

**ERRATA**  
**Virginia Studios Project**

**File No.** C17-012 and H17-019  
**Location** Northwest corner of East Virginia Street and South 7<sup>th</sup> Street in San José  
**Council District** 3

**BACKGROUND**

The Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Virginia Studios Project was published for public review on September 11, 2018 and ended on October 1, 2018. Since the public review of the IS/MND, the City revised the greenhouse gas modeling to include refinements based on the project's density, affordability, parking, and shorter senior citizen home to work trip lengths (compared to conventional, non-age-restricted multi-family apartment developments that have longer home-to-work trip lengths). The results of the revised modeling showed that the project would generate approximately 1,100 MT of CO<sub>2</sub>e per year, or 2.43 MT per service population, which is below the project-level threshold of 2.6 MT per service population needed to meet the State's SB 32 2030 GHG emission target. The project, therefore, would result in a less than significant GHG impact and mitigation would not be needed. The Initial Study in support of this MND has been appropriately revised with the deletions noted in ~~strikethrough~~ text and new additions in underlined text.

**PURPOSE OF ERRATA**

The California Environmental Quality Act (CEQA) Guidelines, Section 15073.5, requires that a lead agency recirculate a mitigated negative declaration "when the document must be substantially revised." A "substantial revision" includes: (1) identification of a new, avoidable significant effect requiring mitigation measures or project revisions, and/or (2) determination that proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures and revisions must be required.

The CEQA Guidelines specify situations in which recirculation of a mitigated negative declaration is not required. This includes, but is not limited to, situations in which "new information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration." As noted above, the revised modeling showed that the project would result in a less than significant impact without the need for mitigation. The overall finding of the analysis does not change. Recirculation of the mitigated negative declaration is therefore not required in accordance with Section 15073.5(c).

**TEXT REVISIONS TO THE INITIAL STUDY**

This change is made to the Preface on Page i of the Final Initial Study as shown below. Deletions are shown as ~~strikethrough~~ text and additions are shown in underlined text.

**A new paragraph is included in the PREFACE:**

This Final Initial Study includes text revisions to the Initial Study in *Section 4.7.2.1 Project GHG emissions (Checklist Question a)* and *Section 4.7.2.2 Consistency with Plans (Checklist Question*

b) to reflect the refined greenhouse gas emissions modeling and results. Revised or new language is underlined. All deletions are shown with a line through the text. In addition, the greenhouse gas model results in Appendix C have been replaced with the updated, refined greenhouse gas model results.

**Section 4.7.2.1 Project GHG Emissions (Checklist Question a), is changed as follows:**

The second paragraph under Operational Emissions:

The project would be operational post 2020. At a project-level, in order to meet the State's 2030 GHG emissions target, the project would be compared to the threshold of 2.6 MT per service population. <sup>1</sup> Modeling was completed to estimate the project's GHG emissions and accounts for the project's density, affordability, parking, shorter senior citizen home to work trip lengths (compared to conventional, non-age restricted multi-family apartment developments that have longer home to work trip lengths), and proximity to transit. It is estimated The results of the modeling show that the project would generate approximately ~~1,576~~ 1,100 MT of CO<sub>2</sub>e per year (refer to Appendix C for the GHG emissions model), or ~~3.49~~ 2.43 MT per service population, <sup>2</sup> which ~~exceeds~~ is below the project-level threshold of 2.6 MT per service population needed to meet the State's SB 532 2030 GHG emission target. The project, therefore, would result in a less than significant GHG impact. Thus, in addition, the project's consistency with the GHG Reduction Strategy's mandatory criteria would further reduce the project's less than significant GHG impact. (Less Than Significant Impact), the project applicant shall implement all feasible (including optional) actions in listed in the GHG Reduction Strategy to reduce its GHG emissions. The project currently includes the following optional GHG Reduction Strategy measures: avoid construction of surface parking and reducing parking below code requirements.

**Impact GHG-1:** ~~———— The project would result in significant operational GHG emissions.~~  
**(Significant Impact)**

**Mitigation Measure:** ~~As a condition of approval, the project applicant shall implement the following measure to reduce its GHG emissions:~~

**MM GHG 1.1:** ~~———— The project applicant shall develop and successfully implement a written Transportation Demand Management (TDM) plan to reduce project generated vehicle trips and parking demand. Using the City's VMT Evaluation Tool, the TDM plan shall demonstrate the reduction of project generated vehicle trips by at least 25 percent, which would subsequently reduce operational GHG emissions from the project site by at least 14.5 percent. The TDM plan shall incorporate at least three or more TDM elements including, but not limited to, measures such as transit passes, on-site transit information (kiosk) and ticket sales, direct shuttle service to light rail train (LRT) and Caltrain stations, parking cash-out program, car sharing, carpool and vanpools, unbundled parking, or other reasonable measures. The TDM Plan shall be submitted to the City's Supervising Environmental Planner and be completed to the satisfaction of the Director of Planning, Building and Code Enforcement prior to issuance of a grading permit.~~

~~The project applicant shall implement the above mitigation measure to reduce its GHG emission by reducing vehicle trips. Implementation of MM GHG 1.1 would reduce the project's GHG~~

<sup>1</sup> The threshold of 2.6 MT per service population is based upon the 2030 emission target identified in the Scoping Plan and the estimated State population

<sup>2</sup> Service population of 452 residents based on a rate of 1.5 residents per unit. Locke, Amanda. AMG & Associates, LLC. Personal Communication. January 12, 2018



~~emissions to 2.98 MT of CO<sub>2</sub>e per year per service population, however, does not reduce it to below the 2.6 MT of CO<sub>2</sub>e per year per service population threshold (refer to Appendix C for the GHG emissions model). This significant unavoidable impact was previously disclosed in the certified General Plan FPEIR. (No New Impact [Significant Unavoidable])~~

**Section 4.7.2.2 Consistency with Plans (Checklist Question b) is changed as follows:**


The second paragraph under GHG Reduction Strategy:

The project would be consistent with the GHG Reduction Strategy by developing a use consistent with the General Plan land use designation; achieving a minimum LEED certification or pay the green building refundable deposit in compliance with Policy 6-32; and including ground level bicycle parking consistent with the City’s Municipal Code.

These changes do not change the findings of the IS/MND. The changes identified above removes the mitigation measure because it is not needed based on a refined modeling for the proposed project, and adds clarifying language to the analysis. These changes would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The new information is not significant and recirculation is not required. In conformance with Section 15074 of the CEQA Guidelines, the MND, technical appendices and reports, together with the Errata and the information contained in this document are intended to serve as documents that will inform the decision-makers and the public of environmental effects of this project.

Rosalynn Hughey, Director  
Planning, Building and Code Enforcement

Date: 11/2/10

  
Deputy

Attachments:

- Revised Mitigated Negative Declaration
- Final Initial Study