$ would continue to exceed the BAAQMD cumulative threshold and be inconsistent with General Plan Policy MS-11.1.

3.4 BIOLOGICAL RESOURCES

This discussion is based, in part, on a Tree Survey prepared by HortScience | Barlett Consultant in September 2018. A copy of this report is attached in Appendix C of this document.

3.4.1 Environmental Setting

3.4.1.1 *Regulatory Framework*

Special-Status Species

Individual plant and animal species listed as rare, threatened or endangered under state and federal Endangered Species Acts are considered 'special-status species.' Federal and state "endangered species" legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project will result in the "take" of a species listed as threatened or endangered. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" said species. "Take" is more broadly defined by the federal Endangered Species Act to include "harm" of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Section 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review per the CEQA Guidelines. These may include plant species of concern in California listed by the California Native Plant Society and CDFW listed "Species of Special Concern".

Migratory Bird and Birds of Prey Protections

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment, a violation of the MBTA. Additionally, nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitats

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation, protection, or consideration by the US Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

CDFW Stream/Riparian Habitat

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW. Provisions of these regulations apply to modifications of sensitive aquatic habitats and riparian habitats within the City of San José.

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (SCVHP) covers an area of 519,506 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (Valley Water), Santa Clara Valley Transportation Authority (VTA), USFWS, and CDFW. The SCVHP 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 Santa Clara Valley Habitat Agency is responsible for implementing the plan.

City of San José Tree Ordinance

Ordinance-sized trees, heritage trees, and street trees make up the urban forest and are protected under the City of San José Tree Ordinance. The City of San José Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) protect all trees having a trunk that measures 38 inches or more in circumference (12.1 inches in diameter) at the height of 4.5 feet above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance due to history, girth, height, species, or unique quality can be designated as a Heritage Tree due to its size, history, unusual species, or unique quality. It is illegal to prune or remove a heritage tree without first consulting the City Arborist and obtaining a permit.

Santana Row/Valley Fair Urban Village Plan

The following Urban Village policies are applicable to the proposed project.

Policy DG-82: Evergreen shrubs and trees should be used as screening devices along property lines, around mechanical equipment, and to obscure grillwork and fencing associated with service areas and parking garages.

Policy DG-83: Deciduous trees shall be the predominant large plant material used adjacent to buildings and within parking areas to provide shade in the summer, color in the fall, and sun in the winter.

Policy DG-84: Tree species should have deep roots and minimize litter and other maintenance problems.

The General Plan includes the following biological resource policies applicable to the proposed project.

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. Any adverse effect on the health and longevity of such trees should be avoided 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.

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.

3.4.1.2 *Existing Conditions*

Overview of Habitat Found On-Site

Vegetation on-site includes trees, grass, and shrubs. The project site is located within the SCVHP study area and is designated as "Urban-Suburban land."[16,17] Habitats in developed areas, such as the

[16] Santa Clara Valley Habitat Plan. "Santa Clara Valley Habitat Agency Geobrowser." Accessed August 17, 2018. http://www.hcpmaps.com/habitat/.

[17] Urban-Suburban land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as having one or more structures per 2.5 acres.

project site, are typically low in diversity and include predominantly urban adapted birds and animals. There are no sensitive habitats on-site, such as freshwater marsh or serpentine grasslands.

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 CDFW. Nesting birds are considered special-status species and are protected by the USFWS under the Migratory Bird Treaty Act. Most special-status animal species occurring in the Bay Area use habitats that are not present on the site. Since the native vegetation of the area is no longer present on-site, native wildlife species have been supplanted by species that are more compatible with an urbanized area; however, there is still the potential for nesting birds to be located in trees in and around the project site.

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. Based on the arborist report, there are a total of 561 trees located on and adjacent to the site.[18] There are three native trees located on-site; two Coast live oak (Tree Nos. 200 and 381) and one California bay (Tree No. 394). In accordance with City policy, trees that are a minimum of 12.1 inches in diameter (38 inches in circumference) at 4.5 feet above ground, as well as Heritage Trees, are protected from removal without a permit. Of the 439 trees surveyed, 155 trees are ordinance-sized. The following table lists all trees that were surveyed. The location of the trees is shown on Figure 3.4-1.

Table 3.4-1: Tree Species Observed

Common Name	Scientific Name	Circumference			Total No. of Trees
		Less than 19.0 inches	19-38 inches	Greater than 38 inches	
Aleppo pine	*Pinus halepensis*	0	0	1	1
Apple	*Malus domestica*	0	2	1	3
Apricot	*Prunus armenianca*	1	1	0	2
Avocado	*Persea americana*	4	2	1	7
Blue Colorado spruce	*Picea pungens 'Glauca'*	1	1	0	2
Birch	*Betula pendula*	0	0	2	2
Brush cherry	*Syzigium paniculatum*	2	5	2	9
California bay**	*Umbellularia californica*	0	1	0	1
California black walnut	*Juglans hindsii*	1	0	1	2
California fan palm	*Washingtonia filifera*	0	0	2	2

[18] Please note 122 Italian cypresses were counted and not individually assessed as part of the arborist report. A total of 439 trees were surveyed and assessed.

Source: Hort Science, Aug. 2018.

TREE LOCATION MAP

FIGURE 3.4-1

Table 3.4-1: Tree Species Observed					
Common Name	**Scientific Name**	**Circumference**			**Total No. of Trees**
		Less than 19.0 inches	**19-38 inches**	**Greater than 38 inches**	
California incense cedar	*Calocedrus decurrens*	1	0	2	3
Camphor	*Cinnamomum camphora*	1	0	0	1
Canary island pine	*Pinus canariensis*	0	1	9	10
Carolina laurel	*Prunus caroliniana*	4	0	0	4
Cherry	*Prunus avium*	2	2	1	5
China Berry	*Melia adzerach*	0	0	1	1
Chinese pistache	*Pistache chinensis*	0	1	1	2
Coast live oak**	*Quercus agrifolia*	0	0	2	2
Coast redwood	*Sequoia sempervirens*	0	0	8	8
Cordyline	*Cordyline australis*	0	2	4	6
Cork oak	*Quercus suber*	0	0	1	1
Corkscrew willow	*Salix matsudina 'Torulosa'*	0	0	1	1
Crabapple	*Malus cv.*	1	0	0	1
Crape myrtle	*Lagerstroemia cv.*	36	22	0	58
Deodar cedar	*Cedrus deodara*	1	0	4	5
Elaeagnus	*Elaegnus x submacrophylla*	0	0	1	1
Elm	*Ulmus sp.*	0	0	1	1
English holly	*Ilex cornuta*	1	3	1	5
Evergreen pear	*Pyrus kawakamii*	0	2	0	2
Fern pine	*Afrocarpus falcatus*	4	13	2	19
Fig	*Ficus carica*	2	3	2	7
Flowering dogwood	*Cornus florida*	1	0	0	1
Glossy privet	*Ligustrum lucidum*	6	3	4	13
Grapefruit	*Citrus paradisii*	0	1	1	2
Hibiscus	*Hibiscus sp.*	0	0	1	1
Hollyleaf cherry	*Prunus ilicifolia*	0	0	1	1
Hollywood juniper	*Juniperus chinensis 'Torulosa'*	4	5	23	32
Italian cypress	*Cupressus sempervirens*	4	1	0	5
Jacaranda	*Jacaranda mimosifolia*	0	0	4	4
Japanese loquat	*Eriobotrya japonica*	2	1	1	4
Japanese maple	*Acer palmatum*	13	7	6	26
Juniper	*Juniperus chinensis*	1	5	0	6
Kumquat	*Citrus japonica*	0	0	1	1
Lemon	*Citrus limon*	10	8	4	22
Marina madrone	*Arbutus 'Marina'*	1	0	0	1
Mayten	*Matenus boaria*	6	5	3	14
Mexican fan palm	*Washingtonia robusta*	0	1	3	4
Monterey cypress	*Hesperocyparis macrocarpa*	1	0	0	1
Monterey pine	*Pinus radiata*	0	1	10	11
Mugo pine	*Pinus mugo*	0	0	1	1
Norfolk island pine	*Araucaria heterophylla*	1	1	0	2
Oleander	*Nerium oleander*	1	5	1	7
Olive	*Olea europaea*	2	0	2	4

Table 3.4-1: Tree Species Observed					
Common Name	**Scientific Name**	**Circumference**			**Total No. of Trees**
		Less than 19.0 inches	**19-38 inches**	**Greater than 38 inches**	
Orange	*Citrus sinensis*	4	9	7	20
Peach	*Prunus persica*	3	4	0	7
Pecan	*Carya illinoiensis*	0	0	1	1
Persimmon	*Diospyros kaki*	0	2	1	3
Photinia	*Photinia x 'Fraseri'*	2	2	0	4
Pittosporum	*Pittosporum tenuifolium*	1	3	4	8
Plum	*Prunus domestica*	2	0	2	4
Plum-peach	*Prunus domestica*	1	0	0	1
Purpleleaf plum	*Prunus cerasifera*	2	0	0	2
Queen palm	*Syagrus romanzoffiana*	0	2	0	2
Red oak	*Quercus rubra*	2	0	0	2
Scots pine	*Pinus sylvestris*	0	0	1	1
Southern magnolia	*Magnolia grandiflora*	1	0	0	1
Spruce	*Picea sp.*	0	1	0	1
Star magnolia	*Magnolia stellata*	0	1	0	1
Sweetgum	*Liquidambar styraciflua*	0	1	0	1
Tangerine	*Citrus tangerina*	1	0	0	1
Tobira	*Pittosporum tobira*	0	0	1	1
Victorian box	*Pittosporum undulatum*	4	5	3	12
Water gum	*Tristaniopsis laurina*	0	5	5	10
Weeping blue Atlas cedar	*Cedrus atlantica 'Glauca pendula'*	0	1	0	1
Weeping blue juniper	*Juniperus scopulorum 'Tollesons'*	0	0	1	1
Weeping false cypress	*Chamaecyparis nootkatensis 'Pendula'*	0	0	1	1
Windmill palm	*Trachycarpus fortunei*	0	0	2	2
Xylosma	*Xylosma congestum*	0	1	0	1
Yew	*Taxus sp.*	0	1	3	4
Yucca	*Yucca filimentosa*	0	3	6	9
				Total:	439

Notes: ** denotes trees that are native to the San José area.
The 122 Italian cypresses are not included in this table.

3.4.2 Impact Discussion

For the purpose of determining the significance of the project's impact on biological resources, would the project:

1) 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 Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS?

3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
4) 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?
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

3.4.2.1 *Project Impacts*

Impact BIO-1:	The project would not 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 CDFW or USFWS. **(Less than Significant Impact with Mitigation Incorporated)**

The trees on and adjacent to the site could provide nesting and/or foraging habitat for raptors and migratory birds. Migratory birds, like nesting raptors, are protected under provisions of the Migratory Bird Treaty Act and CDFW Code Sections 3503, 3503.5, and 3800. The CDFW defines "taking" as causing abandonment and/or loss of reproductive efforts through disturbance. Any loss of fertile eggs, nesting raptors, or any activities resulting in nest abandonment would constitute a significant impact.

Mitigation and Avoidance Measures

In accordance with the Migratory Bird Treaty Act, 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 demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

If demolition and construction cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests are disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st, inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is

found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife (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 shall not be disturbed during project construction.

Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Supervising Environmental Planner.

With implementation of the identified mitigation measures, the project's impact to nesting birds and raptors would be less than significant. **(Less Than Significant Impact with Mitigation Incorporated)**

Impact BIO-2:	The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. **(Less than Significant Impact)**

Impact BIO-3:	The project would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. **(Less than Significant Impact)**

The project site is currently developed with 111 mobile home units and an associated club house. Due to the history of development on-site and existing urbanized use of the project area, no riparian habitat or other sensitive natural community exists on or adjacent to the site that would support endangered, threatened, or special status species. There are no federally protected wetlands, as defined by Section 404 of the Clean Water Act on-site. For these reasons, the proposed project would not adversely affect special status species, riparian habitat, or wetland habitat. **(Less Than Significant Impact)**

Impact BIO-4:	The project would not 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. **(Less than Significant Impact)**

As mentioned in Impact BIO-2 and BIO-3, the project site is developed with no sensitive habitats or waterways on or adjacent to the site. Additionally, there are no native wildlife nursey sites on-site or in the vicinity of the site. The project site is surrounded by fencing, a sound wall, and dense urban development, and does not facilitate wildlife movement. Therefore, implementation of the proposed project would not 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. **(Less Than Significant Impact)**

Impact BIO-5:	The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. **(Less than Significant Impact With Mitigation Incorporated)**

A total of 561 trees were estimated to be present on and adjacent to the site. Based on information provided by the applicant, it is assumed that 550 trees would be removed and the remaining trees (Tree Nos. 214, 217, 236, 239, 381, 387, 400, 402, 404, 405, and 406) would remain on-site. The 11 trees to remain on-site are ordinance-sized trees. As part of the project's Standard Permit Conditions, all trees removed as a result of the project would be required to be replaced in accordance with all applicable laws, policies, or guidelines, including:

- City of San José Tree Removal Control (Municipal Code Section 13.31.010 to 13.32.100)
- San José Municipal Code Section 13.28
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6

Table 3.4-2: City of San José Standard Tree Replacement Ratios

Circumference of Tree to Be Removed[1]	Type of Tree to be Removed[2]			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or greater[3]	5:1	4:1	3:1	15-gallon
19 to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon

[1]As measured 4.5 feet above ground level
[2] x:x = tree replacement to tree loss ratio
[3]Ordinance-sized tree
Notes: Trees greater than 12.1 inches in diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For multi-family residential, commercial, and industrial properties, a Tree Removal Permit is required for removal of trees of any size.
A 12.1-inch tree equals 38 inches in circumference.
One 24-inch box tree = two 15-gallon trees.

In accordance with City policy, tree replacement would be implemented as shown on Table 3.4-2. As mentioned previously, a total of 550 trees (including 122 Italian cypresses) on and adjacent to the site would be removed. Of the 144 trees 38 inches or greater in circumference, 133 trees would be replaced at a 4:1 ratio, 10 orchard trees would be replaced at a 3:1 ratio, and one native tree would be replaced at a 5:1 ratio with 15-gallon containers. Of the 146 trees 19 to 38 inches in circumference, 111 would be replaced at a 2:1 ratio and one native tree would be replaced at a 3:1 ratio with 15-gallon containers.[19] Of the 138 trees less than 19 inches in circumference that are required to be replaced, 108 trees would be replaced at a 1:1 ratio with 15-gallon containers.[20] The 122 Italian

[19] The remaining 34 trees are orchard trees with a circumference of 19 to 38 inches which have no tree replacement ratio.
[20] The remaining 30 trees are orchard trees with a circumference of less than 19 inches which have no tree replacement ratio.

cypresses are less than 19 inches in circumference and would be replaced at a 1:1 ratio with 15-gallon containers. The proposed project would be required to plant 1,022 trees.

In the event the project site does not have sufficient area to accommodate the replacement trees on-site, one or more of the following measures would 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 can be increased to 24-inch box and count as two replacement trees.
- If replacement trees cannot be fully planted on the project site, the project proponent shall make payment to the City for funding to plant any additional trees within the City boundary prior to the issuance of any building permits. These funds will be used for tree planting and maintenance of planted trees for approximately three years. The project proponent shall provide the payment receipt for "off-site tree planting" to the Planning Project Manager prior to issuance of any building permit.

The proposed project would be required to meet the measures as noted above. The General Plan FEIR (as amended) concluded that compliance with local laws, policies, or guidelines, as proposed by the project, would reduce impacts to the urban forest to a less than significant level. **(Less Than Significant Impact)**

There are 11 trees proposed to be retained on-site (Tree Nos. 214, 217, 236, 239, 381, 387, 400, 402, 404, 405, and 406). Of the 11 trees, four are located within the proposed park, two are located at the southeast corner of the site, and the remaining five are located along the shared property line with the Winchester House, near the eastern boundary of the site. These trees could be damaged during construction activities resulting in the loss of one or more trees proposed for preservation on-site. Any loss of trees proposed for preservation would constitute a significant impact.

Mitigation and Avoidance Measures

The following mitigation measures are included to reduce impacts to trees during construction:

MM BIO-5.1: Prior to issuance of any demolition or grading permits (whichever occurs first), the project applicant shall retain a certified arborist to discuss work procedures and tree protection with the construction superintendent before beginning work on-site.

MM BIO-5.2: All trees to be retained on-site shall be fenced to completely enclose the tree protection zone prior to demolition or grading. Fences shall be six feet tall and chain link (or equivalent), as approved by the certified arborist. For each phase of construction, fences shall remain until all grading and construction is complete in each phase.

MM BIO-5.3: Prior to fencing, all trees to be preserved on-site shall be pruned to clean the crown and provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.

MM BIO-5.4: Grading, construction, demolition or other work within the tree protection zone is prohibited. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the tree protection zone. Any modifications must be approved and monitored by the certified arborist.

MM BIO-5.5: Any root pruning required during construction shall receive prior approval of, and be supervised by, the certified arborist.

MM BIO-5.6: Any additional tree pruning needed for clearance during construction shall be performed or supervised by a certified arborist and not by construction personnel.

MM BIO-5.7: Supplemental irrigation shall be applied to trees as determined by the certified arborist throughout construction.

MM BIO-5.8: If injury should occur to any tree during construction, the certified arborist shall evaluate the tree within 24 hours so that appropriate treatment can be applied.

With implementation of the identified mitigation measures, the project's impact to trees would be less than significant. **(Less Than Significant Impact with Mitigation Incorporated)**

Impact BIO-6:	The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **(Less than Significant Impact)**

Private development in the plan area is subject to the SCVHP if it meets the following criteria:

- The activity is subject to either ministerial or discretionary approval by the County of one of the cities;
- The activity is described in Section 2.3.2 *Urban Development* or in Section 2.3.7 *Rural Development*;[21] and
- In Figure 2-5 (of the HCP), the activity is located in an area identified as "Private Development is Covered," OR the activity is equal to or greater than two acres AND
    - The project is located in an area identified as "Rural Development Equal to or Greater than Two Acres is Covered," or "Urban Development Equal to or Greater than Two 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,

[21] Covered activities in urban areas include residential, commercial, and other types of urban development within the Cities of Gilroy, Morgan Hill, and San José 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' urban growth boundaries).

or pond land cover types; or the project is located in occupied nesting habitat for western burrowing owl.

The project site is located within the SCVHP area.[22] The proposed project is consistent with the activity described in *Section 2.3.2* of the SCVHP and would require discretionary approval by the City. Consistent with the SCVHP, the project applicant shall implement the following Standard Permit Condition.

Standard Permit Condition

- The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant shall submit a SCVHP Coverage Screening Form or Nitrogen Deposition Only Application Form (if no land cover fees apply) to the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement for review and shall complete subsequent forms, reports, and/or studies as needed.

With implementation of the identified Standard Permit Condition, the project would not conflict with the provisions of the SCVHP. **(Less Than Significant Impact)**

3.4.2.2 *Cumulative Impacts*

Impact BIO-C:	The project would not result in a cumulatively considerable contribution to a significant biological resources impact. **(Less than Significant Cumulative Impact)**

The proposed project would not result in significant biological resources impacts. The biological resources impacts would result solely from construction of the proposed project. These impacts would be temporary and would be reduced to a less than significant level with implementation of the proposed mitigation measures and Standard Permit Conditions. Because of the temporary nature of these impacts and the fact that the impacts would be mitigated, there would be no long-term cumulative effect. As a result, the project's contribution to a cumulatively significant biological resources impact would not be considerable. **(Less Than Significant Cumulative Impact)**

[22] Santa Clara Valley Habitat Plan. "Santa Clara Valley Habitat Agency Geobrowser." Accessed August 17, 2018. http://www.hcpmaps.com/habitat/.

3.5 CULTURAL RESOURCES

The following discussion is based upon a Historic Resources Project Assessment prepared by Archives & Architecture in October 2018 and revised in August 2019. A copy of this report is attached in Appendix D of this document.

3.5.1 Environmental Setting

3.5.1.1 *Regulatory Framework*

National Historic Preservation Act

The National Register of Historic Places (NRHP), established under the National Historic Preservation Act, is a comprehensive inventory of known historic resources throughout the U.S. The National Register is administered by the National Park Service and includes buildings, structures, sites, objects and districts that possess historic, architectural, engineering, archaeological or cultural significance. 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.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is a guide to cultural resources that must be considered when a government agency undertakes a discretionary action subject to CEQA. The CRHR aids government agencies in identifying, evaluating, and protecting California's historical resources, and indicates which properties are to be protected from substantial adverse change (Public Resources Code, Section 5024.1(a)). The CRHR is administered through the State Office of Historic Preservation (SHPO), which is part of the California State Parks system. 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.

State Regulations Regarding Cultural and Paleontological Resources

Archaeological, paleontological, and historical sites are protected by a number of State policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 Section 1427), and California Health and Safety Code. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and provides for the treatment and disposition of human remains and associated grave goods.

Both state law and County of Santa Clara County Code (Sections B6-19 and B6-20) require that the Santa Clara County Coroner be notified if cultural remains are found on a site. If the Coroner determines the remains are those of Native Americans, the Native American Heritage Commission and a "most likely descendant" must also be notified.

City of San José

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

Envision San José 2040 General Plan

The General Plan includes the following cultural resources policies 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.[23] 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

[23] For reference, a jackhammer has a PPV of 0.09 inches/second at a distance of 25 feet.

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

Policy LU-13.8: Require that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to the character of the nearby Historic District or landmark.

Policy LU-13.13: Foster the rehabilitation of buildings, structures, areas, places, and districts of historic significance. Utilize incentives permitting flexibility as to the uses; transfer of development rights; tax relief for designated landmarks and districts; easements; alternative building code provisions for the reuse of historic structures; and financial incentives.

Policy LU-13.15: Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

3.5.1.2 *Existing Conditions*

Prehistoric Subsurface Resources

Native Americans occupied Santa Clara Valley and the greater Bay Area for more than 5,000 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 3,000 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 primarily along the City's major waterways. The project site is not in proximity to any local waterways. The nearest waterway

is Saratoga Creek, located approximately 2.2 miles west of the project site. Therefore, the potential to discover any artifacts or cultural resources on-site is low.

There are no existing conditions or physical evidence that would suggest the presence of prehistoric resources on-site. There are no recorded prehistoric sites on or adjacent to the project site and no evidence of prehistoric artifacts were found during previous construction activities on-site or on adjacent sites.

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 was established.

The pueblo was originally located northeast of the project site, 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 in downtown San José was the center of the second pueblo. The project site is more than three miles from the second pueblo.

Post-Mission Period to Mid-20th Century

In the mid-1800's, San José 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. Much of San José, outside of the downtown area, was undeveloped or used as farmlands until after World War II.

The project site is part of a 240-acre property purchased by Walter F. Hargis in 1863. The property extended from Old Santa Clara Santa Cruz Road to San Tomas Aquino Creek on the west, and from Stevens Creek Road (on the north) to present-day Moorpark Avenue on the south. The Hargis family resided on-site in a house built by Walter Hargis where the Winchester House is currently located. By the 1880s, the 240-acre property expanded to 270-acres. By 1886, Sarah Winchester came to Santa Clara Valley. During that time, the Hargis property had been subdivided into fruit farms and the 44.8-acre "L-shaped" parcel at the corner of Stevens Creek Road and Santa Clara-Los Gatos Road was owned by John Hamm. Sarah Winchester purchased the property in 1886.

From 1886 until 1906, Sarah Winchester continued to expand the property to approximately 160-acres. Sarah Winchester had started work on a new grand entry to the south, where the Winchester Ranch Mobile Home Park exists today. That portion of the property was acquired by Winchester in 1891 from Elizabeth and Robert Taft. After Sarah Winchester's death in 1922, her property was sold and opened on May 1923 as a tourist attraction. Charles Cali acquired approximately 30.4-acres (which includes the 15.7-acre Winchester Ranch Mobile Home Park) of the Winchester property in 1926. A house that has been referred to as the Caretaker's House on Sarah Winchester's property was located where the current clubhouse is, until it was destroyed in a fire in 1929. The Winchester House has remained in operation to present day although the original estate has been reduced to two parcels (approximately five acres).

By 1953, the project site and project area were developed with orchards and the Winchester House. By 1961, the project site and area remained unchanged from the 1953 conditions. By 1968, the project area was developed with the Century movie-theater complex located east and northeast of the project site and I-280 to the south. Minimal changes occurred in the area from 1968 until 1973. By 1980, the project site was developed with the existing mobile home park.

3.5.1.3 *Existing Structures On-Site*

The 15.7-acre project site is currently developed with 111 single-story mobile home units, an associated club house facility, and parking. The property is associated with the Cali family. Charles Cali operated Arzino Fish Market in San José and served four terms as president of the Santa Clara County Farm Bureau. Charles Cali and his wife, Lelia, were living in a house on San Augustine Street when they acquired the ranch from the Winchester estate. They moved into the ranch sometime in the late 1950s.

By the 1920s, they worked at San José Water (SJW). By the early 1930s, Charles Cali returned to his full-time occupation as a farmer/rancher while Lelia remained with SJW Lelia Cali worked at several places until she began working at SJW as a cashier. She worked her way up with the organization until 1965 when she was elected vice president for administration and stockholder relations. She was one of the first women to become a corporate executive in the County and the first member of the board of directions for SJW. Marchisio Charles Cali, eldest son of Charles and Lelia, opened a law practice in San José and served in the 13th Armored Division of the US Army in World War II. He had also served on the board of directors for the SJW.

Based on available information, Charles and Lelia Cali had originally built (or relocated) the current clubhouse (formerly a barn) in the late 1930s. The barn is said to have been remodeled in the late 1940s to include an upstairs apartment and outdoor deck. The barn was adaptively reused in 1976, when it was established as the clubhouse for the Winchester Ranch Mobile Home Park. The rest of the existing structures currently on-site were present by 1980. None of the structures on-site are currently listed in the City's Historic Resources Inventory.[24]

3.5.1.4 *Existing Structures Adjacent to the Site*

Century 21 Theater

The Century 21 Theater is a one-story, concrete block, steel-frame dome theater constructed in 1964. In June 2013, the building was nominated for listing on the NRHP as an individual property. The nomination was reviewed in April 2014 and the building was found to be eligible for listing under the National Register. It was not listed, however, due to the property owners' objection. The theater was listed on the California Register of Historical Resources and designated as a City Landmark (HL14-212) in 2014.

[24] City of San José. "City of San José Historic Resources Inventory." Accessed October 2, 2018. http://www.sanjoseca.gov/DocumentCenter/View/35475.

Winchester House

The Winchester House is located north and northeast of the project site. Based on the City's Historic Resources Inventory[25], the Winchester Mystery is designated as a San José City Landmark, a California State Landmark, and is listed on the National Register of Historic Places. The Winchester House is associated with Sarah L. Winchester and has been registered as a California State Landmark since January 1974. Additionally, the National Park Service (NPS) placed it on the NRHP the same year. In 1995, the structure was nominated as a San José City Landmark (HL95-101).

3.5.2 Impact Discussion

For the purpose of determining the significance of the project's impact on cultural resources, would the project:

1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?
2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?
3) Disturb any human remains, including those interred outside of dedicated cemeteries?

3.5.2.1 *Project Impacts*

Impact CUL-1:	The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact with Mitigation Incorporated)**

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, 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 value may not be appreciated by modern standards. That does not, however, preclude it from being eligible for listing as a historic resource.

Demolition of Structures On-Site

The clubhouse (formerly a barn) is associated with the Cali family and meets the qualitative criteria for a Structure of Merit in the City of San José. The clubhouse is associated with Charles and Lelia Cali during the later years of their life and last years of operation of the ranch. The clubhouse is also associated with the time period in which Lelia Cali provided a corporate leadership role at SJW. Other nearby structures within the project site are associated with the Cali Family and the Winchester property including two gazebo structures that have been moved around on the property and other minor ancillary structure(s).

[25] City of San José. "City of San José Historic Resources Inventory." Accessed October 2, 2018. http://www.sanjoseca.gov/DocumentCenter/View/35475.

As mentioned previously, the former barn was remodeled over time to provide housing for the Cali family and was later rehabilitated into a clubhouse in 1976. Although the former barn has been rehabilitated, it retains some of its historical integrity to its period of significance (1930s-1970) per the National Register's seven aspects of integrity. The former barn has maintained its rural character and contains most of its original materials and workmanship. Additionally, the structure conveys visual associations with the early ranch and as a historic building from the Interwar period in San José's history. While the former barn meets the Structure of Merit criteria, it would not qualify as a significant historic resource under CEQA. Any development approvals that includes demolition of a structure eligible for or listed on the Historic Resources Inventory (including the barn, two gazebos, and other minor ancillary structures) shall be required to salvage the resource's building materials and architectural elements to allow re-use of those elements and materials and avoid the energy costs of producing new and disposing of old building materials (General Plan Policy LU-16.4). Therefore, the project shall be required to implement the following Standard Permit Conditions.

Standard Permit Conditions

- **Documentation.** Prior to the demolition of any Structure of Merit, the structure shall be photo-documented to an archival level consisting of selected views of the building to the following standards:
  - *Cover sheet* - The documentation shall include a cover sheet identifying the photographer, providing the address of building, common or historic name of the building, date of construction, date of photographs, and photograph descriptions.
  - *Lenses* - No soft focus lenses. Lenses may include normal focal length, wide angle and telephoto.
  - *Filters* – Photographer's choice. Use of a polarized screen is encouraged.
  - *View* - Perspective view-front and other elevations. All photographs shall be composed to give primary consideration to the architectural and/or engineering features of the structure with aesthetic considerations necessary, but secondary.
  - *Lighting* - Sunlight is usually preferred for exteriors, especially of the front facade. Light overcast days, however, may provide more satisfactory lighting for some structures. A flash may be needed to cast light into porch areas or overhangs.
  - *Technical* - All areas of the photograph must be in sharp focus.

  The project applicant shall coordinate the submission of the photo-documentation, including the original prints and negatives, to History San José. Digital photos may be provided as a supplement to the above photo-documentation, but not in place of it. Digital photography shall be recorded on a CD and shall be submitted with the above documentation. The above documentation shall be accompanied by a transmittal stating that the documentation is submitted as a Standard Measure to address the loss of the historic resource which shall be named and the address stated and coordinated with the City's Historic Preservation Officer.

- **Relocation or Salvage.** Prior to demolition, the City will offer each of the buildings for relocation. The City's "offer for relocation" will be placed in a newspaper of general circulation, posted on a website, and posted on the sites for a period of no less than 30 days. In the event that relocation is not possible, prior to demolition the structure and site shall be retained a reasonable period of time as determined by the Director of Planning, Building and

Code Enforcement and made available for salvage to the general public and companies facilitating the reuse of historic building materials.

With implementation of the identified Standard Permit Conditions, redevelopment of the project site would have a less than significant impact on-site historic resources. **(Less Than Significant Impact)**

Impacts of the Proposed Project on Adjacent Historic Structures

Winchester House

The Winchester House is located north to northeast of the project site. The original Sarah Winchester property once included the project site and aerials and photographs from the early twentieth century show that her gardens had originally extended along the frontage of the Winchester Ranch Mobile Home Park property.

As proposed, the project would demolish all the structures on-site and construct 688 residential units and an approximately 2.0-acre park. A seven-story podium building is proposed on the eastern portion of the site immediately south of the Winchester House with an approximately 10-foot minimum setback from the property line. The project site was once part of the gardens area of the Winchester House property and the trees along South Winchester Boulevard are remnants of the original garden. Although the trees are no longer part of the Winchester House property, they provide a visual buffer to adjacent uses and I-280. The proposed site plan includes driveways and setbacks that create some buffer between the Winchester property and existing buildings on-site. In addition, five of the trees on-site that are remnants of the original garden are proposed to be retained.

An analysis was completed to determine whether the project would impact the historic integrity of the adjacent Winchester House. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. The project would not impact location, materials, and workmanship as the project would not alter the Winchester House or its property. Setting, design, feeling, and association are discussed below.

Setting **–** the physical environment of a historic property.

The setting of the Winchester House includes the views above and across the adjacent properties (e.g., the dense landscaping at the front of the neighboring property and mountain views). The mobile home park currently provides a compatible setting due to the existing trees and open space. The outbuildings and the repurposed barn on-site can be seen from the Winchester House. Much of the setting on the north and west sides of the property has been lost due to parking. The landscaping does, however, provide a perception of open space and vegetation surrounding the Winchester House and its immediate grounds.

The significance of the Winchester House setting is based on its ability to act as a backdrop for the house and grounds. While the relationship of the house to the landscape has been altered, it has not been completely lost. Based on the project plans, the project does not provide a compatible setting to the grounds and the historic resource. The proximity, massing, and dimensions of the proposed above-grade parking within the podium building, lack of open space, and lack of landscaping would diminish the sense of space that currently exists. The seven-story podium building is proposed immediately beyond the small shed on the Winchester House property line. The walls of the

apartment building would be at least twice as tall and would be visible from all portions of the Winchester House site including the public right-of-way. In addition to blocking mountain views, the proposed building would impact the sense of historic place, which is part of the views. As a result, implementation of the project would not provide a compatible setting and would result in a significant impact to the integrity of the historic setting.

Design – the composition of elements that constitute the form, plan, space, structure, and style of a property.

The proposed project would not result in a direct physical impact on the historic integrity of the design of the historic resource. The proposed project may overwhelm (in scale) the Winchester House by overshadowing it. There are no landscaped open space buffers proposed that would make the building compatible with the design and setting of the resource. The project would not be compatible in massing, size, scale, or location with the historic house and would result in a significant impact to the integrity of the historic design.

Feeling – a property's expression of the aesthetic or historic sense of a particular period of time.

The Winchester House would continue to embody its feeling of unique architectural design and would include buildings that embody the role of the Winchester House in an agricultural context; however, the historic feeling of the house as being part of a larger property would be lost. The integrity of feeling of the uniqueness of the historic resource would be mostly preserved, but the feeling of surrounding open space (provided by its setting) would be impacted. Implementation of the project would result in a significant impact to the integrity of the feeling setting.

Association – the direct link between a property and the event or person for which the property is significant.

The associations of the historic house with its unique design and Sarah Winchester would continue to be highly recognizable and understandable, even with the proposed project. All open space and landscaped areas around the resource would provide associations with Sarah Winchester. Currently, open space is provided on-site and adjacent to the historic resource (including the Century 21 Theater). The associations of Sarah Winchester with the larger surrounding agricultural past, however, would be lost due to the reduction open space and landscaping. Implementation of the project would result in a significant impact to the integrity of association.

Per the Historic Resources Project Assessment, the proposed project would affect the setting, design, feeling, and association of the Winchester House property. In addition, the proposed design would alter the streetscape immediately adjacent to the property along South Winchester Boulevard. The landscape setting, particularly the open space, is important in maintaining the historic integrity of the Winchester House. Please refer to Section 3.4.2.1 Biological Resources for the proposed tree protection measures. While the proposed project may not have a direct physical impact on the historic fabric of the house and historically designated grounds, the loss of the landscape setting would irreversibly change the character of the historic resource. There are no feasible mitigation measures available to reduce impacts to the Winchester House absent a redesign of the project; therefore, the impacts to the Winchester House would be significant and unavoidable. Please refer to *Section 7.0 Alternatives* for a list of alternatives that may avoid or substantially lessen the impact. **(Significant Unavoidable Impact)**

Century 21 Theater

The project site is also located adjacent to the Century 21 Theater, a City Landmark and CRHR property. The two other theater buildings (Century 22 and Century 23 Theaters) were evaluated previously and found ineligible for the CRHR and do not meet the criteria to be designated as a San José City Landmark.

The portion of the project site near the theater would be low in height (four-stories) and set back from the shared property corner. There is no design impact identified with the proposed project on the Century 21 Theater.

The historic integrity of the Century 21 Theater was also analyzed. The project is not anticipated to create an impact to location, materials, and workmanship as the project would not alter the Century 21 Theater or its property. Setting, design, feeling, and association are discussed below.

Setting – the physical environment of a historic property.

The setting of the Century 21 Theater includes a large surface parking lot with some landscaping and two other domed theater buildings. Open space which provides an open backdrop for the theater is important to its architectural and historic significance. The existing development surrounding the theater provides adequate distance which allows each building to have its own open space setting. Construction of the proposed project would not impact the setting of the Century 21 Theater and, as a result, the integrity of the historic setting would be preserved.

Design – the composition of elements that constitute the form, plan, space, structure, and style of a property.

The proposed project would not result in a direct physical impact on the historic integrity of the design of the historic resource. The Century 21 Theater would be located adjacent the project site and would remain physically untouched. Based on the Historic Resources Assessment, the Century 21 Theater would not be overwhelmed (in scale) by construction of the proposed four-story units. As a result, implementation of the project would not result in a significant impact to the integrity of the design setting.

Feeling – a property's expression of the aesthetic or historic sense of a particular period of time.

Since the Century 21 Theater would be 110 feet north of the project site and would retain its design and open setting, the theater would continue to embody its integrity of feeling. Implementation of the project would not result in a significant impact to the integrity of the feeling setting.

Association – the direct link between a property and the event or person for which the property is significant.

The associations of the Century 21 Theater would continue to be highly recognizable and understandable even with the proposed project. The associations of the theater's past would be preserved. Implementation of the project would not result in a significant impact to the integrity of the association setting.

Per the Historic Resources Project Assessment, the proposed project would not impact the setting, design, feeling, and association of the Century 21 Theater property. **(Less Than Significant Impact)**

Vibration Impacts Resulting from Project Construction

According to General Plan Policy EC-2.3, a vibration limit of 0.20 in/sec PPV is used to minimize damage at buildings of conventional construction and a vibration limit of 0.08 in/sec PPV is used is used to minimize the potential for cosmetic damage to historic structures. Construction activities on-site would include demolition, site preparation work, foundation work, and new building framing and finishing which may generate perceptible vibration levels. No pile driving is proposed.

The Century 21 Theater is located approximately 110 feet north of the project site at the closest point and would be exposed to maximum vibration levels of up to 0.04 in/sec PPV, which would not exceed the City's 0.08 in/sec PPV threshold. **(Less Than Significant Impact)**

The Winchester House and its associated outbuildings are, at their nearest points, approximately 10 to 25 feet north of the shared property line near the eastern portion of the project site. At a distance of approximately 60 feet, the use of a heavy vibratory roller or the dropping of a heavy loader bucket could result in a vibration level equal to or above the City's 0.08 in/sec PPV threshold. Therefore, construction activities that utilize heavy equipment could result in a significant impact to the Winchester House.

Mitigation and Avoidance Measures

The project applicant shall be required to implement the following mitigation measures to reduce vibration impacts to the Winchester House.

MM CUL-1.1: Prior to construction, a qualified historic architect shall undertake an existing visual conditions study of the Winchester House and outbuildings on the Winchester House site if the property owner grants access. The purpose of the study would be to establish the baseline conditions of the building prior to construction. The documentation shall take the form of detailed written descriptions and visual illustrations and/or photos, including those physical characteristics of the resource that conveys its historic significance. The documentation shall be reviewed and approved by the City of San José's Historic Preservation Officer prior to the issuance of demolition or grading permits. If access to the Winchester House and outbuildings is not provided, the historic architect shall utilize the most recent publicly available photos of the buildings and/or new photos taken by the historic architect from public vantage points around the property.

MM CUL-1.2: Prior to any demolition or grading permits, the project applicant shall prepare and implement a Historical Resources Protection Plan (HRRP) that provides measures and procedures to protect the Winchester House from direct or indirect impacts during construction activities (i.e., due to damage from operation of construction equipment, staging, and material storage). The HRRP shall be prepared by a qualified Historic Architect and reviewed and approved by the Historic Preservation Officer of the City of San José

Department of Planning, Building and Code Enforcement prior to Public Works clearance, including any ground-disturbing work.

The project applicant shall ensure the contractor follows the HRRP throughout construction. The HRRP shall be prepared by a qualified historic architect who meets the Secretary of Interior's Professional Qualifications Standards. At a minimum, the plan shall include:

- Guidelines for operation of construction equipment adjacent to historical resources;
- Guidelines for storage of construction materials away from historic 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 CUL-1.3: The project applicant shall establish a "Monitoring Team" comprised of at least one qualified Historic Architect and one structural engineer for the duration of the site monitoring process. During the demolition and construction phases, the Monitoring Team shall make periodic site visits to monitor the condition of the Winchester House property, including monitoring of any instruments such as crack gauges, if necessary. The monitoring period shall be a minimum of one site visit every month. The Supervising Environmental Planner and the Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement may request additional site visits at their discretion.

If, in the opinion of the Monitoring Team, substantial adverse impacts related to construction activities are found during construction, a representative of the Monitoring Team shall inform the project applicant (or the applicant's designated representative responsible for construction activities), the Supervising Environmental Planner, and the Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement of the potential impacts. The project applicant shall implement the Monitoring Team's recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger historic resources.

The project applicant shall ensure that, in the event of damage to the Winchester House during construction, repair work is performed in compliance 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 the structure's historic status.

The Monitoring Team shall prepare a report documenting all site visits. The reporting period shall be a minimum of once every three months. The Monitoring Team or its representative, shall submit the site visit reports to the

Supervising Environmental Planner and the Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement no later than one week after each reporting period.

The Monitoring Report shall include, but is not limited to, the following:

- Summary of the demolition and construction progress;
- Identification of substantial adverse impacts related to construction activities;
- Problems and potential impacts to the historical resources and adjacent buildings during construction activities;
- Recommendations to avoid any potential impacts;
- Actions taken by the project applicant in response to the problem;
- Progress and the level of success in meeting the applicable Secretary of the Interior's Standards for the Treatment of Historic Properties for the project as noted above for the character-defining features, and in preserving the character-defining features of nearby historic properties; and
- Inclusion of photographs to explain and illustrate progress.

In addition, the Monitoring Team shall submit a final document associated with monitoring and repairs after completion of the construction activities to the Supervising Environmental Planner and the Historic Preservation Officer of the City of San José Department of Planning, Building and Code Enforcement prior to the issuance of any Certificate of Occupancy (temporary or final).

With implementation of Mitigation Measures CUL-1.1, CUL-1.2, and CUL-1.3, vibration impacts to the Winchester House would be reduced to a less than significant level. **(Less Than Significant Impact with Mitigation Incorporated)**

Impact CUL-2:	The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact)**

Impact CUL-3:	The project would not disturb any human remains, including those interred outside of dedicated cemeteries. **(Less than Significant Impact)**

Prehistoric and Historic Subsurface Resources

The site has a low potential for containing prehistoric archaeological resources due to the distance to the nearest waterway (Saratoga Creek), approximately 2.2 miles to the west and the lack of documented prehistoric occupation of the project area. The eastern portion of the site would be excavated to a depth of approximately 11 feet below ground surface (bgs) for construction of the below-grade parking garage which could uncover and/or damage as yet unrecorded subsurface resources. Nevertheless, the project will be required as a condition of project approval to implement the following Standard Permit Conditions.

Standard Permit Conditions

Consistent with General Plan policies ER-10.2 and ER-10.3, the following Standard Permit Conditions shall be implemented by 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 Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement will be notified, and a qualified archaeologist will examine the find. The archaeologist will 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. If the finds do not meet the definition of a historical or archaeological resources, no further study or protection is necessary prior to project implementation. If the find(s) does meet the definition of a historical or archaeological resource, then it should be avoided by project activities. Project personnel should not collect or move any cultural material. Fill soils that may be used for construction purposes should not contain archaeological materials.

- If avoidance is not feasible, adverse effects to such resources should be mitigated in accordance with the recommendations of the archaeologist. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery would be submitted to Supervising Environmental Planner and Historic Preservation Officer of the Department of Planning, Building and Code Enforcement and the Northwest Information Center.

- If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American.

- If the remains are believed to be Native American, the Coroner will contact the NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts.

- If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the NAHC.

- The MLD identified fails to make a recommendation; or

- The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

With implementation of these Standard Permit Conditions, the proposed project would have a less than significant impact on subsurface cultural resources and human remains. **(Less Than Significant Impact)**

3.5.2.2 *Cumulative Impacts*

Impact CUL-C:	The project would not result in a cumulatively considerable contribution to a significant cultural resources impact. **(Less than Significant Cumulative Impact)**

Historic Resources

Construction of the proposed project would result in a significant unavoidable impact to the Winchester House. Generally, impacts to cultural resources are site-specific. If impacts to similar resources occur on a cumulative level, however, the project's contribution to the cumulative impact should be considered. Based on the list of projects in Table 3.0-1, none of the cumulative projects would result in impacts to the Winchester House or any other comparable historic resource. As a result, the project would not have a cumulatively considerable contribution to a cultural resources impact. **(Less than Significant Cumulative Impact)**

Archaeological Resources

The cumulative projects (including the proposed project) would be required to implement measures to reduce impacts to archaeological resources. Specifically, if prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped, the Director of Planning, Building and Code Enforcement (for the City of San José) or Director of Community Development (for the City of Santa Clara) shall be notified, and a qualified archaeologist will examine the find. 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 will be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. Since all cumulative projects would be required to implement these measures for subsurface resources, the proposed project would not have a cumulatively considerable contribution to an archaeological resources impact. **(Less than Significant Cumulative Impact)**

3.6 ENERGY

This section was prepared pursuant to CEQA Guidelines Section 15126.4 (a)(1)(C) and Appendix F (Energy Conservation), which require EIRs include a discussion of potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. Environmental impacts associated with energy consumption include the depletion of nonrenewable resources (oil, natural gas, coal, etc.) and emissions of pollutants during both the production and consumption phases.

3.6.1 Environmental Setting

3.6.1.1 *Regulatory Framework*

U.S. Environmental Protection Agency

At the federal level, energy standards set by the U.S. Environmental Protection Agency (EPA) apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

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 2008, Executive Order S-14-08 was signed into law requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Building Codes

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, and the 2016 Title 24 updates went into effect on January 1, 2017.[26]

CALGreen establishes mandatory green building standards for buildings in California. The most recent updates to CALGreen went in to effect on January 1, 2017, and covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED)[27],

[26] California Building Standards Commission. "Welcome to the California Building Standards Commission." Accessed May 3, 2019. http://www.bsc.ca.gov/.
[27] Created by the non-profit organization United States Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.

GreenPoint[28], 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 3.6-1 below.

Table 3.6-1: 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

Notes: *For mixed-use projects – only that component of the project triggering compliance with the policy shall be required to achieve the applicable green building standard.
Source: City of San José. "Private Sector Green Building." Accessed July 23, 2019. Available at: http://www.sanjoseca.gov/index.aspx?NID=3284.

3.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,830 trillion Btu in the year 2016 (the most recent year for which this specific data was available).[29] The breakdown by sector was approximately 18 percent for residential uses, 19 percent for commercial uses, 24 percent for industrial uses, and 39 percent for transportation.[30]

Electricity

San José Clean Energy (SJCE) is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity and the Pacific Gas and Electric Company delivers it to customers over their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity form entirely renewable sources.

Natural Gas

PG&E provides natural gas services within the City of San José. In 2017, approximately 10 percent of California's natural gas supply came from in-state production, while 90 percent was imported

[28] Created by the California based non-profit organization Build It Green, GreenPoint is a certification system for residential development that assigns points for green building measures based on a 381-point rating scale for multi-family development and 341-point rating scale for single-family developments.
[29] U.S. Energy Information Administration. "California Energy Consumption Estimates 2016." Accessed March 4, 2019. https://www.eia.gov/state/?sid=CA#tabs-2.
[30] Ibid.

from other western states and Canada.[31] In 2017, residential and commercial customers in California used 32 percent, power plants used 28 percent, and the industrial sector used 36 percent. Transportation accounted for one percent of natural gas use in California.[32] In 2017, Santa Clara County used approximately 3.5 percent of the state's total consumption of natural gas.[33]

Fuel for Motor Vehicles

In 2017, 15 billion gallons of gasoline were sold in California.[34] 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-1970's to 24.9 mpg in 2018.[35] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks Model Years 2011 through 2020.[36,37] 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.[38]

3.6.1.3 *Energy Use of Existing Development*

The project site is currently developed with 111 single-story mobile home units and an associated club house. Operation of these buildings generates GHG emissions from motor vehicles traveling to and from the site, and electricity and natural gas usage for lighting, heating and cooling, etc. The estimated annual energy use of the existing development is shown below in Table 3.6-2

Table 3.6-2: Estimated Annual Energy Use of Existing Development

Development	Electricity Use (kWh)	Natural Gas Use (kBtu)
Mobile Home Park (111 units)	594,193	1,886,320

Source: Illingworth & Rodkin, Inc. *Winchester Ranch Air Quality & GHG Assessment*. August 28, 2019.

The existing development on-site uses approximately 594,193 kWh of electricity and 1,886,320 kBtu of natural gas, as shown in the table above. Based on the average fuel economy of 24.9 mpg and the total VMT (853,700) for the existing development, the existing development on-site consumes approximately 34,285 gallons of gasoline per year.[39]

[31] CEC. "2017 Natural Gas Market Trends and Outlook." Accessed March 4, 2019. https://efiling.energy.ca.gov/getdocument.aspx?tn=222400.
[32] U.S. EIA. "Natural Gas." Accessed March 4, 2019. https://www.eia.gov/dnav/ng/ng_sum_lsum_dcu_SCA_a.htm.
[33] CEC. "Natural Gas Consumption by County." Accessed March 4, 2019. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[34] California Department of Tax and Fee Administration. Net Taxable Gasoline Gallons. Accessed March 4, 2019. http://www.cdtfa.ca.gov/taxes-and-fees/MVF_10_Year_Report.pdf.
[35] U.S. EPA. "The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." March 2019.
[36] U.S. Department of Energy. Energy Independence & Security Act of 2007. Accessed March 4, 2019. http://www.afdc.energy.gov/laws/eisa.
[37] Public Law 110–140—December 19, 2007. Energy Independence & Security Act of 2007. Accessed March 4, 2019. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.
[38] The White House. Obama Administration Finalizes Historic 54.5 mpg Fuel Efficiency Standards. August 28, 2012. Accessed March 4, 2019. https://obamawhitehouse.archives.gov/the-press-office/2012/08/28/obama-administration-finalizes-historic-545-mpg-fuel-efficiency-standard.
[39] 853,700 VMT / 24.9 mpg = 34,285 gallons of gasoline

3.6.2 Impact Discussion

For the purpose of determining the significance of the project's impact on energy, would the project:

1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?
2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
3) Result in a substantial increase in demand upon energy resources in relation to projected supplies?

3.6.2.1 *Project Impacts*

Impact EN-1:	The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation. **(Less than Significant Impact)**

Impact EN-2:	The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

Estimated Energy Use of the Proposed Project

The proposed General Plan Amendment would allow for greater residential density to be built on-site. Specifically, the project would result in the construction of a 368-unit apartment building, 72 four-story flats, 90 four-story townhouses and 158 four-story condominiums. The following table summarizes the estimated energy use of the proposed project.

Table 3.6-3: Estimated Annual Energy Use of Proposed Development

Development	Electricity Use (kWh)	Natural Gas Use (kBtu)
368 Mid-Rise Apartments	1,519,230	3,179,320
320 High-Rise Condo/Townhouses[1]	1,404,160	2,764,620
2.0-acre City Park[2]	0	0
530 Enclosed Parking with Elevator	1,172,000	0
Total:	4,095,390	5,943,940

Source: Illingworth & Rodkin, Inc. *Winchester Ranch Air Quality & GHG Assessment*. August 28, 2019.
Notes: [1] In CalEEMod, single-family residential land uses account for garages and driveways; therefore, the garage parking proposed for the flats and row townhouses were not included. Additionally, street parking spaces proposed are not accounted for because parking along streets does not have any associated energy use. The number of parking spaces for the podium building increased from 530 spaces to 554 spaces since completion of the air quality report. While the number of parking spaces has increased, it does not result in a substantive change to the analysis.
[2] City of San José parks open at sunrise and close one hour after sunset and would not have nighttime lighting.

Site Transportation-Related Energy Use

The total annual VMT for the project would be approximately 7,760,597.[40] Using the U.S. EPA fuel economy estimates (24.9 mpg), the proposed development would consume approximately 311,671 gallons of gasoline per year.[41]

Construction

The anticipated construction schedule assumes that the project would be built over a period of up to 3.5 years, starting in fall 2020 and finishing in winter 2024. The project would require demolition, site preparation, grading and excavation, trenching, and paving. The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel would not be used wastefully on the site because of the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. The proposed project, however, does include several measures that would improve the efficiency of the construction process. Implementation of the City's Standard Permit Conditions detailed under Impact AIR-3, 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.

Energy is consumed during construction because the use of fuels and building materials are fundamental to construction of new buildings. However, energy would not be wasted or used inefficiently by construction equipment and waste from idling would be further reduced with implementation of the Standard Permit Conditions and Mitigation Measure AIR-3.1 as addressed in *Section 3.3, Air Quality*. **(Less Than Significant Impact)**

Operation

The proposed project would be required to be built in accordance to CALGreen requirements, 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 project would be built to achieve LEED Silver certification consistent with San José's Council Policy 6-32.

The proposed project would be required to provide a total of 92 bicycle parking spaces, consistent with the City's bicycle parking requirement. The inclusion of bicycle parking and proximity to transit would incentivize the use of alternative methods of transportation to and from the site.
Based on the measures required for LEED Certification, the proposed project would comply with existing state energy standards. **(Less Than Significant Impact)**

Impact EN-3:	The project would not result in a substantial increase in demand upon energy resources in relation to projected supplies. **(Less than Significant Impact)**

Table 3.6-4 below compares the energy use under existing conditions with the energy use under project conditions.

[40] Illingworth & Rodkin, Inc. *Winchester Ranch Air Quality & GHG Assessment*. August 28, 2019.
[41] 7,760,597 VMT / 24.9 mpg = 311,671 gallons of gasoline

Table 3.6-4: Estimated Annual Energy Use of Existing and Proposed Development			
Development	**Electricity Use (kWh)**	**Natural Gas Use (kBtu)**	**Gasoline (gallons)**
Existing Development	594,193	1,886,320	34,285
Proposed Project	4,095,390	5,943,940	311,671
Net Increase:	3,501,197	4,057,620	277,386
Source: Illingworth & Rodkin, Inc. *Winchester Ranch Air Quality & GHG Assessment*. August 28, 2019.			

Implementation of the project would increase electricity use by approximately 3,501,197 kWh per year and natural gas use by approximately 4,057,620 kBtu per year. Annual gasoline consumption as a result of the project would increase by approximately 277,386 gallons per year.

The energy use increase is likely overstated because the estimates do not take into account the efficiency measures that would be incorporated into the project. The project would be built to the most recent CALGreen requirements and Title 24 energy efficiency standards, which would improve the efficiency of the overall project.

It is estimated that future demand in California for electricity will grow at approximately one percent each year through 2028, and that 319,256 GWh of electricity would be utilized in the state in 2027.[42] The project would increase annual electricity use by approximately 3,501,197 kWh and would not result in a substantial increase in demand on electrical energy resources. In 2017, California consumed approximately 2,110,829,000 MMBtu of natural gas. Based on the relatively small increase in natural gas demand from the project (4,057,620 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. **(Less Than Significant Impact)**

3.6.2.2 *Cumulative Impacts*

Impact EN-C:	The project would not result in a cumulatively considerable contribution to a significant energy impact. **(Less than Significant Cumulative Impact)**

The geographic area for cumulative energy impacts is the State of California. Past, present, and future development projects contribute to the state's energy impacts. If the project is determined to have a significant energy impact, it is concluded that the impact is cumulatively considerable. As discussed under Impact EN-1 to EN-3, the project would not result in significant energy impacts, conflict or obstruct with a state or local plan for energy efficiency, or result in a substantial increase in demand upon energy resources in relation to projected supplies. Therefore, the project would not have a cumulatively considerable contribution to a significant cumulative energy impact. **(Less than Significant Cumulative Impact)**

[42] California Energy Commission. "California Energy Demand Updated Forecast, 2018-2028." Accessed July 23, 2019. https://efiling.energy.ca.gov/getdocument.aspx?tn=220615.

3.7 GEOLOGY AND SOILS

The following discussion is based, in part, on a Geotechnical Feasibility Assessment prepared by ENGEO in August 2018. A copy of this report is attached in Appendix E of this document.

3.7.1 Environmental Setting

3.7.1.1 *Regulatory Framework*

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed into law following the destructive 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

Following the 1989 Loma Prieta earthquake, the Seismic Hazards Mapping Act (SHMA) was passed by the California legislature in 1990. The SHMA (Public Resources Code, Chapter 7.8, Section 2690-2699.6) directs the Department of Conservation, California Geological Survey to identify and map areas prone to liquefaction, earthquake-induced landslides and amplified ground shaking. It also requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the identified hazard is present and the inclusion of appropriate mitigation to reduce earthquake-related hazards.

California Building Standards Code

The California Building Standards Code (CBC) prescribes standards for constructing safer buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions, such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years; the current version is the 2016 CBC.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

City of San José Municipal Code

Title 24 of the San José Municipal Code includes the 2016 California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. The Building Codes include requirements for building foundations, walls, and seismic resistant design. 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 City's 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.

Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Envision San José 2040 General Plan

The General Plan includes the following geology and soils policies applicable to the proposed project.

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-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 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. 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 a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.

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.

3.7.1.2 *Existing Conditions*

Regional Geology

The City of San José is located within the Santa Clara Valley, which consists of a large basin containing alluvial deposits derived from the Diablo Range to the east and the Santa Cruz Mountains to the west. The San Andreas Fault system exists within the Santa Cruz Mountains and the Hayward and Calaveras Fault systems exist within the Diablo Range.

On-Site Geologic Conditions

Topography and Soils

The project site is relatively flat, and soils on-site consist of clay and sandy soils and have low to moderate expansion potential.

Groundwater

Groundwater within the project vicinity has historically been encountered at a depth of approximately 50 feet below ground surface (bgs).[43] Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall and underground drainage patterns, and other factors.

Seismicity and Seismic-Related Hazards

The San Francisco Bay Area is one of the most seismically active regions in the U.S. The significant earthquakes that occur in the Bay Area are generally associated with the crustal movements along well-defined active fault zones of the San Andreas Fault system, which regionally trend in a northwesterly direction.

[43] ENGEO. *Geotechnical Feasibility Assessment*. August 16, 2013.

The site is not located within a designated Alquist-Priolo Earthquake Fault Zone[44] or in a Santa Clara County Fault Hazard Zone,[45] and no active faults have been mapped on-site. As a result, the risk of fault rupture on-site is low. Nearby active or potentially active faults include the Hayward, Monte Vista-Shannon, Calaveras, and San Andreas faults. The distance from the project site to these faults is listed in Table 3.7-1. Due to the proximity of the project site to these active faults, ground shaking, and ground failure as a result of an earthquake could cause damage to structures.

Table 3.7-1: Active Faults Near the Project Site

Fault	Distance and Location from Project Site
Hayward	12.0 miles northeast
Monte Vista-Shannon	4.4 miles southwest
Calaveras	11.9 miles northeast
San Andreas	8.6 miles southwest

Liquefaction

Liquefaction occurs when water-saturated soils lose structural integrity due to seismic activity. Soils that are most susceptible to liquefaction are loose to moderately dense, saturated granular soils with poor drainage. According to the Santa Clara County Geologic Hazard Zones Map, the project area is not located in a potential liquefaction zone.[46]

Lateral Spreading

Lateral spreading typically occurs as a form of horizontal displacement of relatively flat-lying alluvial material toward an open or "free" face, such as an open body of water, channel, or excavation. There are no creeks or open bodies of water adjacent to the project site where lateral spreading could occur; therefore, the potential for lateral spreading to affect the site is low.

Landslides

The site is not located within a California Seismic Hazard Zone for landslides or within a Santa Clara County Landslide Hazard Zone[47]. Additionally, the project area is relatively flat. Thus, the probability of landslides occurring at the site during a seismic event is low.

[44] City of San José. *Envision San José 2040 General Plan FPEIR.* September 2011.
[45] County of Santa Clara. Geologic Hazards Zones, Map 19, 2012. Accessed August 2, 2018. https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf.
[46] Ibid.
[47] County of Santa Clara. Geologic Hazards Zones, Map 19, 2012. Accessed August 2, 2018. https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf.

3.7.2 Impact Discussion

For the purpose of determining the significance of the project's impact on geology and soils and mineral resources, would the project:

1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
   - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?
   - Strong seismic ground shaking?
   - Seismic-related ground failure, including liquefaction?
   - Landslides?
2) Result in substantial soil erosion or the loss of topsoil?
3) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
4) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?
5) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

3.7.2.1 *Project Impacts*

Impact GEO-1:	The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides**. (Less than Significant Impact)**

Impact GEO-3:	The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. **(Less than Significant Impact)**

Impact GEO-4:	The project would not be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property. **(Less than Significant Impact)**

Geological and Soil Impacts

The project site is located within the San Francisco Bay Area, which has a 72 percent probability of experiencing at least one magnitude 6.7 earthquake during the next 26 years.[48] The site would experience intense ground shaking in the event of a large earthquake. The site and surrounding areas are relatively flat and the probability of landslides occurring on-site during a seismic event is low. As mentioned previously, the project site is not located within a potential liquefaction zone. In addition, the project site is not located near creeks or channels and the potential for lateral spreading is very low. Although the project site is located within an area of low to moderate expansion potential, the proposed project would comply with City policies and existing regulations so that construction of the project would not exacerbate soil conditions such that it would cause off-site impacts.

Additionally, a Geotechnical Feasibility Assessment was prepared for the site which makes specific recommendations regarding demolition, fill, selection of materials, graded slopes, foundation design, retaining walls, surface drainage, etc. In addition to complying with City policies and regulations, the project would be built in accordance with the design-specific geotechnical investigation and most recent CBC requirements. Therefore, the proposed project would have a less than significant seismic risk impact. **(Less Than Significant Impact)**

Groundwater

As mentioned previously, groundwater within the project vicinity has historically been encountered at a depth of approximately 50 feet bgs. The eastern portion of the site would be excavated to a depth of 11 feet bgs for construction of the below-grade parking. As a result, excavation on-site would not extend near or below 50 feet bgs. The project would not expose people or structures to potential substantial adverse effects involving groundwater. **(Less Than Significant Impact)**

Impact GEO-2:	The project would not result in substantial erosion or the loss of topsoil. **(Less than Significant Impact)**

The project would result in ground disturbance due to demolition of the existing buildings, grading, trenching, and construction of the proposed project. Ground disturbance would expose soils and increase the potential for wind or water-related erosion and sedimentation until the construction is completed.

The City's National Pollutant Discharge Elimination Systems (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. In addition, the proposed project would be required to prepare a site-specific erosion control plan consistent with General Plan Policy EC-4.5. The City would require the project to comply with all applicable City regulatory programs pertaining to construction related erosion including the following Standard Permit Conditions for avoiding and reducing construction related erosion impacts.

[48] U.S. Geological Survey. "UCERF3: A New Earthquake Forecast for California's Complex Fault System. Fact Sheet 2015-3009." March 2015. Accessed August 2, 2018. http://pubs.usgs.gov/fs/2015/3009/pdf/fs2015-3009.pdf.

Standard Permit Conditions

- 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.

Because the proposed project would comply with the applicable City regulatory programs and policies related to erosion, implementation of the proposed project would have a less than significant erosion impact. **(Less Than Significant Impact)**

Impact GEO-5:	The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water. **(No 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. No septic system would be required for the proposed project; therefore, no impacts related to septic systems would occur. **(No Impact)**

Impact GEO-6:	The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact)**

Geologic units of Holocene age are generally not considered sensitive for paleontological resources, however, mammoth remains were found along the Guadalupe River in San José 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. The General Plan FEIR (as amended) thereto found the project site to have a high sensitivity (at depth) for paleontological resources.

While excavation on-site would reach a maximum depth of 11 feet, it is improbable that paleontological resources would be discovered due to the distance of the site from the San Francisco Bay or other water sources and because no paleontological resources have been discovered in this area of San José or on the project site. **(Less Than Significant Impact)**

3.7.2.2 *Cumulative Impacts*

Impact GEO-C:	The project would not result in a cumulatively considerable contribution to a significant geology and soils impact. **(Less than Significant Cumulative Impact)**

The geographic study area for cumulative impacts to geological resources is the surrounding area (within 1,000 feet of the project site). The project would comply with City policies, existing

regulations, and the identified Standard Permit Conditions to avoid and/or reduce impacts related to geologic hazards. In addition, the project would be constructed consistent with CBC requirements and the Geotechnical Feasibility Assessment prepared for the site to avoid and/or reduce geology and soils impact to a less than significant level. For these reasons, the proposed project would not result in a cumulatively considerable contribution to a significant geology and soils impact. **(Less than Significant Cumulative Impact)**

3.7.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies that address existing geology and soils conditions affecting a proposed project.

New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on-site or on adjoining properties. To ensure this, General Plan Action EC-4.11 requires the City of San José Geologist to review and approve geotechnical investigation reports for projects within areas subject to soils and geologic hazards 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. 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. Consistent with General plan Policy EC-4.2, a design-level geotechnical investigation was prepared and shall be submitted to the City of San José Public Works department for review and confirmation that the proposed development fully complies with the CBC and all City policies and ordinances.

As mentioned previously, the project site is located within a seismically active region in the U.S and would experience very strong ground shaking during a seismic event. The soils on-site have low to moderate expansion potential which could damage the proposed buildings and other improvements on-site. The proposed project would be required to be built and maintained in accordance with a design-specific geotechnical report and applicable regulations including CBC requirements. The geotechnical report shall be reviewed and approved by the City's Building Division Department as part of the building permit review and issuance process. The General Plan FEIR (as amended) concluded that adherence to CBC requirements and applicable General Plan policies would reduce seismic related issues and ensure new development proposed within areas of geologic hazards would not be endangered by the hazardous conditions on-site. Because the proposed project would comply with a design-specific geotechnical report, CBC requirements, and regulations identified in the General Plan FEIR (as amended) that ensure geologic hazards are adequately addressed, the project would be consistent with General Plan Policies EC-4.2 and EC-4.4 and Action EC-4.11.

3.8 GREENHOUSE GAS EMISSIONS

The following discussion is based upon an Air Quality and Greenhouse Gas Assessment prepared by *Illingworth & Rodkin, Inc.* in July 2019 and revised in August 2019. The report is attached in Appendix B of this document.

3.8.1 Environmental 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 is a process whereby GHGs accumulating in the atmosphere contribute to an increase in temperature of the earth's atmosphere. The principal GHGs contributing to global warming and associated climate change are 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/manufacturing, utility, residential, commercial, and agricultural sectors.

3.8.1.1 *Regulatory Framework*

Clean Air Act

The U.S. EPA is the federal agency responsible for implementing the Clean Air Act (CAA). The US Supreme Court in its 2007 decision in *Massachusetts et al. v. Environmental Protection Agency et al.*, ruled that CO_2 is an air pollutant as defined under the CAA, and that EPA has the authority to regulate emissions of GHGs. Following the court decision, EPA has taken actions to regulate, monitor, and potentially reduce GHG emissions (primarily mobile emissions).

Global Warming Solutions Act

Under the California Global Warming Solution Act, also known as Assembly Bill 32 (AB 32), CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHG, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions will be achieved from significant GHG sources.

In 2016, Senate Bill 32 (SB 32) was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of carbon dioxide equivalent ($MMTCO_2e$). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 $MMTCO_2e$.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035, as compared to 2005 emissions levels. The per-capita GHG emissions 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.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area. Plan Bay Area establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing (criteria) pollutants and GHG emissions into a single coordinated set of requirements for model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[49]

Bay Area 2017 Clean Air Plan

Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the 2017 CAP. The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

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)

Envision San José 2040 General Plan and Greenhouse Gas Reduction Strategy

The General Plan includes strategies, policies, and action items that are incorporated in the City's Greenhouse Gas Reduction Strategy (GHGRS) to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City's Green

[49] California Air Resources Board. "The Advanced Clean Cars Program." Accessed June 27, 2018. https://www.arb.ca.gov/msprog/acc/acc.htm.

Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHGRS is intended to meet the mandates outlined in the CEQA Guidelines, as well as the BAAQMD requirements for Qualified GHG Reduction Strategies.

The City's GHGRS identifies GHG emissions reduction measures to be implemented by development projects as part of three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion.

The environmental impacts of the GHGRS were analyzed in the General Plan FEIR as supplemented. Beyond 2020, the emission reductions in the GHGRS are not large enough to meet the City's identified 3.04 metric tons (MT) CO_2e/SP efficiency metric for 2035. An additional reduction of 5,392,000 MT CO_2e per year would be required for the projected service population to meet the City's target for 2035.[50]

Achieving the substantial communitywide GHG emissions reductions needed beyond 2020 cannot be done alone with the measures identified in the GHGRS adopted by the City Council in 2015. The General Plan FEIR disclosed that it would require an aggressive multiple-pronged approach that includes policy decisions and additional emission controls at the federal and state level, new and substantially advanced technologies, and substantial behavioral changes to reduce single occupant vehicle trips - especially to and from work places. Future policy and regulatory decisions by other agencies (such as CARB, California Public Utilities Commission, California Energy Commission, MTC, and BAAQMD) and technological advances are outside the City's control, and therefore could not be relied upon as feasible mitigation strategies at the time of the latest revisions to the GHGRS (e.g., when the General Plan FEIR [as amended] was certified on December 15, 2015). Thus, the City Council adopted overriding considerations for the identified cumulative impact for the 2035 timeframe.

The General Plan includes an implementation program for monitoring, reporting progress on, and updating the GHGRS over time as new technologies or practical measures are identified. Implementation of future updates is called for in General Plan Policies IP-3.7 and IP-17.2 and embodied in the GHGRS. The City of San José recognizes that additional strategies, policies and programs, to supplement those currently identified, would ultimately be required to meet the mid-term 2030 reduction target of 40 percent below 1990 levels in the GHGRS and the target of 80 percent below 1990 emission levels by 2050.

The General Plan includes the following GHG policies applicable to the proposed project.

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

[50] As described in General Plan FEIR, the 2035 efficiency target above, reflects a straight line 40 percent emissions reduction compared to the projected citywide emissions (10.90 MT CO_2e) for San José in 2020. It was developed prior to issuance of Executive Order S-30-15 in April 2015, which calls for a statewide reduction target of 40 percent by 2030 (five years earlier) to keep on track with the more aggressive target of 80 percent reduction by 2050. The necessary information to estimate a second mid-term or interim efficiency target (e.g., statewide emissions, population and employment in 2030) is being developed by CARB.

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

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 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 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 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.

3.8.1.2 *Existing Conditions*

The project site is currently developed with 111 single-story mobile home units and an associated club house. Operation of these buildings generate GHG emissions from vehicles traveling to and from the site, and electricity and natural gas usage for lighting, heating and cooling, etc. Additionally, the project site is located within a Metropolitan Transportation Commission Priority

Development Area (PDA).[51]

3.8.2 Impact Discussion

For the purpose of determining the significance of the project's impact on greenhouse gas emissions, would the project:

1) Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?

As described previously, BAAQMD adopted thresholds of significance to assist in the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD has determined that GHG emissions would cause significant environmental impacts. The significance thresholds identified by BAAQMD are 1,100 MT of CO_2e per year OR 4.6 MT CO_2e per service population (on-site residents and employees) per year. In addition, a project that is in compliance with the City's Climate Action Plan (a qualified GHGRS) is considered to have a less than significant GHG impact.

The numeric thresholds set by BAAQMD were calculated to achieve the state's 2020 target of 1990 GHG levels. The project is anticipated to take approximately 3.5 years to complete, starting in 2020 and finishing in 2024. The project, therefore, would be fully constructed and occupied post-2024.

The state has completed a Scoping Plan which will be utilized by BAAQMD to establish the 2030 efficiency threshold. The efficiency threshold would need to be met by individual projects in order for state and local governments to comply with the SB 32 2030 reduction target. At this time BAAQMD has not published a quantified threshold for 2030. For the purposes of this analysis, however, a Substantial Progress efficiency metric of 2.6 MT CO_2e/year/service population has been calculated for 2030 based on the GHG reduction goals of Senate Bill 32 and Executive Order B-30-15, taking into account the 1990 inventory and the projected 2030 statewide population and employment levels.

3.8.2.1 *Project Impacts*

Impact GHG-1:	The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(Less than Significant Impact)**

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. The project would implement the identified Standard Permit Conditions during all phases of construction to reduce dust

[51] City of San José. "Priority Development Areas." Accessed June 27, 2018. http://www.sanjoseca.gov/index.aspx?NID=2041.

and other particulate matter emissions as discussed in *Section 3.3, Air Quality*. 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. Because construction would be temporary and would not result in a permanent increase in emissions, the project would not interfere with the implementation of SB 32 in 2030. **(Less Than Significant Impact)**

Operation

BAAQMD adopted revised CEQA Air Quality Guidelines on June 2, 2010 and then adopted a modified version of the Guidelines in May 2017. The BAAQMD CEQA Air Quality Guidelines include thresholds of significance for GHG emissions. Pursuant to the latest CEQA Air Quality Guidelines, a local government may prepare a Qualified Greenhouse Gas Reduction Strategy that is consistent with AB 32 goals. If a project is consistent with an adopted Qualified Greenhouse Gas Reduction Strategy, it can be presumed that the project would not have significant GHG emissions under CEQA.[52]

BAAQMD also developed a quantitative threshold for project- and plan-level analyses based on estimated GHG emissions, as well as per service population metrics. These thresholds are the basis for which post-2020 GHG thresholds have been developed at the project level (2024) and plan level (2040).

The BAAQMD GHG recommendations include a specific plan-and project-level GHG emission efficiency metric of 4.6 MT of CO_2e per service population (future residences) per year as the average efficiency to achieve the 2020 AB 32 statewide targets. GHG emissions resulting from operation of the project at maximum build out have been compared to an efficiency metric threshold consistent with state goals detailed in SB 32 EO B-30-15 and EO S-3-05 to reduce GHG emissions by 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050, respectively. Though BAAQMD has not published a quantified threshold for 2030 yet, this assessment uses a "Substantial Progress" efficiency metric of 2.6 MT CO_2e/year/service population and a bright-line threshold of 660 metric tons (MT) CO_2e/year based on EO B-30-15. The service population metric of 2.6 is calculated for 2030 based on the 1990 inventory and the project 2030 statewide population and employment levels[53]. The 2030 bright-line threshold is a 40 percent reduction of the 2020 1,100 MT CO_{2e}/year threshold.

The CalEEMod model, along with the project vehicle trip generation rates, was used to estimate daily emissions associated with operation of the proposed project. Annual emissions resulting from project operations are shown in Table 3.8-1 based on a service population of 2,202 residents assuming 3.20 persons per household.[54,55]

[52] Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. May 2017.
[53] Association of Environmental Professionals, 2016. *Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California*. April.
[54] Illingworth & Rodkin, Inc. *Winchester Ranch Air Quality & GHG Assessment*. August 28, 2019.
[55] State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018." Accessed August 7, 2018. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

Table 3.8-1: Annual Project GHG Emissions (MT of CO_2e)	
Source Category	**Project in 2025**
Area	36
Energy Consumption	872
Mobile	2,593
Solid Waste Generation	159
Water Usage	74
Total	3,734
Project MT of CO_2e/year/service population	**1.69**
Significance Threshold	2.6 in 2030

Assuming no additional GHG reduction measures would be included in the project, the proposed project would not exceed the 2.6 MT CO_2e/year/service population threshold in 2030. Therefore, implementation of the proposed project would not result in a GHG emissions impact. **(Less Than Significant Impact)**

Impact GHG-2: The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact)**

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. While the project is inconsistent with the planned growth in the General Plan due to the proposed General Plan Amendment, the project would comply with most of the mandatory measures and voluntary measures required by the City as detailed below.

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 Ordinances and Policies
   - Consistency with GHGRS 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 not consistent with the General Plan land use designation. The applicant proposes a General Plan Amendment to change the land use designation of the site from *Residential Neighborhood* to *Urban Residential* in order to allow for a higher-density project. The site is located within the Santana Row/Valley Fair Urban Village and the proposed increase in residential units would be consistent with the overall development assumptions for this Urban Village (2,635 residential units).[56] The buildings would be constructed in compliance with the San José Green Building Ordinance (Policy 6-32) and CBC requirements. In addition, the project would be designed to achieve minimum LEED certification consistent with City Policy 6-32. Bicycle parking would be provided consistent with San José requirements, though the final quantity would be determined at the development permit stage. Given that the project would comply with Policy 6-32 and CBC requirements, the project would be consistent with mandatory Criteria 2 and 3.

The proposed project would be constructed consistent with the City's required green building measures. Therefore, the project would be consistent with Criteria 2 and 4. 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.

The project proposes 688 residential units and an approximately 2.0 acre park. There is no space provided for large employers within the buildings. Therefore, Criteria 6 is not applicable to the project.

Voluntary Criteria

Table 3.8-2 provides a summary of the voluntary criteria and describes the proposed project's compliance with each criterion.

[56] City of San José. *Envision San José 2040 General Plan FPEIR.* September 2011.

Table 3.8-2: 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 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 not currently available to serve the project site.	☐ 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 above the City parking 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 above the City parking requirements.	☐ Proposed ☒ Project Does Not Propose or ☐ Not Applicable

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

3.8.2.2 *Cumulative Impacts*

Impact GHG-C:	**The project would not result in a cumulatively considerable contribution to a GHG emissions impact. (Less than Significant Cumulative Impact with Mitigation Incorporated)**

Build out of the General Plan would have a significant unavoidable GHG emissions impact beyond 2020 and the City adopted overriding considerations for development assumed under the General Plan. Past, present, and future development projects (including the cumulative projects) worldwide contribute to global climate change. No single project would be sufficient in size, by itself, to change the global average temperature. Due to the global nature of GHG emissions, a significant project level impact is equivalent to a significant cumulative impact. As discussed under Impacts GHG-1 and GHG-2, the project would not result in a significant GHG impact. For these reasons, the project would not result in a cumulatively considerable GHG impact. **(Less than Significant Cumulative Impact)**

3.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based upon a Phase I Environmental Site Assessment and a Phase II Environmental Site Assessment Summary prepared by ENGEO in August 2013 and March 2014, respectively. In addition, the following discussion is based on an updated Phase I Environmental Site Assessment prepared by ENGEO in August 2018. A copy of these reports are attached in Appendix F of this document.

3.9.1 Environmental Setting

3.9.1.1 *Regulatory Framework*

Hazardous Materials Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. Federal regulations and policies related to development include the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, and the Resource Conservation and Recovery Act (RCRA). In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies including the City of Santa Clara Fire Department have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. The California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Cortese List (Government Code Section 65962.5)

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by the state, local agencies, and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC), State Water Resources Control Board (SWRCB), and CalRecycle. The project site is not on the Cortese List.[57]

Asbestos-Containing Material and Lead Paint Regulations

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,

[57] DTSC. "Hazardous Waste and Substances Site List (Cortese)." Accessed June 14, 2018. http://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=cortese&site_type=csites,open,fuds,close&status=act,bklg,com,colur&reporttitle=hazardous+waste+and+substances+site+list+(cortese).

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 asbestos particles to become airborne easily. Common examples of non-friable ACMs are asphalt roofing shingles and vinyl asbestos floor tiles. Use of friable asbestos products was banned in 1978. National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodel that may disturb the ACMs.

The U.S. Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

California Accidental Release Prevention Program (CalARP)

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of property. Facilities that are required to participate in the CalARP program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The County of Santa Clara Department of Environmental Health reviews CalARP risk management plans as the Certified Unified Program Agency (CUPA).

Envision San José 2040 General Plan

The General Plan includes the following hazards and hazardous materials policies applicable to the proposed project.

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.

Policy EC-7.5: In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.

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 the projects. This applies to hazard 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.

3.9.1.2 *Existing Conditions*

The project site is currently developed with 111 single-story mobile home units and an associated club house. A historical high groundwater level of approximately 50 feet bgs has been reported within the site vicinity.[58] Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall and underground drainage patterns, and other factors.

3.9.1.3 *Historic Uses of the Project Site and Surrounding Land Uses*

A land use history of the site was compiled based on aerial photographs, U.S. Geological Survey (USGS) topographic maps, Sanborn Fire Insurance maps, and City directories. The project area was developed with structures to the northeast and west of the project site and Stevens Creek Boulevard and Winchester Boulevard in 1899. The Southern Pacific Railroad is shown in the 1899 USGS topographic map as being located southeast of the site. The project site was undeveloped in 1899. By 1953, the project site and project area was developed with orchards and the Winchester House. By 1961, the project site and area remained developed with some orchards, and the Winchester House as well as residential land uses. By 1968, the project area was developed with the Century movie-theater located east and northeast of the project site and I-280 to the south. Charles and Lelia Cali had originally built (or relocated) the current clubhouse (formerly a barn) in the late 1930s. The barn is said to have been remodeled in the late 1940s to include an upstairs apartment and outdoor deck. Minimal changes had occurred in the area from 1968 until 1973. The clubhouse was adaptively reused in 1976, when it was established for the Winchester Ranch Mobile Home Park. By 1980, the project site was developed with the existing development and the project area remained the same.

[58] ENGEO. *Geotechnical Feasibility Assessment*. August 16, 2013.

3.9.1.4 *On-Site Sources of Contamination*

Based on a database records search, the project site is not listed within any regulatory databases. Since the site was previously used for agricultural purposes, there is potential for impacts to the soil due to residual agricultural chemicals.

In July 2013, 28 near-surface soil samples were collected from the property. Of the 28 samples, seven samples were analyzed for arsenic and seven samples were analyzed for organochlorine pesticides. Concentrations of dichlorodiphenyldichloroethylene (DDE) and dichlorodiphenyldichloroethane (DDD) were found within two of the seven composite soil samples. Seventy-six and 92 micrograms per kilogram (µg/Kg) of DDE and 63 µg/Kg of DDT were found in the soil samples which are below their respective environmental screening levels. Arsenic concentrations found in the samples ranged from 5.0 milligrams per kilogram (mg/Kg) to 7.6 mg/Kg. The reported arsenic concentrations are consistent with the state of California and Santa Clara County background soil concentrations. Therefore, residual contamination from the former agricultural operations is not a recognized environmental condition (REC).

A former underground storage tank (UST) and incinerator may be present on-site.[59] Based on the findings of the Phase I ESA, a Phase II assessment was prepared which included soil sampling of the UST and incinerator. The presence of the UST on-site could not be confirmed; however, available data suggest that the UST remains beneath the ground surface. The soil samples that were analyzed found residual total petroleum hydrocarbons as motor oil (TPH-mo) present, exceeding the applicable residential environmental screening levels. The impacted soil is localized. Groundwater was not encountered during the drilling operations.

Soil samples were collected and analyzed around the incinerator which did not identify any contaminants exceeding applicable residential screening levels. One soil sample, however, was analyzed within the incinerator which found levels of arsenic and lead concentrations above the respective residential screening levels. It was determined that the soil sample analyzed from within incinerator were not representative of soil conditions and, therefore, had not impacted any nearby soils. As a result, the incinerator can be removed during site demolition activities. No contamination found around the incinerator exceeded applicable screening levels.

3.9.1.5 *Off-Site Sources of Contamination*

A review of environmental databases was completed to evaluate whether contamination on any nearby properties (within a half-mile) could impact the project site. Within a half-mile radius, approximately 29 facilities were identified within one or more of the following databases: Resource Conservation and Recovery Act-Small Quantity Generator, RESPONSE, ENVIROSTOR, Leaking Underground Storage Tank (LUST), Voluntary Cleanup Program, HIST LUST, HIST Cal-Sites, HIST Underground Storage Tank (UST), Statewide Environmental Evaluation and Planning System (SWEEPS UST), DEED, Hist Cortese, Cortese, San José Hazamt, Certified Unified Program Agencies, EDR Proprietary Historic Gas Stations, and EDR US Historic Cleaners. Based on the 1) distance from the identified off-site facilities to the site, 2) regional topographic gradient, and 3) Environmental Database Report (EDR) findings, the Phase I Environmental Site Assessment (ESA) concluded that the identified off-site facilities would not pose an environmental risk to the project site.

[59] ENGEO. *Modified Phase I Environmental Site Assessment*. August 16, 2013.

3.9.1.6 *Other Hazards*

Airport

The Norman Y. Mineta San José International Airport is located approximately three miles northeast of the project site. Based on the Airport Comprehensive Land Use Plan (CLUP), the project site is located outside the Airport Influence Area (AIA) and the CLUP-defined safety zone.[60] The project site is not located in the vicinity of a private airstrip.

However, under Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77), any proposed structure on the project site of greater than approximately 75 feet in height above ground is required to be submitted to the FAA for airspace safety review. As the project proposes a seven-story building at a maximum height of 79.5 feet above ground, review by the FAA would be required prior to construction approval.

Wildfire Hazards

The project site is located within an urbanized and developed area of the City that is not subject to wildland fires.

3.9.2 Impact Discussion

For the purpose of determining the significance of the project's impact on hazards and hazardous materials, would the project:

1) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?
2) 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?
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
4) 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?
5) 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, result in a safety hazard or excessive noise for people residing or working in the project area?
6) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

[60] County of Santa Clara. "Airport Land Use Commission." Accessed August 9, 2018. https://www.sccgov.org/sites/dpd/Commissions/ALUC/Pages/ALUC.aspx.

3.9.2.1 *Project Impacts*

Impact HAZ-1:	The project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

Impact HAZ-2:	The project would not 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. **(Less than Significant Impact with Mitigation Incorporated)**

Hazardous Materials Impacts from the On-Site Sources

Based on the Phase I ESA, no evidence of hazardous materials releases were observed or reported to the regulatory agencies.

As mentioned previously, 28 near-surface soil samples were collected from the property. Concentrations of DDE and DDD were found in two of the seven composite soil samples below their respective environmental screening levels. Arsenic concentrations were also found consistent with the state of California and Santa Clara County background soil concentrations. Therefore, the project site has not been impacted by soil or groundwater contamination from the former agricultural operations and the proposed project would result in a less than significant impact to future residents and park users. **(Less Than Significant Impact)**

An inoperable UST and incinerator may be present on-site.[61] Soil samples that were collected identified residual TPH-mo present on-site, exceeding the applicable residential environmental screening levels. The Phase II ESA concluded that the impacted soil is localized and can be remediated during site development through excavation, confirmation sampling, and off-site disposal. Groundwater was not encountered during the drilling operations and would not have been impacted by the soil contamination.

Soil samples were collected and analyzed around the incinerator which did not identify any contaminants exceeding applicable residential screening levels. One soil sample analyzed from within the incinerator found concentrations of lead and arsenic above residential screening levels. Since this sample was collected from within the incinerator, it was determined that the incinerator had not impacted the nearby soil. As a result, the incinerator can be removed during site demolition activities. No contamination found around the incinerator exceeded applicable screening levels.

Mitigation and Avoidance Measures

The project applicant shall be required to implement the following mitigation measures to reduce the risk of construction workers and adjacent sensitive receptors to residual soil contamination from TPH-mo.

MM HAZ-2.1: A Site Management Plan (SMP) shall be prepared and implemented by a qualified environmental professional (as outlined below) and any

[61] ENGEO. *Modified Phase I Environmental Site Assessment*. August 16, 2013.

contaminated soils found in concentrations above established thresholds shall be removed and disposed of according to California Hazardous Waste Regulations or the contaminated portions of the site shall be capped beneath the planned development under the regulatory oversight of the Santa Clara County Department of Environmental Health (SCCDEH), Regional Water Quality Control Board (RWQCB) or State Department of Toxic Substances Control (DTSC). The contaminated soil removed from the site shall be hauled off-site and disposed of at a licensed hazardous materials disposal site. Components of the SMP shall include, but shall not be limited to:

- A detailed discussion of the site background;
- Preparation of a Health and Safety Plan a qualified environmental professional;
- 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.

MM HAZ-2.2: All contractors and subcontractors at the project site shall develop a Health and Safety Plan (HSP) specific to their scope of work and based upon the known environmental conditions for the site. The HSP shall be confirmed as acceptable by the Planning, Building and Code Enforcement Supervising Environmental Planner and Environmental Services Department (ESD) and implemented under the direction of a Site Safety and Health Officer. The HSP shall include, but shall not be limited to, the following elements, as applicable:

- Provisions for personal protection and monitoring exposure to construction workers;
- Procedures to be undertaken in the event that contamination is identified above action levels or previously unknown contamination is discovered;
- Procedures for the safe storage, stockpiling, and disposal of contaminated soils;
- Provisions for the on-site management and/or treatment of contaminated groundwater during extraction or dewatering activities; and
- Emergency procedures and responsible personnel.

The SMP shall be submitted to SCCDEH, DTSC, or equivalent regulatory agency for review and approval. Copies of the approved SMP shall be

provided to the Planning, Building and Code Enforcement Supervising Environmental Planner and Environmental Services Department (ESD) prior to issuance of grading permits.

MM HAZ-2.3: If the inoperable underground storage tank (UST) is located on-site, the SCCDEH shall be contacted to determine if the UST can remain on-site or must be removed based on the findings of the ENGEO Phase II ESA report. If the SCCDEH concludes that the UST needs to be removed, the project applicant shall acquire all proper UST removal permits from the San Jose Fire Department and SCCDEH and all work shall be completed consistent with the requirements of the permits and the SMP.

With implementation of the identified mitigation measures, impacts from contaminated soils on-site would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Asbestos-Containing Materials and Lead-Based Paint Impacts

Due to the age of the existing structures on-site, some of the building materials may contain asbestos and lead-based paint. Demolition of the leasing/amenity building could release asbestos particles. If lead-based paint is still bonded to the building materials, its removal is not required prior to demolition. If lead-based paint is flaking, peeling, or blistering, it would be required to be removed prior to demolition. It would be necessary to follow applicable Occupational Safety and Health Administration (OSHA) regulations and any debris containing lead must be disposed appropriately. Demolition of the existing structures on the project site could expose construction workers or occupants of adjacent buildings to harmful levels of ACMs or lead.

The project is required to implement the following Standard Permit Conditions to reduce impacts due to the presence of ACMs and/or lead-based paint:

Standard Permit Conditions

- 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 building to determine the presence of ACMs 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 shall 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.

Conformance with the identified Standard Permit Conditions would result in a less than significant impact from ACMs and lead. **(Less Than Significant Impact)**

Future Operations

The proposed project would likely include the on-site use and storage of cleaning supplies and maintenance chemicals in small quantities similar to the current development on-site. The small quantities of cleaning supplies and maintenance chemicals used on-site would not pose a risk to adjacent land uses. **(Less Than Significant Impact)**

Hazardous Materials Impacts from the Off-Site Sources

As discussed in *Section 3.9.1.5 Off-Site Sources of Contamination*, no off-site facilities were identified within one-eighth mile that would pose as an environmental risk to the project site. **(Less Than Significant Impact)**

Impact HAZ-3:	The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(Less than Significant Impact)**

The project site is not located within one-quarter mile of any proposed or existing school. Implementation of the project would not result in a hazardous materials impact to any nearby school. **(Less Than Significant Impact)**

Impact HAZ-4:	The project would not 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, create a significant hazard to the public or the environment. **(Less than Significant Impact)**

The project site is not on the Cortese List. As a result, the project would not create a significant hazard to the public or the environment.[62] **(Less Than Significant Impact)**

Impact HAZ-5:	The project would not be 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. The project would not result in a safety hazard or excessive noise for people residing or working in the project area. **(Less Than Significant Impact)**

[62] DTSC. "Hazardous Waste and Substances Site List (Cortese)." Accessed June 14, 2018. http://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=cortese&site_type=csites,open,fuds,close&status=act,bklg,com,colur&reporttitle=hazardous+waste+and+substances+site+list+(cortese).

The proposed project is not located within an AIA or within two miles of a public or private airstrip. As a result, the project would not result in substantial safety hazard for people residing or working in the project area nor would it interfere with airport operations.

Pursuant to FAR Part 77, the proposed 7-story building must be filed with the FAA for airspace safety review. FAA issuance of a "determination of no hazard", and applicant compliance with any conditions set forth in such FAA determination, would ensure that the project will not adversely impact air safety. **(Less Than Significant Impact)**

Impact HAZ-6:	The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(No Impact)**

The project would be constructed in accordance with current building and fire codes and would be required to be maintained in accordance with applicable City policies identified in the General Plan FEIR (as amended) to avoid unsafe building conditions. As a result, the proposed project would not impair or interfere with implementation of an adopted emergency response plan or emergency evacuation plan. **(No Impact)**

Impact HAZ-7:	The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. **(No Impact)**

The project site is located within an urbanized area and it is not adjacent to any wildland areas that would be susceptible to wildland fires. Implementation of the proposed project would not expose any people or structures to risk from wildland fires. **(No Impact)**

3.9.2.2 *Cumulative Impacts*

Impact HAZ-C:	The project would not result in a cumulatively considerable contribution to a significant hazards and hazardous materials impact. **(Less than Significant Cumulative Impact)**

The geographic area for hazards and hazardous materials is the project site and adjacent parcels. Hazardous materials contamination is typically a localized issue. As discussed under Impact HAZ-2, an SMP and HSP shall be prepared and implemented for the proposed project to reduce the risk of construction workers and adjacent sensitive receptors to residual soil contamination from TPH-mo (refer to Mitigation Measures HAZ-2.1 and HAZ-2.2). In addition, the project is required to implement Standard Permit Conditions to reduce impacts from ACMs and/or lead-based paint. The most likely impact to nearby sensitive receptors and construction workers from cumulative projects in the immediate area would be exposure during removal and off-haul of soil and other potential contaminates. Nevertheless, truck routes would be established by the City to avoid residential and other sensitive areas and all applicable regulatory requirements would be required to be implemented. For these reasons, the project would not result in any hazards and hazardous materials impacts that would not contribute to cumulative hazards and hazardous materials impacts. **(Less than Significant Cumulative Impact)**

3.9.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies that address existing hazards and hazardous materials conditions affecting a proposed project.

The City of San José General Plan policies have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. General Plan Policy EC-7.2 requires the identification of 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 are required to be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.

As mentioned above, the soils on-site have been impacted by a UST; however, the Phase II ESA concluded that the contaminated soils on-site can be remediated during site development through excavation, confirmation sampling, and off-site disposal. The proposed project would be required to comply with Mitigation Measures HAZ-1.1 and HAZ-1.2. As a result, the proposed project would not result in human health and environmental hazards to future site users, consistent with General Plan Policy EC-7.2.

3.10 HYDROLOGY AND WATER QUALITY

3.10.1 Environmental Setting

3.10.1.1 *Regulatory Framework*

Water Quality Overview

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the U.S. EPA and the SWRCB have been developed to fulfill the requirements of this legislation. U.S. EPA regulations include the NPDES permit program, which controls sources that discharge pollutants into the waters of the U.S. (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards. The project site is within the jurisdiction of the San Francisco Bay RWQCB.

Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan or "Basin Plan". The Basin Plan lists the beneficial uses that the RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California. For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The Construction General Permit includes requirements for training, inspections, record keeping, and for projects of certain risk levels, monitoring. The general purpose of the requirements are to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirement

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008) (MRP) that covers the project area. Under provisions of the NPDES Municipal Permit, redevelopment projects that disturb more than 10,000 square feet are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

In addition to water quality controls, the MRP 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 Valley Permittees Hydromodification Management Applicability Map).

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) in order to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRM) that identify Special Flood Hazard Areas (SFHA). An SFHA is an area that will be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood. The SFHA is the area where the NFIP floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

Dam Safety

Dam failure is the uncontrolled release of impounded water behind a dam. Flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, vandalism, and terrorism can all cause a dam to fail.[63] Because dam failure that results in downstream flooding may affect life and property, dam safety is regulated at both the federal and state level. Dams under the jurisdiction of the California Division of Safety of Dams are identified in California Water Code Sections 6002, 6003, and 6004 and regulations for dams and reservoirs are included in the California Code of Regulations.

As part of its comprehensive dam safety program, the Valley Water routinely monitors and studies the condition of each of its 10 dams. The Valley Water also has its own Emergency Operations Center and a response team that inspects dams after significant earthquakes. These regulatory inspection programs reduce the potential for dam failure.

Valley Water

The Valley Water operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects within Valley Water property or easements are required under the Valley Waters' Resources Protection Ordinance and District Well Ordinance.

[63] State of California. "2013 California Multi-Hazard Mitigation Plan." Accessed June 18, 2018. http://www.caloes.ca.gov/for-individuals-families/hazard-mitigation-planning/state-hazard-mitigation-plan.

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's Policy No. 6-29 requires all new and redevelopment projects regardless of size and land use to implement post-construction Standard Permit Conditions and Treatment Control Measures (TCM) 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 surface area.

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

The City of San José's Policy No. 8-14 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. Policy No. 8-14 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. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP).

Envision San José 2040 General Plan

The General Plan includes the following hydrology and water quality policies applicable to the proposed project.

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 in San José includes adequate measures to treat stormwater runoff.

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

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-5.1: The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.

Policy EC-5.7: Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

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.

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.

Policy IN-3.1: Achieve minimum level of services:

- For sanitary sewers, achieve a minimum level of service "D" or better as described in the Sanitary Sewer Level of Service Policy and determined based on the guidelines provided in the Sewer Capacity Impact Analysis (SCIA) Guidelines.
- For storm drainage, to minimize flooding on public streets and to minimize the potential for property damage from stormwater, implement a 10-year return storm design standard throughout the City, and in compliance with all local, State and Federal Regulatory requirements.

Policy IN-3.3: Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.

Policy IN-3.9: Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.

3.10.1.2 *Existing Conditions*

Surface Water

The project site is located within the San Thomas Aquino watershed, a 45-square mile area with multiple small creek watersheds, including the Saratoga subwatershed. Stormwater runoff from the project site drains into Saratoga Creek, which originates on the northeastern slopes of the Santa Cruz Mountains along Castle Rock Ridge and flows in a northerly direction to the San Francisco Bay[64].

Groundwater

Groundwater within the project vicinity has historically been encountered at a depth of approximately 50 feet. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall and underground drainage patterns, and other factors.

Flooding and Dam Failure

Based on the FEMA Flood Insurance Rate Maps (Map No. 06085C0229H), the project site is located within Zone D.[65] Zone D is in an area of undetermined but possible flood hazard that is outside the 100-year flood plain. There are no City floodplain requirements for Zone D.

[64] Santa Clara Valley Urban Runoff Pollution Prevention Program. "San Tomas Aquino Watershed." Accessed August 7, 2018. http://www.scvurppp-w2k.com/ws_sta.shtml.
[65] Federal Emergency Management Agency. "FEMA Flood Map Service Center: Search By Address." Accessed August 6, 2018. https://msc.fema.gov/portal/search.

The project site is located within the Lexington Reservoir but outside of the Anderson Dam failure inundation zone.[66]

Seiches, Tsunamis, and Mudflows

A seiche is the oscillation of water in an enclosed body of water such as a lake or the San Francisco Bay. There are no landlocked bodies of water near the project site that would affect the site in the event of a seiche.

A tsunami is a sea wave generated by an earthquake, landslide, or other large displacement of water in the ocean. There are no bodies of water near the project site that would affect the site in the event of a tsunami.[67]

A mudflow is the rapid movement of a large mass of mud formed from loose soil and water. The project area is flat and there are no mountains in proximity that would affect the site in the event of a mudflow.

Hydromodification

Based on the SCVUPPP watershed map for the City of San José, the project site is exempt from the NPDES hydromodification requirements because it drains into a hardened channel and/or tidal area.[68]

3.10.2 Impact Discussion

For the purpose of determining the significance of the project's impact on hydrology and water quality, would the project:

5) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
6) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
7) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
    - result in substantial erosion or siltation on- or off-site;
    - substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

[66] Santa Clara Valley Water District. "Local Dams and Reservoirs." Accessed August 6, 2018. https://www.valleywater.org/your-water/local-dams-and-reservoirs.
[67] Association of Bay Area Governments. "Tsunami Maps and Information." Accessed August 7, 2018. http://resilience.abag.ca.gov/tsunamis/.
[68] Santa Clara Valley Urban Runoff Pollution Prevention Program. "Classification of Subwatersheds and Catchment Areas for Determining Applicability of HMP Requirements." Accessed August 7, 2018. http://www.scvurppp-w2k.com/HMP_app_maps/San_Jose_HMP_Map.pdf.

- 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; or
- impede or redirect flood flows?

8) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
9) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

3.10.2.1 *Project Impacts*

Impact HYD-1:	The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. **(Less than Significant Impact)**

Construction of the proposed project, which includes grading and excavation activities, would temporarily increase the amount of debris on-site and grading activities could increase erosion and sedimentation that could be carried by runoff into the San Francisco Bay. Because the project would disturb more than one acre of land, the project would be required to comply with the NPDES General Construction Permit and prepare a SWPPP for construction activities.

Pursuant to the City's requirements, the following measures, based on RWQCB recommendations, have been included in the project as Standard Permit Conditions to reduce potential construction-related water quality impacts:

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 would be suspended during periods of high winds.
- All exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind would be watered or covered.
- All trucks hauling soil, sand, and other loose materials would be covered and all trucks would be required to maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites would be swept daily (with water sweepers).
- Vegetation in disturbed areas would 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.

The General Plan FEIR (as amended) concluded that with the regulatory programs currently in place, stormwater runoff from construction activities would have a less than significant impact on stormwater quality. With implementation of the identified Standard Permit Conditions and

compliance with the NPDES General Construction Permit, construction of the proposed project would have a less than significant impact on water quality. **(Less Than Significant Impact)**

Post-Construction Impacts

The project site is approximately 75 percent (511,665 square feet) covered with impervious surfaces. While the proposed General Plan Amendment would allow an increase in residential density on-site, impervious surfaces on-site would be reduced with the proposed development by approximately four percent (28,485 square feet). Because the project would add or replace more than 10,000 square feet of impervious surfaces, the project would be required to comply with the City's Post-Construction Urban Runoff Policy 6-29 and the RWQCB MRP.

In order to meet these requirements, the project must treat all of the post-construction stormwater runoff with numerically sized LID treatment controls unless the project is granted Special Project LID Reduction Credits, which would allow the project to implement non-LID measures for all or a portion of the site depending on the project characteristics. The project proposes biotreatment areas and pervious pavement.

If it is not feasible for the project to implement 100 percent LID measures, the project shall submit an explanation to the City for confirmation. Prior to issuing any LID Reduction Credits, the City must first establish a narrative discussion submitted by the applicant that describes why the implementation of 100 percent LID treatment measures is not feasible, in accordance with the MRP.

The General Plan FEIR (as amended) 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 and 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)**

Impact HYD-2:	The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. **(Less than Significant Impact)**

As mentioned previously, implementation of the proposed project would result in a net reduction in impervious surfaces on-site (approximately four percent) compared to existing conditions. The project site is not located within a designated recharge area nor does it contribute to the recharging of any groundwater aquifers. This condition would not change once the project is constructed and operational. Therefore, the proposed project would not interfere with groundwater flow or impact the groundwater aquifer. **(Less Than Significant Impact)**

Impact HYD-3:	The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding 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; or impede or redirect flood flows. **(Less than Significant Impact)**

Storm Drainage Pattern Impacts

Under project conditions, the impervious surfaces on-site would decrease by approximately 28,485 square feet (four percent) which would result in a decrease in stormwater runoff compared to current conditions. The proposed project would not substantially alter the existing drainage pattern of the site or area through the alteration of any waterway. As a result, the project would not substantially increase erosion or increase the rate or amount of stormwater runoff. **(Less Than Significant Impact)**

Storm Drainage Impacts

Table 3.10-1 provides the breakdown of the pervious and impervious surfaces on the 15.7-acre project site under existing and project conditions.

Table 3.10-1: Pervious and Impervious Surfaces On-Site

Site Surface	Existing/Pre-Construction (sf)	%	Project/Post-Construction (sf)	%	Difference (sf)	%
Impervious						
Building Footprint	299,780	44	287,738	42	-12,042	-2
Parking	11,544	2	14,126	2	+2,582	0
Sidewalks, Patios, Driveways, etc.	37,106	5	68,625	10	+31,519	+5
Public Streets	15,376	2	0	0	-15,376	-2
Private Streets	147,859	22	112,691	17	-35,168	-5
Subtotal	511,665	75	483,180	71	-28,485	-4
Pervious						
Pavement and Landscape	171,984	25	200,469	29	+28,485	+4
Total	683,649	100	683,649	100		

Currently, the project site is approximately 75 percent impervious. Implementation of the proposed project would result in a net reduction in impervious surfaces on-site by approximately four percent. This would result in a net decrease in stormwater runoff compared to current site conditions. The existing storm drainage system has sufficient capacity to support the current development on-site. As a result, with a reduction in stormwater runoff, implementation of the proposed project would not exceed the capacity of the storm drainage system. **(Less Than Significant Impact)**

Impact HYD-4:	The project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(Less than Significant Impact)**

There are no bodies of water near the project site that would affect the project area in the event of a seiche or tsunami. The project area is flat and there are no mountains in proximity. As a result, the proposed project would not release pollutants due to project inundation in tsunami or seiche zones. **(Less Than Significant Impact)**

While the project site is located within the Lexington Reservoir failure inundation zone, the California Division of Dams (DSOD) inspects the dam on an annual basis and Valley Water routinely monitors the 10 dams, including the Lexington Reservoir. Therefore, the project would not release pollutants due to dam inundation. **(Less Than Significant Impact)**

Impact HYD-5:	The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(Less than Significant Impact)**

The proposed project would comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the MRP; therefore, implementation of the project would not significantly impact water quality. The project site is not located within a groundwater recharge area and would not interfere with groundwater recharge. For these reasons, the project would not conflict with implementation of a water quality or groundwater management plan. **(Less than Significant Impact)**

3.10.2.2 *Cumulative Impacts*

Impact HYD-C:	The project would not result in a cumulatively considerable contribution to a significant hydrology and water quality impact. **(Less than Significant Cumulative Impact)**

All cumulative projects occurring within San José and Santa Clara would be required to implement the same project conditions related to construction water quality as the proposed project (including preparation of a SWPPP if disturbance is greater than one acre). In addition, all cumulative projects would be required to meet applicable MRP. For San José projects, development would be required to comply with City Council Policies 6-29 and 8-14 (on a project-specific basis). For these reasons, the proposed project would not result in a significant cumulatively considerable contribution on any hydrology or water quality impacts. **(Less than Significant Cumulative Impact)**

3.10.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies that address existing hydrology and water quality conditions affecting a proposed project.

General Plan Policy EC-5.1 requires evaluation of flood hazards prior to approval of development within a FEMA designated floodplain. New development shall be reviewed to ensure it is designed to

provide protection from flooding with a one percent annual chance of occurrence or the 100-year flood. The proposed General Plan Amendment would allow for more residents to occupy the site than the current land use designation. The project site is located in Flood Zone D; an area of undetermined but possible flood hazard. Implementation of the project would not expose people or structures to significant flood hazards in compliance with City policies.

The project site is located within the Lexington Reservoir inundation zone but outside of the Anderson Dam failure inundation zone. The DSOD is responsible for inspecting dams on an annual basis to ensure the dams are safe, performing as intended, and not developing problems. As part of its comprehensive dam safety program, the Valley Water routinely monitors and studies the condition of each of its 10 dams, including Lexington. The General Plan FEIR (as amended) concluded that with regulatory programs currently in place, the possible effects of dam failure would not expose people or structures to a significant risk of loss, injury or death. As a result, future occupants of the site would not be exposed to flooding hazards.

3.11 LAND USE AND PLANNING

3.11.1 Environmental Setting

3.11.1.1 *Regulatory Framework*

Santana Row/Valley Fair Urban Village Plan

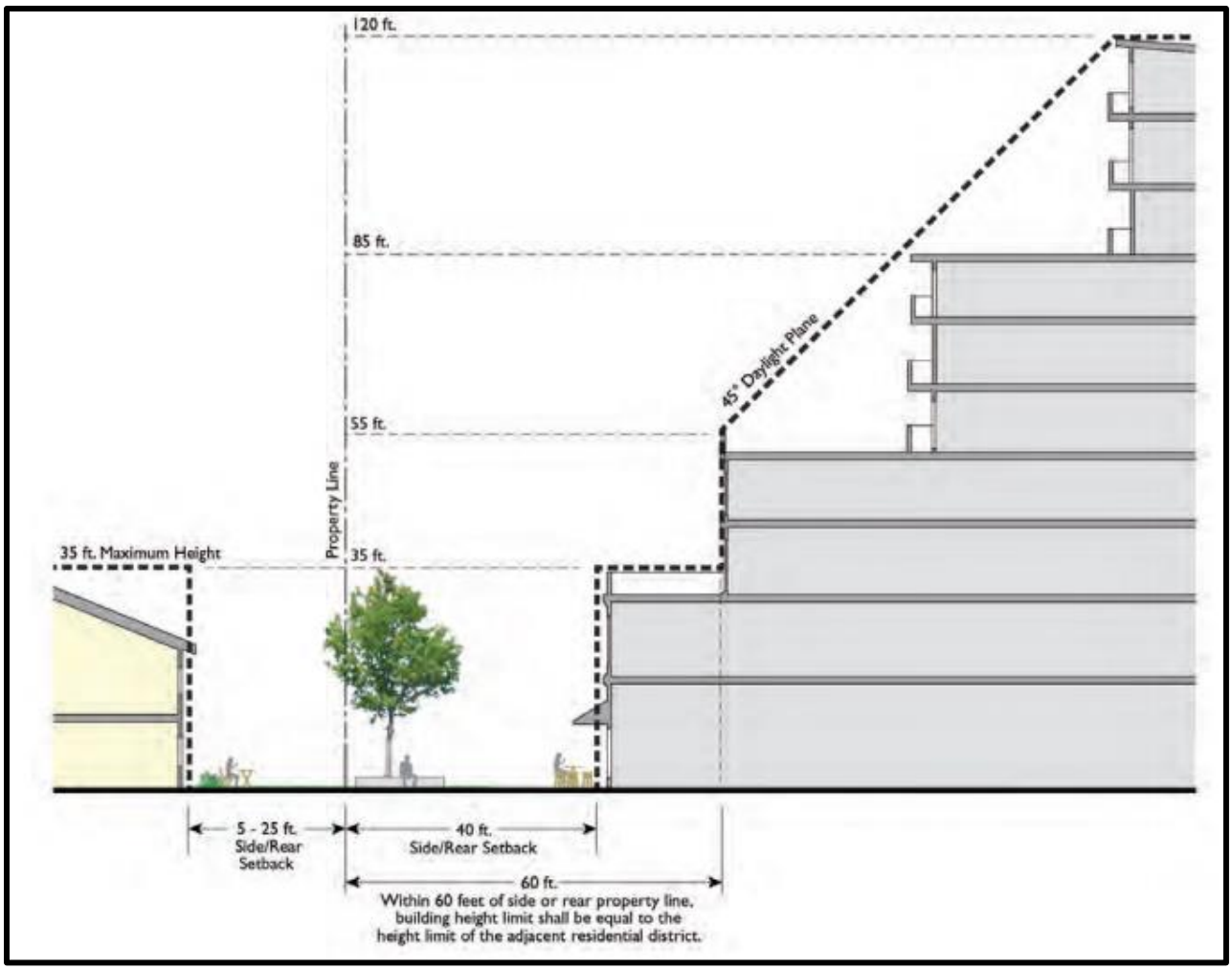
The project site is designated *Residential Neighborhood* under the City of San José's General Plan and is located within the adopted Santana Row/Valley Fair Urban Village Plan. The site is zoned *A(PD) – Planned Development*.

Under the Santana Row/Valley Fair Urban Village Plan, the *Residential Neighborhood* designation is applied only to the project site. The intent of this designation is to preserve the existing character of this neighborhood and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. New infill development should improve and/or enhance existing neighborhood conditions by completing the existing neighborhood pattern and bringing infill properties into general conformance with the quality and character of the surrounding neighborhood. New infill development should be integrated into the existing neighborhood pattern, continuing and, where applicable, extending or completing the existing street network. The average lot size, orientation, and form of new structures for any new infill development must therefore generally match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project. The allowable residential density is eight dwelling units/acre with an FAR of up to 0.7.

In general, maximum height limits (150 feet) are "feathered down" from Winchester and Stevens Creek Boulevards toward the residential uses within and adjacent to the Village. The allowable building height for the project site is 45 feet (three to four stories). The rule for buildings within 60 feet of a property line do not apply to the buildings equal or less than 65 feet (the 45-degree daylight rule applies) as demonstrated in the illustration below.

Setbacks are determined by land use type, adjacent streets, and adjacent land uses. For the project site, the Urban Village Plan urban design standards require the following setbacks:

- Buildings less than 65 feet high can use a 15-foot rear/side setback.
- Front setbacks for buildings with residential ground floors is two to five feet.
- All new development shall provide a 20-foot sidewalk fronting Winchester and Stevens Creek Boulevard.



Source: Santana Row/Valley Fair Urban Village Plan, Chapter 5, page 59

The following Urban Village Plan policies and design guidelines are applicable to the proposed project.

Policy 3-9: Ensure that proposals for redevelopment or significant intensification of existing land uses on a property conform to the Land Use Plan. Because the Land Use Plan identifies the City's long-term planned land use for a property, nonconforming uses should transition to the planned use over the time. Allow improvements or minor expansion of existing, non-conforming land uses provided that such development will contribute to San José's and this Plan's employment growth goals or advance a significant number of other goals of this Plan.

Policy 3-29: Ensure that new development provides convenient walkable pedestrian connections through the site and to existing and planned open spaces.

Policy 4-9: As new development occurs, space on each site should be dedicated to some form of open space. These spaces should be located so as to easily and logically connect with other open spaces in the surrounding area to create a connected Green Web of open space throughout the Urban Village.

Design Guideline-35: Non-occupiable architectural features such as roof forms, chimneys, stairwells and towers may project up to ten feet above the maximum height.

Design Guidelines-36: See Figure 5-2 (of the Santana Row/Valley Fair Urban Village Plan) for areas where transitional height standards apply in the context of Village and surrounding areas.

Design Guideline-37: The building height diagram depicted is a scenario of a parcel with 120-foot maximum height limit. Buildings that are less than 65 feet high can use a 15-foot rear/side setback and the 45 daylight plane depicted above when located adjacent to a property with a Residential Neighborhood Land Use designation.

Envision San José 2040 General Plan

The General Plan includes the following land use policies applicable to the proposed project.

Policy CD-1.1: Require the highest standards of architectural 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-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-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-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 LU-13.8: Require that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character.

3.11.1.2 *Existing Conditions*

Project Site

The 15.7-acre project site is located at the northwest corner of the Winchester Boulevard/I-280 intersection in the City of San José. The project site is currently developed with 111 single-story mobile home units, an associated club house facility, and parking. Figure 2.1-3 shows an aerial of the project site and surrounding land uses.

Based on the Santa Clara County Important Farmlands 2014 Map, the project site is designated as "Urban and Built-Up Land."[69,70] There is no forest lands on or adjacent to the project site and the site is not subject to a Williamson Act contract.

Surrounding Land Use

Development in the area generally consists of residential, commercial, and office land uses. Building heights vary by land use from one to 12 stories. A single-family residential neighborhood is located west and north of the project site. The neighborhood, comprised of one- and two-story houses, includes 12 properties that are directly adjacent to the project site. Also north of the project site is the Winchester House and the Santana West site which includes the former Century 21, 22, and 23 theaters.

East of the project site Winchester Boulevard. 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 (northwest of the project site). Along the roadway frontage nearest the project site, Santana Row has a nine-story commercial/residential building and a 228,200-square foot, six-story office building. Adjacent to the office building is a seven-story assisted senior living facility. Additional office buildings are located south and east of the senior facility. Views of Santana Row and the senior facility are limited due to the current landscaping on and adjacent to the site, as well as the Winchester House. Views of the office buildings are somewhat limited due to the dense landscaping along the project's Winchester Boulevard frontage.

Existing Land Use Designation and Zoning

As noted above, the project site is designated *Residential Neighborhood* under the City's General Plan and is located within a designated Urban Village. The project site is zoned *A(PD)* (File No. PDC75-095) which allows for a mobile home park with a residential density of 7.2 du/ac of land.[71] No building, structure or land shall be used and no building or structure shall be erected, enlarged or structurally altered, or demolished in any planned development district, except in accordance with the provisions set forth in Chapter 20.60 of the Municipal Code.

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[69] California Natural Resources Agency. "Santa Clara County Important Farmlands 2014." Accessed August 7, 2018. ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/scl14.pdf.

[70] Urban and Built-up Land is defined as land with at least six structures per 10 acres. Common examples of "Urban and Built-Up Land" are residential, institutional, industrial, commercial, landfill, golf course, airports, and other utility uses.

[71] City of San José. "FAQ Winchester Ranch Mobilehome Park." Accessed August 1, 2018. http://sanjoseca.gov/DocumentCenter/View/27913.

3.11.2 Impact Discussion

For the purpose of determining the significance of the project's impact on land use and planning, would the project:

1) Physically divide an established community?
2) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

3.11.2.1 *Project Impacts*

Impact LU-1:	The project would not physically divide an established community. **(Less than Significant Impact)**

The project site is located adjacent to a major transportation corridor and a residential neighborhood. As proposed, the project would redevelop an existing residential site with a higher density of residential land uses and an approximately 2.0-acre park. The project would provide a transition between the single-family residential area and the commercial/retail centers and transit on Winchester Boulevard. As a result, the proposed project would not physically divide an established community. **(Less Than Significant Impact)**

Impact LU-2:	The project would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Significant Unavoidable Impact)**

General Plan Land Use Designation and Zoning

The project proposes to construct up to 688 residential units and an approximately 2.0-acre park. The allowable density in the *Residential Neighborhood* land use designation is eight du/ac or the prevailing neighborhood density, with a FAR of up to 0.7. The proposed project would have a density of 44 du/ac and a FAR of 1.3[72], which is higher than the density allowed under the *Residential Neighborhood* land use designation. As a result, the project proposes a General Plan Amendment to change the land use designation to *Urban Residential*.

The *Urban Residential* land use designation allows for medium density residential development and a fairly broad range of commercial uses, including retail, offices, hospitals, and private community gathering facilities, within identified Urban Villages, in other areas within the City that have existing residential development built at this density, within Specific Plan areas, or in areas in close proximity to an Urban Village or transit facility where intensification will support those facilities. Any new residential development at this density should be in Growth Areas or, on a very limited basis, as infill development within areas with characteristics similar to the Urban Village areas (generally developed at high-density and in proximity to transit, jobs, amenities and other services). The allowable density for this designation is further defined within the applicable Zoning Ordinance designation and may also be addressed within an Urban Village Plan or other policy document. This designation is also used to identify portions of Urban Village areas where the density of new

[72] 871,000 square feet of proposed residential and amenities / 683,892 square feet project site = 1.3 FAR

development should be limited to a medium intensity in order to provide for a gradual transition between surrounding low-density neighborhoods and other areas within the Urban Village suitable for greater intensification. Developments in this designation would typically be three to four stories of residential or commercial uses over parking with a maximum density of 30-95 du/ac.

The proposed General Plan Amendment would allow for a more dense residential development with up to 95 dwelling units per acre. The project site is currently zoned *(A)PD – Planned Development* for a mobile home park, but the zoning is not applicable to the specific development currently proposed for the project site. Therefore, the project proposes to rezone the site to a new Planned Development Zone District which would allow development of the proposed project. With approval of the General Plan Amendment and rezoning, the project would not conflict with any applicable land use plan. **(Less Than Significant Impact)**

Santana Row/Valley Fair Urban Village Plan

The project would be inconsistent with the Urban Village Plan in that it would change the assumed density of the site. The Santana Row/Valley Fair Urban Village Plan area has 862 existing dwelling units and has a planned housing capacity of 2,635 new units. The existing mobile home park has 111 housing units and could be redeveloped under the current General Plan designation with a maximum of 126 units, an increase of 15 units. The proposed project would result in an additional 562 residential units compared to the current maximum allowed on-site.

The increase in residential units represents approximately 21 percent of the allowable residential density for the entire urban village. This would result in fewer housing units on other sites within the Urban Village Plan area that the City identified as appropriate for development intensification and mixed-use development. With the approval of the General Plan Amendment, General Plan Text Amendment, and rezoning, the project would be consistent with the Urban Village Plan. If the General Plan Amendment or rezoning is not approved, the project cannot be approved as proposed. **(Less Than Significant Impact)**

Land Use Impacts

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.

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 residential project is located within a designated Urban Village on a major transportation corridor. The area is a mix of office, commercial/retail, entertainment, and residential land uses. The General Plan FEIR (as amended) 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 proposed General Plan land use designation is not specifically included in the Santana Row/Valley Fair Urban Village Plan. As such, no specific design guidelines or standards have been developed. Nevertheless, the general parameters of height and building setbacks would apply. Based on Figure 5-3 of the Urban Village Plan, within 60 feet of a rear or side property line, building heights are limited to the height limit of the adjacent residential district with side/rear setbacks of no less than 15 feet.

Development under the proposed General Plan Amendment and General Plan Text Amendment would comply with the required setbacks and height restrictions. **(Less Than Significant Impact)**

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 single-family residences located approximately 20 feet north and 15 feet west of the project site.

In urban built-out environments properties are in close proximity to one another and complete privacy is not typical. Nevertheless, implementation of the project under the proposed General Plan Amendment would create a greater possibility of visual intrusion from the project site on the adjacent off-site residential properties than what currently exists and what would be allowed under the current General Plan land use designation.

If the General Plan Amendment were approved, the project would have to conform to the site design requirements outlined in the Santana Row/Valley Fair Urban Village Plan which would include building height limitations and setbacks.

Based on the proposed site plan, the proposed residential units would not have a direct interface with the nearby single-family residences to the north and west. The units around the perimeter of the property would be oriented internally to the property. While the proposed development on the western portion of the site would have windows on all floors, the proposed development would be set back from the adjacent residences by landscaping and pedestrian paths. **(Less Than Significant Impact)**

Shade and Shadow Impacts

Single-Family Residences and Century 23 Dome

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 to determine the impact threshold. Currently, for CEQA purposes, the City of San José only has an adopted threshold of significance for shade and shadow in the vicinity of certain 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."[73]

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

As of July 2019, there were existing solar collectors seen on the roofs of three adjacent 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.

To determine the specific shading of the proposed development on the surrounding land uses, a shade and shadow analysis was completed. 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. The analysis provides data for 9:00 AM, noon, and 3:00 PM. Please refer to Figures 3.11-1 and 3.11-2 for the shade and shadow analysis under existing and project conditions.

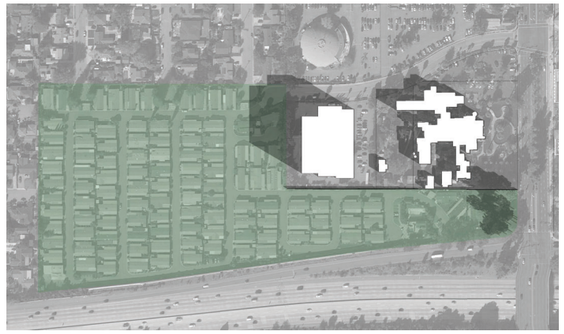
As shown on Figure 3.11-2, the maximum shading from the project would occur in the winter months during morning and afternoon hours. In the winter morning hours, the project would cast shadows to the northwest of the site, extending onto the single-family residences located west and north and the former Century 23 Dome Theater. Shading from the project would not occur year-round on any of the adjacent single-family properties; therefore, the project would not substantially impair the use of adjacent residential land uses. **(Less Than Significant Impact)**

Winchester House

Policy LU-13.8 of the General Plan requires that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character. The proposed project would result in a seven-story apartment building directly south of the Winchester House, a City Landmark structure.

While there are some mature trees along the shared property line, the proposed apartment building would increase shading on the southern grounds of the Winchester House property in the spring, fall, and winter months throughout the day. In the winter months, portions of the main house and the outbuildings along the southern property line (including the greenhouse which has 13 glass cupolas), would be shaded throughout the day. The townhouses proposed on the western portion of the site would not be of sufficient height and would be too far set back from the Winchester House to shade the structure or the property.

While increased shading from the taller building would not physically impact the integrity of the Winchester House property, it could alter the current setting of the property by reducing sunlight to the greenhouse, the garden, and some of the decorative windows and/or skylights in the main house. Therefore, the project would be inconsistent with General Plan Policy LU-13.8 and would result in a significant unavoidable impact. **(Significant Unavoidable Impact)**



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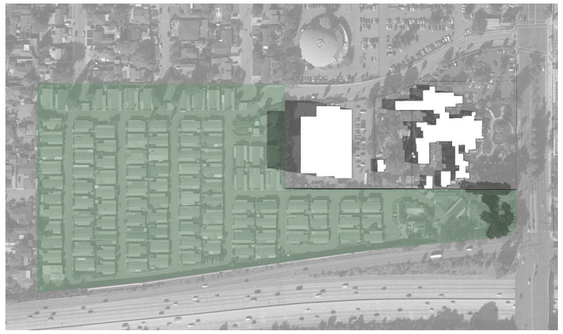

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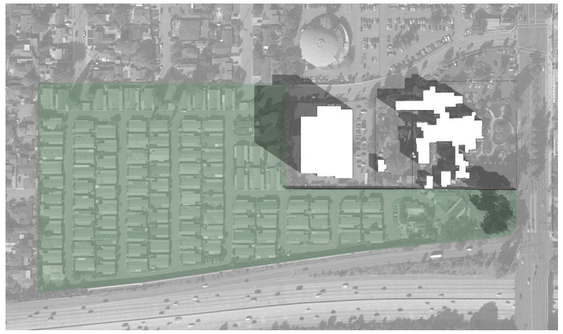

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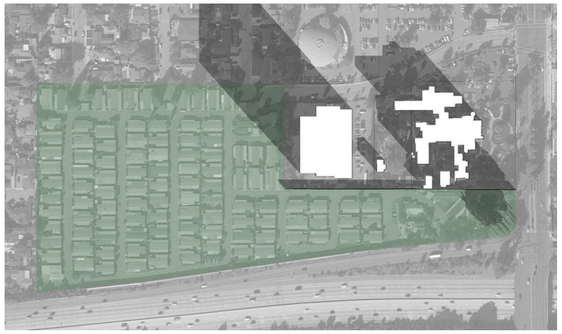

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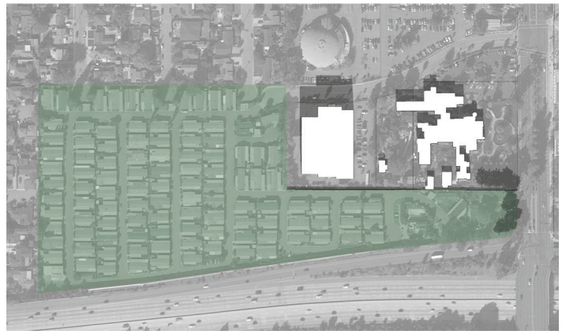

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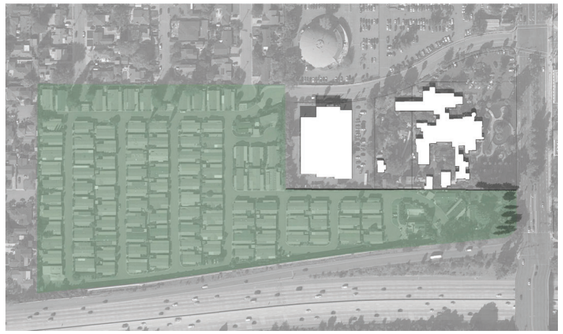

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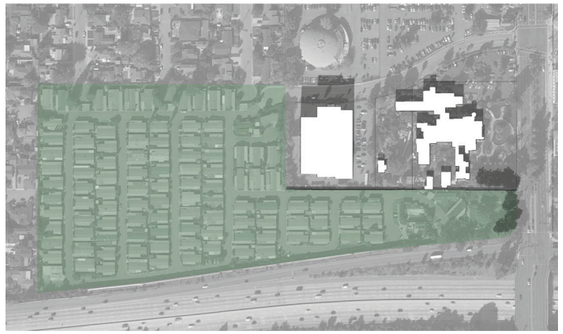

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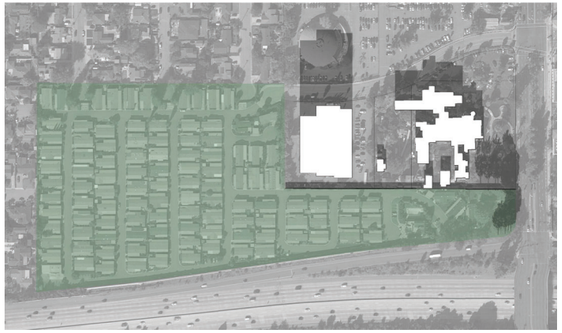

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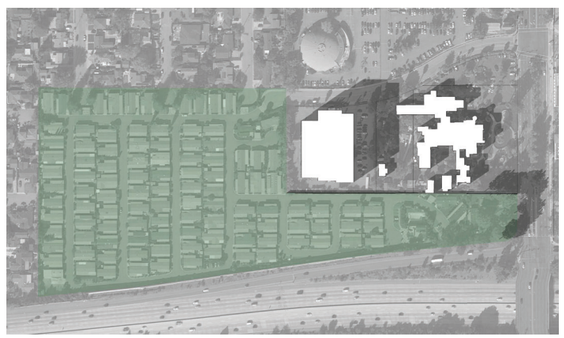

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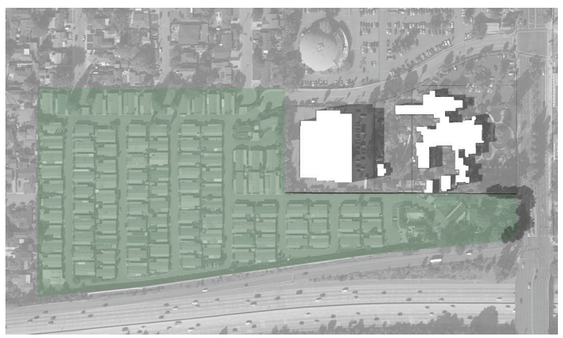

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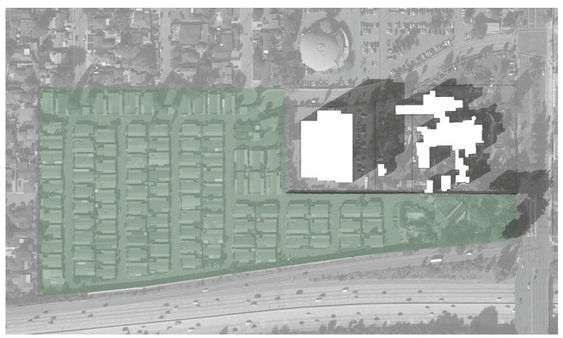

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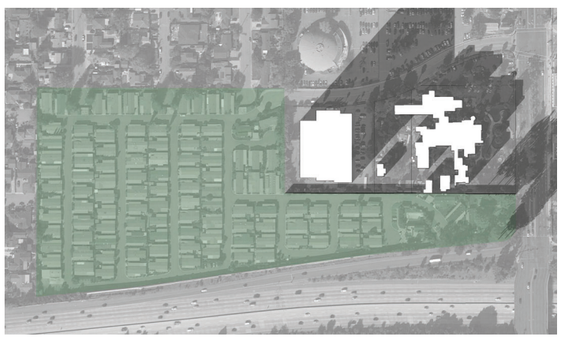

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Source: KTGY, 5/6/2019.

SHADE AND SHADOW ANALYSIS - EXISTING CONDITIONS | FIGURE 3.11-1

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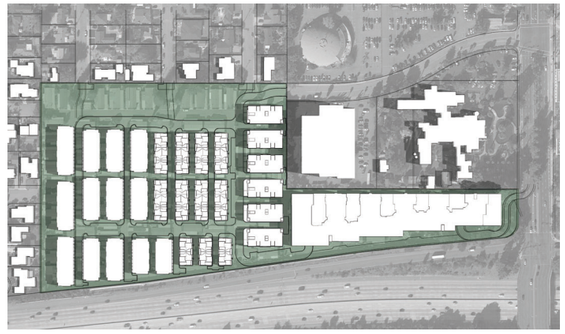

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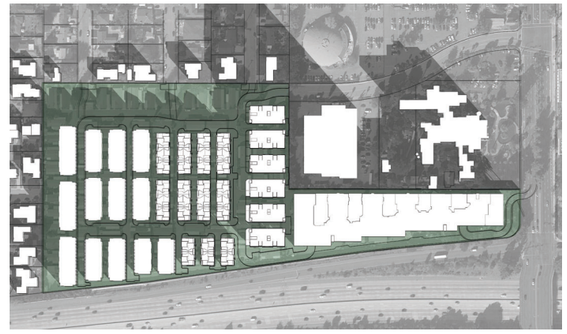

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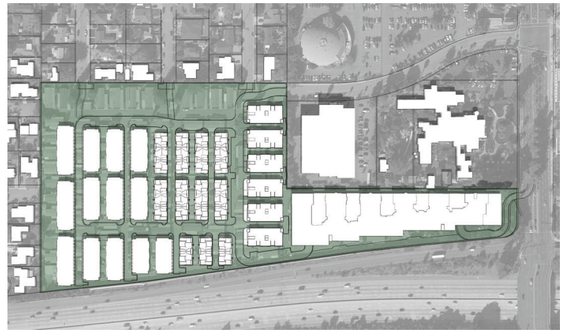

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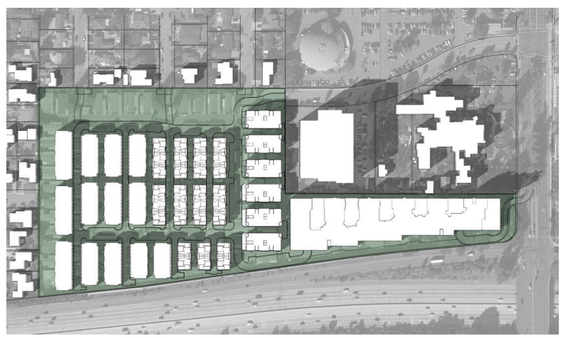

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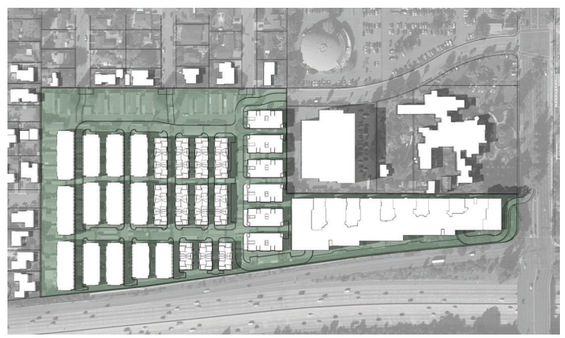

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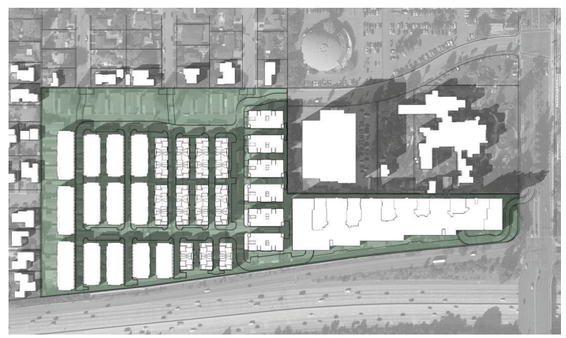

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Source: KTGY, 5/6/2019.

SHADE AND SHADOW ANALYSIS - PROJECT CONDITIONS | FIGURE 3.11-2

3.11.2.2 *Cumulative Impacts*

Impact LU-C:	The project would not result in a cumulatively considerable contribution to a significant land use and planning impact. **(Less than Significant Cumulative Impact)**

The geographic study area is the Cities of San José and Santa Clara. All projects in the area, including the proposed project, would be subject to applicable land use plans, policies, and regulations for the purpose of avoiding or mitigating environmental impacts. Therefore, the project would not result in a cumulatively considerable contribution to a significant land use and planning impact.

3.12 MINERAL RESOURCES

3.12.1 Environmental Setting

3.12.1.1 *Regulatory Framework*

Mineral Resources and the Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California Legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board, after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

Pursuant to the mandate of the SMARA, the SMGB has designated the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, SR 87, and Hillsdale Avenue as containing mineral deposits that are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the SMGB have classified any other areas in San José as containing mineral deposits of statewide significance or requiring further evaluation.

3.12.1.2 *Existing Conditions*

The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mount Hamilton-Diablo Range were exposed by continuous tectonic uplift and regression of the inland sea that had previously inundated the area. As a result of this process, the topography of the City is relatively flat and there are no significant mineral resources. The project site is not located in an area containing known mineral resources.

3.12.2 Impact Discussion

For the purpose of determining the significance of the project's impact on mineral resources, would the project:

1) Result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?
2) 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?

3.12.2.1 *Project Impacts*

Impact MIN-1:	The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

Impact MIN-2:	The project would not 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. **(No Impact)**

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

3.12.2.2 *Cumulative Impacts*

Impact MIN-C:	The project would not result in a cumulatively considerable contribution to a significant mineral resources impact. **(No Cumulative Impact)**

The project site is located within an urbanized, developed area of San José and is not located within an area containing known mineral resources. Therefore, the project would not result in a cumulatively considerable contribution to a significant mineral resources impact. **(No Cumulative Impact)**

3.13 NOISE AND VIBRATION

The following discussion is based, in part, on a Noise and Vibration Assessment prepared by *Illingworth & Rodkin, Inc*. in August 2019. A copy of this report is attached in Appendix G of this document.

3.13.1 Environmental Setting

3.13.1.1 *Regulatory Framework*

State Building Code

The State Building Code, Title 24, Part 2 of the State of California Code of Regulations establishes uniform minimum noise insulation performance standards to protect persons within new buildings which house people, including hotels, motels, dormitories, apartment houses and dwellings other than single-family dwellings. Title 24 mandates that interior noise levels attributable to exterior sources shall not exceed 45 dBA DNL or CNEL[74] in any habitable room.

Envision San José 2040 General Plan

The General Plan includes the following noise policies applicable to the proposed project. The City's noise and land use compatibility guidelines are shown in Table 3.13-1, below.

Table 3.13-1: Land Use Compatibility Guidelines for Community Noise in San José

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.

[74] DNL (or Ldn) stands for Day-Night Level and is a 24-hour average of noise levels, with 10 dB penalties applied to noise occurring between 10:00 PM and 7:00 AM. CNEL stands for Community Noise Equivalent Level; it is similar to the DNL except that there is an additional five (5) dB penalty applied to noise which occurs between 7:00 PM and 10:00 PM. Title 24 states that the determination of whether to apply DNL or CNEL should be consistent with the metric used in the noise element of the local general plan.

Table 3.13-1: Land Use Compatibility Guidelines for Community Noise in San José						
Land Use Category	**Exterior DNL Value in Decibels**					
	55	**60**	**65**	**70**	**75**	**80**
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 would 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 part of new development review. Applicable standards and guidelines for land uses in San José include:

Interior Noise Levels

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

Exterior Noise Levels

The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses. The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown, as described below:

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

Policy EC-1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels 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-1.6: 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 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 continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous 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 continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

Municipal Code – Construction Standards

According to San José Municipal Code Chapter 20.30.700, sound pressure levels generated by any use or combination of uses on a property shall not exceed 55 dBA at any property line shared with land zoned for residential use, except upon issuance and in compliance with a Conditional Use Permit. Chapter 20.50.300 states the sound pressure level generated by any use or combination of uses shall not exceed 70 dBA at any property line shared with land zoned for industrial use, except upon issuance and in compliance with a Conditional Use Permit.

Chapter 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit between 7:00 AM to 7:00 PM 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.

In addition, Chapter 20.40.500 of the Municipal Code prohibits outdoor activity, including loading, sweeping, landscaping or maintenance that would occur within 150 feet of any residentially zoned property between the hours of 12:00 AM (midnight) and 6:00 AM.

3.13.2 Background Information

Noise

Noise is typically defined as unwanted sound. Acceptable levels of noise vary from land use to land use. State and federal standards have been established as guidelines for determining the compatibility of a particular land use with its noise environment.

There are several methods of characterizing sound. The most common in California is the A-weighted sound level or dBA. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. 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. 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. For single-event noise sources, an L_{max} measurement is used which describes the maximum A-weighted noise level during the measurement period.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can measure environmental noise levels within about plus or minus one dBA. Since the sensitivity to noise increases during the evening and at night, 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The Community Noise Equivalent Level (CNEL) is a measure of the cumulative noise exposure in a community, with a five dB penalty added to evening hours between 7:00 PM and 10:00 PM and a 10 dB addition to nighttime hours between 10:00 PM and 7:00 AM. The Day/Night Average Sound Level, DNL, 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.

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 3.13-2 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 3.13-2: 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: Caltrans. *Transportation and Construction-Induced Vibration Guidance Manual*. September 2013.		

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.

3.13.2.1 *Existing Conditions*

The project site is located at the northwest corner of the Winchester Boulevard and I-280 intersection in the City of San José. Noise levels in the project area result primarily from traffic noise from I-280 and the surrounding roadways.

A noise monitoring survey was completed in the vicinity of the project site which included two long-term noise measurements (LT-1 and LT-2) and two short-term noise measurements (ST-1 and ST-2). Table 3.13-3 below summarizes the long-term acoustical locations and measurements.

Table 3.13-3: Existing Long-Term Noise Measurements

Measurement	Location	Daytime Level (dBA L_{eq})	Nighttime Level (dBA L_{eq})	Average Noise Level (dBA DNL)
LT-1	Approximately 105 feet from the centerline of the nearest through lane of westbound I-280 and approximately 20 feet from the centerline of Water Witch Way	60-70	55-66	67-69
LT-2	Northwestern corner of the site, at the east end of Olsen Drive	47-61	37-56	54-59

The two short-term measurements were made near the southern boundary of the project site. There is an existing 18-foot tall sound wall located along the southern boundary of the site which provides shielding for the existing residences from traffic noise along I-280. Table 3.13-4 below summarizes the short-term acoustical locations and measurements.

Table 3.13-4: Existing Short-Term Noise Measurements (dBA)

Measurement	Location	Height (feet)	L_{max}	$L_{(1)}$	$L_{(10)}$	$L_{(50)}$	$L_{(90)}$	$L_{(eq)}$
ST-1	Approximately 10 feet from the 18-foot sound wall and approximately 75 feet from the centerline of the nearest through lane along I-280	5	66	66	64	63	61	63
		25	85	83	81	80	78	80
ST-2[75]	Southeast corner of the project site, approximately 30 feet from the sound wall	5	67	65	63	62	60	62
		25	79	78	77	75	74	76
		5	74	66	63	61	60	62
		25	81	79	77	76	75	76

The noise monitoring locations are shown in Figure 3.13-1 below.

[75] There are two measurements for ST-2 because of the sound wall. Illingworth & Rodkin, Inc. wanted to confirm that the noise measurements for ST-2 were consistent with each other. Janello, Carrie. Illingworth & Rodkin, Inc. Personal communication. October 29, 2018.

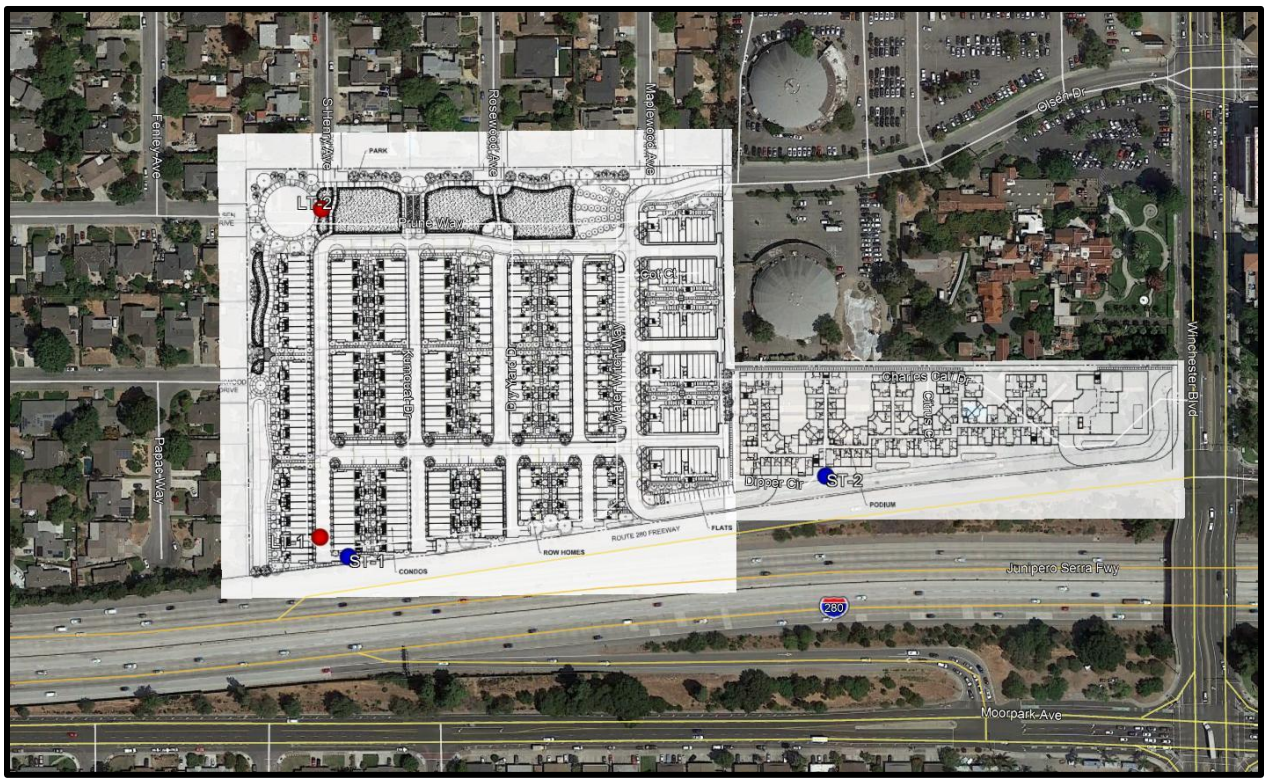


Figure 3.13-1: Noise Monitoring Locations

The nearest sensitive receptors are the single-family residences located approximately 20 feet north and 15 feet west of the project site.

The Norman Y. Mineta San José International Airport is located approximately three miles northeast of the project site. The site is not located within the AIA, as defined by the Airport's CLUP. According to the City's projected 2027 noise contours for Norman Y. Mineta San José International Airport, the project site is located outside the 60 CNEL noise contour.[76]

3.13.3 Impact Discussion

For the purpose of determining the significance of the project's impact on noise, would the project result in:

1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
2) Generation of excessive groundborne vibration or groundborne noise levels?
3) For a project located within the vicinity of a private airstrip or 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?

[76] Santa Clara County Airport Land Use Commission. *Norman Y. Mineta San José International Airport Comprehensive Land Use Plan*. November 2016.

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, or 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. Per City of San José Policy EC-1.2, 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 José Standards

The City of San José 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.

Operational or Permanent Noise

Development allowed by the General Plan would result in increased traffic volumes along roadway throughout San José. The City of San José 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 José has concluded that a significant impact would be identified if the construction of the project would expose persons to excessive vibration levels. 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.

3.13.3.1 *Project Impacts*

Impact NOI-1:	The project would result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. **(Significant Unavoidable Impact)**

Operational Noise Impacts

Project Generated Traffic Noise Impacts

As previously stated above, an increase of three dBA DNL is considered substantial in noise sensitive areas along roadways. The proposed project would have to double the existing traffic volumes in the area to increase noise levels by three dBA or more. While the proposed General Plan Amendment would allow for a greater residential density on-site, the specific development proposed would generate approximately 3,063 net new daily trips (refer to *Section 3.17, Transportation*) which would not be sufficient to double traffic volumes on adjacent roadways. The traffic study completed for the proposed project included Peak Hour AM and PM traffic turning movement volumes under existing, background, background plus project, cumulative, and cumulative plus project conditions. While existing plus project traffic conditions were not provided in the traffic report, existing traffic conditions and project trips were provided for all 11 intersections included in the traffic study. The project trips were added to the existing conditions to estimate the existing plus project traffic conditions. Based on the noise assessment, a traffic noise increase of less than one dBA was estimated for each roadway segment except Olsen Drive. Olsen Drive is expected to have a noise increase of three dBA DNL which would only affect commercial uses located north of Olsen Drive[77]. Since the increase in noise level would not occur at the existing residential land uses in the project vicinity, the project would have a less than significant traffic noise impact. **(Less Than Significant Impact)**

Mechanical Equipment

The proposed project would include various mechanical equipment such as air condition systems, exhaust fans, and ventilation systems that could increase ambient noise levels in the immediate project vicinity. At this time, the type of mechanical equipment is unknown. Typically, mechanical equipment, such as air conditioning units, are located on the rooftops of multi-family residential units or on the ground floor surrounding condominium-type units. The City's General Plan does not include policies that address mechanical noise generated by residential land uses; therefore, the City's Municipal Code threshold of 55 dBA for non-residential land uses was used (refer to Chapter 20.30.700 of the City's Municipal Code). Since mechanical system specifications are unknown at this time, the project has the potential to exceed 55 dBA at nearby sensitive uses.

The project applicant shall be required to implement the following Conditions of Project Approval to reduce the noise level to 55 dBA (per Chapter 20.30.700 of the City's Municipal Code) at nearby noise-sensitive land uses.

Condition of Project Approval

- Mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's 55 dBA noise level requirement at the property line of nearby noise-sensitive land uses. A qualified acoustical consultant shall be retained to review the mechanical noise equipment to determine specific noise reduction measures needed to reduce noise to comply with the City's Municipal Code noise level requirements. Noise reduction

[77] The adjacent single-family residences would not be exposed to an increase in project generated traffic noise levels since the fencing in the backyards of the adjacent residences would provide shielding from traffic noise on Olsen Drive. Janello, Carrie. Illingworth & Rodkin, Inc. Personal communication. October 29, 2018.

measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures include locating equipment in less noise-sensitive areas (such as along the building façades farthest from adjacent neighbors). The equipment and a letter from the reviewing acoustical consultant confirming conformance with the 55 dBA standard must be reviewed and approved by the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement prior to issuance of building permits for structures adjacent to residential uses.

With implementation of the identified Condition of Project Approval, the project would have a less than significant impact operational noise impact from mechanical equipment. **(Less Than Significant Impact)**

Public Park

The project proposes a 2.0-acre public park which would be adjacent to the existing single-family houses to the north and west of the project site. The park would be a local serving neighborhood park and would operate consistent with the City's standards, meaning park usage is prohibited between sunset and sunrise. Neighborhood parks may generate noise from children playing or other park uses but are considered compatible with residential land uses and are purposefully sited within residential areas and adjacent to residences. Operation of the park would not result in a permanent increase in ambient exterior noise levels or significantly impact existing sensitive receptors. **(Less Than Significant Impact)**

Construction Noise Impacts

Construction activities on-site would consist of demolition, site preparation, grading and excavation, trenching, and paving. Construction noise impacts depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas.

The City does not have noise thresholds for temporary construction; therefore, a threshold of 45 dBA for speech interference indoors was used for this analysis (refer to Appendix G). Assuming a 15 dBA exterior-to-interior noise reduction for standard residential construction, this would correlate to an exterior threshold of 60 dBA L_{eq} at residential land uses and 70 dBA L_{eq} at adjacent commercial land uses. Therefore, the temporary construction noise impact would be considered significant if project construction activities exceeded 60 dBA L_{eq} at nearby residences and 70 dBA L_{eq} for commercial land uses and exceeded the ambient noise environment by five dBA L_{eq} or more for a period longer than one year.

For residences located west and south of the project site (opposite side of I-280), daytime ambient noise levels would be represented by LT-1 and would range from 60 to 70 dBA L_{eq}. For residences located north of the project site, daytime ambient noise levels would be represented by LT-2 and would range from 47 to 61 dBA L_{eq} (refer to Table 3.13-3).

The typical range of maximum instantaneous noise levels for the proposed project would be 70 to 90 dBA L_{max} at a distance of 50 feet from construction equipment. Hourly average noise levels generated by construction would range from 72 to 88 dBA L_{eq} for residential buildings at a distance

of 50 feet from the center of the construction site. Construction-generated noise levels drop off at a rate of about six dBA per doubling of the distance between the source and receptor. Shielding by buildings or terrain often result in lower construction noise levels at distant receptors.

The proposed General Plan Amendment would allow for greater residential density on-site, which could result in a longer construction period then redevelopment under the current land use designation. The project would be constructed in two phases. The first phase would include demolition and construction of the podium building, 72 four-story flats, and 33 four-story row townhouses on the eastern portion of the site. The first phase of construction is anticipated to begin in fall 2020 and end in 2022. The nearest residences would be located 350 feet or more at the center of the first phase of construction.[78] The second phase of construction is anticipated to begin in fall 2022 and end in winter 2024. The residences completed in phase one would be occupied during phase two of construction. The total length of construction for both phases would be just over 3.5 years.

While construction activities are expected as close as 20 to 45 feet from the shared property lines of the adjacent land uses, a limited amount of equipment would be used at those distances. A worst-case scenario[79] for each phase and stage of construction was used for the analysis which assumed the construction equipment would run simultaneously. Since equipment would be spread throughout the construction site, the combined noise source for each construction stage was assumed at the geometrical center of the active construction site for each phase and propagated to the property line of the nearest surrounding land use. Construction noise levels would exceed 60 dBA L_{eq} at the existing residential land uses throughout the duration of construction and would exceed 70 dBA L_{eq} at the existing commercial uses. Ambient levels at the surrounding uses would potentially be exceeded by five dBA L_{eq} or more throughout construction. Since project construction would expose residential receptors located within 500 feet of the project site to continuous construction for more than 12 months, this would result in a significant impact.

Additionally, most of the mobile home units located on the western portion of the site would remain occupied during phase one. When construction of phase two begins, residents living in the mobile home units would begin living in the completed units in phase one. The nearest mobile home unit that would remain on-site temporarily would be approximately 65 to 75 feet from the center of the proposed buildings that would be constructed during phase one. These residents would be exposed to Phase I construction noise levels ranging from 81 to 91 dBA L_{eq}. Future residents moving into the completed Phase I buildings would be exposed to Phase II construction activities. Construction of the nearest Phase II building would be located approximately 40 feet from future on-site residents. The future on-site residents would be exposed to noise levels ranging from 83 to 92 dBA L_{eq}.

The project shall implement the following mitigation measures to reduce construction noise to on-site and off-site receptors.

Mitigation and Avoidance Measures

MM NOI-1.1: Consistent with the Municipal Code and in accordance with the General Plan FEIR (as amended), particularly Policy EC-1.7, the proposed project will be required to prepare a construction noise logistics plan which includes the

[78] Janello, Carrie. Illingworth & Rodkin, Inc. Personal communication. July 30, 2019.
[79] The worst-case scenario assumed no noise reduction due to shielding.

following Standard Permit Conditions and other site-specific measures during all phases of construction on the project site:

- The project would be required to utilize the best available noise suppression devices and techniques during construction activities.
- Construct temporary noise barriers, where feasible, to screen stationary construction equipment. The noise barrier fences should be constructed around the perimeter of the site adjacent to residences, operational businesses, and other noise-sensitive land uses. The temporary noise barrier fences would provide noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- 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.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. If noise-generating equipment must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels. Any enclosure openings or venting shall face away from sensitive receptors.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during project construction.
- Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from residential receptors.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent businesses, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences. The on-site residences that would be exposed to Phase I construction should also receive notification in writing of the Phase I construction schedule.
- Include a disclosure in the lease of the future tenants of the Phase I development that provides information regarding the on-going Phase II construction activities.
- A temporary noise control blanket barrier shall be erected, if necessary, along building facades facing construction sites. This condition shall only

be necessary if conflicts occur which are irresolvable by proper scheduling. Noise control blanket barriers shall be rented and quickly erected.

- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

The construction noise logistics plan must be reviewed and approved by the Supervising Environmental Planner of the Department of Planning, Building and Code Enforcement prior to issuance of demolition and/or grading permits (whichever is issued first).

Even with implementation of the Mitigation Measure NOI-1.1, the proposed project would expose sensitive receptors to construction noise for up to 3.5 years which would result in a significant unavoidable construction noise impact. **(Significant Unavoidable Impact)**

Impact NOI-2:	The project would not result in the generation of excessive groundborne vibration or groundborne noise levels. **(Less than Significant Impact with Mitigation Incorporated)**

According to General Plan Policy EC-2.3, a vibration limit of 0.20 in/sec PPV is used to minimize damage at buildings of conventional construction and a vibration limit of 0.08 in/sec PPV is used is used to minimize the potential for cosmetic damage to historic structures. Construction activities on-site would include demolition, site preparation work, foundation work, and new building framing and finishing which may generate perceptible vibration levels. No pile driving is proposed.

As mentioned in *Section 3.5 Cultural Resources*, the Winchester House and its associated outbuildings are located approximately 10 to 25 feet north of the shared property line near the eastern portion of the project site. At a distance of approximately 60 feet, the use of a heavy vibratory roller or the dropping of a heavy loader bucket could result in a vibration level equal to or above the 0.08 in/sec PPV threshold. Therefore, construction activities that utilize heavy equipment would result in a significant impact to the Winchester House. The Century 21 Theater is located approximately 110 feet north of the project site at the closest point and would be exposed to vibration levels of up to 0.04 in/sec PPV, which would not exceed the 0.08 in/sec PPV threshold.
There are single-family residences located approximately 15 to 20 feet north and west of the project site. These sensitive receptors would be exposed to vibration levels of up to 0.37 in/sec PPV and would exceed the vibration threshold of 0.20 in/sec PPV, which would result in a significant impact. Additionally, there are other commercial buildings located north of the project site at a distance of 55 feet or more from construction equipment including the Century 23 Theater. Although vibration levels would be perceptible to the adjacent businesses, vibration levels would be up to 0.09 in/sec PPV, which is below the 0.20 in/sec PPV threshold.

Mitigation and Avoidance Measures

In addition to complying with the City's Municipal Code and Mitigation Measures CUL-1.1 and CUL-1.2, the project applicant shall be required to implement the following mitigation measure to reduce vibration impacts from construction activities.

MM NOI-2.1: Prior to the issuance of any grading or demolition permits, the project applicant shall prepare a construction management plan which details the types of construction equipment used for each phase of the project, potential vibration levels at structures adjacent to the project site, and measures to reduce potential vibration impacts on the Winchester House property and single-family residential buildings adjacent to the project site. Such measures must include, but are not limited to, the following:

- Use of heavy vibration-generating construction, such as impact compactors, large dozers, vibratory rollers, and packers, shall be prohibited within 60 feet of the nearest structures located on the Winchester House site.
- The project contractor shall be prohibited from using heavy vibration-generating construction equipment within 25 feet of nearby buildings along the northern and western property lines. The project contractor shall use smaller vibratory rollers, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 25 feet if these adjacent structures.
- Avoid dropping heavy equipment within 25 feet of adjacent buildings. Use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects within 25 feet of buildings to the north and to the west.
- The contractor shall alert heavy equipment operators to sensitive adjacent structures (i.e., historical structures within 60 feet of construction activities and all other structures within 20 feet of construction activities) so they can exercise caution.

If the construction management plan includes alternative measures to reduce vibration impacts to adjacent structures, the management plan must include a statement by a qualified vibration specialist confirming that the alternative measures will reduce vibration levels at the adjacent structures to less than 0.20 in/sec PPV for non-historic structures of conventional construction and 0.08 in/sec PPV for historic structures.

The construction management plan shall be reviewed and approved by the Supervising Environmental Planner of the Department of Planning, Building, and Code Enforcement prior to issuance of any grading or demolition permits.

Measures to reduce vibration in the construction management plan must also be printed on all approved grading and building permit plans.

With implementation of Mitigation Measure NOI-2.1, the project would result in a less than significant vibration impact on the Winchester House and adjacent residential structures. **(Less Than Significant Impact with Mitigation Incorporated)**

Impact NOI-3:	The project would not be locate within the vicinity of a private airstrip or 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. The project would not expose people residing or working in the project area to excessive noise levels. **(Less than Significant Impact)**

The Norman Y. Mineta San José International Airport is located approximately three miles northeast of the project site. As mentioned previously, the project site is not located within the AIA and is outside the 60 CNEL noise contour. As a result, the project would not expose people residing or working in the project area to excessive noise levels. **(Less Than Significant Impact)**

3.13.3.2 *Cumulative Impacts*

Impact NOI-C:	The project would result in a cumulatively considerable contribution to a significant noise impact. **(Significant and Unavoidable Cumulative Impact)**

Construction

The project's noise and vibration impacts are localized; therefore, the geographic study area is the surrounding area (within 1,000 feet of the project site). Construction of the proposed project could likely occur at the same time as the 350 Winchester Boulevard development (approximately 430 feet northeast) and the Santana West development (approximately 60 feet northeast). Neither project has started construction yet and each 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, Maplewood Avenue, Rosewood Avenue, South Henry Avenue, Kirkwood Drive, and Papac Way.

All three projects would individually impact the nearby residential receptors. Combined, the project would have a cumulative considerable noise impact. As with the project level impact, the duration of project construction (approximately 3.5 years) would result in a significant and unavoidable impact. As a result, even with implementation of the identified mitigation measure for reducing construction noise, the cumulative construction noise impact would be significant and unavoidable. **(Significant and Unavoidable Cumulative Impact)**

Operation

A significant impact would occur if two criteria are met: 1) if the cumulative traffic noise level increase was three dBA DNL or greater for future levels exceeding 60 dBA DNL or was five dBA DNL or greater for future levels at or below 60 dBA DNL; and 2) if the project would make a "cumulatively considerable" contribution to the overall traffic noise increase. A "cumulatively considerable" contribution would be defined as an increase of one dBA DNL or more attributable solely to the proposed project.

Cumulative traffic noise level increases were calculated by comparing the cumulative no project and the cumulative plus project volumes to existing traffic volumes. A traffic noise increase of three dBA DNL or more was calculated under both cumulative conditions along Tisch Way, Olin Avenue, Monroe Street, South Baywood Avenue, and Winchester Boulevard. The project's contribution along these roadway segments would be less than one dBA DNL which would not be considered a cumulatively considerable contribution.

Additionally, both cumulative conditions would result in a three dBA DNL or more increase along Olsen Drive. The project's contribution to traffic noise on Olsen Drive would be greater than one dBA DNL. The land uses along this roadway segment consist of commercial uses. Since there are no residential land uses located along this roadway, the project would not result in a significant cumulative traffic noise impact at noise-sensitive uses in the project vicinity. **(Less than Significant Cumulative Impact)**

3.13.4 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of San José has policies that address existing noise conditions affecting a proposed project.

3.13.4.1 *Existing Noise Conditions Affecting the Project*

The policies of the City's General Plan have been adopted for the purpose of avoiding or mitigating environmental effects resulting from planned development within the City. City Policy EC-1.1 requires new development to be located in areas where noise levels are appropriate for the proposed uses, considering federal, state and City noise standards and guidelines as a part of new development review. Within the City of San José, applicable standards and guidelines for land uses in San José include:

Future Exterior Noise Levels

The project proposes five courtyards on the third floor of the podium building on the eastern portion of the project site. Additionally, a 2.0-acre park is proposed on the western portion of the site. The five courtyards and park would be shielded from traffic noise along the surrounding roadways by the proposed buildings. The future exterior noise levels at the centers of the proposed courtyards and park would not exceed the City's acceptable exterior noise threshold of 60 dBA DNL for residential use.

While the outdoor pool area proposed on the third floor would be partially shielded by the podium building, the existing 18-foot sound wall located along I-280 would not provide sufficient shielding. At a distance of 105 feet, the future exterior noise level from the centerline of the nearest I-280 through lane would range from 82 to 84 dBA DNL.[80] The center of the pool area would be located approximately 265 feet from the centerline of the nearest I-280 through lane. Due to the elevation of the pool deck and the façade of the podium building, partial shielding would occur at the pool area.

[80] The 10-minute average noise level reduction of 14 dBA at ST-2 at heights of five and 25 feet were used and applied to the future exterior noise levels measured at LT-1.

With partial shielding, the future exterior noise levels at the pool area would be 69 dBA DNL with noise levels up to 76 dBA DNL at the edge of the pool deck nearest the freeway.

The center of the proposed park would be more than 600 feet from the centerline of the nearest through lane along I-280, and proposed condominium and row buildings would provide at least partial shielding for the park. At this distance and with shielding from the buildings, the future exterior noise levels at this outdoor use area would be below 65 dBA DNL.

While the proposed courtyards and the park would have future exterior noise levels at or below the City's exterior noise thresholds for the respective land uses, the pool area proposed on the third floor of the podium building would exceed the City's 60 dBA DNL threshold. The future exterior noise levels at the center of the pool area would be considered "conditionally acceptable."

Noise reduction measures, if required, could include, but are not limited to, site planning alternatives (e.g., increased setbacks and using the proposed buildings as noise barriers), the construction of noise barriers, or a combination of the above. If this option is not feasible, the construction of a sound wall or a specially designed barrier (at least 14 feet tall) should be constructed around the perimeter of the pool deck. The final recommendations shall be confirmed once detailed site plans and grading plans are available. With construction of a 14-foot barrier around the perimeter of the pool deck or relocation of the pool deck to a more shielded area, future noise levels at the outdoor use areas would be at or below 60 dBA DNL, consistent with General Plan Policy EC-1.1.

Future Interior Noise Levels

Interior noise levels vary depending on the design of the buildings and the selected construction materials and methods. Standard residential construction provides approximately 15 dBA of exterior-to-interior noise reduction with windows partially open (for ventilation). Standard residential construction with windows closed provides approximately 20 to 25 dBA of noise reduction in interior spaces. Where exterior noise levels range from 60 to 65 dBA DNL, adequate forced-air mechanical ventilation can reduce interior noise levels to acceptable levels by allowing occupants the option of closing the windows to reduce noise. Force-air mechanical ventilation systems and sound-rated construction methods are normally required where exterior noise levels exceed 65 dBA DNL.

Seven condominiums are proposed along the southern boundary of the eastern portion of the site. The nearest condominiums would be approximately 70 to 90 feet from the centerline of the nearest I-280 through lane. While the rooms on the first floor would be shielded from traffic noise by the existing sound wall, the rooms located on the upper floors would have direct line-of-sight and would be exposed to noise levels ranging from 85 to 86 dBA DNL.

The southernmost flats would be approximately 120 to 130 feet from the centerline of the nearest through lane along I-280. At these distances, the rooms on the upper floors would be exposed to future exterior noise levels of 83 dBA DNL.

The southern façade of the podium building would be 135 to 210 feet from the centerline of the nearest through lane along I-280. At these distances, units along this façade would be exposed to future noise levels ranging from 79 to 82 dBA DNL.

With the standard 15 dBA exterior-to-interior noise reduction, future interior noise levels along the southern façades of the condominiums, flats, and podium buildings would be 64 to 71 dBA DNL. In accordance with the City's General Plan FEIR (as amended) and General Plan Policy EC-1.1, the proposed project will be required, as a Condition of Project Approval, to implement the following measures.

Conditions of Project Approval

- Residential units on the southern building façades of the condominiums and flats nearest the freeway and the podium building shall require a wall assembly with a sound transmission class (STC)[81] rating of 56 and windows and doors with a minimum STC rating of 43 to meet the interior noise threshold of 45 dBA DNL.
- Provide a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residential units on-site, so windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.

With implementation of the Conditions of Project Approval, the proposed project would meet CBC requirements and the City's interior noise standards consistent with General Plan Policy EC-1.1.

Aircraft Noise

The Norman Y. Mineta San José International Airport is located approximately three miles northeast of the project site. Based on the City's projected 2027 noise contours for Norman Y. Mineta San José International Airport, the project site is located outside the 60 CNEL noise contour. As a result, noise levels resulting from aircraft operations would be compatible with the proposed project and Policy EC-1.1.

[81] **Sound Transmission Class (STC):** A single figure rating designed to give an estimate of the sound insulation properties of a partition. Numerically, STC represents the number of decibels of speech sound reduction from one side of the partition to the other. The STC is intended for use when speech and office noise constitute the principal noise problem.

3.14 POPULATION AND HOUSING

3.14.1 Environmental Setting

3.14.1.1 *Regulatory Framework*

Housing Element

In order to attain the state housing goal, cities must make sufficient suitable land available for residential development, as documented in an inventory, to accommodate their share of regional housing needs. California's Housing Element Law requires all cities to: 1) zone adequate lands to accommodate its Regional Housing Needs Allocation (RHNA); 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.[82] The City's Housing Element and related land use policies were last updated in January 2015.[83]

Association of Bay Area Governments

The Association of Bay Area Governments (ABAG) allocates regional housing needs to each city and county within the nine-county Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, Metropolitan Transportation Commission, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population and Housing (upon which Plan Bay Area 2040 is based), which is an integrated land use and transportation plan looking out to the year 2040 for the nine-county San Francisco Bay Area.

Plan Bay Area 2040 is a state-mandated, integrated long-range transportation, land-use and housing plan intended support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution and GHG emissions in the Bay Area. Plan Bay Area promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

3.14.1.2 *Existing Conditions*

The population of San José was estimated to be approximately 1,051,316 in January 2018 with an average of 3.20 persons per household.[84] Full build out of the General Plan FEIR (as amended) is expected to result in a City population of over 1.3 million people by 2035.

[82] California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements." Accessed July 17, 2019. http://hcd.ca.gov/community-development/housing-element/index.shtml.
[83] City of San José. *City of San José 2014-2023 Housing Element*. Accessed July 17, 2019. http://www.sanjoseca.gov/DocumentCenter/View/43711.
[84] State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018." Accessed July 17, 2019. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

3.14.2 Impact Discussion

For the purpose of determining the significance of the project's impact on population and housing, would the project:

1) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

3.14.2.1 *Project Impacts*

Impact POP-1:	The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). **(Less than Significant Impact)**

The City of 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 General Plan. As proposed, the project would construct up to 688 residential units. Assuming 3.20 persons per household[85], the project would accommodate up to 2,202 new residents in the City of San José. Under the current General Plan designation, the site could have a maximum of 126 residential units with a population of 403 residents. Therefore, the project could result in an additional 562 residential units and 1,799 new residents on-site compared to the allowable development under the existing land use designation.

A net increase of 562 residential units would be within the overall residential development capacity assumed in the Santana Row/Valley Fair Urban Village. The project would not displace existing housing or people for a non-residential land use necessitating the construction of replacement housing elsewhere. **(Less Than Significant Impact)**

Impact POP-2:	The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. **(Less than Significant Impact)**

The project site is currently developed with 111 single-story mobile home units. Construction of the project would result in the displacement of existing residents. The existing residents would be relocated into 60 housing units (as interim housing) on the western portion of the site during the first phase of construction. After completion of the first phase, the residents would be permanently relocated into the completed units while the second phase of construction occurs. It should be noted that if a project's social and economic effects do not result in physical changes, the effects are not environmental impacts under CEQA. Because there is no physical change to the environment that would result from the displacement of residents in the existing mobile homes, no further discussion is required. **(Less than Significant Impact)**

[85] State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018." Accessed August 7, 2018. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

3.14.2.2 *Cumulative Impacts*

Impact POP-C:	The project would not result in a cumulatively considerable contribution to a significant population and housing impact. **(Less than Significant Cumulative Impact)**

The geographic area for cumulative population and housing impacts is the City of San José. The project is proposing a General Plan Amendment which would allow for greater residential density on-site. The project does not propose to extend roads or other infrastructure to previously undeveloped areas and would not remove obstacles to population growth. Although the proposed project would displace residents and housing, the project could result in a net increase of 562 residential units and 1,799 new residents on-site compared to the allowable development. For these reasons, the project would not have a cumulatively considerable contribution to a significant cumulative unplanned population growth in the area. **(No Cumulative Impact)**

3.15 PUBLIC SERVICES

3.15.1 Environmental Setting

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 and 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 this 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.

3.15.1.1 *Regulatory Framework*

Quimby Act

The Quimby Act (California Government Code Sections 66475-66478) was approved by the California legislature to preserve private open space and parkland in the State. This legislation was in response to California's increased rate of urbanization and the need to preserve private open space and provide parks and recreation facilities for California's growing communities. The Quimby Act authorizes local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay an in-lieu fee, or perform a combination of the two.

School Impact Fees

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Sections 65995-65998 sets forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property" (Section 65996[a]). The legislation goes on to say that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

In accordance with California Government Code Section 65996, developers pay a school impact fee to the school district to offset the increased demands on school facilities caused by their proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

City of San José Parkland Dedication Ordinance and the Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO) (Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO) (Municipal Code Chapter 14.25) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and/or PIO. The acreage of parkland required is based upon the Acreage Dedication Formula outlined in the PDO.[86]

Envision San José 2040 General Plan

The General Plan includes the following public services and recreation policies applicable to the proposed project.

Policy PR-1.1: Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

Policy PR-1.2: Provide 7.5 acres per 1,000 population of citywide/regional park and private open space lands through a combination of facilities provided by the City of San José and other public land agencies.

Policy PR-1.3: Provide 500 square feet per 1,000 population of community center space.

Policy PR-1.9: As Village and Corridor areas redevelop, incorporate urban private open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as a part of new development projects; privately or in limited instances publicly, owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.

Policy PR-1.12: Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.

Policy PR-2.4: To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.

Policy PR-2.5: Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a three-mile radius of the residential development that generates the PDO/PIO funds.

[86] Minimum Acreage Dedication = (0.003 acres) x (number of dwelling units) x (average persons per household).

Policy PR-2.6: Locate all new residential developments over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, private open space or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in its project design.

Policy ES-2.2: Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 square feet of space per capita in library facilities.

Policy ES-3.1: Provide rapid and timely Level of Service response time to all emergencies:

a. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.
b. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
c. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies, and operating models.
d. Measure service delivery to identify the degree to which services are meeting the needs of San José's community.
e. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

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-3.11: 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.

3.15.1.2 *Existing Conditions*

Fire Protection Services

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD currently consists of 33 fire stations, 33 engine companies, nine truck companies, three squad units, and numerous specialty teams and vehicles.[87] The nearest fire station to the project site is Station No. 10 located at 511 South Monroe Street, approximately 0.4 mile east of the site.
The General Plan identifies a service goal of a total response time of eight minutes and a total travel time of four minutes or less for 80 percent of emergency incidents.

[87] City of San José. "City of San José Annual Report on City Services 2017-18." Accessed July 30, 2019. http://www.sanjoseca.gov/DocumentCenter/View/81795.

Police Protection Services

Police protection services for the project site are provided by the San José Police Department (SJPD). Officers are dispatched from police headquarters, located at 201 West Mission Street. The police headquarters is located approximately 3.3 miles northeast of the project site.

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 all Priority 2 (non-emergency) calls.

Schools

The project site is located within the Campbell Union School District (CUSD) and the Campbell Union High School District (CUHSD). The proposed project would be served by the public schools listed below in Table 3.15-1.

Table 3.15-1: Local Schools

School	Location	Distance from Site
Lynhaven Elementary School	881 Cypress Avenue	0.4 mile southwest
Monroe Middle School	1055 South Monroe Street	0.7 mile southeast
Del Mar High School	1224 Del Mar Avenue	1.4 miles southeast

Parks/Recreation

The City's Department of Parks, Recreation, and Neighborhood Services is responsible for development, operation, and maintenance of all City park facilities. The City operates and maintains approximately 190 neighborhood-serving parks and nine regional parks.[88] The closest park to the project site is Frank M. Santana Park, located at 511 South Monroe Street, approximately 0.3 miles east of the project site. Additionally, the Cypress Community and Senior Center is located at 403 Cypress Avenue, approximately 0.3 miles northwest of the project site.

Libraries

The San José Public Library is the largest public library system between San Francisco and Los Angeles. The San José Public Library consists of one main library (Dr. Martin Luther King Jr. Library) and 23 branch libraries.[89] The nearest library to the project site is West Valley Branch Library located at 1243 San Tomas Aquino Road, approximately 1.2 miles southeast of the project site.

3.15.2 Impact Discussion

For the purpose of determining the significance of the project's impact on public services, would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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 any of the public services:

[88] City of San José. *Fast Facts*. December 20, 2018.
[89] San José Public Library. "Locations & Hours." Accessed August 7, 2018. https://www.sjpl.org/locations.

1) Fire protection?
2) Police protection?
3) Schools?
4) Parks?
5) Other public facilities?

3.15.2.1 *Project Impacts*

Impact PS-1:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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 services. **(Less than Significant Impact)**

Impact PS-2:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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 police protection services. **(Less than Significant Impact)**

The project site is currently developed with 111 single-story mobile home units and an associated club house facility. The proposed General Plan Amendment would allow for a greater density of residential development then the current land use designation. Specifically, the project would construct up to 688 residential units and an approximately 2.0-acre park. The project would place more residences on-site than currently exist and more than what was assumed in the General Plan, which would increase demand for fire and police response and related emergency services.

The nearest fire station to the project site is Station No. 10 located at 511 South Monroe Street, approximately 0.3 miles east of the site. Based on the most recent data available from the SJFD, the average travel time for medical calls from Station 10 in 2018 (January through December) was 8.19 minutes. For fire and other calls, the average response time in 2018 was 24.42 minutes. There was some variation in travel times from month to month.[90] For medical response, the longest travel times occurred in January, April, July, September, and December. For fire and other calls, the longest travel times occurred in February, May, and August. The Fire Department has the ability to preempt traffic signals to speed response times.

Although the project would intensify the use of the site and generate additional residents in the area, the project would not preclude the SJFD and SJPD from meeting their service goals. Specifically, 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 General Plan FEIR (as amended) to avoid unsafe building conditions and promote public safety. As a result, no

[90] City of San Jose Fire Department. Fire Station Response Metrics. City of San Jose 2018. Accessed August 23, 2019. http://www.sanjoseca.gov/DocumentCenter/View/36886.

new facilities would be required, and implementation of the project would result in a physical impact on the environment. **(Less Than Significant Impact)**

Impact PS-3:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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 schools. **(Less than Significant Impact)**

The proposed project would increase the City's resident population above what was assumed in the General Plan and, as a result, would increase the demand on local school facilities. Full build out of the City's General Plan would generate up to 1,456 new students in the CUSD (which includes Lynhaven Elementary School and Monroe Middle School) and 3,751 students in the CUHSD (which includes Del Mar High School). Based on an average student generation rate of 0.34 for elementary students and 0.16 middle school students per unit in the CUSD and 0.09 high school students per unit in the CUHSD, the proposed project would generate up to 406 students.[91,92] This analysis assumes there are currently no students in the existing residences because the site is developed with a senior mobile home park.

Table 3.15-2: School Capacity and Enrollment

School	Current Capacity	Current Enrollment
Lynhaven Elementary School	610[93]	591[94]
Monroe Middle School	755[95]	920[96]
Del Mar High School	1,472[97]	1,259[98]

As shown in the table above, Monroe Middle School is operating over capacity. The additional students generated by the project would continue to exceed current capacity by up to 110 students. Nevertheless, state law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect under CEQA on the adequacy of school facilities as the payment of a school impact fee prior to issuance of a building permit. The affected school district(s) are responsible for implementing the specific methods for mitigating school effects under the Government Code, including setting the school impact fee amount consistent with state law. The school impact fees and the school districts' methods of implementing measures specified by Government Code Section 65996 would partially offset project-related increases in student enrollment. The following Standard Permit Condition is included in the project to reduce impacts to public school facilities.

[91] Yang, Nelly. Campbell Union School District. June 6, 2018.
[92] SchoolWorks, Inc. Campbell Union High School District Demographic Study 2017/18. February 2018.
[93] Jack Schreder & Associates. Level I Developer Fee Study for Campbell Union School District. February 2012.
[94] California Department of Education. "Find a Sarc." Accessed July 30, 2019. https://sarconline.org/
[95] Jack Schreder & Associates. Level I Developer Fee Study for Campbell Union School District. February 2012.
[96] California Department of Education. "Find a Sarc." Accessed July 30, 2019. https://sarconline.org/
[97] Dolinka Group, LLC. "Residential Development School Fee Justification Study." Accessed July 30, 2019. https://1.cdn.edl.io/tnX2QaErnrYlsZJoaBej5vl1r8yt1uY8EY8s5oRG6rDlJyKp.pdf.
[98] California Department of Education. "Find a Sarc." Accessed July 30, 2019. https://sarconline.org/

Standard Permit Condition

- The project shall pay school impact fees pursuant to Government Code Section 65996.

While the proposed project would increase the resident population in the City above what was assumed in the General Plan, implementation of identified Standard Permit Condition would not result in an adverse physical impact to new or physically altered governmental facilities or result in the need for new or physically altered governmental facilities. **(Less Than Significant Impact)**

Impact PS-4:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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 parks. **(Less than Significant Impact)**

The City of San José has a PDO which requires new housing projects to provide at least 3.0 acres of neighborhood/community serving parkland per 1,000 population, provide recreational facilities on-site, and/or pay an in-lieu fee. The proposed project is inconsistent with planned growth in the General Plan and would exceed the allowable density of eight du/ac under the *Residential Neighborhood* designation. The proposed project would accommodate up to 2,202 new residents in the City. While the project proposes a two-acre public park and other on-site private amenities, the project could increase the use of existing recreational facilities in the project area. Nevertheless, the following Standard Permit Condition is included in the project to reduce impacts to park and recreational facilities.

Standard Permit Condition

- The project shall pay the applicable PDO/PIO fees. The project's PDO/PIO fees would be used for neighborhood serving elements (such as playgrounds/tot-lots and basketball courts) within 0.75 mile of the project site, and/or community serving elements (such as soccer fields and community gardens) within a three-mile radius of the project site, consistent with General Plan Policies PR-2.4 and PR-2.5.

Because the project would construct on-site recreational facilities and comply with the PDO and PIO requirements, the project would not result in substantial adverse physical impacts to park and recreational facilities in San José. **(Less Than Significant Impact)**

Impact PS-5:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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 other public facilities. **(Less than Significant Impact)**

Full build out of the General Plan would provide approximately 0.68 square feet of library space per capita for the anticipated resident population by 2035, which is above the City's service goal of 0.59

square feet of library space per capita (General Plan Policy ES-2.2). The project would generate approximately 2,202 residents[99] which may increase the demand on neighborhood libraries. Although the proposed project would incrementally increase residential development and population growth above what was anticipated in the General Plan, the proposed project would not require new or expanded library facilities beyond what is already planned in the City to meet service goals. **(Less Than Significant Impact)**

3.15.2.2 *Cumulative Impacts*

Impact PS-C:	The project would not result in a cumulatively considerable contribution to a significant public services impact. **(Less than Significant Cumulative Impact)**

The geographic area for cumulative population and housing impacts is the Cities of San José and Santa Clara. Development in the project area would increase demand on fire and police protection services, schools, and recreational facilities. All cumulative projects would be subject to state, county, and City policies and regulations associated with public services within San José (such as payment of park fees). Although the project proposes to increase the residential density on-site above the current General Plan, the project would comply with the Standard Permit Conditions identified above and would not result in a cumulatively considerable contribution to a public services impact. **(Less than Significant Cumulative Impact)**

[99] Based on an average of 3.20 persons per household.

3.16 RECREATION

3.16.1 Environmental Setting

The City's Department of Parks, Recreation, and Neighborhood Services owns and maintains approximately 3,502 acres of parkland, including neighborhood parks, community parks, and regional parks.[100] The City currently operates 195 neighborhood parks, 50 community centers, nine regional parks, and over 61 miles of urban trails.

3.16.1.1 *Regulatory Framework*

Quimby Act

The Quimby Act (California Government Code Sections 66475-66478) was approved by the California legislature to preserve private open space and parkland in the State. This legislation was in response to California's increased rate of urbanization and the need to preserve private open space and provide parks and recreation facilities for California's growing communities. The Quimby Act authorizes local governments to establish ordinances requiring developers of new subdivisions to dedicate parks, pay an in-lieu fee, or perform a combination of the two.

Greenprint 2009 Update

In December 2009, the City Council adopted the *City of San José Greenprint 2009 Update*, which is the City's 20-year strategic plan for parks, recreational facilities, and programs. As part of the Greenprint and Green Vision, the City has identified two goals related to the trail network: 1) complete 100 miles of interconnected trails by 2022, and 2) complete 130 miles of the network by 2035.

Parkland Dedication Ordinance and the Park Impact Ordinance

The City of San José has adopted the Parkland Dedication Ordinance (PDO, Municipal Code Chapter 19.38) and Park Impact Ordinance (PIO, Municipal Code Chapter 14.25) requiring new residential development to either dedicate sufficient land to serve new residents, or pay fees to offset the increased costs of providing new park facilities for new development. Under the PDO and PIO, a project can satisfy half of its total parkland obligation by providing private recreational facilities on-site. For projects over 50 units, it is the City's decision as to whether the project will dedicate land for a new public park site or accept a fee in-lieu of land dedication. Deed restricted affordable housing that meets the City's affordability criteria, are subject to the PDO and PIO and receive a 50 percent credit toward the parkland obligation. The acreage of parkland required is based on the minimum acreage dedication formula outlined in the PDO.

Santana Row/Valley Fair Urban Village Plan

The following Urban Village policies are applicable to the proposed project.

Policy 4-1: Provide a system of parks that serves the needs of both existing and future residents as well as works in the surrounding community.

[100] City of San José. *Fast Facts*. December 20, 2018.

Policy 4-2: Neighborhood parks should be designed and configured in a manner that provides secure and usable open space and maximizes accessibility to the surrounding community.

Policy 4-6: Parks and plazas shall be appropriately programmed and properly maintained for their setting and level of use.

Envision San José 2040 General Plan

Policy PR-1.1: Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

Policy PR-1.2: Provide 7.5 acres per 1,000 population of citywide /regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

Policy PR-1.3: Provide 500 square feet per 1,000 population of community center space.

Policy PR-1.6: Where appropriate and feasible, develop parks and recreational facilities that are flexible and can adapt to the changing needs of their surrounding community.

Policy PR-1.7: Design vibrant urban public spaces and parklands that function as community gathering and local focal points, providing opportunities for activities such as community events, festivals, and/or farmers markets as well as opportunities for passive and, where possible, active recreation.

Policy PR-1.9: As Village and Corridor areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as a part of new development projects; privately or in limited instances publicly, owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.

Policy PR-1.12: Regularly update and utilize San José's Parkland Dedication Ordinance/Parkland Impact Ordinance (PDO/PIO) to implement quality facilities.

Policy PR-2.4: To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.

Policy PR-2.5: Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a three-mile radius of the residential development that generates the PDO/PIO funds.

Policy PR-2.6: Locate all new residential developments over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in its project design.

3.16.1.2 *Existing Conditions*

The closest park to the project site is Frank M. Santana Park, located at 511 South Monroe Street, approximately 0.3 miles east of the project site. Additionally, the Cypress Community and Senior Center is located at 403 Cypress Avenue, approximately 0.3 miles northwest of the project site.

3.16.2 Impact Discussion

For the purpose of determining the significance of the project's impact on recreation, would the project:

1) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
2) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

3.16.2.1 *Project Impacts*

Impact REC-1:	The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. **(Less than Significant Impact)**

Impact REC-2:	The project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. **(Less than Significant Impact)**

Impacts associated with construction of the proposed park on-site are addressed in the context of the larger project in the relevant sections of this Draft EIR. The proposed project could increase the demand on parks and other recreational facilities in the project area. The proposed General Plan Amendment would allow for intensification of residential development on-site than the current land use designation. In addition, the General Plan Amendment would allow the City to collect PDO/PIO fees which could be satisfied in several ways including dedication of land, payment of in-lieu fees, credit for improvement costs to parkland, and/or credit for qualifying private recreation amenities in the project.

As proposed, the project would include a children's playground and bocce ball courts which may reduce some use of public recreational facilities in the area. The combination of the parkland dedication, in-lieu fees, and the 2.0 acres of parkland would prevent the proposed project from substantially increasing the use of existing parks and other recreational facilities, thus avoiding any substantial physical deterioration. Implementation of the project would not require construction of new facilities or expansion of existing recreational facilities. **(Less Than Significant Impact)**

3.16.2.2 *Cumulative Impacts*

Impact REC-C:	The project would not result in a cumulatively considerable contribution to a significant recreation impact. **(Less than Significant Cumulative Impact)**

The geographic area for cumulative recreation impacts is the Cities of San José and Santa Clara boundaries. Development in the area that would generate new residents is required to comply with the City's requirements for parkland dedication, provisions of public space, and/or payment of in-lieu fees to minimize impacts of new residents on existing park and recreation facilities. The project would generate new residences and would construct new parkland and other recreational amenities on-site and pay the applicable PDO/PIO fees. As a result, the project would not result in a considerable contribution to a significant cumulative recreation impact. **(Less than Significant Cumulative Impact)**

3.17 TRANSPORTATION/TRAFFIC

This discussion is based, in part, on a Transportation Analysis prepared by Hexagon in August 2019 and a Long-Range General Plan Amendment Transportation Analysis prepared by Hexagon in August 2019. Copies of these report is attached in Appendices H and I, respectively, of this document.

3.17.1 Environmental Setting

3.17.1.1 *Regulatory Framework*

Regional Transportation Planning

The MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted *Plan Bay Area 2040* in July 2017, which includes the region's Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by CARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources over the next 24 years).

Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Congestion Management Program (CMP), a program aimed at reducing regional traffic congestion. 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 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. The VTA has review responsibility for proposed development projects that are expected to affect CMP designated intersections.

Transportation Analysis Policy 5-1

As established in City Council Policy 5-1 "Transportation Analysis Policy" (2018), the City of San José uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development. According to the policy, an employment (e.g. office, R&D) or residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional per capita VMT. For industrial projects (e.g. warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per capita VMT. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, including local

transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements.

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact.

The VMT policy does not negate Area Development policies (ADPs) and Transportation Development policies (TDPs) approved prior to adoption of Policy 5-1. Policy 5-1 does, however, negate the City's Protected Intersection policy as defined in Policy 5-3.

I-280/Winchester Boulevard Transportation Development Policy

On September 20, 2016, the City Council adopted the I-280/Winchester Boulevard Transportation Development Policy to construct a northbound off-ramp from I-280 to Winchester Boulevard. The intent of the TDP was to manage existing traffic congestion in the I-880/Stevens Creek and I-280/Winchester interchange areas as well as provide additional traffic capacity to accommodate future development.

San José Bike Plan 2020

The San José Bike Plan 2020 also known as the Bicycle Master Plan, defines the City's vision to make bicycling an integral part of daily life in San José. The plan recommends policies, projects, and programs to realize this vision and create a San José community where bicycling is convenient, safe, and commonplace. The Bicycle Master Plan defines a 500-mile network of bikeways that focuses on connecting off-street bikeways with on-street bikeways.

Santana Row/Valley Fair Urban Village Plan

The following Urban Village policies are applicable to the proposed project.

Policy 6-25: Complete, expand, and enhance bicycle and pedestrian networks.

Policy 6-26: Implement shared lane markings (Class III) in residential neighborhoods where appropriate.

Policy 6-27: Implement standard and enhanced bicycle lanes (Class II or Class IV) on major streets where appropriate.

Policy 6-28: Implement safety enhancements on existing bicycle routes in the Urban Village.

Policy 6-29: Complete the sidewalk network and maximize connectivity by removing barriers and interruptions along the path of travel.

Policy 6-31: Accommodate all forms of public and private transit services.

Policy 6-36: Improve transit convenience by ensuring that access (e.g. sidewalks, pathways, bikeways) are direct, safe, and convenient.

Policy 6-84: Trees should be distributed evenly throughout parking lots to provide shade and enhance appearance, particularly as seen from adjacent streets and buildings. Generally, there should be one tree for every four parking spaces.

Policy 6-113: Design street elements, such as street trees, lighting, and planters, in a way, consistent with San José's attractive older neighborhoods.

Policy 6-114: Winchester Boulevard shall be designed as a complete street.

Policy 6-118: Install complete street improvements at the Monroe Street/Stevens Creek Boulevard intersection.

Policy 6-119: Narrow northbound lanes on Monroe Street to accommodate a pedestrian refuge at crossing on the north side of the intersection.

Policy 6-120: Provide bicycle route markings across Stevens Creek Boulevard to link bicycle lanes on North and South Monroe Street.

Envision San José 2040 General Plan

The General Plan includes the following transportation policies applicable to the proposed project.

Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).

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-2.8: Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

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 towards 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.

Policy TR-8.6: Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.

Policy TR-8.9: Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.

Policy TR-9.1: Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

Policy CD-2.3: Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.

a. Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways.

b. Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mass of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area.

c. Provide pedestrian connections as outlined in the Urban Community Design Connections Goal and Policies.

d. Locate retail and other active uses at the street level.

e. Create easily identifiable and accessible building entrances located on street frontages or paseos.

f. Accommodate the physical needs of elderly populations and persons with disabilities.

g. Integrate existing or proposed transit stops into project designs.

Policy CD-3.3: Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Policy CD-3.4: Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.

Policy LU-9.1: Create a pedestrian-friendly environment by connecting new residential development with safe, convenient, accessible, and pleasant pedestrian facilities. Provide such connections

between new development, its adjoining neighborhood, transit access points, schools, parks, and nearby commercial areas.

3.17.1.2 *Existing Conditions*

The discussion below summarizes the existing conditions for the major transportation facilities in the vicinity of the site, including the roadway network, transit services, and bicycle and pedestrian facilities.

Roadway Network

Regional Access

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

I-880 is a six-lane freeway that extends north to Oakland and south to I-280 in San José.

I-280 is an eight-lane freeway that extends northwest to San Francisco and east to King Road in San José.

Local Access

Local access to the project site is provided via Stevens Creek Boulevard, Winchester Boulevard, Monroe Street, Tisch Way, Olsen Drive, and Charles Cali Drive.

Stevens Creek Boulevard is a divided six-lane, east-west roadway in the vicinity of the project site. Stevens Creek Boulevard extends from Cupertino eastward to I-880.

Winchester Boulevard is a divided six-lane, north-south roadway that runs from Los Gatos to Lincoln Street in Santa Clara.

Monroe Street is a two-lane, north-south roadway that extends northward from Tisch Way to Santa Clara.

Tisch Way is a two-lane, east-west roadway that extends eastward from Winchester Boulevard to Monroe Street.

Olsen Drive is a two-lane, east-west roadway.

Charles Cali Drive is a one-way, ingress-only driveway with only right-in access from southbound Winchester Boulevard directly to the project site.

Existing Pedestrian, Bicycle, and Transit Facilities

Pedestrian Facilities

Pedestrian facilities within the vicinity of the project site consist of sidewalks along both sides of all streets including Winchester Boulevard and Olsen Drive. Sidewalks are not provided along the south side of Tisch Way and Charles Cali Drive. Other pedestrian facilities in the area include crosswalks and pedestrian push buttons at all signalized study intersections. There are pedestrian footbridges

over I-280 connecting Monroe Street/Tisch Way and Cypress Avenue (north of I-280) to Moorpark Avenue. Overall, the existing network of sidewalks and crosswalks in the immediate vicinity of the project site has good connectivity and provides pedestrians with safe routes to the project site and transit services.

Bicycle Facilities

Bicycle facilities are comprised of paths (Class I), lanes (Class II), and routes (Class III). Bicycle lanes are lanes on roadways designed for bicycle use by striping, pavement legends, and signs. The following roadways have Class II striped bike lanes:

- Winchester Boulevard, between Moorpark Avenue and Stevens Creek Boulevard
- Monroe Street, between Tisch Way and Forest Avenue
- Stevens Creek Boulevard, between Monroe Street and Di Salvo Avenue
- Moorpark Avenue, between Thorton Way and San Tomas Expressway

Existing bicycle facilities are shown on Figure 3.17-1.

There are no designated bike lanes or bike routes on residential streets in the immediate vicinity of the site. The residential streets have relatively low traffic volumes and are conducive to bicycle travel.

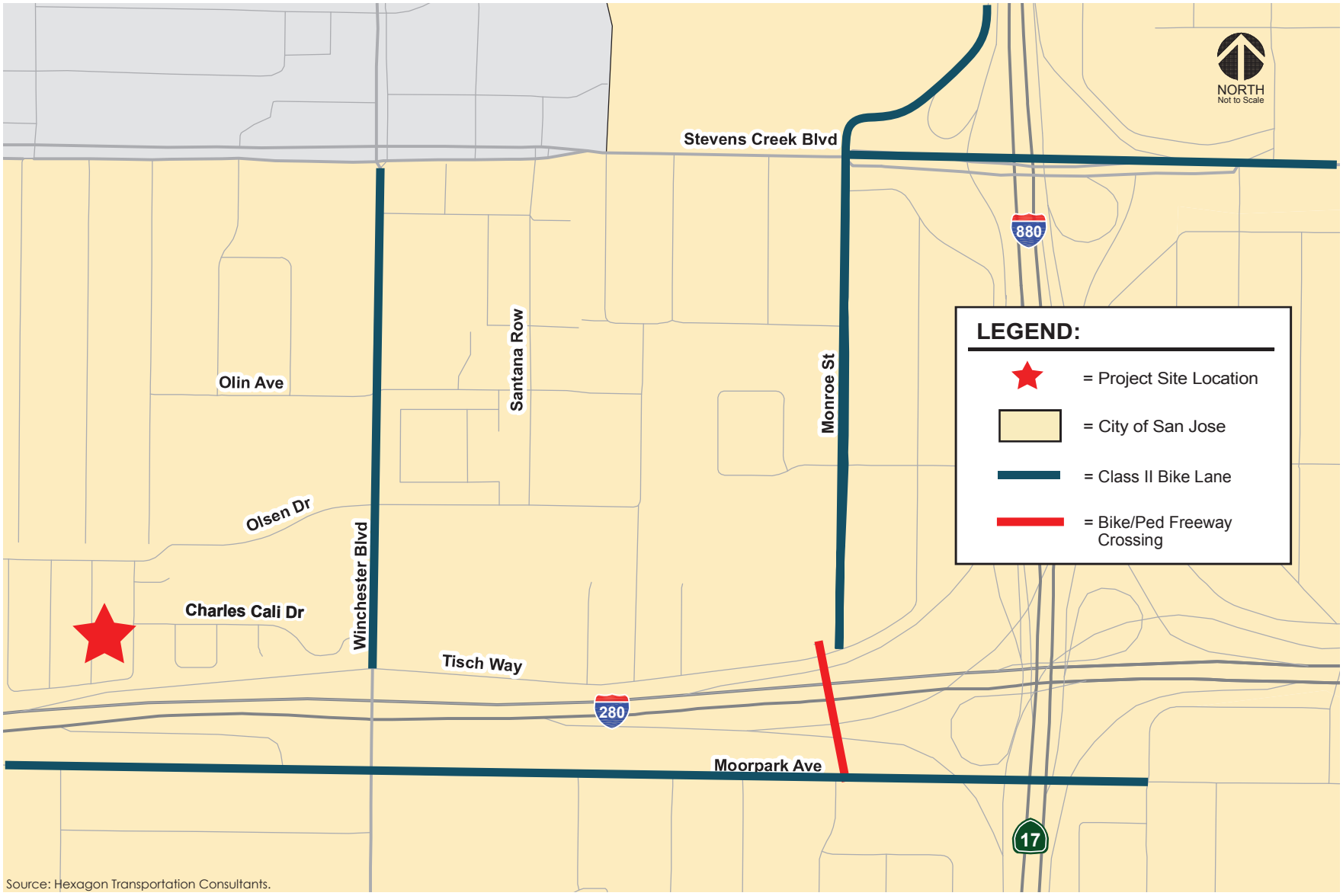
Transit Facilities

Existing transit service in the project area is provided by the VTA. The project site is served by three local bus routes (Routes 23, 25, and 60) and one limited-stop bus route (Express Route 323), as described in Table 3.17-1 below.

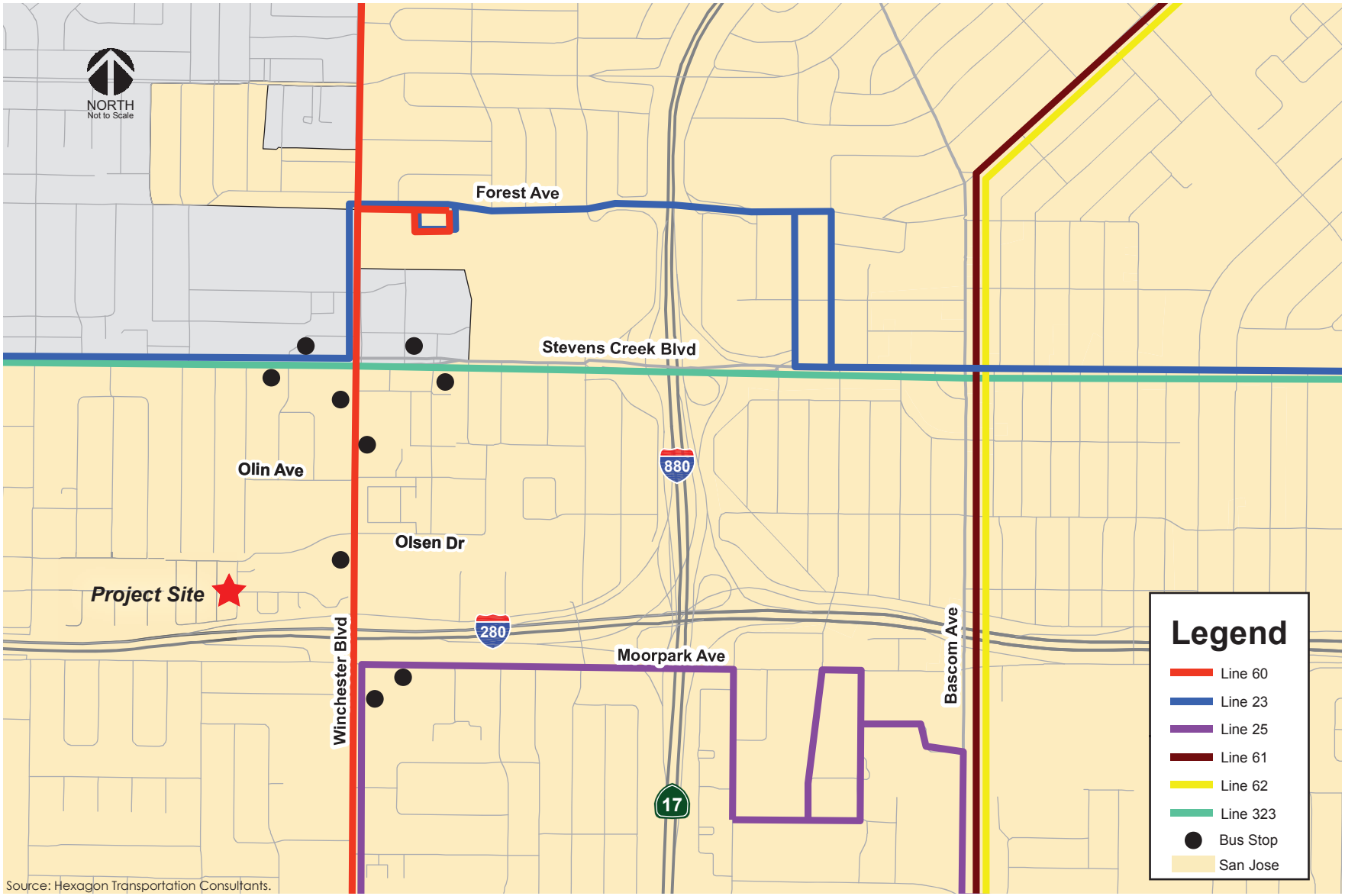
Table 3.17-1: VTA Bus Service in the Project Area

Route	Route Description	Daily Headway (min)
23	De Anza College to Alum Rock Transit Center via Stevens Creek Boulevard	10-15
25	De Anza College to Alum Rock Transit Center via Valley Medical Center	20-25
60	Winchester Transit Center to Great America	15-20
Express 323	Downtown San José to De Anza College	15-20

The nearest bus stops are located along Winchester Boulevard, near Olsen Drive (approximately 1,000 feet from the project site) and Olin Avenue (approximately 1,400 feet from the project site) and are served by Route 60. Additionally, the Valley Fair Transit Center is located within three-fourths of a mile from the project site. The Valley Fair Transit Center is served by Local Bus Routes 23 and 60. Existing transit services are shown on Figure 3.17-2.



EXISTING BICYCLE FACILITIES | FIGURE 3.17-1



EXISTING TRANSIT SERVICES | FIGURE 3.17-2

3.17.1.3 *VMT Methodology*

The City of San José *Transportation Analysis Handbook* identifies screening criteria to determine whether a CEQA transportation analysis would be required for development projects, including the proposed project. The criteria is based upon the type, characteristics, and/or location of the project. If a project meets the City's screening criteria, the project would have a less than significant VMT impact. Therefore, a detailed CEQA VMT analysis would not be required.

To determine whether a project would result in transportation impacts associated with VMT, the City has developed a VMT Evaluation Tool (sketch tool) to streamline the analysis for development projects. For this project, the sketch tool was used to estimate the project VMT and to determine whether the proposed project would result in a significant VMT impact.

The sketch tool evaluates a list of selected VMT reduction measures that can be applied to a project to reduce the project VMT. There are four strategy tiers whose effects on VMT can be calculated with the sketch tool:

1. Project characteristics (e.g. density, diversity of uses, design, and affordability of housing) that encourage walking, biking and transit uses.
2. Multimodal network improvements that increase accessibility for transit users, bicyclists, and pedestrians,
3. Parking measures that discourage personal motorized vehicle-trips, and
4. Transportation demand management (TDM) measures that provide incentives and services to encourage alternatives to personal motorized vehicle-trips.

Projects that include residential uses would create a significant adverse impact when the estimated project generated VMT exceeds the existing citywide average VMT per capita minus 15 percent or existing regional average VMT per capita minus 15 percent, whichever is lower. Currently, the reported citywide average is 11.94 VMT per capita, which is less than the regional average. This equates to a significant impact threshold of 10.12 VMT per capita.

The project site is located within the Santana Row/Valley Fair Urban Village Plan which has been identified by the City to have low VMT per capita. The project would not meet all of the applicable VMT screening criteria (refer to *Appendix H*), therefore, a transportation analysis which includes a VMT analysis was prepared.

3.17.2 Transportation/Traffic Impacts

3.17.3 Impact Discussion

For the purpose of determining the significance of the project's impact on transportation, would the project:

1) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities?
2) For a land use project, conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?
4) Result in inadequate emergency access?

3.17.3.1 *Project Impacts*

Impact TRN-1:	The project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities. **(Less than Significant Impact)**

Pedestrian Facilities

As mentioned previously, pedestrian facilities in the area consist of sidewalks, crosswalks, and pedestrian signals. Existing sidewalks along Olsen Drive and Winchester Boulevard provide a pedestrian connection between the project site and other destinations in the project vicinity. Sidewalks are not provided along the south side of Tisch Way, Charles Cali Drive or the existing internal project site roadways. The project would include sidewalks on the internal access roads. There are pedestrian footbridges (over I-280) that connect Monroe Street/Tisch Way and Cypress Avenue (north of I-280) to Moorpark Avenue.

Overall, the existing network of sidewalks and crosswalks provide pedestrians with good connectivity and would provide new residents with safe pedestrian routes to transit and other services in the area. The proposed project would not exceed the capacity of the existing pedestrian facilities or preclude the construction of planned improvements. **(Less Than Significant Impact)**

Bicycle Facilities

The existing bicycle facilities would remain unchanged under project conditions. As mentioned previously, there are bicycle lanes on segments of Winchester Boulevard, Monroe Street, Stevens Creek Boulevard, and Moorpark Avenue. In addition, there are bicycle improvements planned for the project area that would help provide the project site with viable connections to the surrounding bicycle facilities. Therefore, the proposed project would not exceed the capacity of the existing bicycle facilities or preclude the construction of planned improvements. **(Less Than Significant Impact)**

Transit Operations

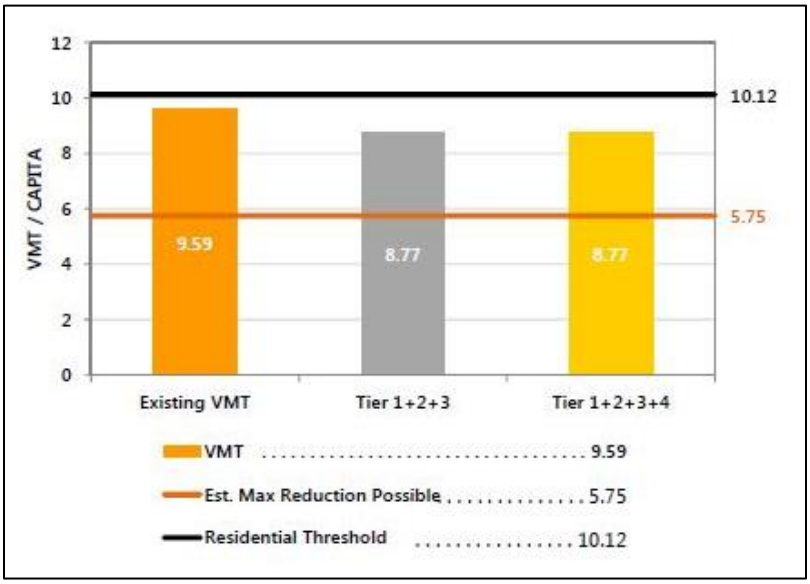
As mentioned previously, the nearest bus stops are located along Winchester Boulevard, near Olsen Drive (approximately 1,000 feet from the project site) and Olin Avenue (approximately 1,400 feet from the project site) and are served by Route 60. The Valley Fair Transit Center is located within three-fourths of a mile from the project site. The new transit trips generated by the project are not expected to generate a demand in excess of transit services currently provided.

The proposed project would not alter existing transit facilities or conflict with the operation of existing or planned facilities. Therefore, the proposed project would not interfere with the construction of planned transit facilities nor would the project exceed the capacity of the existing system. **(Less Than Significant Impact)**

Impact TRN-2:	The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **(Less than Significant Impact)**

Project-Level VMT Analysis

The current citywide average VMT for residential uses is 11.91 per capita. Based on the City's sketch tool, the existing VMT for residential uses in the project vicinity is 9.59 per capita indicating that the project area is a low VMT area. (see *Figure 9* in *Appendix H*) Council Policy 5-1 identifies an impact threshold of 15 percent below the citywide average. Therefore, the proposed project would result in a significant impact if it results in a VMT that exceeds 10.12 per capita.



The City's sketch tool indicates that the project would have a VMT per capita of 8.77 which is below the established threshold of 10.12 VMT per capita. The reduction in VMT per capita relative to the project area average is indicative of the increase in residential density in a transit-rich area served by major bus stops and the Valley Fair Transit Center, as well as bicycle and pedestrian facilities. In addition, the project site is in proximity to jobs and services within the Santana Row/Valley Fair Urban Village.

Therefore, the proposed project would result in a less than significant impact on the transportation system based on the City's VMT impact criteria. **(Less Than Significant Impact)**

Impact TRN-3:	The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). **(Less than Significant)**

As noted in the project description, the site would be accessed by one ingress/egress driveway on Olsen Drive and one ingress-only driveway on Charles Cali Drive. The project is estimated to result in 115 inbound trips from Olsen Drive and 52 inbound trips from Charles Cali Drive (during the PM Peak Hour). Outbound trips in the AM Peak Hour were estimated to be 167 for Olsen Drive. An alternative vehicular access scenario was analyzed which include Charles Cali Drive serving as an ingress/egress driveway at Charles Cali Drive along Winchester Boulevard. Under this scenario, egress project traffic on Olsen Drive would shift to Charles Cali Drive instead and would only affect the Winchester Boulevard/Olsen Drive intersection (refer to *Table 8* in *Appendix H*).

The driveway on Olsen Drive would not have any conflicting traffic; therefore, sight distance at this driveway would not be an issue. Adequate site distance would be required for the Charles Cali Drive project driveway to ensure that exiting vehicles can see pedestrians on the sidewalk and other

vehicles traveling along Winchester Boulevard in accordance with the American Association of State Highway Transportation Officials (AASHTO) standards. Based on the proposed site plan, vehicles exiting the driveway would be able to see approaching traffic on southbound Winchester Boulevard to Olsen Drive; therefore, the driveway would meet AASHTO minimum stopping sight distance standards.

As mentioned previously, the project site is located within the Santana Row/Valley Fair Urban Village Plan. The Santana Row/Valley Fair Urban Village Plan identifies the following complete street improvements along Winchester Boulevard:

- Protected bike lanes along both sides of Winchester Boulevard. The bike lanes will be physically separated from vehicle travel lanes.
- At least four vehicular travel lanes and two flex lanes for vehicle travel or parking.
- Construction of a raised median with limited breaks.

The design of the proposed right-turn only project driveway at Charles Cali Drive along Winchester Boulevard would be required to allow for the implementation of the planned improvement of Winchester Boulevard to a complete street. Per the Santana Row/Valley Fair Urban Village Plan, all new development shall provide a 20-foot sidewalk fronting Winchester and Stevens Creek Boulevards.[101] In addition, the driveway design must ensure the safe travel of pedestrians and bicyclists along Winchester Boulevard. As a result, the project would not substantially increase hazards due to a geometric design feature or include an incompatible use (e.g., farm equipment). **(Less Than Significant Impact)**

Impact TRN-4:	The project would not result in inadequate emergency access. **(Less than Significant Impact)**

The fire code requires driveways to provide 32 feet of clearance for fire access. SJFD requires all portions of the buildings be within 150 feet of a fire department access road and requires a minimum of six feet clearance from the property line along all sides of the buildings. The proposed project site design would be required to provide adequate corner radii, driveway width, parking dimensions, and signage to satisfy the City of San José design standards. As such, the proposed project would have a less than significant emergency vehicle access impact. **(Less Than Significant Impact)**

3.17.3.2 *Long Range Transportation Impact Analysis for General Plan Amendments*

General Plan Amendments (GPAs) in the City of San José require a long-range transportation analysis of potential impacts on the citywide transportation system in the horizon year of the General Plan. The General Plan horizon year is when the development anticipated in the General Plan is built out. There are two types of GPA transportation analysis: 1) a site-specific long-range transportation analysis for individual GPAs that exceed 250 peak hour trips; and 2) a cumulative long-range transportation analysis of the combined effect of all GPAs proposed with each annual GPA cycle.

In 2011, the City certified the General Plan FEIR and adopted the 2040 General Plan. The General Plan FEIR and supporting Transportation Impact Analysis (TIA) identified programmatic long-range

[101] City of San José. "Santana Row/Valley Fair Urban Village Plan." Accessed October 18, 2018. http://www.sanjoseca.gov/DocumentCenter/View/73624.

transportation impacts based on planned land uses and the planned transportation system within the City projected to the horizon of the General Plan in year 2035.

In 2016, a subsequent TIA was prepared for the General Plan Four-Year Review that evaluated minor adjustments to planned job growth in the adopted General Plan and updated the projection of regional growth to the year 2040. The existing conditions for transportation were updated to reflect the actual development that occurred since the adoption of the General Plan and its base year of 2008 to the year 2015. The General Plan Four-Year Review TIA evaluated the effects of the updated existing conditions in 2015 plus future planned growth, and future conditions projected to the Year 2040, that established the baseline for the evaluation of transportation impacts of GPAs considered for approval during and after the Four-Year Review.

In 2017, the VTA published the BART Phase II EIR that included updated regional transportation projects based on 2015 existing roadway conditions. The City acquired this new model to use as the basis for the transportation analysis in the Downtown Strategy 2040 EIR, which evaluated an increase of 4,000 households and 10,000 jobs in Downtown San Jose by transferring General Plan growth capacity from other areas within the City. Once again, the model was validated with current traffic data to update the existing transportation conditions.

The cumulative long-range transportation impacts of the proposed 2018 GPAs were evaluated in a Long-Range Transportation Impact Analysis model forecast prepared by Hexagon Transportation Consultants dated August 2019 (Appendix I). This analysis evaluated both the site-specific long-range transportation impacts for GPAs that exceeded 250 peak hour trips per day and the cumulative impacts of the nine privately initiated GPAs in the 2019 GPA cycle.

Each of the proposed GPAs would result in changes to the assumed number of households and/or jobs on each site when compared to the 2040 General Plan land use and intensity assumptions for each site in the TIA for the General Plan FEIR and the General Plan Four-Year Review TIA. Like the analysis in the General Plan FEIR and subsequent Four-Year Review, the 2018 Long-Range Transportation Analysis assumed development in either the middle range of the density allowed under each proposed General Plan land use designation or assumed a density consistent with the density of surrounding development with a similar land use designation. The City uses the middle range or typical range based on surrounding development densities, as opposed to the maximum intensities potentially allowed under each proposed General Plan land use designations, because build out under the maximum density allowed for all General Plan land designations would exceed the total citywide planned growth capacity allocated in the General Plan. Furthermore, maximum build-out at the highest end of the density range does not represent typical development patterns or the average amount of development built on each site. General Plan land use designations allow a wide range of development intensities and types of land uses to accommodate growth; however, development projects are not typically proposed at the maximum densities due to existing development patterns, site and parking constraints, FAA regulations, maximum allowable height provisions and other development regulations in the San José Municipal Code in Title 20 (Zoning), market conditions, and other factors.

The results of the analysis for the proposed GPAs are then compared to the results of the 2017 updated General Plan Four-Year Review TIA evaluation of the General Plan through 2040 to determine if the proposed 2018 GPAs would result in any new, or substantially more severe transportation impacts than those impacts that were already analyzed for the General Plan, as

amended by the City Council in December 2017. None of the proposed GPAs would change the total number of jobs and households citywide that were assumed with build out of the 2040 General Plan.

Long-Range Traffic Metrics – Measures of Effectiveness (MOEs)

The City of San José has adopted policy goals in the 2040 General Plan to reduce the drive alone mode share to no more than 40 percent of all daily commute trips, and to reduce the VMT per service population by 40 percent from 2008 conditions. To meet these goals by the General Plan horizon year of 2040, and to satisfy CEQA requirements, three Measures of Effectiveness (MOE) thresholds are used to evaluate long-range transportation impacts resulting from implementation of GPAs. The three MOE thresholds are summarized in Table 3.17-2. In addition to the three MOEs, the long-range transportation analysis evaluated potential cumulative effects on adjacent jurisdictions; the threshold for this MOE is also shown in Table 3.17-2.

Table 3.17-2: Measures of Effectiveness Significance Thresholds

Measures of Effectiveness	Citywide Threshold
Daily VMT/Service Population	Any increase over current 2040 General Plan conditions
Journey to Work Mode Share (drive alone percentage)	Any increase in journey to work drive along mode share over current 2040 General Plan conditions
Transit Corridor Travel Speeds	Decrease in average travel speed on a transit corridor below current 2040 General Plan conditions in the AM peak one-hour period when: 1. The average speed drops below 15 mph or decreases by 25 percent or more; or 2. The average speed drops by one MPH or more for a transit corridor with an average speed below 15 mph under current 2040 General Plan conditions.
Adjacent Jurisdiction	When 25 percent or more of total deficient lane miles on streets in an adjacent jurisdiction are attributable to the City of San José during the AM peak four-hour period. 1. Total deficient lane miles are total lane miles of street segments with V/C ratios of 1.0 or greater, 2. A deficient roadway segment is attributed to San José when trips from the City are 10 percent or more on the deficient segment.

Source: City of San José. Envision San José 2040 General Plan Draft Program Environmental Impact Report. 2011. http://www.sanjoseca.gov/DocumentCenter/View/2190.

Site-Specific Long-Range Transportation Analysis

The City of San José Travel Demand Forecasting (TDF) model was developed to help the City predict peak hour transportation impacts attributable to proposed amendments to the City's General Plan. The model is used to estimate the net change in peak hour trips that are attributable to a proposed amendment. The City has established minimum peak hour trip thresholds for General Plan land use amendments that require a site-specific GPA analysis. It is presumed that GPAs that result in trips less than the trip thresholds would not create significant long-term impacts by themselves. The City's trip thresholds for requiring a site-specific GPA transportation analysis are presented in the City of San José *Transportation Analysis Handbook,* April 2018. With the exception of GPA sites located within the identified North San José, Evergreen, and South San José subareas, a proposed

land use amendment that would result in an increase of more than 250 peak-hour trips to be generated by the subject site would be required to prepare a site-specific GPA transportation analysis.

The Winchester Ranch GPA consists of a proposal to change the adopted General Plan land use designation of an approximately 15.7-acre site located west of Winchester Boulevard and north of I-280 from Residential Neighborhood to Urban Residential. Based on the TDF modeling results, the GPA would result in an increase of 347 PM peak hour trips. As the GPA would result in a net increase of more than 250 peak hour trips, the City prepared a site-specific GPA transportation analysis for the project.

Daily Vehicle Miles Traveled per Service Population

The citywide daily VMT would increase slightly due to the proposed Winchester Ranch GPA when compared to the current General Plan. The VMT per service population would, however, not change when compared to the current General Plan. The small increase in daily VMT is due to the shifting of land use/growth within different parts of the City. The increase in daily VMT is too small to have a measurable effect on the citywide VMT per service population. Therefore, the proposed Winchester Ranch GPA would result in a less than significant impact on the citywide daily VMT per service population.

Changes in Citywide Journey to Work Mode Share Resulting from GP18-014 (Winchester Ranch)

When compared to the current 2040 General Plan, the percentage of journey to work drive alone trips would not change as a result of the proposed Winchester Ranch GPA as shown in Table 3.17-4. Therefore, the proposed GPA would result in a less than significant impact on citywide journey-to-work drive alone mode share.

Changes in Average Vehicle Speeds in Transit Priority Corridors Resulting from GP18-014 (Winchester Ranch)

The proposed GPA would not result in a decrease in travel speeds of greater than one mph or 25 percent on any of the 14 transit priority corridors when compared to current General Plan conditions. Therefore, the proposed Winchester Ranch GPA would have a less than significant impact on the AM peak hour average vehicle speeds on the transit priority corridors.

Effect of GP18-014 (Winchester Ranch) on Adjacent Jurisdictions

With the proposed Winchester Ranch General Plan land use amendment, the percentage of deficient lane miles attributable to the City would increase by one percent at one jurisdictions (Los Altos Hills), would decrease by one percent in one jurisdiction (Mountain View), and would remain unchanged at the remaining 11 impacted jurisdictions when compared to the current General Plan. Therefore, the proposed GPA would not result in any further impact on roadways in adjacent jurisdictions than that identified for the current General Plan land uses in the General Plan FEIR.

Winchester Ranch Long-Range Transportation Impacts Conclusion

Compared to the 2040 General Plan, the Long-Range Traffic Analysis found that the proposed GPA would 1) not result in an increase to citywide daily VMT per service population; 2) reduce the

percentage of journey to work drive alone trips; or 3) increase average vehicle speeds on the transit priority corridors. **(Less Than Significant Impact)**

3.17.3.3 *Cumulative Impacts*

Impact TRN-C:	The project would not result in a cumulatively considerable contribution to a significant transportation impact. **(Less than Significant Cumulative Impact)**

The project site is located within the Santana Row/Valley Fair Urban Village Plan. While the project would not be consistent with the residential development assumptions under in the General Plan, the proposed project would be consistent with the Urban Village goals and policies for the following reasons:

- The project frontage along Winchester Boulevard would be consistent with planned streetscape design features of Grand Boulevards and the Santana Row/Valley Fair Urban Village Plan.
- The project frontage along Winchester Boulevard would be designed to accommodate the planned Winchester Boulevard Complete Street improvements including protected bicycle lanes, wider sidewalks, and other pedestrian safety features.
- The project site is adjacent to bus stops and bicycle lanes on Winchester Boulevard.

The project would be considered as part of the cumulative solution to meet the General Plan's long-range transportation goals and would result in a less than significant cumulatively considerable impact. **(Less Than Significant Cumulative Impact)**

Cumulative Long-Range Transportation Impact Analysis

In addition to an analysis of long-range transportation impacts of individual GPAs, the City also evaluates cumulative long-range transportation impacts of all proposed GPAs in each annual GPA cycle. The purpose of this analysis is to evaluate the combined effect of all proposed GPAs on the three MOE thresholds used to evaluate long-range transportation impacts citywide at build out of the 2040 General Plan. The results of the cumulative Long-Range transportation analysis are discussed below and provided in Appendix I of this DEIR.

2019 GPAs Cumulative Effect on Daily Vehicle Miles Traveled per Service Population

Compared to the current General Plan, the proposed GPAs would not result in an increase in VMT per service population. Therefore, cumulatively, the 2019 GPAs would result in a less than significant impact on citywide daily VMT per service population. It is important to note that the VMT per service population is based on raw model output and does not reflect the implementation of adopted General Plan policies and goals that would further reduce VMT by increased use of non-automobile modes of travel.

2019 GPAs Cumulative Effect on Journey to Work Mode Share

The proposed GPAs would not result in an increase of drive alone journey to work mode share when compared to the current General Plan. Therefore, cumulatively, the 2019 GPAs would result in a less than significant impact on citywide journey-to-work mode share.

2019 GPAs Cumulative Effect on Average Vehicle Speeds in Transit Priority Corridors

The proposed GPAs would not result in a decrease in travel speeds of greater than one mile per hour or 25 percent on any of the 14 transit priority corridors when compared to current General Plan conditions. Therefore, cumulatively, the 2019 GPAs would result in a less than significant impact on the AM peak hour average vehicle speeds on the transit priority corridors.

2019 GPAs Effect on Adjacent Jurisdictions

The current General Plan land use designations and proposed GPA land use adjustments would result in the same impacts to roadway segments within the same 14 adjacent jurisdictions identified in the 2040 General Plan. Therefore, the proposed GPA land use adjustments would not result in further impact on roadways in adjacent jurisdictions than that identified for the current General Plan land uses in the General Plan FEIR.

2019 GPAs Long-Range Transportation Impacts Conclusion

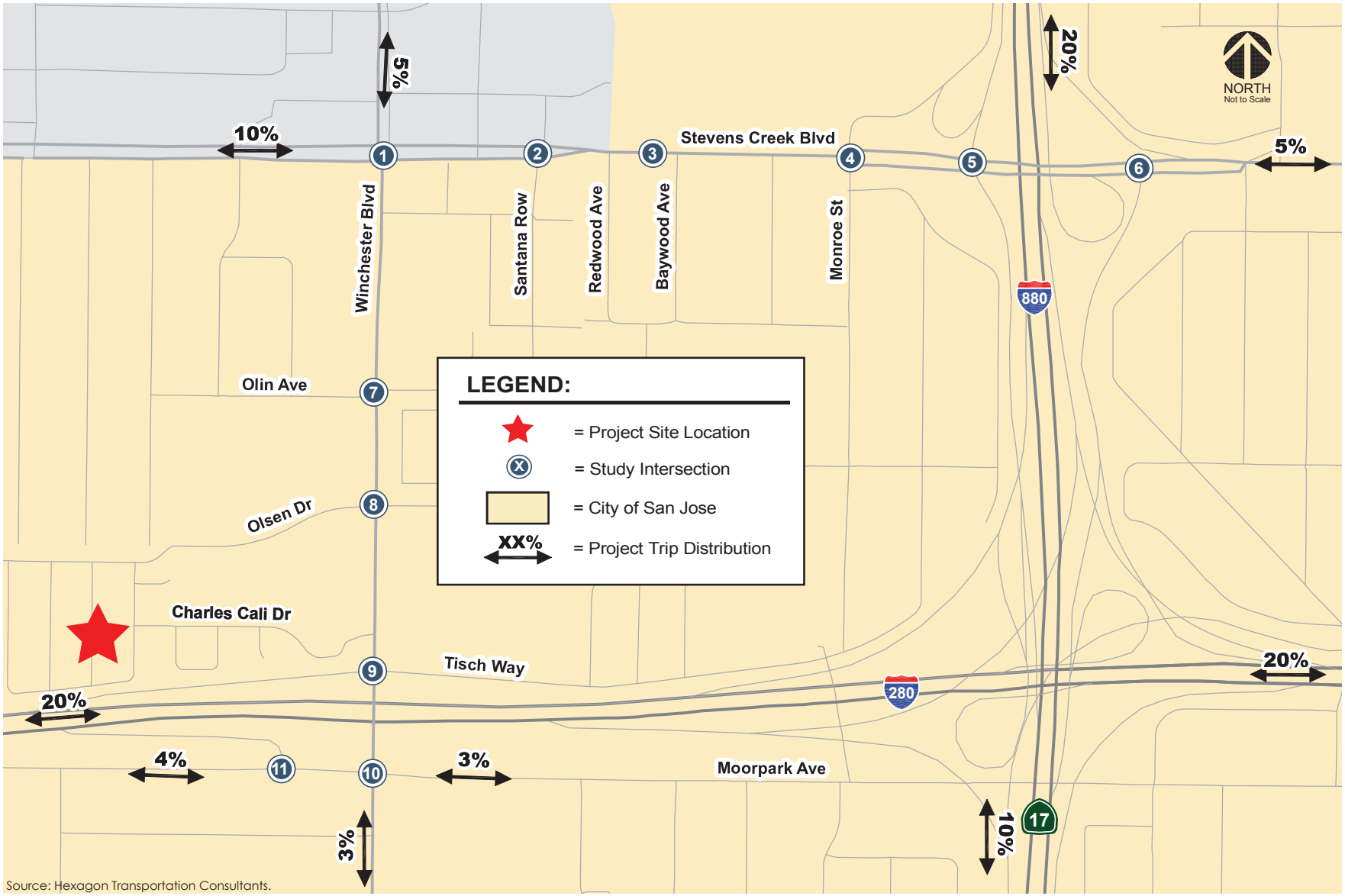
Compared to the Envision San José 2040 General Plan, the 2019 GPAs Long-Range Transportation Analysis found that the proposed GPAs would not 1) result in an increase citywide daily VMT per service population; 2) reduce the percentage of journey to work drive alone trips; or 3) increase average vehicle speeds on the transit priority corridors. Future development on each of the GPA project sites would be required to evaluate near-term transportation for project-level CEQA clearance for each planning permit. **(Less Than Significant Impact)**

3.17.3.4 *Project-Level Operational Transportation Issues Not Covered Under CEQA*

Methodology

Consistent with City requirements, a LTA was completed for 11 intersections. Traffic conditions at all study intersections were analyzed for the weekday AM and PM Peak Hours and adjacent street traffic. The AM Peak Hour is defined as 7:00 AM and 9:00 AM and the PM Peak Hour is defined as 4:00 PM to 6:00 PM. The peak hours represent the periods of greatest traffic congestion on a typical weekday. Existing peak hour traffic volumes at all study intersections were obtained from the City of San José 2016 Congestion Management Plan (CMP) Annual Monitoring Report and recently completed traffic studies. The traffic study analyzed AM and PM Peak Hour traffic conditions for 11 San José signalized study intersections. The locations of the study intersections are shown on Figure 3.17-3.

- Winchester Boulevard and Stevens Creek Boulevard (CMP)
- Santana Row and Stevens Creek Boulevard
- Baywood Avenue/Valley Fair Entrance and Stevens Creek Boulevard
- Monroe Street and Stevens Creek Boulevard
- I-880 Southbound Ramps and Stevens Creek Boulevard (CMP)



SITE LOCATION AND STUDY INTERSECTIONS | FIGURE 3.17-3

- I-880 Northbound Ramps and Stevens Creek Boulevard
- Winchester Boulevard and Olin Avenue
- Winchester Boulevard and Olsen Drive
- Winchester Boulevard and I-280 Westbound On-Ramp/Tisch Way
- I-280 Eastbound Off-Ramp and Moorpark Avenue (CMP)
- Winchester Boulevard and Moorpark Avenue

Traffic conditions were evaluated for the following scenarios to determine if the level of service (LOS) of the local intersections in the project area would be adversely affected by project generated traffic:

Scenario 1: Existing – Existing traffic conditions.

Scenario 2: Background Conditions – Scenario 1 plus approved but not yet constructed development.

Scenario 3: Background Plus Project Conditions – Scenario 2 plus traffic generated by the project.

Scenario 4: Cumulative Conditions – Scenario 3 plus proposed but not yet approved (pending) development in study area.

City of San José Intersection Level of Service

Traffic conditions at the study intersections were evaluated using LOS. 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. Intersection LOS was evaluated using TRAFFIX software, which is based on the Highway Capacity Manual (HCM) 2000 method for signalized intersections. The correlation between average delay and LOS is shown in Table 3.17-3.

Table 3.17-3: Intersection Level of Service Definitions Based on Delay

Level of Service	Description	Average Control Delay per Vehicle[102]
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.	Up to 10.0
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

[102] Measured in seconds.

Table 3.17-3: Intersection Level of Service Definitions Based on Delay		
Level of Service	**Description**	**Average Control Delay per Vehicle**[102]
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 55.0
E	Operations with high delay 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.	55.1 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
Source: Transportation Research Board, 2000 Highway Capacity Manual (Washington, D.C., 2000) p10-16 VTA Traffic Level of Service Analysis Guidelines (June 2003), Table 2.		

City of San José Definition of Adverse Intersection Effects

Based on City of San José's 2018 *Transportation Analysis Handbook*, an adverse effect on intersection operations occurs if the additional project traffic caused one of the following for either peak hour:

- 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 background plus project conditions; or
- At any local intersection that is already an unacceptable LOS E or F under background conditions, cause the critical-movement delay at the intersection to increase by four or more seconds and the volume-to-capacity ratio (V/C) to increase by .01 or more.

Trip Generation Estimates

Traffic trips generated by the project were estimated using the rates for "Multi-family Housing, Low-Rise" (Land Use Code 220) and "Multi-family Housing, Mid-Rise" (Land Use Code 221) published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 10th Edition (2017). The trip generation rates for Land Use 220 and Land Use 221 were applied to the 320 low-rise units proposed on the western portion and 368 mid-rise units proposed on the eastern portion of the site, respectively.

Based on the City of San José *Transportation Analysis 2018 Handbook*[103], the project site is located within a designated urban area with low access to transit and would qualify for a location-based adjustment. The baseline project trips were adjusted to reflect an urban low-transit mode share. Urban low-transit is characterized as an area with good accessibility, low vacancy, and middle-aged housing stock. Residential developments within urban low-transit areas have a vehicle mode of 87 percent, therefore, a 13 percent reduction was applied to the residential trips generated by the proposed project.

[103] City of San José. "Transportation Analysis Handbook." Accessed July 30, 2019. http://sanjoseca.gov/DocumentCenter/View/76537.

Based on the City of San José VMT Evaluation Tool, the project is estimated to generate 8.77 VMT per-capita in an area that currently generates approximately 9.59 VMT per-capita. It is assumed that every percent reduction from the existing per-capita VMT is equivalent to one percent reduction in Peak Hour vehicle trips; therefore, a nine percent trip reduction in Peak Hour trips was applied.

A summary of the project trip generation estimates is shown in Table 3.17-4 below.

Table 3.17-4: Project Trip Generation Estimates

Land Use	Daily Trips	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Proposed Land Uses							
Multi-family Housing (Low-Rise)	2,342	34	113	147	113	66	179
Multi-family Housing (Mid-Rise)	2,002	34	98	132	99	63	162
Location-based Reduction (13%)[1]	<565>	<9>	<27>	<36>	<28>	<17>	<45>
VMT Reduction (9%)	<340>	<5>	<17>	<22>	<17>	<10>	<27>
Total Proposed Project Trips:	3,439	54	167	221	167	102	269
Existing Land Uses							
Mobile Home Park	<376>	<3>	<7>	<10>	<15>	<7>	<22>
Net New Trips:	**3,063**	**51**	**160**	**211**	**152**	**95**	**247**

Notes: [1] The project site is located within an urban low-transit area (refer to Table 6 of the San José Transportation Analysis Handbook [April 2018]).

Based on the trip generation table above, the project would generate approximately 3,063 net new daily trips with a total of 211 net new daily trips in the AM Peak Hour and 247 in the PM Peak Hour.

Existing Intersection Operations

The Winchester Boulevard/Stevens Creek Boulevard CMP intersection is located within an infill opportunity zone (IOZ). Although the project is exempt from the provisions of CMP's intersection operations standards, the project would be subject to the City of San José standards. Under existing conditions, all study intersections currently operate at an acceptable LOS D or better during both the AM and PM Peak Hours as shown in Table 3.17-5.

Table 3.17-5: Study Intersections – Existing Conditions

No.	Intersection	Peak Hour	Existing	
			Delay	LOS
1	Winchester Boulevard and Stevens Creek Boulevard (IOZ, CMP)	AM PM	33.3 47.0	C D
2	Santana Row and Stevens Creek Boulevard	AM PM	13.3 27.4	B C
3	Baywood Avenue/Valley Fair Entrance and Stevens Creek Boulevard	AM PM	7.5 20.7	A C
4	Monroe Street and Stevens Creek Boulevard	AM PM	29.7 34.6	C C
5	I-880 Southbound Ramps and Stevens Creek Boulevard (CMP)	AM PM	23.8 22.5	C C

Table 3.17-5: Study Intersections – Existing Conditions				
No.	**Intersection**	**Peak Hour**	**Existing**	
			Delay	**LOS**
6	I-880 Northbound Ramps and Stevens Creek Boulevard	AM PM	21.9 23.6	C C
7	Winchester Boulevard and Olin Avenue	AM PM	18.8 22.8	B C
8	Winchester Boulevard and Olsen Drive	AM PM	14.7 22.0	B C
9	Winchester Boulevard and I-280 Westbound On-Ramp/Tisch Way	AM PM	27.2 35.1	C D
11	Winchester Boulevard and Moorpark Avenue	AM PM	40.1 42.9	D D
10	I-280 Eastbound Off-Ramp and Moorpark Avenue (CMP)	AM PM	11.5 11.7	B B

Notes: (CMP) VTA Congestion Management Program
(IOZ) Infill Opportunity Zone
Bold indicates unacceptable LOS

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 LOS, and (2) to identify any locations where the LOS calculation does not accurately reflect LOS 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. Vehicles making the westbound left-turn movement at Santana Row do not clear within the allotted green time. Left-turn pockets in the eastbound direction are adequate with no vehicles spilling out of the provided storage. Additionally, 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. All other study intersections operate without any major operational problems.

3.17.3.5 *Background Intersection Operations*

Background conditions are based on existing traffic volumes plus the estimated traffic from approved, but not yet constructed, developments.

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.

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.

Baywood Avenue/Valley Fair Entrance 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 between Redwood Avenue and Baywood Avenue to align with Baywood Avenue. The north approach at the relocated intersection will serve as the primary access point to Valley Fair Shopping Center and will be restriped to provide one left-turn lane, one shared left/through, and right-turn lane. Baywood Avenue will serve as the relocated intersection's south approach. Baywood Avenue (northbound) will be restricted to right-turns only to/from Stevens Creek Boulevard.

Winchester Boulevard and Olsen Drive – The approved Santana West project proposed to convert the eastbound approach of this intersection to provide one left-turn lane, one shared through and left-turn, and one right-turn lane and add a second northbound left-turn lane. The updated Santana West site layout proposes that the eastbound approach include a shared through and left-turn lane and one-right-turn lane.

Winchester Boulevard and Olin Avenue – The updated Santana West site layout proposes to convert the eastbound approach of this intersection to provide one left-turn lane, one shared through and left-turn lane and one right-turn lane.

Background Intersection Level of Service

Analysis of the background intersection operations concluded that two intersections (Monroe Street/Stevens Creek Boulevard and the Winchester Boulevard/Stevens Creek Boulevard) would operate at an unacceptable LOS. All other study intersections would operate at an acceptable LOS in the PM Peak Hour. The results of the background conditions analysis are summarized below in Table 3.17-6.

Table 3.17-6: Study Intersections – Background Conditions

No.	Intersection	Peak Hour	Existing		Background	
			Delay	LOS	Delay	LOS
1	Winchester Boulevard and Stevens Creek Boulevard (IOZ, CMP)	AM PM	33.3 47.0	C D	35.5 **116.2**	D **F**
2	Santana Row and Stevens Creek Boulevard	AM PM	13.3 27.4	B C	12.8 29.3	B C
3	Baywood Avenue/Valley Fair Entrance and Stevens Creek Boulevard	AM PM	7.5 20.7	A C	10.6 37.5	B D

Table 3.17-6: Study Intersections – Background Conditions						
No.	**Intersection**	**Peak Hour**	**Existing**		**Background**	
			Delay	**LOS**	**Delay**	**LOS**
4	Monroe Street and Stevens Creek Boulevard	AM PM	29.7 34.6	C C	38.2 **100.7**	D **F**
5	I-880 Southbound Ramps and Stevens Creek Boulevard (CMP)	AM PM	23.8 22.5	C C	28.5 25.9	C C
6	I-880 Northbound Ramps and Stevens Creek Boulevard	AM PM	21.9 23.6	C C	23.9 26.5	C C
7	Winchester Boulevard and Olin Avenue	AM PM	18.8 22.8	B C	17.4 35.2	B D
8	Winchester Boulevard and Olsen Drive	AM PM	14.7 22.0	B C	22.0 37.2	C D
9	Winchester Boulevard and I-280 Westbound On-Ramp/Tisch Way	AM PM	27.2 35.1	C D	35.9 48.2	D D
10	Winchester Boulevard and Moorpark Avenue	AM PM	40.1 42.9	D D	49.8 44.7	D D
11	I-280 Eastbound Off-Ramp and Moorpark Avenue (CMP)	AM PM	11.5 11.7	B B	12.2 12.3	B B

Notes: (CMP) VTA Congestion Management Program
(IOZ) Infill Opportunity Zone
Bold indicates unacceptable LOS

Background Plus Project Intersection Operations

As mentioned in *Background Intersection Operations*, the Winchester Boulevard/Stevens Creek Boulevard and Monroe Street/Stevens Creek Boulevard intersections would operate at an unacceptable LOS F during the PM Peak Hour. Under background plus project conditions, these intersections critical-movement delay would increase by four or more seconds and the V/C would increase by 0.01 or more during the PM Peak Hours. All other study intersections would operate at an acceptable LOS. The results on the background plus project conditions analysis are summarized in Table 3.17-7.

Table 3.17-7: Study Intersections – Background Plus Project Conditions								
No.	**Intersection**	**Peak Hour**	**Background**		**Background Plus Project**			
			Delay	**LOS**	**Delay**	**LOS**	**Increase in Critical Delay**	**Increase in V/C**
1	Winchester Boulevard and Stevens Creek Boulevard (IOZ, CMP)	AM PM	35.5 **116.2**	D **F**	35.4 **126.0**	D **F**	0.2 **23.8**	0.010 **0.056**
2	Santana Row and Stevens Creek Boulevard	AM PM	12.8 29.3	B C	12.8 29.1	B C	0.1 0.0	0.004 0.007
3	Baywood Avenue/Valley Fair Entrance and Stevens Creek Boulevard	AM PM	10.6 37.5	B D	10.6 37.7	B D	0.0 0.5	0.004 0.008

Table 3.17-7: Study Intersections – Background Plus Project Conditions								
No.	**Intersection**	**Peak Hour**	**Background**		**Background Plus Project**			
			Delay	**LOS**	**Delay**	**LOS**	**Increase in Critical Delay**	**Increase in V/C**
4	Monroe Street and Stevens Creek Boulevard	AM PM	38.2 **100.7**	D **F**	40.4 **106.4**	D **F**	3.0 **8.8**	0.018 **0.021**
5	I-880 Southbound Ramps and Stevens Creek Boulevard (CMP)	AM PM	28.5 25.9	C C	28.7 26.7	C C	0.3 1.7	0.006 0.017
6	I-880 Northbound Ramps and Stevens Creek Boulevard	AM PM	23.9 26.5	C C	24.0 26.9	C C	0.0 0.4	0.004 0.012
7	Winchester Boulevard and Olin Avenue	AM PM	17.4 35.2	B D	17.2 35.0	B C	-0.1 -0.1	0.006 0.010
8	Winchester Boulevard and Olsen Drive	AM PM	22.0 37.2	C D	26.7 40.5	C D	5.2 5.2	0.069 0.072
9	Winchester Boulevard and I-280 Westbound On-Ramp/Tisch Way	AM PM	35.9 48.2	D D	38.7 50.4	D D	5.4 3.1	0.024 0.018
10	Winchester Boulevard and Moorpark Avenue	AM PM	49.8 44.7	D D	50.7 45.0	D D	1.6 0.1	0.006 0.002
11	I-280 Eastbound Off-Ramp and Moorpark Avenue (CMP)	AM PM	12.2 12.3	B B	12.2 12.4	B B	0.0 0.1	0.003 0.009

Notes: (CMP) VTA Congestion Management Program
(IOZ) Infill Opportunity Zone
Bold indicates unacceptable LOS

Winchester Boulevard and Stevens Creek Boulevard

This CMP intersection is located within an IOZ. Although the project is exempt from the provisions of CMP's intersection operations standards, the project would be subject to the City of San José standards.

The Santana Row/Valley Fair Urban Village Plan identifies improvements to Winchester Boulevard (between Forest Avenue and I-280) to a complete street[104]. The following complete street improvements have been identified along Winchester Boulevard:

- Protected bicycle lanes along both sides of Winchester Boulevard.
- Addition of at least four vehicle travel lanes and two flex lanes for vehicle travel or parking.
- Construction of a raised median with limited breaks.

[104] Complete streets are roadways designed to safely accommodate pedestrians, bicyclists, transit riders, motorists, and emergency vehicles.

The applicant shall work with the City to determine an appropriate contribution towards the identified complete street improvements along the project frontage on Winchester Boulevard and at its intersection with Stevens Creek Boulevard. With this contribution, the project would comply with Policy 5-1.

Secondary Project Site Access

An alternative access scenario which consist of Charles Cali Drive serving ingress/egress project traffic was analyzed. Under this scenario, outbound project traffic on Olsen Drive would shift to vehicles using the Charles Cali Drive driveway instead. The alternative access scenario would affect only the Winchester Boulevard/Olsen Drive intersection, however, the change in trip assignment would not result in degradation to the LOS at this intersection (refer to *Table 8* in *Appendix H)*.

Parking

Vehicle Parking

Based on the City's parking requirements (Section 20.90.060 of the City's Municipal Code), the project would be required to provide a total of 1,170 parking spaces. Because the project is located within a designated Urban Village, and if the project meets the City's bicycle parking requirement, the vehicle parking requirement would be reduced to 935 vehicle parking spaces. The project proposes 1,213 parking spaces which exceeds the City's requirement.

Bicycle Parking

Based on the City's Municipal Code, the project would be required to provide 92 bicycle parking spaces (74 short-term spaces and 18 long-term spaces). The site plan shows 40 exterior bicycle racks (short-term spaces) and 368 interior bicycle parking spaces within the apartment building which would exceed the City's bicycle parking requirement.

3.17.3.6 *Cumulative Operational Transportation Issues Not Covered Under CEQA*

Changes to the Roadway Network

This analysis assumes that the transportation network under cumulative 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.

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.

Baywood Avenue/Valley Fair Entrance 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 Shopping Center and will be restriped to provide one left-turn lane, one shared left/through, and right-turn lane. Baywood Avenue will serve as the relocated intersection's south approach. Baywood Avenue (northbound) will be restricted to right-turns only to/from Stevens Creek Boulevard.

Winchester Boulevard and Olsen Drive – The approved Santana West project proposed to convert the eastbound approach of this intersection to provide one left-turn lane, one shared through and left-turn, and one right-turn lane and add a second northbound left-turn lane. The updated Santana West site layout proposes that the eastbound approach include a shared through and left-turn lane and one-right-turn lane.

Winchester Boulevard and Olin Avenue – The updated Santana West site layout proposes to convert the eastbound approach of this intersection to provide one left-turn lane, one shared through and left-turn lane and one right-turn lane.

Cumulative Intersection Level of Service Impacts

Consistent with the methodologies for San José, the cumulative plus project conditions were compared to background conditions. The results of the cumulative plus project conditions analysis are summarized in Table 3.17-8 below.

Table 3.17-8: Study Intersections Level of Service – Cumulative Conditions

No.	Intersection	Peak Hour	Background		Cumulative Plus Project			
			Delay	LOS	Delay	LOS	Δ in Critical Delay	Δ in Critical V/C
1	Winchester Boulevard and Stevens Creek Boulevard (IOZ, CMP)	AM PM	35.5 **116.2**	D **F**	36.3 **130.8**	D **F**	1.7 **33.8**	0.037 **0.079**
2	Santana Row and Stevens Creek Boulevard	AM PM	12.8 29.3	B C	12.8 29.0	B C	0.2 -0.1	0.014 0.016
3	Baywood Avenue/Valley Fair Entrance and Stevens Creek Boulevard	AM PM	10.6 37.5	B D	11.2 39.3	B D	0.1 3.6	0.014 0.030
4	Monroe Street and Stevens Creek Boulevard	AM PM	38.2 **100.7**	D **F**	42.5 **111.0**	D **F**	6.1 **16.0**	0.036 **0.038**
5	I-880 Southbound Ramps and Stevens Creek Boulevard (CMP)	AM PM	28.5 25.9	C C	29.2 27.6	C C	1.1 3.6	0.022 0.033
6	I-880 Northbound Ramps and Stevens Creek Boulevard	AM PM	23.9 26.5	C C	24.2 27.1	C C	0.3 0.7	0.017 0.022
7	Winchester Boulevard and Olin Avenue	AM PM	17.4 35.2	B D	17.3 35.2	B D	-0.1 0.5	0.010 0.025
8	Winchester Boulevard and Olsen Drive	AM PM	22.0 37.2	C D	26.6 40.4	C D	5.1 5.2	0.073 0.076
9	Winchester Boulevard and I-280 Westbound On-Ramp/Tisch Way	AM PM	35.9 48.2	D D	39.8 51.4	D D	8.3 4.9	0.035 0.028

Table 3.17-8: Study Intersections Level of Service – Cumulative Conditions								
No.	**Intersection**	**Peak Hour**	**Background**		**Cumulative Plus Project**			
			Delay	**LOS**	**Delay**	**LOS**	**Δ in Critical Delay**	**Δ in Critical V/C**
10	Winchester Boulevard and Moorpark Avenue	AM PM	49.8 44.7	D D	52.0 45.1	D D	3.7 -0.2	0.017 -0.005
11	I-280 Eastbound Off-Ramp and Moorpark Avenue (CMP)	AM PM	12.2 12.3	B B	12.3 12.4	B B	0.0 0.1	0.008 0.013

Notes: (CMP) VTA Congestion Management Program
(IOZ) Infill Opportunity Zone
Bold indicates unacceptable LOS

Under cumulative plus project conditions, two intersections (Winchester Boulevard/Stevens Creek Boulevard and Monroe Street/Stevens Creek Boulevard) would operate at an unacceptable LOS in the PM Peak Hour. All other study intersections would operate at an acceptable LOS. The applicant shall work with the City to determine an appropriate contribution towards the identified complete street improvements along the Winchester Boulevard/Stevens Creek Boulevard and Monroe Street/Stevens Creek Boulevard. The project would comply with Policy 5-1.

3.18 TRIBAL CULTURAL RESOURCES

3.18.1 Environmental Setting

3.18.1.1 *Regulatory Framework*

Assembly Bill 52

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

Under AB 52, a TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic Resources[105]
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)

A resource determined by the lead agency to be a TCR.

3.18.2 Impact Discussion

For the purpose of determining the significance of the project's impact on tribal cultural resources, would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?
2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

[105] See Public Resources Code section 5024.1. The State Historical Resources Commission oversees the administration of the CRHR and is a nine-member state review board that is appointed by the Governor, with responsibilities for the identification, registration, and preservation of California's cultural heritage. The CRHR "shall include historical resources determined by the commission, according adopted procedures, to be significant and to meet the criteria in subdivision (c) (Public Resources Code, Section 5024.1 (a)(b)).

3.18.2.1 *Project Impacts*

Impact TCR-1:	The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). **(Less than Significant Impact)**

Impact TCR-2:	The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. **(Less than Significant Impact)**

The project site is located approximately three miles west of the Guadalupe River and approximately 2.2 miles east of Saratoga Creek, which are considered highly sensitive areas for prehistoric and archaeological deposits, including tribal cultural objects. No other tribal cultural features, including sites, features, places, cultural landscapes or sacred places have been identified based on available information. In addition, any prehistoric surface features or landscapes have been modified due to development of the project site and area.

AB 52 requires lead agencies to complete formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. In 2017, the City had sent a letter to tribal representatives in the area to welcome participation in consultation process for all ongoing, proposed, or future projects within the City's Sphere of Influence or specific areas of the City. The Ohlone tribe has sent a written request for notification of projects citywide to the City of San José. The City of San José notified the Ohlone tribe of the project in May 2019. To date, the tribe has not initiated formal consultation.

Based on available data, there are no recorded tribal cultural objects in the project area. Any subsurface artifacts found on-site would be addressed consistent with the Standard Permit Conditions identified under Impact CUL-2. Therefore, the proposed project would have a less than significant impact on tribal cultural resources. **(Less Than Significant Impact)**

3.18.2.2 *Cumulative Impacts*

Impact TCR-C:	The project would not result in a cumulatively considerable contribution to a significant tribal cultural resources impact. **(Less than Significant Cumulative Impact)**

The geographic study area for cumulative impacts to tribal cultural resources is the surrounding area (within 1,000 feet of the project site). The cumulative projects in analyzed in this EIR may require excavation and grading or other activities that may affect tribal cultural resources. No cultural

resources were identified in the project area. Nevertheless, the proposed project and other projects in the area would be required to comply with the Standard Permit Conditions listed under Impact CUL-2. As a result, the project would not result in a cumulatively considerable tribal cultural resources impact. **(Less than Significant Cumulative Impact)**

3.19 UTILITIES AND SERVICE SYSTEMS

The following analysis is based, in part, on a Water Supply Assessment prepared by San José Water Company in June 2019. A copy of this report is provided in Appendix J of this document.

3.19.1 Environmental Setting

3.19.1.1 *Regulatory Framework*

Urban Water Management Plan

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The City of San José adopted its most recent UWMP in June 2016.

Wastewater

The San Francisco Bay Regional Water Quality Board (RWQCB) includes regulatory requirements that each wastewater collection system agency shall, at a minimum, develop goals for the City's Sewer System Management Plan to provide adequate capacity to convey peak flows.

Assembly Bill 939 and Senate Bill 1016

The California Integrated Waste Management Act of 1989, or Assembly Bill 939 (AB 939), established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

Assembly Bill 341 (AB 341) sets forth the requirements of the statewide mandatory commercial recycling program in the Public Resources Code. All businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

Senate Bill (SB) 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code that establishes mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include a mandatory set of guidelines, as well as more rigorous voluntary measures, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 50 percent of nonhazardous construction and demolition debris; and
- Providing readily accessible areas for recycling by occupant.

San José Zero Waste Strategic Plan/Green Vision

The Green Vision provides a comprehensive approach to achieve sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City foster a healthier community and achieve its Green Vision goals, including 75 percent diversion by 2013 and zero waste by 2022. The Green Vision also includes ambitious goals for economic growth, environmental sustainability and an enhanced quality of life for San José residents and businesses.

San José Construction & Demolition Diversion Program

More than 30 percent of landfill waste is construction and demolition (C&D) debris. The City's Construction & Demolition Diversion (CDD) Program ensures that at least 75 percent of this waste is recovered and diverted from landfills.

Private Sector Green Building Policy

The City of San José's Green Building Policy for private sector new construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in building design process. This policy establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water and other resources in the City of San José.

Envision San José 2040 General Plan

The General Plan includes the following utilities and service system policies applicable to the proposed project.

Policy MS-1.4: Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.

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 nonresidential and residential uses.

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 NPDES.

3.19.1.2 *Existing Conditions*

Water Services

Water service is provided to the City of San José by three water retailers, San José Water Company, the City of San José Municipal Water System, and the Great Oaks Water Company. Water services to the project site would be supplied by the San José Water Company (SJWC) and there are currently no recycled water lines in the immediate site vicinity.[106]

The current development on-site is estimated to use approximately 15,360 gallons per day (gpd) of water.[107]

Sanitary Sewer/Wastewater Treatment

Wastewater from the City is treated at the San José/Santa Clara Regional Wastewater Facility (the Facility) which is administered and operated by the City Department of Environmental Services. The Facility provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons of wastewater a day. The Facility treats an average of 110 million gallons of wastewater per day and serves 1.4 million residents.[108] The Facility is currently operating under a 120 million gallon per day dry weather effluent flow constraint. This requirement is based upon the SWRCB and the RWQCB concerns over the effects of additional freshwater discharges on the saltwater marsh habitat and pollutant loading to the Bay from the Facility. Approximately ten percent of the plant's effluent is recycled for non-potable uses. The remainder is discharged into the Bay after treatment.

The 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 80 percent of the total on-site water use. The existing structures on-site use approximately 12,288 gpd of wastewater. There is an existing 18-inch sanitary sewer line that runs along the western boundary of the project site.

[106] South Bay Water Recycling. "Recycled Water Pipeline System." Accessed July 30, 2019. https://www.sanjoseca.gov/DocumentCenter/View/4692.
[107] San José Water Company. Winchester Ranch Residential Project Water Supply Assessment. June 2019.
[108] City of San José. "San José-Santa Clara Regional Wastewater Facility." Accessed September 7, 2018. http://www.sanjoseca.gov/?nid=1663.

Stormwater Drainage

The City of San José owns and maintains the municipal stormwater drainage system which serves the project site. The lines that serve the project site drain into Saratoga Creek which 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, the project site is approximately 75 percent (511,665 square feet) covered with impervious surfaces. Stormwater currently flows to an existing 24-inch storm drain pipe along Olsen Drive.

Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board (CIWMB) in 1996 and was reviewed in 2004 and 2007. Each jurisdiction in the county has a diversion requirement of 50 percent for the year 2000 and each year thereafter. According to the IWMP, the County has adequate disposal capacity beyond 2022. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year.

All residential solid waste in San José is landfilled at Newby Island Sanitary Landfill (NISL). The City has an existing contract with NISL through December 31, 2020 with the option to extend the contract for as long as the landfill is open. The estimated closure date for NISL is 2039.[109] The City has an annual disposal allocation for 395,000 tons per year. As of May 2017, NISL had approximately 16.9 million cubic yards of capacity remaining.[110] The existing development on-site is estimated to generate approximately 1,110 pounds per day of solid waste.[111,112]

3.19.2 Impact Discussion

For the purpose of determining the significance of the project's impact on utilities and service systems, would the project:

1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

[109] Kelapanda, Achaya. Environmental Manager, Newby Island Sanitary Landfill. Personal communications. May 17, 2018.
[110] Ibid.
[111] CalRecycle. "Estimated Solid Waste Generation Rates." Accessed July 30, 2019. https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates.
[112] Solid waste generation was estimated at a rate of 10 pounds per dwelling unit per day for single-family residential.

4) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
5) Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?

3.19.2.1 *Project Impacts*

Impact UTL-1:	The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. **(Less than Significant Impact)**

Water Supply

The project would demolish the existing mobile home park structures and construct up to 688 residential units and an approximately 2.0-acre park. The proposed project is estimated to use approximately 225,120 gallons of water daily, a net increase of 209,760 gpd compared to existing site conditions.[113,114]

Based on the Water Supply Assessment (WSA) completed for the site, the SJWC determined that the proposed project and the projected increase in water demand would be consistent with the growth projections and future water demand assumed in the Valley Water's 2015 UWMP. The 2015 UWMP concluded that sufficient water supplies are available to meet the project demand.

Although the project would not be consistent with planned growth from build out of the General Plan, the project proposes a General Plan Amendment which would allow for an intensification of development on-site.

Additionally, the project would be required to comply with CALGreen requirements and the City's Private Sector Green Building Policy by incorporating a variety of design features including water efficiency and conservation measures. For these reasons, relocation or construction of new or expanded water facilities would not be needed as a result of the project. **(Less Than Significant Impact)**

Wastewater

Currently, the existing structures on-site generate approximately 12,288 gpd of wastewater. For the purposes of this analysis, wastewater flow rates are assumed to be 80 percent of the total on-site water use. Therefore, the proposed project is estimated to generate approximately 180,096 gpd of wastewater, a net increase of 167,808 compared to existing conditions. Based on a sanitary sewer hydraulic analysis prepared for the General Plan FEIR (as amended), full build out under the General Plan would increase average dry weather flows to approximately 30.8 mgd. The City currently has approximately 38.8 mgd of excess treatment capacity at the Facility; therefore, the project could be

[113] San José Water Company. Winchester Ranch Residential Project Water Supply Assessment. June 2019.
[114] Please note the water demand rate of 2,000 gpd for public park was used to calculate the total water demand for the proposed 2.0-acre park.

served by the available capacity and the project would not result in the relocation or construction of facilities. **(Less Than Significant Impact)**

Storm Drainage

Currently, the project site is approximately 75 percent (511,665 square feet) covered with impervious surfaces. While the proposed General Plan Amendment would allow an increase in residential density on-site, impervious surfaces on-site would be reduced with the proposed development by approximately four percent (28,485 square feet). This would result in a net decrease in stormwater runoff compared to current site conditions. The existing storm drainage system has sufficient capacity to support the current development on-site and, as a result, would have sufficient capacity to serve the proposed project. Furthermore, since the project would disturb more than 10,000 square feet of impervious area, the project would be required to comply with the City's Post-Construction Urban Runoff Policy 6-29 and the NPDES MRP/C.3 requirement. In order to meet these requirements, the project proposes biotreatment areas and pervious pavement. The proposed treatment facilities would be numerically sized and would have sufficient capacity to treat the roof, hardscape, and parking area runoff entering the storm drainage system consistent with the NPDES requirements. As a result implementation of the proposed project would not require relocation of existing facilities or construction of new facilities. **(Less Than Significant Impact)**

Other Utilities

The project would utilize existing utility connections to connect to the City's electric, natural gas, and telecommunications systems. Although the project would increase the demand on existing facilities in the City, relocation of existing or construction of new facilities would not be needed to serve the proposed project. As a result, the proposed project would have a less than significant impact on these facilities. **(Less than Significant Impact)**

Impact UTL-2:	The project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. **(Less than Significant Impact)**

The proposed General Plan Amendment would allow for an intensification of development on-site and would have sufficient water supplies to serve the project and any reasonably foreseeable future development (please refer to Impact UTL-1). **(Less than Significant Impact)**

Impact UTL-3:	The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. **(Less than Significant Impact)**

The proposed General Plan Amendment would allow for an intensification of development on-site and would have adequate capacity to serve the project's projected demand in addition to the Facility's existing commitments (please refer to Impact UTL-1). **(Less than Significant Impact)**

Impact UTL-4:	The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

Impact UTL-5:	The project would not be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste. **(Less than Significant Impact)**

The proposed General Plan Amendment would result in a greater residential density on-site, which could result in an increase in solid waste generation then assumed in the General Plan. Implementation of the project would generate approximately 5,154 pounds of solid waste per day, a net increase of 4,044 pounds compared to existing conditions.[115,116] Given NISL's remaining capacity (16.9 million cubic yards), the City's contract with NISL, the amount of waste the City disposes at NISL, and the amount of waste the project is estimated to generate, there is sufficient capacity at NISL to serve the project. Additionally, future projects are required to provide on-site recycling facilities, develop a construction waste management plan, salvage at least 50 percent of nonhazardous construction/demolition debris (by weight), and implement other waste reduction measures consistent with CALGreen requirements. The estimated increases in solid waste generation from future development would be avoided through implementation of the City's Zero Waste Strategic Plan. The Zero Waste Strategic Plan, in combination with existing regulations and programs, would ensure that the proposed project would not result in significant impacts on solid waste disposal capacity in excess of state or local standards or in excess of NISL capacity. **(Less Than Significant Impact)**

3.19.2.2 *Cumulative Impacts*

Impact UTL-C:	The project would not result in a cumulatively considerable contribution to a significant utilities and service systems impact. **(Less than Significant Cumulative Impact)**

Water Supply

As discussed previously, the project proposes a General Plan Amendment which would allow for an intensification of development on-site. Based on the findings of the WSA, the projected increase in water demand would be consistent with the future water demand assumed in the 2015 UWMP. The proposed project would have a less than significant cumulative impact to the City's water supply. **(Less Than Significant Cumulative Impact)**

Wastewater

The City currently has approximately 38.8 mgd of excess treatment capacity at the Facility. While the proposed project is inconsistent with the General Plan and would result in an increase in

[115] CalRecycle. "Estimated Solid Waste Generation Rates." Accessed July 30, 2019. https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates.
[116] Solid waste generation was estimated at a rate of 10 pounds per dwelling unit per day for single-family residential and 5.31 pounds per dwelling unit per day for multi-family residential.

wastewater, the increase in wastewater generation resulting from the General Plan Amendment would account for less than one percent of the City's total wastewater. Implementation of the project would have a less than significant cumulative impact to the City's wastewater capacity. **(Less Than Significant Cumulative Impact)**

Storm Drainage

Under project conditions, the impervious surfaces on-site would be reduced by approximately four percent (28,485 square feet) which would result in a net decrease in stormwater runoff. The project would be required to comply with the City's Post-Construction Urban Runoff Policy 6-29 and the NPDES MRP/C.3 requirement by incorporating LID treatment measures (refer to Impact UTL-1). With implementation of the LID treatment measures, the project would not have a cumulative impact on the City's storm drainage system. **(Less Than Significant Cumulative Impact)**

Other Utilities

The project would utilize existing utility connections to connect to the City's electric, natural gas, and telecommunications systems. Although the project would increase the demand on existing facilities in the City, relocation of existing or construction of new facilities would not be needed to serve the proposed project. As a result, the proposed project would not have a cumulative impact on these facilities. **(Less Than Significant Cumulative Impact)**

Solid Waste

As discussed in Impact UTL-5, the NISL has a remaining capacity of 16.9 million cubic yards. According to the IWMP, the County has adequate disposal capacity beyond 2022. The project is estimated to generate approximately 5,184 pounds of solid waste per day, which is less than one than percent of the total NISL capacity. For this reason, the proposed project would have a less than significant cumulative impact to solid waste disposal. **(Less Than Significant Cumulative Impact)**

3.20 WILDFIRE

Based on the Fire Hazard Severity Zone (FHSZ) Map, the project site is not located within a FHSZ area.[117]

3.20.1 Impact Discussion

For the purpose of determining the significance of the project's impact on wildfire, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

1) Substantially impair an adopted emergency response plan or emergency evacuation plan?
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

3.20.1.1 *Project Impacts*

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

3.20.1.2 *Cumulative Impacts*

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in cumulative wildfire impacts. **(No Cumulative Impact)**

[117] CALFIRE. "Wildland Hazard & Building Codes." Accessed June 21, 2019. http://egis.fire.ca.gov/FHSZ/.

SECTION 4.0 GROWTH-INDUCING IMPACTS

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 Envision San José 2040 General Plans).

The project proposes to increase residential development on a currently low-density parcel which is considered an infill site in the City of San José. The site is surrounded by existing infrastructure and both existing and planned development. Development of the proposed project would 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.

The proposed project would place new residences adjacent to existing retail, housing, and office development within the Santana Row/Valley Fair Urban Village, an area designated for new housing and job growth consistent with the City's General Plan. 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 General Plan.

Therefore, the project would not have a significant growth inducing impact.

SECTION 5.0 SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

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)]

Future development on-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 would use non-renewable fuels to heat and light the buildings. The proposed project would also result in the increased consumption of water.

The City of San José encourages the use of building materials that include recycled materials and makes information available on those building materials to developers. The new buildings would be built to current codes, which require insulation and design to minimize wasteful energy consumption. The proposed development would be constructed to minimum LEED certification standards, consistent with the requirements of the City of San José Green Building Ordinance. In addition, the site provides an increase in housing that is in close proximity to transportation networks than housing farther away in the south county and other counties to the north. The proposed project would, therefore, facilitate a more efficient use of resources over the lifetime of the project.

SECTION 6.0 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 a result of the project:

- Cultural: The proposed project would affect the setting, design, feeling, and association of the Winchester House property
- Land use: The proposed podium building could alter the current setting of the Winchester House property by reducing sunlight to the greenhouse, the garden, and some of the decorative windows and/or skylights in the main house.
- Noise: Construction of the project would expose residential receptors to continuous construction for a period of over 12 months.

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 7.0 ALTERNATIVES

7.1 OVERVIEW

The California Environmental Quality Act (CEQA) requires that an EIR identify and evaluate alternatives to a project as it is proposed. Two key provisions from the CEQA Guidelines pertaining to the discussion of alternatives are included below:

> **Section 15126.6(a). Consideration and Discussion of Alternatives to the Proposed Project.** 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. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.
>
> **Section 15126.6(b). Purpose.** Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or be more costly.

Other elements of the Guidelines discuss that alternatives should include enough information to allow a meaningful evaluation and comparison with the proposed project. The CEQA Guidelines state that if an alternative would cause one or more additional impacts, compared to the proposed project, the discussion should identify the additional impact, but in less detail than the significant effects of the proposed project.

The three critical factors to consider in selecting and evaluating alternatives are: (1) the significant impacts from the proposed project that could be reduced or avoided by an alternative, (2) consistency with the project's objectives, and (3) the feasibility of the alternatives available. Each of these factors is discussed below.

7.2 SIGNIFICANT IMPACTS FROM THE PROJECT

As mentioned above, the CEQA Guidelines advise that the alternatives analysis in an EIR should be limited to alternatives that would avoid or substantially lessen any of the significant effects of the project, and would achieve most of the project objectives. Impacts that would be significant include:

- Impact AIR-3/Impact AIR-C: Construction activities associated with the proposed project would exceed the BAAQMD significant threshold for cancer risk and annual $PM_{2.5}$. (Less Than Significant with Mitigation Measure AIR-3.1)

- Impact BIO-1: Construction activities associated with the proposed project could result in the loss of fertile eggs or nest abandonment. (Less Than Significant with Mitigation Measure BIO-1.1)
- Impact BIO-5: The 11 trees proposed to be retained could be damaged during construction activities which could result in the loss of one or more trees proposed for preservation on-site. (Less Than Significant with Mitigation Measures BIO-5.1 to BIO-5.8)
- Impact CUL-1: The proposed project is not compatible with the historic character of the architecture and landscape setting of the Winchester House. The proposed project would impact the historic feeling and association of the Winchester House with its agricultural past. Implementation of the project will cause the Winchester House to lose historic integrity with its setting, design, feeling, and association. (Significant Unavoidable Impact)
- Impact CUL-1: Construction of the proposed project would result in vibration impacts to the Winchester House. (Less Than Significant with Mitigation Measures CUL-1.1, CUL-1.2, and CUL-1.3)
- Impact HAZ-2: Residual total petroleum hydrocarbons as TPH-mo is present on-site. Implementation of the proposed project could release TPH-mo into the environment and expose construction workers to residual soil contamination. (Less Than Significant with Mitigation Measures HAZ-2.1, HAZ-2.2, and HAZ-2.3)
- Impact LU-2: The proposed podium building could alter the current setting of the Winchester House property by reducing sunlight to the greenhouse, the garden, and some of the decorative windows and/or skylights in the main house. (Significant Unavoidable Impact)
- Impact NOI-1: Implementation of the project would expose existing sensitive receptors located within 500 feet of the site to continuous construction for more than 12 months (General Plan Policy EC-1.7). (Significant Unavoidable Impact)
- Impact NOI-2: Construction activity on-site could potentially result in cosmetic damage to the Winchester House and to the residences adjacent to the site. (Less Than Significant with Mitigation Measures NOI-2.1)

Pursuant to CEQA Guidelines Section 15124, the EIR must include a statement of the objectives sought by the proposed project.

7.3 PROJECT OBJECTIVES

While CEQA does not require that alternatives be capable of meeting all of the project objectives, their ability to meet most of the objectives is considered relevant to their consideration. The stated objectives of the proposed project are to:

The stated objectives of the project proponent are to:

1. Enact General Plan Amendments, Urban Village Plan Amendments, and Rezoning to redevelop an approximately 15.7-acre existing residential property into a new residential community with a density consistent with the proposed *Urban Residential* land use designation (30 to 95 du/ac) and approximately 2.0-acres of park space.

2. Assist the City of San José to satisfy its Regional Housing Needs Allocation for market rate housing units by intensifying the existing residential property of 111 single-story units to a

new medium to high-density residential community with a density consistent with the *Urban Residential* land use designation. Use existing residential land efficiently by increasing density.

3. Provide new open space for an existing residential neighborhood that does not have a park in the immediate area.

4. Avoid the conversion of existing employment lands by intensifying existing low-density residential lands into high-density, urban housing.

5. Locate high-density housing within easy access to existing retail/commercial services, office jobs, bus transit, and planned Bus Rapid Transit along Stevens Creek Boulevard.

6. Create a walkable neighborhood with sidewalks, landscaped paseos, and park spaces. Provide a pedestrian permeable site with pedestrian links to the existing surrounding single-family neighborhood and links to the Winchester Boulevard commercial services and transit.

7. Create a quality architectural and landscape design to enhance the aesthetics and pedestrian focus of the Santana Row/Valley Fair Urban Village.

8. Have a site layout that would support phasing of the project development in a manner that allows existing residents to continue living on-site during construction and then in the newly built residential units after construction of the first phase.

7.4 ALTERNATIVE

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.)

7.4.1 Alternatives Considered and Rejected

7.4.1.1 *Location Alternative*

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".[118] The proposed project is a high-density residential project located within the Santana Row/Valley Fair Urban Village, intended to facilitate the goals of the City as described in the City's General Plan and Urban Village Plan.

[118] CEQA Guidelines Section 15126.6(f)(2)(A)

Other individual sites within the Santana Row/Valley Fair Urban Village that are likely to redevelop (i.e., properties which do not have single-family residences) are not large enough to support the residential development proposed on the project site. In addition, given the residential nature of the area, construction-related impacts include hazardous air quality emission exposure to nearby sensitive receptors, biological resources related to nesting birds, and noise impacts related to nearby sensitive receptors would be the same in any location within the plan area.

The primary difference between an alternative location and the project site, is the project's proximity to the historic Winchester House. An alternative location would avoid any potential integrity impacts to the Winchester House because there are no other parcels adjacent that are not already approved for redevelopment.

While a location alternative would avoid any impact to the Winchester House, this alternative was not considered further because of lack of available land within the Urban Village to support the project.

7.4.2 Project Alternatives

7.4.2.1 *No Project – No Development 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."

The No Project – No Development Alternative would retain the existing 111 mobile home residential units and an associated club house. If the project site were to remain as is, there would be no new impacts. However, this alternative would not meet any of the project objectives. In addition, the existing development would not be consistent with the Santana Row/Valley Fair Urban Village Plan because it has a slightly lower residential density than the current General Plan designation.

7.4.2.2 *No Project – Existing Residential Neighborhood Land Use Designation Alternative*

The project site is currently designated *Residential Neighborhood* under the City's General Plan. The *Residential Neighborhood* General Plan designation is intended to preserve the existing character of single-family neighborhoods (including both the suburban and traditional residential neighborhood areas) and to strictly limit new development to infill projects which conform to the existing neighborhood character as defined by density. The allowable density under this designation is typically eight du/ac (or the density that matches the existing neighborhood character, whichever is lower) and an FAR of up to 0.7 (one to 2.5 stories).

Under the existing *A(PD) – Planned Development* zoning district approved for this site in 1975 (File No. PDC75-095), it allowed for a mobile home park with a residential density of 7.2 du/ac of land. No building, structure or land shall be used and no building or structure shall be erected, enlarged or structurally altered, or demolished in any planned development district, except in accordance with the provisions set forth in Chapter 20.60 of the Municipal Code.

The existing development on-site has a density of 7.1 du/ac and is slightly below the development allowed under the *Residential Neighborhood* General Plan land use designation and the existing

Planned Development zoning designation. Therefore, it is reasonable to assume that if the proposed project were not approved, an alternative development could be proposed in the future which would conform to the General Plan designation, resulting in an increase in density and possibly height over current conditions. Under this alternative, assuming an overall project density of eight du/ac, 126 units would be allowed consistent with the *Residential Neighborhood* General Plan designation. The project would, however, still require a rezoning as the existing Planned Development zoning only allows the mobile home park. Biology, hazardous materials, and potential cosmetic damage to the Winchester House and to the adjacent residences would be the same or less than the proposed project assuming demolition of the existing structures and removal of 550 trees on-site. Since the density would only slightly increase compared to existing conditions but would be substantially less than the proposed project, it is reasonable to assume that this alternative would not result in construction period cancer risk and annual $PM_{2.5}$ concentrations exceeding BAAQMD thresholds due to its size and a shorter construction timeframe. The No Project – Existing Designation Alternative would not meet any of the project objectives.

7.4.2.3 *Single Phase Construction Alternative*

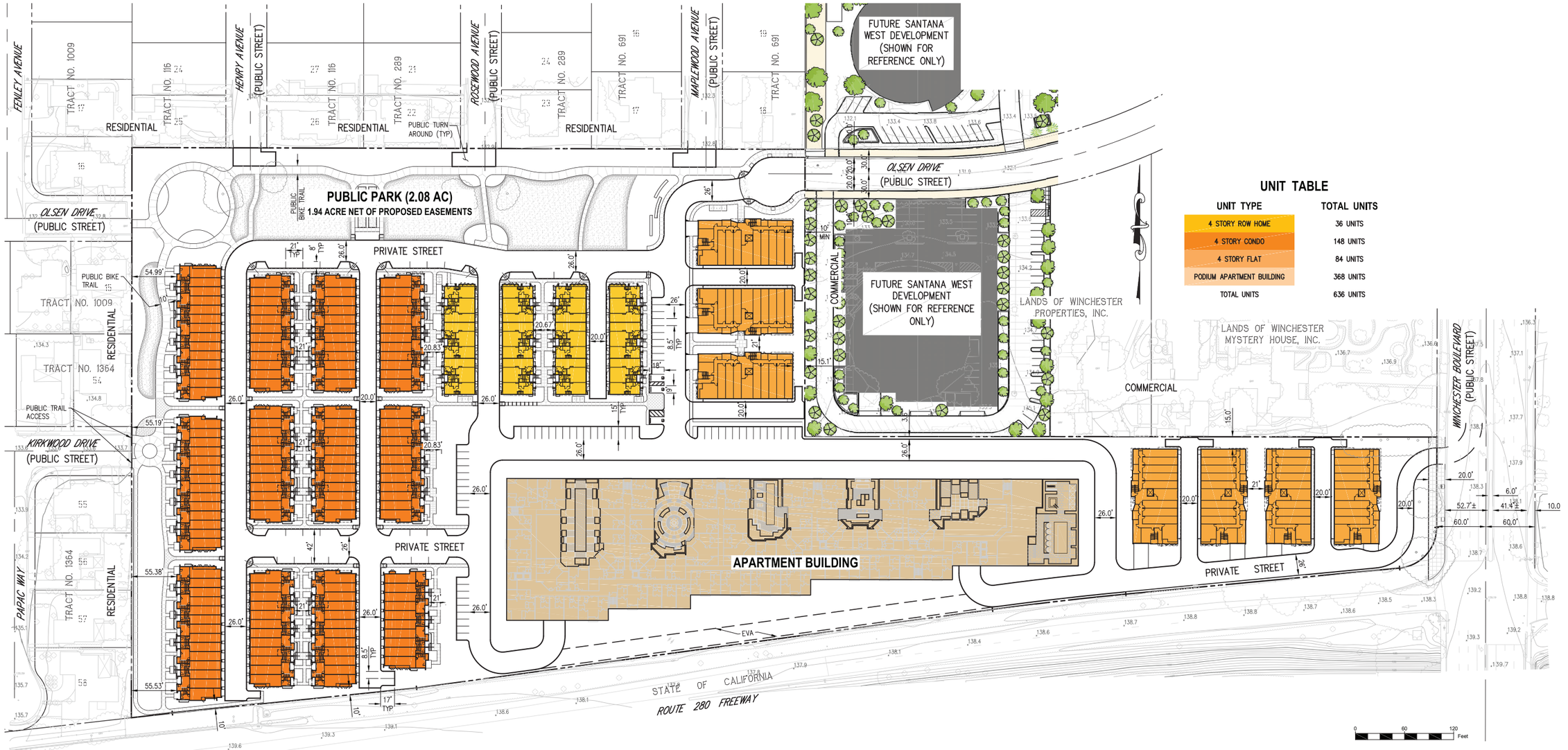
Currently, the project would be constructed in two phases and is estimated to take approximately 3.5 years to complete, beginning in fall 2020 and ending in winter 2024. If the project was constructed in one phase instead of two phases, the project would have a shorter construction timeframe. Under this alternative, it is reasonable to assume that construction would take approximately half the time currently estimated (42 to 45 months). Although construction would likely take more than 12 months (General Plan Policy EC-1.7) under this alternative, the sensitive receptors would be exposed to construction noise for a shorter time frame. All other impacts would remain the same. This alternative would be consistent with all project objectives with the exception of project objective eight, which would phase the project in a manner that allows existing residents to continue living on-site as the project is built. This alternative would, however, still result in a significant unavoidable impact due to construction noise. This alternative would result in the same impacts as the proposed project.

7.4.2.4 *Preservation Alternatives*

Per the Historic Resources Assessment by Archives and Architecture dated August 13, 2019, the setback and massing of the proposed podium building and lack of proposed open space and landscaping would cause the Winchester House to lose historic integrity with its setting, design, feeling, and association. Under this alternative, the project would be redesigned so that the project can be found to maintain the integrity of the setting of the resource. Specifically, the project should be redesigned to provide open space and landscaping to the north and along the eastern portion of the site, as viewed from South Winchester Boulevard, the Winchester House property, and the right-of-way along Charles Cali Drive.

Relocation of Podium Building – West

Under this alternative, the project would relocate the podium building west of its proposed location to avoid adjacency to the Winchester House. Relocation of the podium building would result in four of the four-story flat buildings being moved between the podium building and Winchester Boulevard as shown in Figure 7.4-1. Under this alternative, the four-story units would have a sufficient setback to provide a landscape buffer between the buildings and the northern property line to lessen impacts to the historic setting, design, feeling, and association. Under this alternative, the four-story units



UNIT TABLE

UNIT TYPE	TOTAL UNITS
4 STORY ROW HOME	36 UNITS
4 STORY CONDO	148 UNITS
4 STORY FLAT	84 UNITS
PODIUM APARTMENT BUILDING	368 UNITS
TOTAL UNITS	636 UNITS

RELOCATION OF THE PODIUM BUILDING ALTERNATIVE - CONCEPTUAL SITE PLAN | FIGURE 7.4-1

would continue to shade the greenhouse, the outbuildings, and some of the gardens on the adjacent property but would not shade a majority of the Winchester House site. Construction of this alternative would expose sensitive receptors to continuous construction for a period of over 12 months and would result in a significant unavoidable construction noise impact. All other impacts would remain the same.

Based on an assessment of the proposed alternative by the City's Historic Preservation Officer, offsetting the podium building from the Winchester House would make views of the podium building less prominent and would preserve views. In addition, it would lessen impacts related to proximity, massing, and dimensions of the podium building, lack of open space, and lack of landscaping that were found to diminish the sense of space that currently exists. The relocated podium building would no longer significantly impact the sense of historic place, which is part of the views. The associations of Sarah Winchester with the larger surrounding agricultural past would remain mostly intact because there would be less reduction open space and landscaping. Therefore, this alternative would reduce the impact to the Winchester House to less than significant and would be consistent with almost of the project objectives. This alternative does not appear consistent with objective 8.

Relocation of the Podium Building - South

Under this alternative, the podium building could be relocated along the southern property line, on the eastern side of the site. This would allow Charles Cali Drive to be realigned along the shared property line, providing additional open space (approximately 25 feet) between the proposed new building and the outbuildings. Under this alternative, shading impacts from the podium building to the Winchester House and the outbuildings would be reduced. By relocating the podium building, sensitive receptors on-site would be closer to I-280 than with the proposed project and would continue to result in a cancer risk and annual $PM_{2.5}$ concentrations exceeding BAAQMD thresholds. Construction would expose sensitive receptors to continuous construction for a period of over 12 months and all other impacts would remain the same. This alternative would be consistent with all project objectives.

Reduced Height of Podium Building

As designed, the podium building has six "fingers" along the northern half of the building, where the upper floors are broken up by courtyards beginning on the third level. The southern half of the building has no courtyards and a solid massing. Under the reduced height alternative, the three easternmost fingers of the podium building would be reduced in height to four stories. The remaining fingers, adjacent to the Century 23 Theater site and the southern half of the building would continue to be seven stories. Based on the current building design for the proposed project, this reduction would result in the loss of 54 units. Based on an assessment of the proposed alternative by the City's Historic Preservation Officer, this alternative would reduce the impact to the Winchester House similar to the Relocation of Podium Building – West Alternative. Therefore, this alternative would reduce the significant impact to the Winchester House to less than significant and would be consistent with almost of the project objectives. All other impacts would be the same as the proposed project.

7.4.3 Environmentally Superior Alternative

The CEQA Guidelines state than an EIR shall identify an environmentally superior alternative. If the environmentally superior alternative is the "No Project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives (Section 15126.6(e)(2)).
The environmentally superior alternative would be the No Project - No Development Alternative, which would avoid all project impacts; however, this alternative would not meet any project objectives.

The No Project – Existing Designation Alternative would have a shorter construction timeframe and would not result in cancer risk and annual $PM_{2.5}$ in excess of BAAQMD thresholds. In addition, biology, hazardous materials, and cosmetic damage to the Winchester House and to the adjacent residences would be the same or less than the proposed project assuming demolition of the existing structures and removal of all trees on-site would still occur. The No Project – Existing Designation Alternative would not meet any of the project objectives.

SECTION 8.0 REFERENCES

Archives & Architecture, LLC. *Historic Resources Project Assessment*. August 13, 2019.

Association of Bay Area Governments. "Tsunami Maps and Information." Accessed August 7, 2018. http://resilience.abag.ca.gov/tsunamis/.

Association of Environmental Professionals, 2016. *Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California*. April.

Bay Area Air Quality Management District. "Annual Bay Area Air Quality Summaries." Accessed August 17, 2018. http://www.baaqmd.gov/about-air-quality/air-quality-summaries.

Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. May 2017.

CALFIRE. "Wildland Hazard & Building Codes." Accessed June 21, 2019. http://egis.fire.ca.gov/FHSZ/.

California Air Resources Board. "The Advanced Clean Cars Program." Accessed June 27, 2018. https://www.arb.ca.gov/msprog/acc/acc.htm.

California Building Standards Commission. "Welcome to the California Building Standards Commission." Accessed May 3, 2019. http://www.bsc.ca.gov.

California Department of Conservation. "Santa Clara County Important Farmland 2014 Map." Accessed May 7, 2019. ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/scl14.pdf.

California Department of Education. "Find a Sarc." Accessed July 30, 2019. https://sarconline.org/

California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements." Accessed July 17, 2019. http://hcd.ca.gov/community-development/housing-element/index.shtml.

California Department of Tax and Fee Administration. Net Taxable Gasoline Gallons. Accessed March 4, 2019. http://www.cdtfa.ca.gov/taxes-and-fees/MVF_10_Year_Report.pdf.

California Department of Transportation. "California Scenic Highway Mapping System." Accessed August 27, 2018. http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.

California Energy Commission. "California Energy Demand Updated Forecast, 2018-2028." Accessed July 23, 2019. https://efiling.energy.ca.gov/getdocument.aspx?tn=220615.

California Natural Resources Agency. "Santa Clara County Important Farmlands 2014." Accessed August 7, 2018. ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2014/scl14.pdf.

California Electricity Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed March 4, 2019. http://ecdms.energy.ca.gov/elecbycounty.aspx.

California Supreme Court published opinion in *California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369* (No. S 213478), filed December 17, 2015.

CalRecycle. "Estimated Solid Waste Generation Rates." Accessed July 30, 2019. https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates.

Caltrans. Transportation and Construction-Induced Vibration Guidance Manual. September 2013.

CEC. "2017 Natural Gas Market Trends and Outlook." Accessed March 4, 2019.

CEC. "Natural Gas Consumption by County." Accessed March 4, 2019. http://ecdms.energy.ca.gov/gasbycounty.aspx.

City of San José. *City of San José 2014-2023 Housing Element*. Accessed July 17, 2019. http://www.sanjoseca.gov/DocumentCenter/View/43711.

City of San José. "City of San José Annual Report on City Services 2017-18." Accessed July 30, 2019. http://www.sanjoseca.gov/DocumentCenter/View/81795.

City of San José. "City of San José Historic Resources Inventory." Accessed October 2, 2018. http://www.sanjoseca.gov/DocumentCenter/View/35475.

City of San José. "FAQ Winchester Ranch Mobilehome Park." Accessed August 1, 2018. http://sanjoseca.gov/DocumentCenter/View/27913.

City of San José. *Fast Facts*. December 20, 2018.

City of San José. "Priority Development Areas." Accessed June 27, 2018. http://www.sanjoseca.gov/index.aspx?NID=2041.

City of San José. "San José-Santa Clara Regional Wastewater Facility." Accessed September 7, 2018. http://www.sanjoseca.gov/?nid=1663.

City of San José. "Santana Row/Valley Fair Urban Village Plan." Accessed October 18, 2018. http://www.sanjoseca.gov/DocumentCenter/View/73624.

City of San José. "Transportation Analysis Handbook." Accessed July 30, 2019. http://sanjoseca.gov/DocumentCenter/View/76537.

City of San José. Envision San José 2040 General Plan FPEIR. November 2011. Page 633 (and see Table 3.9-5).

City of San José. *Envision San José 2040 General Plan FPEIR.* September 2011.

County of Santa Clara. "Airport Land Use Commission." Accessed August 9, 2018. https://www.sccgov.org/sites/dpd/Commissions/ALUC/Pages/ALUC.aspx.

County of Santa Clara. Geologic Hazards Zones, Map 19, 2012. Accessed August 2, 2018. https://www.sccgov.org/sites/dpd/DocsForms/Documents/GEO_GeohazardATLAS.pdf.

County of Santa Clara Department of Planning and Development. "Williamson Act and Open Space Easement." Accessed May 7, 2019. https://www.sccgov.org/sites/dpd/Programs/WA/Pages/WA.aspx.

Dolinka Group, LLC. "Residential Development School Fee Justification Study. Accessed July 30, 2019. https://1.cdn.edl.io/tnX2QaErnrYlsZJoaBej5vl1r8yt1uY8EY8s5oRG6rDlJyKp.pdf.

Dill Design Group. Historic Resources Assessment For the Historic Structures in the Vicinity of the Proposed Fourth Street Parking Structure Project Within the Block Bounded by 4th, 5th, Santa Clara and St. John Streets. April 24, 2003.

DTSC. "Hazardous Waste and Substances Site List (Cortese)." Accessed June 14, 2018. http://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=cortese&site_type=csites,open,fuds,close&status=act,bklg,com,colur&reporttitle=hazardous+waste+and+substances+site+list+(cortese).

EIA. "Natural Gas Delivered to Consumers in California." Accessed August 1, 2018. http://www.eia.gov/dnav/ng/ng_sum_lsum_dcu_SCA_a.htm.

ENGEO. *Geotechnical Feasibility Assessment*. August 16, 2013.

ENGEO. *Modified Phase I Environmental Site Assessment*. August 16, 2013.

ENGEO. *Phase I Environmental Site Assessment*. August 27, 201.

ENGEO. *Phase II Environmental Site Assessment Summary*. March 28, 2014.

Federal Emergency Management Agency. "FEMA Flood Map Service Center: Search By Address." Accessed August 6, 2018. https://msc.fema.gov/portal/search.

Hexagon Transportation Consultants, Inc. *City of San José 2019 General Plan Amendments.* August 2019.

Hexagon Transportation Consultants, Inc. *Winchester Ranch Residential Development Transportation Analysis*. August 27, 2019.

Hortscience | Bartlett Consulting. *Tree Assessment*. September 12, 2018.

Illingworth & Rodkin, Inc. *Winchester Ranch Air Quality & GHG Assessment*. August 28, 2019.

Illingworth & Rodkin, Inc. *Winchester Ranch Noise And Vibration Assessment*. August 28, 2019.

Jack Schreder & Associates. Level I Developer Fee Study for Campbell Union School District. February 2012.

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

Public Law 110–140—December 19, 2007. Energy Independence & Security Act of 2007. Accessed March 4, 2019. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.

San José Public Library. "Locations & Hours." Accessed August 7, 2018. https://www.sjpl.org/locations.

San José Water Company. Winchester Ranch Residential Project Water Supply Assessment. June 2019.

Santa Clara County Airport Land Use Commission. *Norman Y. Mineta San José International Airport Comprehensive Land Use Plan*. November 2016.

Santa Clara Valley Habitat Plan. "Santa Clara Valley Habitat Agency Geobrowser." Accessed August 17, 2018. http://www.hcpmaps.com/habitat/.

Santa Clara Valley Urban Runoff Pollution Prevention Program. "Classification of Subwatersheds and Catchment Areas for Determining Applicability of HMP Requirements." Accessed August 7, 2018. http://www.scvurppp-w2k.com/HMP_app_maps/San_Jose_HMP_Map.pdf.

Santa Clara Valley Urban Runoff Pollution Prevention Program. "San Tomas Aquino Watershed." Accessed August 7, 2018. http://www.scvurppp-w2k.com/ws_sta.shtml.

Santa Clara Valley Water District. "Local Dams and Reservoirs." Accessed August 6, 2018. https://www.valleywater.org/your-water/local-dams-and-reservoirs.

San José Water Company. Winchester Ranch Residential Project Water Supply Assessment. June 2019.

SchoolWorks, Inc. Campbell Union High School District Demographic Study 2017/18. February 2018.

South Bay Water Recycling. "Recycled Water Pipeline System." Accessed July 30, 2019. https://www.sanjoseca.gov/DocumentCenter/View/4692.

State of California, Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2018." Accessed July 17, 2019. http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/.

State of California. "2013 California Multi-Hazard Mitigation Plan." Accessed June 18, 2018. http://www.caloes.ca.gov/for-individuals-families/hazard-mitigation-planning/state-hazard-mitigation-plan.

The White House. Obama Administration Finalizes Historic 54.5 mpg Fuel Efficiency Standards. August 28, 2012. Accessed March 4, 2019. https://obamawhitehouse.archives.gov/the-press-office/2012/08/28/obama-administration-finalizes-historic-545-mpg-fuel-efficiency-standard.

U.S. Department of Energy. Energy Independence & Security Act of 2007. Accessed March 4, 2019. http://www.afdc.energy.gov/laws/eisa.

U.S. EIA. "Natural Gas." Accessed March 4, 2019. https://www.eia.gov/dnav/ng/ng_sum_lsum_dcu_SCA_a.htm.

U.S. Energy Information Administration. "California Energy Consumption Estimates 2016." Accessed March 4, 2019. https://www.eia.gov/state/?sid=CA#tabs-2.

U.S. EPA. "The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." March 2019.

U.S. Geological Survey. "UCERF3: A New Earthquake Forecast for California's Complex Fault System. Fact Sheet 2015-3009." March 2015. Accessed August 2, 2018. http://pubs.usgs.gov/fs/2015/3009/pdf/fs2015-3009.pdf.

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Janello, Carrie. Illingworth & Rodkin, Inc. Personal communication. October 29, 2018.

Janello, Carrie. Illingworth & Rodkin, Inc. Personal communication. July 30, 2019.

Kelapanda, Achaya. Environmental Manager, Newby Island Sanitary Landfill. Personal communications. May 17, 2018.

Yang, Nelly. Campbell Union School District. June 6, 2018.

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