

Final EIR

1065 South Winchester Boulevard Mixed Use Project

State Clearinghouse Number 2021080419

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Prepared by



In Consultation with



EMC PLANNING GROUP INC.
A LAND USE PLANNING & DESIGN FIRM

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1.0 Introduction

1.1 DRAFT EIR

The City of San José (hereinafter “City”), acting as the lead agency, determined that the 1065 South Winchester Boulevard Mixed-Use Project (hereinafter “proposed project”) might result in significant adverse environmental effects, as defined by the California Environmental Quality Act (CEQA) Guidelines section 15064. Therefore, the City had a Draft Environmental Impact Report (EIR) prepared to evaluate the potentially significant adverse environmental impacts of the proposed project.

1.2 PURPOSE OF DRAFT EIR PUBLIC REVIEW

As required by CEQA, the Draft EIR was circulated for public review for a 45-day review period, from February 17, 2022 to April 4, 2022, and five public comment letters were received. The City undertook the following actions to inform the public of the availability of the Draft EIR.

- A Notice of Availability (NOA) of Draft EIR was published on the City’s Active EIR and News website, San José Post-Record, and in the San José Mercury News;
- The NOA of the Draft EIR was emailed to project-area residents and other members of the public who had indicated interest in the project;
- The Draft EIR was delivered to the State Clearinghouse, as well as sent to various governmental agencies, organizations, businesses, and individuals (see Section 3.0 for a list of agencies, organizations, businesses, and individuals that received the Draft EIR); and
- Copies of the Draft EIR were made available on the City’s website (see link above).

CEQA Guidelines section 15200 indicates that the purposes of the public review process include the following:

- sharing expertise;
- disclosing agency analysis;

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- checking for accuracy;
- detecting omissions;
- discovering public concerns; and
- soliciting counter proposals.

CEQA Guidelines Section 15086 requires that a local lead agency consult with and request comments on the Draft EIR prepared for a project of this type from responsible agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, adjacent cities and counties, and transportation planning agencies.

The following agencies received a copy of the Draft EIR from the City or via the State Clearinghouse:

- California Air Resources Board
- California Department of Fish and Wildlife, Bay Delta Region 3
- California Department of Parks and Recreation
- California Department of Transportation, District 4
- California Department of Transportation, Division of Aeronautics
- California Department of Transportation, Division of Transportation Planning
- California Department of Water Resources
- California Highway Patrol
- California Native American Heritage Commission
- California Natural Resources Agency
- California Public Utilities Commission
- California Regional Water Quality Control Board San Francisco Bay Region 2
- California Department of Toxic Substances Control
- California Office of Historic Preservation
- State Water Resources Control Board, Division of Drinking Water

Copies of the NOA for the Draft EIR were sent by email to adjacent jurisdictions, organizations, businesses, and individuals who expressed interest in the project.

1.3 FINAL EIR

This First Amendment together with the Draft Environmental Impact Report (Draft EIR), constitutes the final EIR. The Final EIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The Final EIR is intended to be used by the City of San José in making decisions regarding the project. Pursuant to CEQA Guidelines Section 15090(a), prior to approving a project, the lead agency shall certify that:

- (1) The Final EIR has been completed in compliance with CEQA;
- (2) The Final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and
- (3) The Final EIR reflects the lead agency's independent judgment and analysis.

This First Amendment to the EIR is organized into the following sections:

- Section 1 contains an introduction to this final EIR;
- Section 2 contains written comments on the Draft EIR and the responses to those comments;
- Section 3 contains changes to the Draft EIR;
- Section 4 contains the Revised Summary; and
- Section 5 contains sources.

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Comments on the Draft EIR

2.1 CEQA REQUIREMENTS

CEQA Guidelines Section 15132(c) requires that the final EIR contain a list of persons, organizations, and public agencies that have commented on the Draft EIR. A list of the correspondence received during the public review period is presented below.

Where required, revisions have been made to the text or graphics of the Draft EIR. Comments that trigger changes to the Draft EIR are so noted as part of the response. Revisions to the Draft EIR are included in Section 3.0, Changes to the Draft EIR.

In accordance with CEQA and the CEQA Guidelines (Public Resources Code Section 21092.5[a] and CEQA Guidelines Section 15088[b]), the City shall provide a written response to a public agency on comments made by that public agency at least 10 days prior to certifying the EIR. The Final EIR and all documents referenced in the Final EIR are available for public review at the Dr. Martin Luther King Jr. Library located at 150 E. San Fernando Street, San José, CA 95112 or by appointment at the San José City Hall Permit Center located at 200 E Santa Clara St, San José, CA 95113. Should you wish to review a hard copy by appointment, please contact by email Cassandra.vanderZweep@sanjoseca.gov. The Final EIR is also available for review on the City's Active EIRs website.

2.2 LIST OF COMMENTERS ON THE DRAFT EIR AND RESPONSES TO COMMENTS

Letters

The following written correspondence was received during the 45-day public review period:

1. John Frolli - March 3, 2022
2. Santa Clara Valley Water – March 23, 2022
3. San José Historic Landmarks Commission - March 25, 2022
4. Preservation Action Council of San José – April 4, 2022
5. Pacific Gas and Electric – April 5, 2022

2.3 WRITTEN DRAFT EIR COMMENTS

Written comments on the Draft EIR and responses to those comments are presented on the following pages. All comment letters can be found in [Appendix A](#).

Letter #1 – John Frolli, received on March 3, 2022

Comment 1.1: Hi Thai, re: the above-referenced project. Thanks for your interest, here is the contact information below. In the event it becomes a candidate for salvage, as part of Mitigation Measures, I have a likely recipient that can use the material and I would like to be contacted.

Response 1.1: This commenter states that in the event the buildings on site become a candidate for salvage as part of Mitigation Measures, he has a likely recipient that can use the material and he would like to be contacted. Mitigation Measure 3-1b identified on pages 3-24 and 3-25 of the Draft EIR requires that should relocation of the building and barn at 1065 South Winchester not occur, the structure shall be made available for salvage-to-salvage companies. The applicant has been provided the comment letter to provide notification to the commenter should salvage be pursued. The letter does not raise any environmental issues and therefore, no changes to the Draft EIR are required nor is recirculation.

Letter #2 - Santa Clara Valley Water, received on March 23, 2022

Comment 2.1: The Santa Clara Valley Water District (Valley Water) has reviewed the Draft Environmental Impact Report (DEIR) and Initial Study (EIR/IS) for the 1065 South Winchester Boulevard Mixed-Use Project, and has the following comment:

Development of the site will increase water use by approximately 48 acre-feet per year (taken from the CalEEMod date). Although the Initial Study concludes that the project is accommodated by the growth projects of the San Jose Water Company's Urban Water Management Plan, given regional and state-wide challenges with water supply, water use should still be reduced to the greatest extent possible. The Initial Study does not call out any specific actions to reduce water use.

Response 2.1: As identified by the commenter and discussed in the Utilities and Service Systems section of the Initial Study in Appendix A of the EIR, the San José Water Company's *2020 Urban Water Management Plan* indicates that it has sufficient supplies to provide water to the proposed project and, therefore, the proposed project would not have a significant adverse effect on water supply. The *2020 Urban Water Management Plan* serves as a master plan for water supply and resources management and includes information that reflects the San José Water Company's coordination with Valley Water, South Bay Water Recycling, the City and County jurisdictions in which it serves water, and the Association of Bay Area Governments. Urban water management plans support a suppliers' long-term resource planning to ensure that adequate water supplies are available to meet existing and future water needs, such as the proposed project. To account for potential water shortages under severe drought conditions, San José Water has adopted a Water Shortage Contingency Plan, which requires a staged water reduction process. Page 99 of the Initial Study discusses the project's compliance with the 2016 Groundwater Management Plan which aims for the treatment of runoff and the efficient and re-use of water. The project would include two bio-retention areas and two onsite treatment control measures that would detain stormwater runoff onsite to allow for groundwater recharge. Also refer to Response 2.2 below for the project's requirements to minimize water use.

As discussed in the regulatory setting of the Initial Study, Appendix A to the Draft EIR, page 78, the project will also be required to conform to Chapters 15.10 and 15.11 of the San José Municipal Code for use of reclaimed water and shall include an irrigation system designed to allow for the current and future use of reclaimed water for all landscaping. The project applicant is required to implement water usage reducing measures.

This comment does not raise any new CEQA issues or identify any new impacts or mitigation, therefore, no analysis or recirculation of the EIR is required.

Comment 2.2: Potential opportunities to minimize water and associated energy use include incorporating on-site reuse for both storm and graywater, and requiring water conservation measures above State standards such as incorporating measures from the Model Water Efficient New Development Ordinance, which include:

- Hot water recirculation systems;
- Graywater dual distribution plumbing;
- Alternate water sources collections (like cisterns) and recycle water connections as feasible;
- Pool and spa covers;
- Encourage non-potable reuse of water like recycled water, graywater, and rainwater/stormwater in new development and remodels through installation of dual plumbing for irrigation, toilet flushing, cooling towers, and other non-potable water uses;
- Require dedicated landscape meters, where applicable;
- Require installation of separate submeters to each unit in multi-family developments and individual spaces within commercial buildings to encourage efficient water use; and
- Weather- or soil-based irrigation controllers.

Response 2.2: As discussed in the regulatory setting of the Initial Study, Appendix A to the Draft EIR, page 78, the project will also be required to conform to Chapters 15.10 and 15.11 of the San José Municipal Code for use of reclaimed water and shall include an irrigation system designed to allow for the current and future use of reclaimed water for all landscaping.

The project applicant has stated that they would implement the following water-saving measures in the proposed project:

- Hot water recirculation systems;
- Pool and spa covers;
- Require dedicated landscape meters where applicable;
- Require installation of separate submeters to each unit in the multi-family development and individual spaces within commercial buildings to encourage efficient water use; and
- Weather- or soil-based irrigation controllers.

2.0 Comments on the Draft EIR

The text to the Draft EIR project description has been changed to incorporate these proposed measures at the end of the project description details; refer to Section 3.0, Changes to the Draft EIR. Adding these water-saving measures to the project description does not trigger recirculation of the Draft EIR, therefore, no further response is required.

Comment 2.3: Please let me know if there are any questions and provide Valley Water with a copy of the Final Environmental Impact Report (FEIR).

Response: Valley Water, along with all other commenters during the public circulation period, will be notified when the Final EIR is made available on the City's website. This comment does not provide new information that would change the analysis already disclosed in the Draft EIR.

Letter #3 - San Jose Historic Landmarks Commission, received on March 25, 2022

Comment 3.1: The San Jose Historic Landmarks Commission (HLC) is a seven-member body appointed by the City Council to advise and make recommendations to the City Council and City Manager on the designation, acquisition and preservation of historic landmarks and sites, artifacts and other properties of historic significance and value to the City of San Jose. In that capacity, the HLC reviewed the Draft Environmental Impact Report (DEIR) for the 1065 South Winchester Boulevard Mixed-Use Project at the HLC meeting on March 2, 2022 and elected to provide comments on the document.

The HLC has several concerns regarding the adequacy of the document's analysis of the significant impacts that would be caused by the proposed demolition of the existing residence, barn, and accessory buildings on the property that was determined to be an eligible Candidate City Landmark under Criteria 5 and 6 of San Jose Municipal Code Section 13.48.1 l0(H). The property portrays the agricultural/fruit drying heritage of the Santa Clara Valley and the house and barn embody the distinguishing characteristics of an Italianate Victorian cottage and California-style barn.

The HLC concurs with Robert Cartier, Principal Investigator for ARM, who stated in his historic evaluation report that the property appears to be eligible for listing in the California Register of Historic Resources under Criteria 1 for its association with the agricultural history of the Santa Clara Valley, and Criteria 3 as an example of an Italianate Victorian style residence and a California style barn. Over 100 years of fruit drying history would be lost with the demolition of the barn and the house. The Italianate Victorian cottage is still in "fair" condition because it was cared for by the Ban family which owned the property from the 1920s until 2019. The Ban family continued to dry fruit at this location until at least 2010.

Response 3.1: The commenter states that the San José Historic Landmarks Commission (HLC) reviewed the Draft EIR and has concerns regarding the adequacy of the document and its analysis of the significant impacts that would be caused by the proposed demolition of the existing residence, barn, and accessory buildings on the property, which the Draft EIR identified as a Candidate City Landmark on page 3-17 through 3-18 of the Draft EIR. The commenter also concurs with the Historic Evaluation (Appendix C of the Draft EIR and as described on page 3-18 of the Draft EIR), which concludes that the property appears to be eligible for listing in the California Register of Historic Resources due to the property's association with the agricultural history of Santa Clara Valley and Criteria 3 as an examples of Italianate Victorian style residences and California style barn. Accordingly, pages 3-23 through 3-25 of the Draft EIR identify the project's proposed demolition of the on-site Candidate City Landmark structures would result in a significant and unavoidable impact due to an adverse change to historic resources.

HLC's concerns are further detailed in the letter and responded to below in response 3.2 through 3.5. This comment is introductory and does not raise any environmental issues and therefore, no response is necessary. No changes to the Draft EIR are required.

Comment 3.2: The HLC provides the following comments:

- The property is a rare surviving example of the agricultural history of the Santa Clara Valley and it would be a significant loss if the buildings were demolished. The HLC expressed dismay at the proposed demolition and asserted there should a significant effort made to preserve as much of the historic buildings and setting as possible.

Response 3.2: The commenter states that the HLC expressed dismay at the proposed demolition and asserted there should be a significant effort made to preserve the historic buildings. Pages 3-23 through 3-25 of the Draft EIR identified that the demolition of on-site buildings, as proposed by the project, would result in a significant and unavoidable impact due to an adverse change to historic resources. Additionally, the Draft EIR identified mitigation measures for the impact, although concluded that even with the implementation of mitigation measures, the impact would remain significant and unavoidable. Mitigation Measure CUL 3-1b would require the applicant to advertise the residence and barn for relocation by a third party. Relocation of the structures would preserve the historic structures; however, the relocation would result in a loss of connection to its historic place and therefore would still result in a significant and unavoidable impact. Retaining the structures pursuant to the Draft EIR's Alternative 2 would result in a smaller project, which is not financially feasible, and whose construction impacts would be comparable to the existing project due to construction timeframe and specifications.

Comment 3.3:

- The project appears to be proposed by the same owner as the adjacent property (1073-1087 South Winchester Boulevard) which has a current entitlement (SP20-002) because the design of the buildings is the same. The alternatives section of the DEIR did not address the feasibility of redesigning the two speculative projects to aggregate the sites to allow the preservation of the historic buildings in their current configuration and to maximize the development area. This is recommended for further exploration.

Response 3.3: The commenter states that the project appears to be proposed by the same owners as the approved development at 1073 South Winchester Boulevard, (Planning File No. SP20-002), and recommends further exploration of an alternative project design: combining the 1065 S Winchester Boulevard Project and adjacent City-approved project to allow the preservation of the historic buildings in their current configuration and to maximize the development area.

The applicant, A&Z Development LLC (represented by Adam Askari) has indicated the proposed project and the adjacent site are not related. Although the representative of both applicants is the same, the owners and financing groups are not the same, and the two projects have no dependency on one another. As confirmed in the City's permitting system, this project's owner is A&Z Development, LLC and the adjacent property's owner at 1073, 1075, 1081, 1083 and 1087 S. Winchester Blvd is Ysirael 26, LLC. The two owners are not interested in partnering with one another on combining the two projects (Henry Cord, email message, June 30, 2022).

At the Historic Landmarks Commission meeting on September 1, 2021, this topic was discussed and the applicant indicated that the projects are not the same, as illustrated in the project plans and façade composition, but that the same features and concepts were used in order to maintain design consistency between one another. Assumed acquisition of additional adjacent property is not a feasible alternative under CEQA (Henry Cord, email message, June 30, 2022). A project applicant cannot propose any land use change to a property they do not legally control, and the City Council cannot approve any private project proposal or alternative that considers the use of property not legally controlled by the project applicant. As this alternative would be infeasible due to lack of control over the adjacent property, this alternative was not evaluated in the Draft EIR and is not further considered in this Final EIR.

The Draft EIR did, however, evaluate three alternatives: the no project alternative (required by CEQA to be evaluated); an alternative to retain the existing structures in place and redesign the proposed project; and an alternative to relocate the barn on site and redesign the project. The environmentally superior alternative, besides the No Project Alternative, would be Alternative 2, Retain Existing Structures in Place and Redesign Proposed Project. This alternative would retain all of the existing structures in place, as well as many of the onsite fruit trees, and include a project reduced by about 70 percent. The property would remain eligible for inclusion in the California Register of Historical Resources and in the City Historic Resources Inventory as a Candidate City Landmark. This alternative is likely physically feasible; and would meet most of the project objectives, but would not meet Objective 6, as it would not maximize the number of units allowed on this site consistent with San José General Plan Designation and Zoning District. No changes to the Draft EIR are required because this comment does not raise any new CEQA issues or identify any new impacts or mitigation.

Comment 3.4:

- The property owner expressed interest in moving the buildings early in the application process. The alternatives section of the DEIR should identify potential relocation sites as part of the analysis. It was noted that History Park would be an

ideal location where the buildings could be kept in the same arrangement (as a group) in an open environment/ rural setting. The HLC urges the exploration of other City-owned property where the buildings could be relocated.

Response 3.4: The comment discusses relocation the existing structures and urges the City to identify potential relocation sites including other City-owned property where the existing structures can be moved.

The Draft EIR addresses the loss of these historic structures and includes two mitigation measures in Section 3.5, identified on pages 3-23 through 3-25 and recognizes that implementation of the mitigation measures would still result in a significant and unavoidable impact to cultural resources. The first mitigation measure, CUL 3-1c, requires a qualified architectural historian to document the residence and barn at 1065 South Winchester Boulevard in accordance with the guidelines established for the Historic American Building Survey (HABS) and file the documentation with the San José Library's California Room and the Northwest Information Center at Sonoma State University, the repository for the California Historical Resources Information System. The second mitigation measure, CUL 3-1b requires the applicant to advertise the residence and barn at 1065 South Winchester Boulevard for relocation by a third party. No specific viable relocation site has been identified for the historic structures; therefore, to avoid speculation, the alternatives analysis did not discuss any alternative relocation site. Additionally, as discussed in the Draft EIR, relocation of the historic buildings off-site as required under mitigation measure CUL 3-1b would still result in a significant and unavoidable impact since the relocation would result in a loss of connection to the historic development of the Moreland District. See the Draft EIR section 3.5 for a complete discussion of the mitigation measures. No changes to the Draft EIR are required because this comment does not raise any new CEQA issues or identify any new impacts or mitigation.

Comment 3.5:

- The HLC emphasized that Alternative 2 or Alternative 3 in the DEIR demonstrate viable options where new construction could co-exist with the historic resources on site and reduce the significant impact to cultural resources. Therefore, one of these alternatives should be adopted instead of an override.

Response 3.5: The commenter states that the HLC emphasizes the desire for either Alternative 2 or Alternative 3 in the Draft EIR to be adopted.

As discussed in the Draft EIR, Section 6.0, pages 6-3 through 6-6, Alternatives, Alternative 2 would not meet all of the project's objectives and would result in comparable construction impacts (with the exception of impacts to historic resources) to the proposed project due to construction timeframe and specifications. Analysis would be required to determine if construction vibrations would have an adverse effect on the

existing structures. This alternative would retain all of the existing structures in place, as well as many of the on-site fruit trees, and include a project reduced by about 70 percent.

Alternative 3 would require the reduction of about 60 percent of the residential units and commercial square footage. Similar to Alternative 2, this alternative would result in comparable construction impacts to the existing project due to construction timeframe and specifications and additional analysis evaluating the construction vibration impacts on the existing structures would be required.

In summary, both Alternative 2 and Alternative 3 would meet most of the project's objectives except for Objective 6, as they would not maximize the number of units allowed on the site consistent with the City's General Plan designation and Zoning District. Page 6-11 through 6-14 of the Draft EIR identified that the "No Project-No Alternative" alternative would avoid all project impacts, including the significant and unavoidable impact to historical resources; however, this alternative means that the project does not get built, thereby not meeting any of the project objectives.

Furthermore, in accordance with Section 15126.6 of the CEQA Statute and Guidelines, when the "No Project" alternative is the environmentally superior alternative the EIR shall identify an environmentally superior alternative among the other alternatives. The next environmentally superior alternative is Alternative 2, Retain Existing Structures in Place and Redesign Proposed Project. As described above, Alternative 2 would still have the same construction impacts as the project, and would require a XX percent reduction in units and commercial square footage, which would make the project financially infeasible. This comment does not raise any issues about the adequacy of the EIR, therefore, no further analysis or recirculation of the EIR is required.

Comment 3.6: In conclusion, the HLC is deeply concerned that viable onsite relocation alternatives outlined in the DEIR have not been adequately explored or considered. The property is one of the few remaining intact representations of the fruit drying heritage of the Santa Clara Valley which will be permanently lost if the existing residence, barn, and accessory buildings are demolished. The HLC is charged with stewardship responsibilities for San Jose's historic and cultural resources and urges the thoughtful consideration of both onsite and off-site relocation. Thank you for the opportunity to comment on the DEIR.

Response 3.6: See responses 3.2 through 3.5. The analysis in the Draft EIR focused on the alternatives' ability to reduce or avoid the significant impacts of the project and consistency with project objectives. The decision-makers may consider economic, planning, and CEQA considerations when determining whether or not to approve a project alternative or adopt a Statement of Overriding Considerations. The comment is a summary closing comment and does not raise any environmental issues not expressed in the previous comments, which are responded to above. No further analysis or recirculation of the EIR is necessary. No changes to the Draft EIR are required.

Letter #4 – Preservation Action Council of San Jose, received on April 4, 2022

Comment 4.1: The Preservation Action Council of San Jose (PAC*SJ) appreciates this opportunity to provide comments on the DEIR for the 1065 South Winchester Mixed Use Project, a proposed 6-story, 70-unit residential development with ground-floor commercial units on a 0.93-acre site currently occupied by a c.1900 Italianate Victorian farmhouse and associated agricultural outbuildings and landscape elements. PAC*SJ previously submitted scoping comments requesting that the DEIR include robust analysis of preservation alternatives that would reduce or avoid adverse effects to this historic resource, including all contributing structures and landscape elements. While we acknowledge the DEIR's inclusion of two preservation alternatives (Options 2 & 3) that retain some or all portions of the historic complex, these options are not presented with sufficient detail to allow meaningful analysis of their feasibility. We specifically find that Option 3 as presented does not appear to be the only, or even the most feasible, site plan that would accommodate both on-site preservation and substantial new development.

Response 4.1: The commenter acknowledges the inclusion of two alternatives that preserve the existing structures (Alternatives 2 and 3), but states that these options are not presented with sufficient detail to determine their feasibility. Section 6.0 of the Draft EIR, describes Alternative 2 and Alternative 3 and provides Figures 6-1 and 6-2 to illustrate a general site plan under the proposed alternatives. The commenter has provided additional alternative project designs and requests they be considered in the final EIR.

This comment is introductory; see responses 4.2 through 4.5, below, for further details. The comment also identifies that Option 3 (referred to as Alternative 3 in the Draft EIR analysis) does not appear to be the only or even the most feasible site plan that could accommodate on-site preservation and substantial new development. In accordance with CEQA Guidelines Section 15126.6 (a) an EIR shall describe a range of reasonable alternatives to the project or the location of the project which would feasibly attain the mot project objectives and avoid or substantially lessen any of the significant effects of the project. An EIR need not consider every conceivable alternative but rather consider a reasonable range to foster informed decision making and public participation. Accordingly, the Draft EIR included Alternative 2, which considered the re-design of the project while retaining the existing historic structures in place and Alternative 3, which considered the relocation of the historic structures on site and a re-design of the project. The comment does not raise any additional environmental issues not expressed in the previous comments, which are responded to above, nor identify any additional CEQA issues or new impacts or mitigation measures. No further analysis or recirculation of the EIR is necessary. No changes to the Draft EIR are required.

Comment 4.2: We submit the following alternative site plan (Plan A) for consideration in the FEIR and encourage the project developers and the City as lead agency to undertake a good-faith analysis of its feasibility.



Response 4.2: The commenter presents Alternative Onsite Relocation Plan A as a relocation alternative for consideration. The proposed alternative would include a combined driveway and emergency vehicle access easement between the project site on the north and the adjacent property to the south. Refer to Response 4.1, above regarding the reasonable range of alternatives for consideration and Response 3.3, above regarding the separate ownership of the northern and southern properties. Assumed acquisition or agreement to a shared driveway and easement with an adjacent property not under the control of the same applicant is not a feasible alternative under CEQA. The applicants are unwilling to redesign their respective projects (Henry Cord, email message, June 30, 2022), and they do not want a shared driveway. Additionally, the project site's property owner (A&Z Development, LLC.) does not want to lose the housing density allowed under the Winchester Boulevard Urban Village Plan. The comment does not raise any additional environmental issues not expressed in the previous comments, which are responded to above, nor identify any additional CEQA issues or new impacts or mitigation measures. No further analysis or recirculation of the EIR is necessary. No changes to the Draft EIR are required.

Comment 4.3: In addition, PAC*SJ questions the lack of a preservation alternative incorporating a lot consolidation with the parcels to the immediate south of the project area. The DEIR acknowledges that the two sites are being developed by the same applicant and architect, and many of the renderings included in the DEIR depict the two projects as a unified development (see for example Project Plan Sheet 019-A and 024-A, Appendix A). The

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DEIR incorrectly excludes analysis of a unified site plan, which is likely to yield more feasible alternatives for redevelopment, as illustrated in the attached alternative site plans (Plans B and C):



Response 4.3: The commenter questions why the preservation alternative incorporating lot consolidation with the adjacent City-approved project was not evaluated as an alternative.

Refer to the Responses 3.3, 4.1, and 4.3 for the reasons why combining the two projects (proposed project and adjacent City-approved project) is not feasible. The comment does not raise any additional environmental issues not expressed in the previous comments, which are responded to above, nor identify any additional

CEQA issues or new impacts or mitigation measures. No further analysis or recirculation of the EIR is necessary. No changes to the Draft EIR are required.

Comment 4.4: PAC* SJ similarly requests that an analysis of these additional preservation alternatives be included in the FEIR. Likewise, we are concerned that the DEIR analysis of off-site relocation (Option 4) lacks any substantive analysis of potential receiver sites, and is therefore insufficient in its analysis of the feasibility of such an option. We note that the Winchester Boulevard Urban Village Plan identifies a number of existing and proposed parks and other public open spaces within the immediate vicinity of the project area (see Urban Village Plan Figure 4-1, p. 35) and we strongly encourage the project applicant and the City to proactively explore these areas as potential receiver sites for some or all of the existing structures on the project site. We also strongly encourage the City to require a more robust analysis of potential receiver sites in all future DEIRs that propose relocation as a potentially feasible project alternative, as was included in the Woz Way Office Project SEIR (GP19-008 and H20-004).

Response 4.4: The commenter expresses concerns about the analysis of Option #4, relocation of existing structures off-site. Option #4 is briefly identified in EIR Appendix D, Evaluation of Potential Historic Mitigation Options for the Proposed Project at 1065 South Winchester Boulevard in the City of San José. See Response 3.4, for a discussion on the mitigation measures within the Draft EIR which address this alternative and how relocation of the buildings off-site would still result in a significant and unavoidable impact to Cultural Resources. Mitigation Measure CUL 3-1b discusses relocation of the residence and barn by a third party and the measures that are required to be followed. No specific viable relocation site has been identified for the historic structures; therefore, to avoid speculation, the alternatives analysis did not discuss any specific alternative relocation site.

The comment does not raise any additional environmental issues not expressed in the previous comments, which are responded to above, nor identify any additional CEQA issues or new impacts or mitigation measures. No further analysis or recirculation of the EIR is necessary. No changes to the Draft EIR are required.

Comment 4.5: PAC* SJ looks forward to a continued dialogue with the project applicant and the City to avoid the unnecessary loss of this important historic resource. Rather than being an obstacle to a successful development, we believe strongly that its preservation and reactivation, in whole or in part, will serve to enhance the character, sense of place, and pedestrian scale of the project site and surrounding Urban Village.

Response 4.5: This comment does not raise any environmental issues. No response is necessary. No changes to the Draft EIR are required.

Letter #5 – Pacific Gas and Electric, received on April 5, 2022

Comment 5.1: Thank you for giving us the opportunity to review the subject plans. The proposed Mixed-Use Project SP21-006; T21-012; ER21-035 is within the same vicinity of PG&E's existing facilities that impact this property. The applicant must contact the below resources to relocate and remove existing services to facilitate the proposed development.

Please contact the Building and Renovation Center (BRSC) for facility map requests by calling 1-877-743-7782 and PG&E's Service Planning department at www.pge.com/cco for any modification or relocation requests, or for any additional services you may require.

Response 5.1: The commenter states that the applicant must contact PG&E to relocate and remove existing services to facilitate the proposed development. The applicant will complete necessary applications and provide deposits, as necessary. The comment does not raise any issues about the adequacy of the EIR, therefore, no further analysis is required.

Comment 5.2: As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact me at Justin.Newell@pge.com.

Response 5.2: The commenter reminds the City that before any digging or excavation occurs, the Underground Service Alert (USA) should be contacted by dialing 811 a minimum of 2 working days prior to commencing any work. The comment does not raise any environmental issues and therefore, no response is necessary. No changes to the Draft EIR are required.

3.0

Changes to the Draft EIR

3.1 CEQA REQUIREMENTS

CEQA Guidelines section 15132 requires that a final EIR contain either the draft EIR or a revision of the draft EIR. This final EIR incorporates the draft EIR by reference and includes the revisions to the draft EIR, as presented on the following pages.

This section contains text from the draft EIR with changes indicated. Additions to the text are shown with underlined text (underline) and deletions are shown with strikethrough text (~~strikethrough~~). Explanatory notes in italic text (*italic*) precede each revision. The following changes are made:

3.2 CHANGES TO THE DRAFT EIR

Summary

Impact 3-3 was inadvertently omitted from the Summary table.

IMPACTS IDENTIFIED IN THE EIR	
Cultural Resources	
Significant Impacts	Mitigation Measures
<u>Impact 3-3: Potential Adverse Change in the Significance of an Archaeological Resource Pursuant to CEQA Guidelines Section 15064.5</u>	Mitigated by mitigation measures 3.2a, 3.2b, and 3.2c above and by the Standard Conditions identified under Impact 3-2. <u>Less Than Significant Impact with Mitigation Incorporated</u>

The Summary table included the title “Impacts Identified in the EIR” on each page of the table when a portion of this table is regarding the “Impacts Identified in the Initial Study.”

IMPACTS IDENTIFIED IN THE EIR

2.2 Project Description

The water-saving measures proposed by the project have been added under the Project Description details.

Construction Schedule

If approved, construction of the proposed project would begin in January 2023 for a period of approximately 19 months.

Water-Saving Measures

- Hot water recirculation systems;
- Pool and spa covers;
- Require dedicated landscape meters where applicable;
- Require installation of separate submeters to each unit in the multi-family development and individual spaces within commercial buildings to encourage efficient water use; and
- Weather- or soil-based irrigation controllers.

2.3 Project Objectives

Revised Summary

The approximately 0.93-acre project site is comprised of one parcel (APN: 299-25-037) located at 1065 South Winchester Boulevard, which is currently developed with a single-story Italianate Victorian house, a large barn, two smaller sheds, and a fruit drying shed and covered drying area. The proposed project would demolish all existing structures on site and construct a 6-story above grade, multi-family residential building totaling 70 residential condominium units and 20,410 square feet of commercial space. The project also includes a total of 105 parking spaces located on the ground floor of the proposed project and in the underground parking garage. Additionally, the project proposes 44 bicycle parking spaces and 24 motorcycle parking spaces. The proposed development would be constructed in compliance with the City’s Council Policy 6-32 and the City’s Green Building Ordinance.

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, and Mitigation.

Summary of Significant Impacts and Mitigation Measures

IMPACTS IDENTIFIED IN THE EIR	
<u>IMPACTS IDENTIFIED IN THE EIR</u>	
Cultural Resources	
Significant Impacts	Mitigation Measures
Impact 3-1: Adverse Change to Historic Resources (Demolition of Historic Resources at 1065 South Winchester Boulevard, Candidates for the City of San José Historic Resources Inventory and the California Register of Historical Resources) (Project Level and Cumulative)	<p>MM CUL 3-1a: Prior to issuance of any demolition permit, or permit to relocate the structures, a qualified architectural historian shall document the residence and barn at 1065 South Winchester Boulevard in accordance with the guidelines established for the Historic American Building Survey (HABS). Documentation shall consist of the following components:</p> <ol style="list-style-type: none"> 1. Drawings – Prepare sketch floor plans. 2. Photographs – Digital photographic documentation of the interior, exterior, and setting of the buildings in compliance with the National Register Photo Policy Fact Sheet. Photos must have a permanency rating of approximately 75 years. 3. Written Data – HABS written documentation in short form. <p>An architectural historian meeting the Secretary of the Interior’s Professional Qualification Standards shall oversee the preparation of the sketch plans, photographs and written data. The existing DPR forms shall fulfill the requirements for the written data report.</p> <p>The City of San José’s Historic Preservation Officer shall review the documentation, and then the applicant shall file the documentation with the San José Library’s California Room and the</p>

IMPACTS IDENTIFIED IN THE EIR	
	<p>Northwest Information Center at Sonoma State University, the repository for the California Historical Resources Information System. All documentation shall be submitted on archival paper.</p> <p>MM CUL 3-1b: Prior to issuance of any demolition permits, the project applicant shall advertise the residence and barn at 1065 South Winchester Boulevard for relocation by a third party. The project applicant shall be required to advertise the availability of the structure for a period of no less than 30 days. The advertisements must include a newspaper of general circulation, a website, and notice on the project site. The project applicant must provide evidence (i.e., receipts, date and time stamped photographs, etc.) to the Director of Planning, Building and Code Enforcement or the Director's designee that this condition has been met prior to the issuance of any demolition permits.</p> <p>If a third party does agree to relocate the residence and barn at 1065 South Winchester Boulevard, the following measures must be followed:</p> <ol style="list-style-type: none"> 1. The City's Director of Planning, Building and Code Enforcement or the Director's designee, based on consultation with the City's Historic Preservation Officer, must determine that the receiver site is suitable for the building. 2. Prior to relocation, the project applicant or third party shall hire a qualified historic preservation architect and a qualified structural engineer to undertake an existing condition study. The purpose of the study shall be to establish the baseline condition of the building prior to relocation. The documentation shall take the form of written descriptions and visual illustrations, including those character-defining physical features of the resource that convey its historic significance and must be protected and preserved. The documentation shall be reviewed and approved by the City's Historic Preservation Officer prior to the structure being moved. Documentation already completed shall be used to the extent possible to avoid repetition in work. 3. To protect the building during relocation, the third party shall engage a building mover who has experience moving similar historic structures. A qualified structural engineer shall also be engaged to determine if the building needs to be reinforced/stabilized before the move. 4. Once moved, the building shall be repaired and restored, as needed, by the project applicant or third party in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. In particular, the character-defining features shall be restored in a manner that preserves the integrity of the features for the long-term preservation of these features. <p>Upon completion of the repairs, a qualified architectural historian shall document and confirm that renovations of the structure were completed in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and that all character-defining features were preserved. The project applicant shall submit a report to the City's Historic Preservation Officer documenting the relocation.</p> <p>If no third party relocates the residence and barn at 1065 South Winchester Boulevard, the structure shall be made available for salvage-to-salvage companies facilitating the reuse of historic building materials. The time frame available for salvage shall be established by the Director of Planning, Building and Code Enforcement or the Director's designee, together with the City's Historic Preservation Officer.</p> <p>The project applicant must provide evidence to the Director of Planning, Building and Code Enforcement or the Director's designee, that this condition has been met prior to the issuance of any demolition permits.</p> <p>Significant Unavoidable Impact</p>
Impact 3-2: Potential Disturbance of Subsurface Historic Resources Associated with Late 19 th and Early 20 th Century Agricultural and	<p>CUL 3-2a. Cultural Sensitivity Training. Prior to issuance of any grading permits, the project applicant shall be required to submit evidence that a Cultural Awareness Training will be provided to construction personnel prior to ground disturbances. The training shall be facilitated by the project archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commissions for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.</p>

IMPACTS IDENTIFIED IN THE EIR	
Residential History of the Property.	<p>CUL3-2b Sub-Surface Monitoring. A qualified archeologist in collaboration with a Native American monitor, registered with the Native American Heritage Commission for the City of San José Jose and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall also be present during applicable earthmoving activities such as, but not limited to, trenching, initial or full grading, lifting of foundation, boring on site, or major landscaping.</p> <p>CUL 3-2c. Treatment Plan. A qualified archeologist in collaboration with a Native American monitor, registered with the Native American Heritage Commission for the City of San José Jose and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall prepare a treatment plan that reflects permit-level detail pertaining to depths and locations of excavation activities. The treatment plan shall be prepared and submitted to the Director of the City of San José Department of Planning, Building, and Code Enforcement or Director's designee prior to approval of any grading permits. The treatment plan shall contain, at a minimum:</p> <ol style="list-style-type: none"> 1. Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations. 2. Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found). 3. Monitoring schedules and individuals 4. Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information). 5. Detailed field strategy to record, recover, or avoid the finds and address research goals. 6. Analytical methods. 7. Report structure and outline of document contents. 8. Disposition of the artifacts. 9. Security approaches or protocols for finds. 10. Appendices: all site records, correspondence, and consultation with Native Americans, etc. 11. Implementation of the plan, by a qualified archaeologist, shall be required prior to the issuance of any grading permits. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources. <p>Less Than Significant Impact with Mitigation Incorporated</p>
<u>Impact 3-3: Potential Adverse Change in the Significance of an Archaeological Resource Pursuant to CEQA Guidelines Section 15064.5</u>	<p><u>Mitigated by mitigation measures 3.2a, 3.2b, and 3.2c above and by the Standard Conditions identified under Impact 3-2.</u></p> <p><u>Less Than Significant Impact with Mitigation Incorporated</u></p>
Impact 3-4: Disturb Native American Human Remains (During Grading Activities)	<p>Mitigated by Standard Conditions.</p> <p>Potentially Significant</p>
Tribal Cultural Resources	
Impact 3-5: Potential Adverse Change in Tribal Cultural Resource Listed or Eligible for Listing in the California Register	<p>Mitigated by mitigation measures 3.2a, 3.2b, and 3.2c above.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p>

IMPACTS IDENTIFIED IN THE EIR	
of Historical Resources or Significant Pursuant to Public Resources Code Section 5024.1 (During Grading and Construction Activities)	
IMPACTS IDENTIFIED IN THE INITIAL STUDY	
Air Quality	
Significant Impacts	Mitigation Measures
Impact AQ-1: The proposed project would expose sensitive receptors to construction dust and equipment exhaust emissions of DPM and PM2.5 that exceed BAAQMD single-source thresholds for infant/child cancer risks and PM2.5 concentrations.	<p>MM AQ-1 Prior to issuance of any demolition permit, grading permit, or building permit, whichever comes first, the project applicant shall prepare and submit a construction emissions reduction plan containing the measures listed below to the City of San José Jose Planning Director or Director's designee for review and approval. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying the equipment included in the plan meets the standards set forth in this mitigation measure. The emissions reduction plan shall include some or all of the following measures to achieve an 85 percent reduction in DPM emissions that corresponds with an infant/child cancer risk of 10 or fewer cases per million, and a reduction of PM2.5 emissions of 59 percent. During construction, the project contractor shall implement the measures listed in the approved construction emissions reduction plan to reduce emissions of fugitive dust and engine exhaust DPM. These measures shall be included in the project plans, prior to issuance of any demolition permit, grading, or building permit:</p> <ol style="list-style-type: none"> a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three (3) times per day and at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe prior to each watering to determine if the moisture content standard is maintained or a frequency greater than three (3) times per day is needed to maintain the standard. A daily compliance log for this measure shall be maintained on the site available for review by City staff; and b. All vehicle speeds on unpaved roads shall be limited to five (5) mph. c. At minimum, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total (over the course of the full construction process) shall utilized diesel engines that are EPA certified "Tier 3 or better" emission standards for particulate matter and be equipped with CARB-certified Level 3 Diesel Particulate Filters as needed to meet the EPA Tier 4 emissions standard. Prior to the issuance of any demolition permits, the project applicant shall submit specifications of the equipment to be used during construction and confirmation this requirement is met; and/or d. Use alternatively fueled equipment or equipment with zero emissions (i.e. electrical equipment); and/or e. Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators; and/or f. Other demonstrable measures that may reduce emissions and avoid or minimize exposures to the affected sensitive receptors. <p>Less Than Significant Impact with Mitigation Incorporated</p>
Biological Resources	
Significant Impacts	Mitigation Measures
Impact BIO-1: The project removes trees and/or buildings that may provide roosting	MM BIO-1 Pre-Construction Bat Survey. Prior to tree trimming/removal, demolition of buildings, or any other earth moving activities, the project applicant shall retain a qualified biologist to conduct a habitat assessment for bats and potential roosting sites in trees to be trimmed, and in trees and structures within 50 feet of the development footprint to the extent access to neighboring

IMPACTS IDENTIFIED IN THE EIR	
<p>habitat for special-status bats</p>	<p>properties would be available. The survey shall be completed no more than 14 days prior to earthmoving activities. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated.</p> <p>These surveys shall include, but are not limited to, a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within and 50 feet around the project site. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Potential roosting features found during the survey shall be flagged or marked. Locations off the site to which access is not available may be surveyed from within the site or from public areas.</p> <p>If no roosting sites or bats are found, a letter report confirming absence shall be submitted by the qualified biologist to the Director of Planning, Building and Code Enforcement, or the Director's designee prior to the commencement of tree trimming and construction activities and no further mitigation is required.</p> <p>If bats or roosting sites are found, a letter report and supplemental documents shall be provided by the qualified biologist to the Director of Planning, Building and Code Enforcement, or the Director's designee prior to the commencement of tree trimming and construction activities and the following monitoring, exclusion, and habitat replacement measures shall be implemented:</p> <ol style="list-style-type: none"> a. Avoidance Outside of Nursery Season. If bats are found roosting outside of the nursery season (May 1 through October 1, inclusive), they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below. b. Avoidance During Nursery Season. If bats are found roosting during the nursery season (May 1 through October 1, inclusive), a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season. Monitoring of the roosting site(s) shall occur until the end of the nursery season. If bats continue to roost and require removal or exclusion, the bats shall be evicted as described under (b) below. c. Eviction Outside of Nursery Season. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures within 50 feet of project disturbance activities, the individuals shall be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees or structures to be removed, exclusion structures (e.g., one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction. If needed, other removal methods could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance within 50 feet of any structures shall be conducted no earlier than the following day (i.e., at least one night shall be provided between initial roost eviction disturbance and tree removal/disturbance activities). This action shall allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation. <p>MM BIO-2 Bat Mitigation and Monitoring Plan. If roosting habitat is identified, a Bat Mitigation and Monitoring plan shall be prepared by a qualified biologist and implemented to mitigate for the loss of roosting habitat. The plan shall include information pertaining to the species of bat and location of the roost, compensatory mitigation for permanent impacts, including specific mitigation ratios and a location of the proposed mitigation area, and monitoring to assess bat use of mitigation areas. The plan shall be submitted to CDFW for review and approval prior to the bat eviction activities or the removal of roosting habitat.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p>

IMPACTS IDENTIFIED IN THE EIR	
<p>Impact BIO-2: The project removes trees that may provide nesting bird habitat.</p>	<p>MM BIO-3 Avoidance: Prior to the issuance of demolition, grading, tree removal or building permits (whichever occurs first), 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).</p> <p>Nesting Bird Surveys: If demolition and construction cannot be scheduled to occur 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 shall be 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 breeding season (May 1st through August 31st inclusive). During this survey the qualified ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of the construction areas for nests.</p> <p>Buffer Zones: If an active nest is found within 250 feet of the work areas to be disturbed by construction, the qualified ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The no-disturbance shall remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.</p> <p>Reporting: Prior to any tree removal and construction activities or issuance of any demolition, grading or building permits (whichever occurs first), the qualified ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee.</p> <p>Less Than Significant Impact with Mitigation Incorporated</p>
Noise	
Significant Impacts	Mitigation Measures
<p>Impact N-1: Construction of the proposed project would occur within 500 feet of residential land uses and within 200 feet of office uses and would last for more than 12 months, thereby resulting in a significant impact. The following mitigation measure is required in order to ensure temporary construction noise levels are less than significant.</p>	<p>MM N-1 Construction Noise Logistics Plan: Prior to the issuance of any grading or demolition permits, the project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be submitted to the Director of Planning or Director's designee of the Department of Planning, Building, and Code Enforcement prior to the issuance of any grading or demolition permits.</p> <p>As a part of the noise logistic plan and project, construction activities for the proposed project shall include, but is not limited to, the following best management practices:</p> <ol style="list-style-type: none"> a. In accordance with Policy EC-1.7 of the City's General Plan, utilize the best available noise suppression devices and techniques during construction activities. b. Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence. c. Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses. d. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. e. Prohibit unnecessary idling of internal combustion engines. f. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to

IMPACTS IDENTIFIED IN THE EIR	
	<p>screen stationary noise-generating equipment when located near adjoining sensitive land uses.</p> <p>g. Utilize “quiet” air compressors and other stationary noise sources where technology exists.</p> <p>h. Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.</p> <p>i. Notify all adjacent business, 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.</p> <p>j. If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.</p> <p>k. Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall 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 it in the notice sent to neighbors regarding the construction schedule.</p> <p>l. Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific “construction noise mitigation plan” and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.</p> <p>Less Than Significant with Mitigation Incorporated</p>
Transportation/Traffic	
Significant Impacts	Mitigation Measures
<p>Impact TR-1: The proposed project would generate 13.13 VMT per employee for the office component, which would exceed the established impact threshold of 12.21 VMT per employee.</p>	<p>MM TR-1: In addition to the final Transportation Demand Management (TDM) plan for reduced parking, the project applicant shall implement one of the following mitigation measures to reduce VMT impacts:</p> <p>Option A: Telecommuting and Alternative Work Schedules: Encourage 50 percent of the employees to telecommute, shift work schedules, or commute outside of peak congestion periods on a 4/40 schedule or 4 of 40 hours on alternative work schedule. This measure reduces commute vehicle trips; or</p> <p>Option B: Operate a Free Direct Shuttle: Provide shuttle service for at least 15 percent of the project employees that would serve the project site and areas with high concentrations of employed residents. This measure reduces drive-alone commute trips; or</p> <p>Option C: Provide Ride-Sharing Programs: Organize a program to match individuals interested in carpooling who have similar commutes for at least 15 percent of the project employees. This measure promotes the use of carpooling and reduces the number of drive-alone trips; or</p> <p>Option D:</p> <ol style="list-style-type: none"> 1. <i>Car Sharing Program</i>: Provide subsidies and promotions, as well as dedicated parking spaces, for carsharing services such as ZipCar, Car2Go, and GetAround, etc for 100 percent of the project employees; and 2. <i>Commute Trip Reduction Marketing/Education</i>: Implement marketing/educational campaigns that promote the use of transit, shared rides, and travel through active modes for 100 percent of the project employees. Strategies may include incorporation of alternative commute options into new employee orientations, event promotions, and publications; and 3. <i>Employee Parking “Cash Out” and on-site TDM coordinator</i>: Require Project employers to offer parking “cash-out” for 70 percent of the project employees. Providing a “cash-out” incentives gives employees the choice to forgo subsidized/free parking for a cash payment equivalent to the cost that the employer would otherwise pay for the parking space. Providing

IMPACTS IDENTIFIED IN THE EIR	
	<p>an alternative to subsidized/free parking encourages commuters to travel by walking, biking, carpooling, and transit.</p> <p>TR-2 On-site TDM Coordinator. The project applicant shall provide a draft TDM plan (including one or more options above) prior to issuance of Planning Permit for review and approval. Prior to issuance of any building permit, a first draft of the Plan shall be resubmitted and shall include an annual monitoring requirement establishing an average daily trip (ADT) cap of 42 AM peak-hour trips and 46 PM peak-hour trips. The annual monitoring shall be prepared by a traffic engineer and the report must demonstrate the project is within 10% of the ADT cap. If the project is not in conformance with the trip cap, the project may add additional TDM measure to meet the trip cap. A follow up report shall be required within six months of the last approved TDM If the project is still out of conformance, penalties will be assessed.</p> <p>Less Than Significant with Mitigation Incorporated</p>

SOURCE: EMC Planning Group 2022

5.0

Comments and Responses Sources

This section provides the document and web sources referenced in the final EIR, Section 2.0, Comments on the Draft EIR.

City of San José. Code of Ordinances.

https://library.municode.com/ca/san_jose/codes/code_of_ordinances

Cord, Henry, Cord Associates. Email message to consultant, 13 April 2022.

Cord, Henry, Cord Associates. Email message to consultant, 30 June 2022

San José Historic Landmarks Commission. September 1, 2021 Meeting Minutes.

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Comment Letters



From: John Frolli []
Sent: Thursday, March 3, 2022 8:25 AM
To: Le, Thai-Chau < >
Cc: Peak, Dana < >
Subject: 1065 S. Winchester Blvd.

[External Email]

Hi Thai,

re: the above referenced project.

1 | Thanks for your interest, here is my contact information below.

In the event it becomes a candidate for salvage as part of Mitigation Measures, I have a likely recipient that can use the material and I would like to be contacted.

Thanks,

John

John Frolli, AIA

Historic Architect

Strata Design Studio

From: Shree Dharasker < >
Sent: Wednesday, March 23, 2022 4:58 PM
To: Le, Thai-Chau < >
Cc: Michael Martin < >
Subject: RE: Public Review Draft EIR: 1065 South Winchester Boulevard Mixed-Use Project (SP21-006/T21-012/ER21-035)

Dear Ms. Lee;

The Santa Clara Valley Water District (Valley Water) has reviewed the Draft Environmental Impact Report (DEIR) and Initial Study (EIR/IS) for the 1065 South Winchester Boulevard Mixed-Use Project, and has the following comment:

1

Development of the site will increase water use by approximately 48 acre-feet per year (taken from the CalEEMod data). Although the Initial Study concludes that the project is accommodated by the growth projections of San Jose Water Company's Urban Water Management Plan, given regional and state-wide challenges with water supply, water use should still be reduced to the greatest extent possible. The Initial Study does not call out any specific actions to reduce water use. Potential opportunities to minimize water and associated energy use include incorporating on-site reuse for both storm and graywater, and requiring water conservation measures above State standards such as incorporating measures from the Model Water Efficient New Development Ordinance, which include:

- Hot water recirculation systems
- Graywater dual distribution plumbing
- Alternate water sources collection (like cisterns) and recycled water connections as feasible
- Pool and spa covers
- Encourage non-potable reuse of water like recycled water, graywater and rainwater/stormwater in new development and remodels through installation of dual plumbing for irrigation, toilet flushing, cooling towers, and other non-potable water uses
- Require dedicated landscape meters where applicable
- Require installation of separate submeters to each unit in multi-family developments and individual spaces within commercial buildings to encourage efficient water use
- Weather- or soil-based irrigation controllers.

Please let me know if there are any questions, and provide Valley Water with a copy of the Final Environmental Impact Report (FEIR).

Sincerely,

Shree Dharasker

Associate Engineer Civil

Community Projects Review Unit



March 25, 2022

Ms. Thai-Chau Le, Supervising Planner
City of San José
Planning, Building & Code Enforcement
200 East Santa Clara Street
San Jose, CA

**RE: Public Review of Draft EIR
1065 South Winchester Boulevard Mixed-Use Project
SP21-006/T21-012/ER21-035**

Dear Ms. Le,

1 The San José Historic Landmarks Commission (HLC) is a seven-member body appointed by the City Council to advise and make recommendations to the City Council and City Manager on the designation, acquisition and preservation of historic landmarks and sites, artifacts and other properties of historic significance and value to the City of San José. In that capacity, the HLC reviewed the Draft Environmental Impact Report (DEIR) for the 1065 South Winchester Boulevard Mixed-Use Project at the HLC meeting on March 2, 2022 and elected to provide comments on the document.

The HLC has several concerns regarding the adequacy of the document's analysis of the significant impacts that would be caused by the proposed demolition of the existing residence, barn, and accessory buildings on the property that was determined to be an eligible Candidate City Landmark under Criteria 5 and 6 of San José Municipal Code Section 13.48.110(H). The property portrays the agricultural/fruit drying heritage of the Santa Clara Valley and the house and barn embody the distinguishing characteristics of an Italianate Victorian cottage and California-style barn.

The HLC concurs with Robert Cartier, Principal Investigator for ARM, who stated in his historic evaluation report that the property appears to be eligible for listing in the California Register of Historic Resources under Criteria 1 for its association with the agricultural history of the Santa Clara Valley, and Criteria 3 as an example of an Italianate Victorian style residence and a California style barn. Over 100 years of fruit drying history would be lost with the demolition of the barn and the house. The Italianate Victorian cottage is still in "fair" condition because it was cared for by the Ban family which owned the property from the 1920s until 2019. The Ban family continued to dry fruit at this location until at least 2010.

The HLC provides the following comments:

- 2
- The property is a rare surviving example of the agricultural history of the Santa Clara Valley and it would be a significant loss if the buildings were demolished. The HLC expressed dismay at the proposed demolition and asserted there should a significant effort made to preserve as much of the historic buildings and setting as possible.
 - The project appears to be proposed by the same owner as the adjacent property (1073-1087 South Winchester Boulevard) which has a current entitlement (SP20-002) because the design of the buildings is the same. The alternatives section of the DEIR did not address the feasibility of redesigning the two speculative projects to aggregate the sites to allow the preservation of the historic buildings in their current configuration and to maximize the development area. This is recommended for further exploration.
- 3
- The property owner expressed interest in moving the buildings early in the application process. The alternatives section of the DEIR should identify potential relocation sites as part of the analysis. It was noted that History Park would be an ideal location where the buildings could be kept in the same arrangement (as a group) in an open environment/ rural setting. The HLC urges the exploration of other City-owned property where the buildings could be relocated.
- 4
- The HLC emphasized that Alternative 2 or Alternative 3 in the DEIR demonstrate viable options where new construction could co-exist with the historic resources on site and reduce the significant impact to cultural resources. Therefore, one of these alternatives should be adopted instead of an override.

5

In conclusion, the HLC is deeply concerned that viable onsite relocation alternatives outlined in the DEIR have not been adequately explored or considered. The property is one of the few remaining intact representations of the fruit drying heritage of the Santa Clara Valley which will be permanently lost if the existing residence, barn, and accessory buildings are demolished. The HLC is charged with stewardship responsibilities for San Jose's historic and cultural resources and urges the thoughtful consideration of both onsite and off-site relocation.

Thank you for the opportunity to comment on the DEIR.

Sincerely,

Paul W. Boehm

Paul W. Boehm (Mar 25, 2022 14:10 PDT)

Paul Boehm

Chairman

San Jose Historic Landmarks Commission



**PRESERVATION ACTION
COUNCIL OF SAN JOSE**
 History Park
 1650 Senter Road
 San Jose, CA 95112
 Phone: 408-998-8105
www.preservation.org

April 4, 2022

Thai-Chao Le
 Environmental Project Manager
 City of San José Department of Planning, Building and Code Enforcement
 200 East Santa Clara Street, 3rd Floor Tower
 San José CA 95113-1905

VIA EMAIL ()

RE: 1065 SOUTH WINCHESTER BLVD MIXED USE PROJECT (SP21-006 & ER21-035) DEIR COMMENTS

Dear Ms. Le,

The Preservation Action Council of San Jose (PAC* SJ) appreciates this opportunity to provide comments on the DEIR for the 1065 South Winchester Mixed Use Project, a proposed 6-story, 70-unit residential development with ground-floor commercial units on a 0.93-acre site currently occupied by a c.1900 Italianate Victorian farmhouse and associated agricultural outbuildings and landscape elements. PAC* SJ previously submitted scoping comments requesting that the DEIR include robust analysis of preservation alternatives that would reduce or avoid adverse effects to this historic resource, including all contributing structures and landscape elements. While we acknowledge the DEIR’s inclusion of two preservation alternatives (Options 2 & 3) that retain some or all portions of the historic complex, these options are not presented with sufficient detail to allow meaningful analysis of their feasibility. We specifically find that Option 3 as presented does not appear to be the only, or even the most feasible, site plan that would accommodate both on-site preservation and substantial new development. We submit the following alternative site plan (Plan A) for consideration in the FEIR and encourage the project developers and the City as lead agency to undertake a good-faith analysis of its feasibility.

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-  Project Site Boundary
-  Project Redesign Site
-  New Driveway

-  Barn Relocation






Alternative Onsite Relocation Plan A
 1065 So. Winchester Blvd. Mixed Use

2

In addition, PAC* SJ questions the lack of a preservation alternative incorporating a lot consolidation with the parcels to the immediate south of the project area. The DEIR acknowledges that the two sites are being developed by the same applicant and architect, and many of the renderings included in the DEIR depict the two projects as a unified development (see for example Project Plan Sheet 019-A and 024-A, Appendix A). The DEIR incorrectly excludes analysis of a unified site plan, which is likely to yield more feasible alternatives for redevelopment, as illustrated in the attached alternative site plans (Plans B and C):

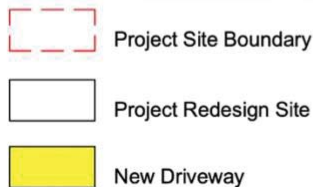


-  Project Site Boundary
-  Project Redesign Site
-  New Driveway

-  Barn Relocation



Alternative Onsite Relocation Plan B
1065 So. Winchester Blvd. Mixed Use



Alternative Onsite Relocation Plan C
1065 So. Winchester Blvd. Mixed Use

3 PAC* SJ similarly requests that an analysis of these additional preservation alternatives be included in the FEIR. Likewise, we are concerned that the DEIR analysis of off-site relocation (Option 4) lacks any substantive analysis of potential receiver sites, and is therefore insufficient in its analysis of the feasibility of such an option. We note that the Winchester Boulevard Urban Village Plan identifies a number of existing and proposed parks and other public open spaces within the immediate vicinity of the project area (see Urban Village Plan Figure 4-1, p. 35) and we strongly encourage the project applicant and the City to proactively



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3
cont. | explore these areas as potential receiver sites for some or all of the existing structures on the project site. We
also strongly encourage the City to require a more robust analysis of potential receiver sites in all future
DEIRs that propose relocation as a potentially feasible project alternative, as was included in the Woz Way
Office Project SEIR (GP19-008 and H20-004).

4 | PAC* SJ looks forward to a continued dialogue with the project applicant and the City to avoid the
unnecessary loss of this important historic resource. Rather than being an obstacle to a successful
development, we believe strongly that its preservation and reactivation, in whole or in part, will serve to
enhance the character, sense of place, and pedestrian scale of the project site and surrounding Urban Village.

Sincerely,

Ben Leech
Executive Director
Preservation Action Council of San Jose

cc: Vice-Mayor Chappie Jones, District 1



April 5, 2022

Thai-Chau Le
City of San Jose
200 E Santa Clara St, 3rd Flr Tower
San Jose, CA 95113

Re: Mixed-Use Project SP21-006; T21-012; ER21-035
1065 South Winchester Boulevard, San Jose, CA 95128

Dear Thai-Chau Le:

1 Thank you for giving us the opportunity to review the subject plans. The proposed Mixed-Use Project SP21-006; T21-012; ER21-035 is within the same vicinity of PG&E's existing facilities that impact this property. The applicant must contact the below resources to relocate and remove existing services to facilitate the proposed development.

Please contact the Building and Renovation Center (BRSC) for facility map requests by calling _____ and PG&E's Service Planning department at www.pge.com/cco for any modification or relocation requests, or for any additional services you may require.

2 As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact me at . _____

Sincerely,

Justin Newell
Land Management