

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

File No. PDC12-009 and PD12-014, Santana Row Planned Development Rezoning and Office Building. The project that is the subject of this Mitigated Negative Declaration is requesting two levels of approval from the City of San José: (1) new Planned Development rezoning of the entire Santana Row site (PDC 12-009), and (2) a new Planned Development (PD) Permit for the property referred to as "Lot 11" in the plans filed with the City of San José under file number PD 12-014.

The existing Planned Development Zoning currently allows for a total 832,500 square feet of commercial/retail space which includes 160,000 square feet of office, 557,300 square feet of retail, and 115,200 square feet of restaurant/bar/entertainment space. The zoning also allows for a total of 1,182 residential units and 214 hotel rooms. The proposed zoning will allow an additional 128,200 square feet of office and 30,000 square feet of restaurant/bar/entertainment space, and 50,000 square feet less retail space. These additional changes equate to an overall increase in commercial/retail space of 108,200 square feet, comparing existing and proposed entitlements.

With approval of the proposed rezoning, full build out of the site would include an additional 228,200 square feet of office space, 46,458 square feet of restaurant space, 35,139 of retail space, and 456 residential units over the current built condition. The proposed office building on Lot 11 would utilize all of the available office square footage remaining for the entire Santana Row site.

The project is located at the southeast corner of Stevens Creek and Winchester Boulevards. The project location contains a listed toxic site.

The City of San Jose has performed environmental review on the project. Environmental review examines the nature and extent of any adverse effects on the environment that could occur if a project is approved and implemented. Based on the review, the City has prepared a draft Mitigated Negative Declaration (MND) for this project. An MND is a statement by the City that the project will not have a significant effect on the environment if protective measures (mitigation measures) are included.

The public is welcome to review and comment on the draft Mitigated Negative Declaration.

The public comment period for this draft Mitigated Negative Declaration begins on **June 8, 2012**, and ends on **July 9, 2012**. A hearing date has not yet been scheduled for the project.

The draft Mitigated Negative Declaration, initial study, and reference documents are available online at: <http://www.sanjoseca.gov/planning/eir/MND.asp#PDC12-009> .

The documents are also available for review from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, located at City Hall, 200 East Santa Clara Street; and at the Dr. Martin Luther King, Jr. Library, located at 150 E. San Fernando Street.

For additional information, please contact John Davidson at (408) 535-7895, or by e-mail at john.davidson@sanjoseca.gov .

Joseph Horwedel, Director
Planning, Building and Code Enforcement



Circulated on: June 8, 2012

Deputy

MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Santana Row Planned Development Rezoning and Office Building

PROJECT FILE NUMBER: PDC12-009 and PD12-014

PROJECT DESCRIPTION: The project that is the subject of this Negative Declaration is requesting two levels of approval from the City of San José: (1) new Planned Development rezoning of the entire Santana Row site (PDC 12-009), and (2) a new Planned Development (PD) Permit for the property referred to as "Lot 11" in the plans filed with the City of San José under file number PD 12-014.

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With approval of the proposed rezoning, full build out of the site would include an additional 228,200 square feet of office space, 46,458 square feet of restaurant space, 35,139 of retail space, and 456 residential units over the current built condition. The proposed office building on Lot 11 would utilize all of the available office square footage remaining for the entire Santana Row site.

PROJECT LOCATION & ASSESSORS PARCEL NO.: Southeast corner of Stevens Creek Boulevard and Winchester Boulevard. Assessor's Parcel Nos. APN 277-33-06, -017, -019, -020, -021; 277-040-011, -012, -015, -017, -020, -022, -024, -025, -027, -028, -029; 277-44-001, 277-45-128, -129; 277-46-001.

COUNCIL DISTRICT: 6

APPLICANT CONTACT INFORMATION: Linda Callon, Berliner Cohen, 10 Almaden Boulevard, 11th Floor, San Jose CA 95113

FINDING:

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- I. **AESTHETICS.** The project will not have a significant impact on aesthetics or visual resources, therefore no mitigation is required.
- II. **AGRICULTURE AND FOREST RESOURCES.** The project will not have a significant impact on agriculture or forest resources, therefore no mitigation is required.
- III. **AIR QUALITY.** The project will not have a significant air quality impact, therefore no mitigation is required.
- IV. **BIOLOGICAL RESOURCES.** With implementation of the required mitigation measures, future development under the proposed PD Rezoning and the construction of an office building on Lot 11 will have a less than significant impact on trees and the City's urban forest. (Less Than Significant Impact With Mitigation)
- V. **CULTURAL RESOURCES.** The project will not have a significant impact on cultural resources, therefore no mitigation is required.
- VI. **GEOLOGY AND SOILS.** The project will not have a significant impact due to geology and soils, therefore no mitigation is required.
- VII. **GREENHOUSE GAS EMISSIONS.** The proposed office development incorporates voluntary measures such as structured parking and a reduction in the number of parking spaces provided due to the potential shared use of those spaces with the existing development on the PD rezoning site. The City of San José will require that the developer implement a transportation demand management program as a condition of approval of the PD permit for the proposed office building on Lot 11. (Less Than Significant Impact with Mitigation Required)
- VIII. **HAZARDS AND HAZARDOUS MATERIALS.** Prior to issuance of a PD Permit for development of either (1) the Courtesy Chevrolet portion of the property, (2) the Building 9 area of the vacant former dry cleaner operation, or (3) the former agricultural area, a Removal Action Workplan (RAW) will be developed in conjunction with the Department of Toxic Substances Control and the City of San José requirements. The RAW will describe the specific measures that will be implemented to reduce or avoid the potential exposure of future residents, workers, and users of the site to hazardous materials, if it is determined that such measures are necessary. The Workplan will include proposed remedial measures such as capping the

contaminated soil with buildings or pavement and/or removing all or a portion of the contaminated soil for off-site treatment or disposal at an appropriate disposal site. Once implemented, the RAW will reduce the levels of contamination within the areas designated for residential uses to acceptable threshold levels as established by local, State, and Federal regulatory agencies.

- IX. HYDROLOGY AND WATER QUALITY.** Because construction of the office building and retail pavilion on Lot 11 includes the specific measures and actions identified in the Initial Study, and will be required by the City to comply with local and regional regulatory programs, the project will have a less than significant construction related water quality impact.
- X. LAND USE AND PLANNING.** The project will not have a significant land use impact, therefore no mitigation is required.
- XI. MINERAL RESOURCES.** The project will not have a significant impact on mineral resources, therefore no mitigation is required.
- XII. NOISE.** Each construction project undertaken on the Santana Row project site, including the office building/retail pavilion on Lot 11, will be required by conditions of project approval to implement specific measures listed in the Initial Study during all current and future phases of construction on the project site.
- XIII. POPULATION AND HOUSING.** The project will not have a significant population and housing impact, therefore no mitigation is required.
- XIV. PUBLIC SERVICES.** The project will not have a significant impact on public services, therefore no mitigation is required.
- XV. RECREATION.** The project will not have a significant impact on recreation, therefore no mitigation is required.
- XVI. TRANSPORTATION / TRAFFIC.** The project will make a fair share contribution to the cost of improvements at the I-800/Stevens Creek Interchange, based on the level of impact that would otherwise occur. Completion of these proposed roadway improvements will reduce project impacts at the Stevens Creek/Monroe intersection to less than significant. This is consistent with Council Policy 5-3 and with the mitigation anticipated by General Plan Policy TR-5.3.
- XVII. UTILITIES AND SERVICE SYSTEMS.** The City of San Jose Department of Public Works analyzed the existing sanitary sewer capacities in the area. At this time, the applicant has not provided plans showing where the proposed office building would connect to the existing sanitary sewer system. Should the applicant propose to connect to the 6-inch sewer on Winchester Boulevard, a capacity analysis will be needed to determine if upsizing of the 6-inch line in Winchester Boulevard is necessary. Connection to the existing 8-inch line on Olsen Drive would not warrant additional studies, nor would it trigger upsizing of sanitary sewer facilities.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE. The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **July 9, 2012** any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only;
or
2. Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulation period, from June 8, 2012 to July 9, 2012.


Deputy

Revised 5-6-11 jam

Initial Study

SANTANA ROW
OFFICE DEVELOPMENT
AND REZONING

City of San Jose

June 2012

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SECTION 1 INTRODUCTION AND PURPOSE

This Initial Study of environmental impacts has been prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 *et seq.*) and the regulations and policies of the City of San José. The purpose of this Initial Study is to provide objective information regarding the environmental consequences of the proposed project to the decision makers who will be reviewing and considering the project.

The City of San José is the Lead Agency under CEQA and has prepared this Initial Study to evaluate the environmental impacts that might reasonably be anticipated to result from the proposed modifications to the current maximum build out scenario for Santana Row. In addition, this analysis evaluates the environmental impacts of construction of a new office building on the project site.

All documents referenced in this Initial Study are available for public review in the Office of Planning, Building and Code Enforcement at San José City Hall, 200 East Santa Clara Street, during normal business hours.

Tiering of the Environmental Review

In accordance with CEQA Section 21093 and CEQA Guidelines Section 15152, this Initial Study tiers off the City of San José Final Program Environmental Impact Report (FEIR) for the Envision San José 2040 General Plan (State Clearinghouse # 2009072096) certified by the City Council in 2011 and the Town and County Village FEIR certified by the City Council in 1998.

CEQA Section 21093(b) states that environmental impact reports shall be tiered whenever feasible, as determined by the Lead Agency. “Tiering” refers to using the analysis of general matters contained in a broader Environmental Impact Report (EIR) in subsequent EIRs or Initial Studies/Negative Declarations on narrower projects; and concentrating the later environmental review on the issues specific to the later project [CEQA Guidelines Section 15152(a)].

Tiering is appropriate when it helps a public agency to focus on issues at each level of environmental review and to avoid or eliminate duplicative analysis of environmental effects examined in previous environmental impact reports [CEQA Section 21093(a)].

The proposed development is consistent with the land use assumptions of the certified 2011 General Plan FEIR, which evaluated at a program level intensified mixed-use development on the project site.

SECTION 2 PROJECT INFORMATION

2.1 PROJECT TITLE

Santana Row Office Development and Rezoning

2.2 PROJECT LOCATION

The project site is located at the southeast corner of Stevens Creek Boulevard and Winchester Boulevard in the City of San José. (see Figures 1 and 2)

2.3 LEAD AGENCY CONTACT

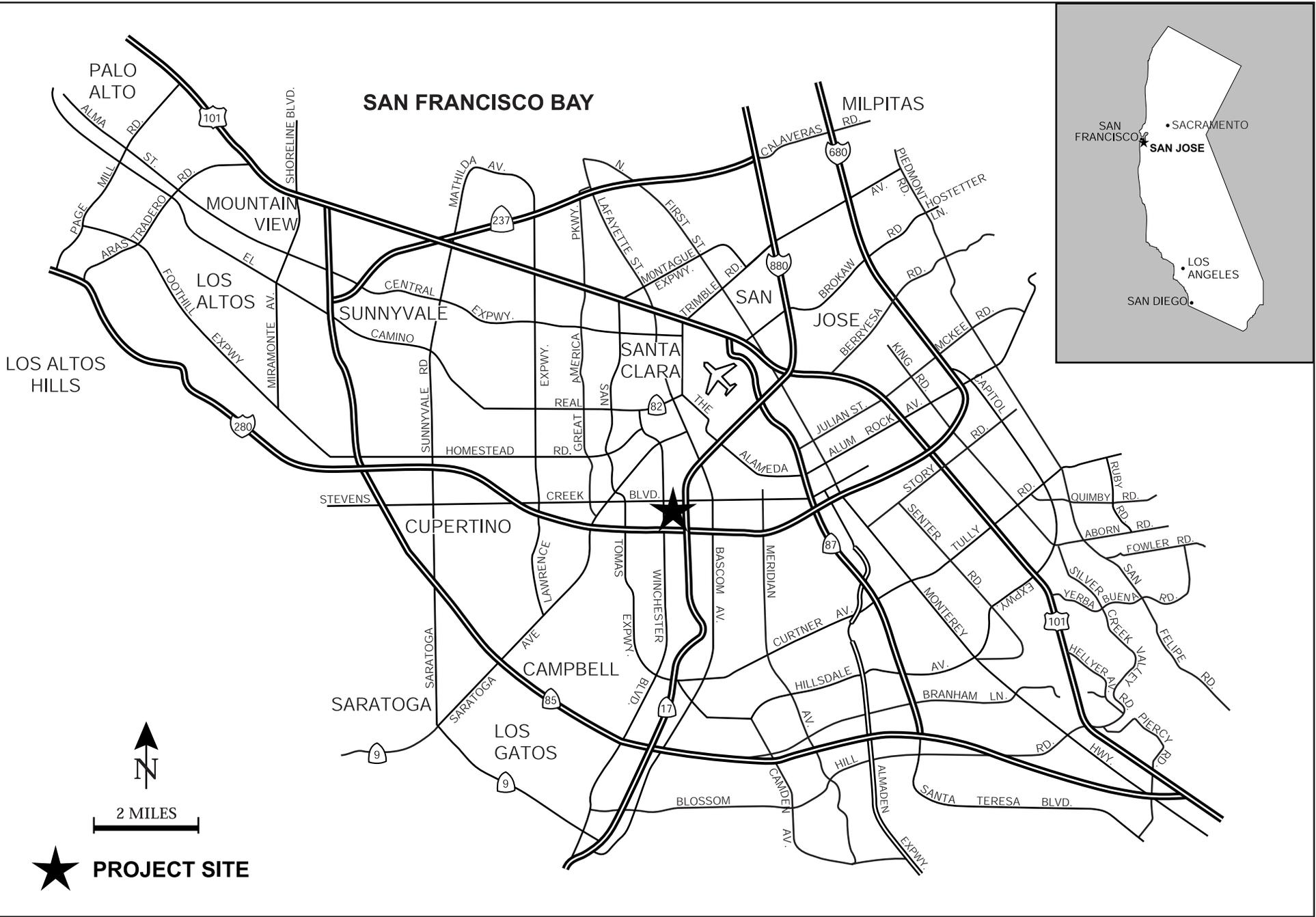
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2.4 ASSESSOR'S PARCEL NUMBERS

APN 277-33-06, -017, -019, -020, -021; 277-040-011, -012, -015, -017, -020, -022, -024, -025, -027, -028, -029; 277-44-001, 277-45-128, -129, -253; 277-46-001 to -039.

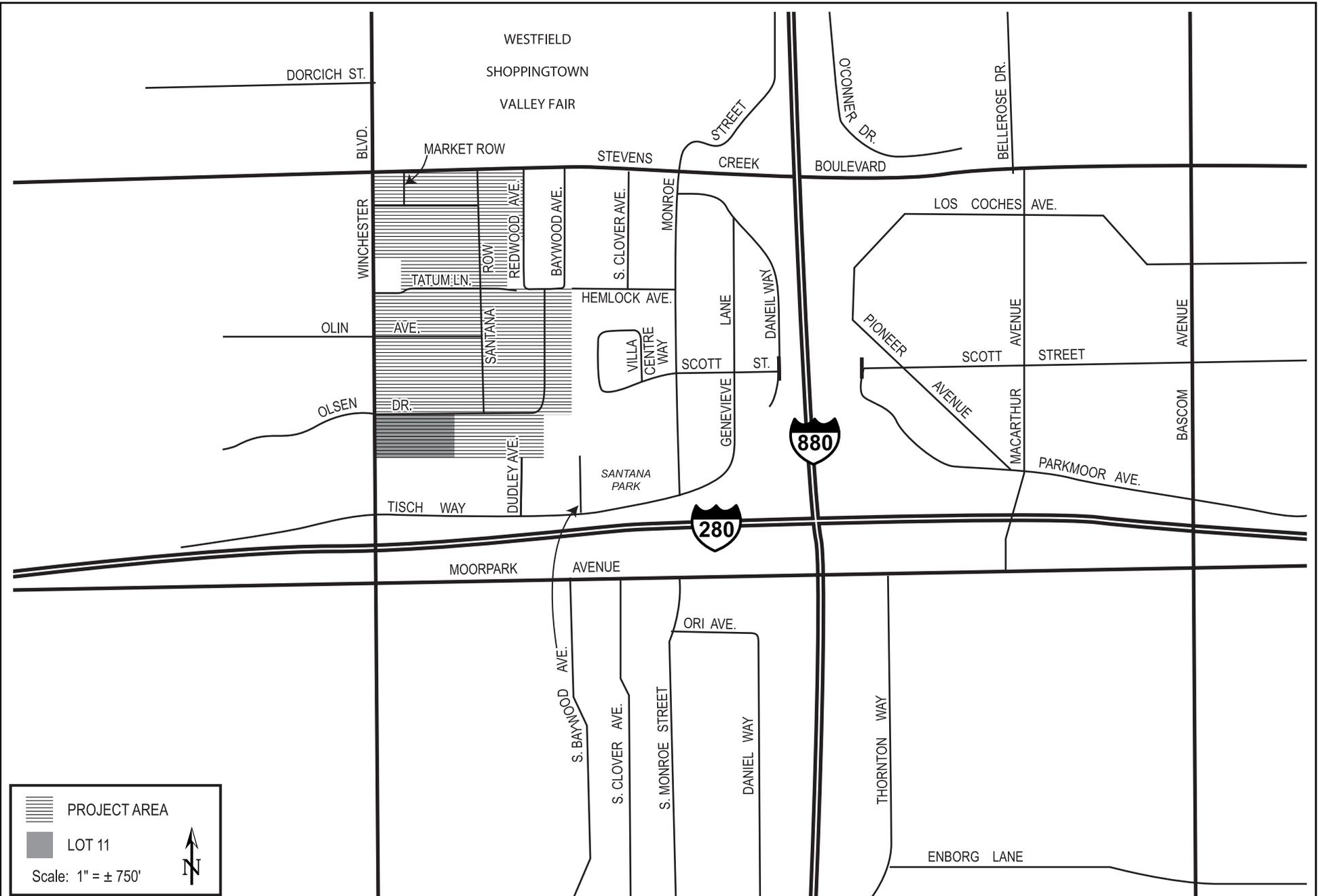
2.5 ZONING DISTRICT AND GENERAL PLAN DESIGNATION

Under the City of San José's adopted General Plan, the project site is designated *Regional Commercial* with an *Urban Village* overlay. The project site is zoned (A)PD – *Planned Development*.



REGIONAL MAP

FIGURE 1



VICINITY MAP

FIGURE 2

SECTION 3 PROJECT DESCRIPTION

In 1998, the City of San José certified the FEIR for the Town and Country Village project, which analyzed the redevelopment of the existing Town and Country Village Shopping Center with a mixed-use development. The maximum development analyzed in the EIR for the project was 650,000 square feet of commercial/retail space, 1,200 residential units, and two 100-room hotels.¹ Since certification of the EIR, minor changes have been made to the project that were the subject of six addenda to the certified EIR.

The “project” that is the subject of this Initial Study is requesting two levels of approval from the City of San José: (1) new Planned Development rezoning of the entire Santana Row site (PDC 12-009), and (2) a new Planned Development (PD) Permit for the property referred to as “Lot 11” in the plans filed with the City of San José under file number PD 12-014. The impacts of both the rezoning and the new office building proposed on Lot 11 are discussed throughout this Initial Study.

The existing Planned Development Zoning currently allows for a total 832,500 square feet of commercial/retail space which includes 160,000 square feet of office, 557,300 square feet of retail, and 115,200 square feet of restaurant/bar/entertainment space. The zoning also allows for a total of 1,182 residential units and 214 hotel rooms. Of the existing entitlement, all the hotel rooms, 514 residential units, and 630,903 square feet of commercial/retail space² have already been constructed. An additional 212 residential units are currently under construction.

As proposed, the project would modify the existing (A)PD zoning to allow for an *additional* 128,200 square feet of office and 30,000 square feet of restaurant/bar/entertainment space, and 50,000 square feet *less* retail space. These additional changes equate to an overall increase in commercial/retail space of 108,200 square feet, comparing existing and proposed entitlements. Because of the complexities of the changes compared to existing entitlements and existing physical conditions on the ground, Table 1 summarizes the various numbers.

With approval of the proposed rezoning, full build out of the site would include an additional 228,200 square feet of office space, 46,458 square feet of restaurant space, 35,139 of retail space, and 456 residential units over the current built condition. The proposed office building on Lot 11 would utilize all of the available office square footage remaining for the entire Santana Row site.

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

² Of the 630,903 square feet that is already constructed, 472,161 square feet is retail, 60,000 square feet is office, and 98,742 square feet is restaurant.

TABLE 1
Existing Conditions, Zoning, and Proposal
Santana Row

Comparison of Existing Conditions and Zoned Development			
Use	*Existing	‡Zoned	Difference
Hotel rooms	214 rooms	214 rooms	--
Residential	726 units	1,182 units	456 units
Commercial space	630,903 sf	832,500 sf	201,597 sf
- <i>Retail</i>	<i>472,161 sf</i>	<i>557,300 sf</i>	85,139 sf
- <i>Office</i>	<i>60,000sf</i>	<i>160,000 sf</i>	100,000 sf
- <i>Restaurant+</i>	<i>98,742 sf</i>	<i>115,200 sf</i>	16,458sf
Comparison of Existing PD Zoning and Proposed PD Zoning			
Use	Zoned	‡Proposed Zoning	Difference
Hotel rooms	214 rooms	214 rooms	--
Residential	1,182 units	1,182 units	--
Commercial space	832,500 sf	940,700 sf	108,200 sf
- <i>Retail</i>	<i>557,300 sf</i>	<i>507,300 sf</i>	-50,000 sf
- <i>Office</i>	<i>160,000 sf</i>	<i>288,200 sf</i>	128,200 sf
- <i>Restaurant+</i>	<i>115,200 sf</i>	<i>145,200 sf</i>	30,000sf
Comparison of Existing and Proposed Development			
Use	Existing	Proposed	Difference
Hotel rooms	214 rooms	214 rooms	--
Residential	726 units	1,182 units	456 units
Commercial space	630,903 sf	940,700 sf	309,797 sf
- <i>Retail</i>	<i>472,161 sf</i>	<i>507,300 sf</i>	35,139 sf
- <i>Office</i>	<i>60,000sf</i>	<i>288,200 sf</i>	228,200 sf
- <i>Restaurant+</i>	<i>98,742 sf</i>	<i>145,200 sf</i>	46,458sf
*Existing conditions refers to the physical development on the ground at this time, including development that is under construction.			
‡Zoned Development is the total amount of development that is allowed by the existing PD Zoning on the entire Santana Row property (40.78 acres).			
‡Proposed Development is the total amount of development that would be allowed if the proposed PD zoning is approved by the City for the entire Santana Row property (40.78 acres).			

Other changes proposed for the PD rezoning include a provision that would permit the maximum development allowances for commercial and restaurant/bar/entertainment uses to be amended by a Planned Development Permit subject to environmental review, and allowance of the following land uses:

- Interior retail auto sales on-site with no auto lot
- Laundromats
- All vehicle related uses listed in the Use Table 20-90 of Section 20.40.100 of the San José Municipal Code which includes (1) accessory installation for automobiles and pick-up trucks, (2) gas or charge stations with or without incidental service and repair, (3) glass sales, installation, and tinting, (4) sales of passenger vehicles and pick-up trucks not exceeding twenty-five feet in length, and motorcycles, (5) sales of vehicle parts, and (5) tires, batteries, lube, oil change, smog check station, air conditioning servicing of passenger vehicles and pick-up trucks

- Private clubs and lodges
- Amusement arcades with more than 19 games
- Bowling establishments
- Cemeteries/columbaria and mortuaries
- Emergency residential shelters, residential care/service facilities for seven or more persons, and single-room occupancy hotels

In addition, the following uses would no longer require a Planned Development Permit to be allowed on-site:

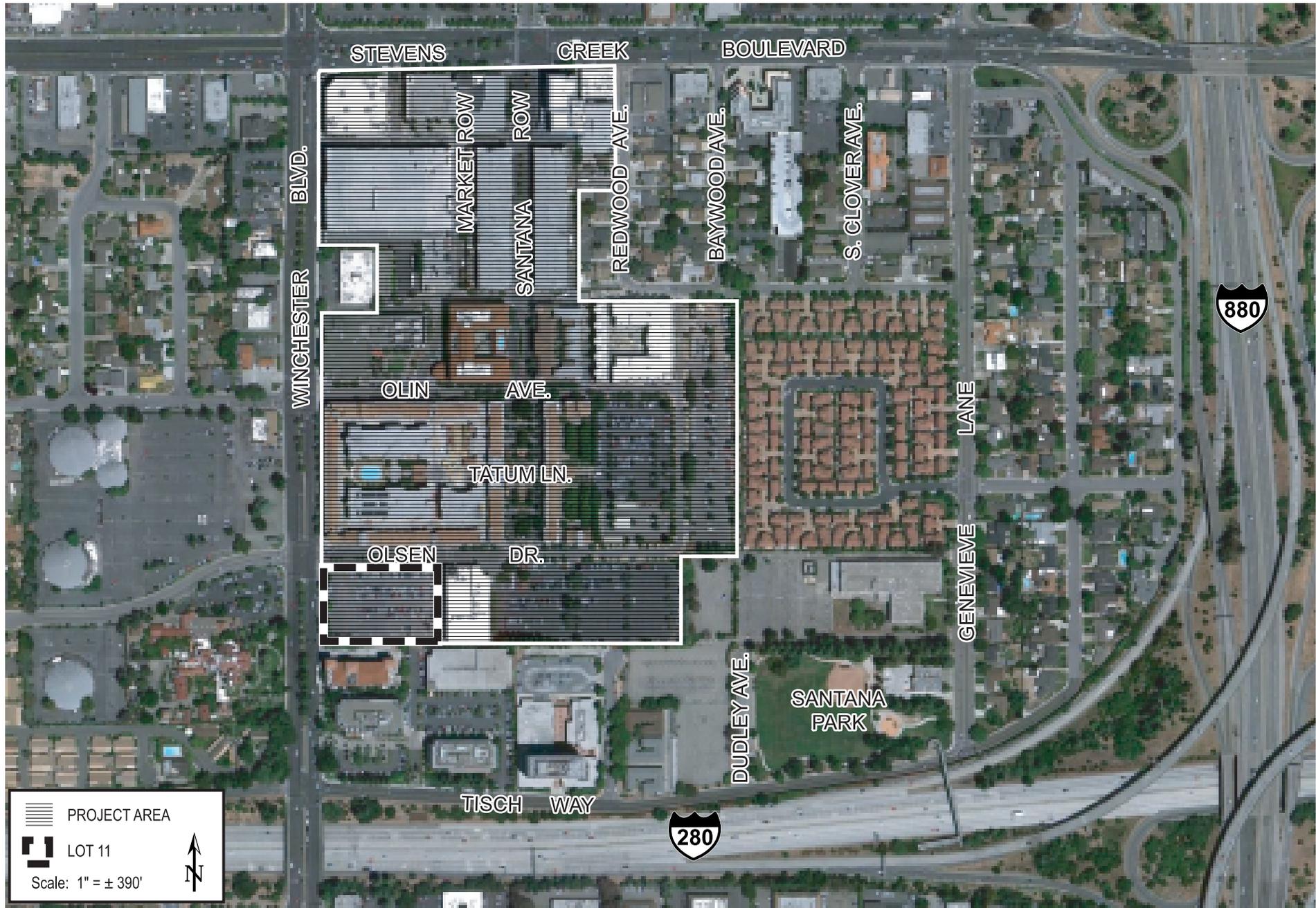
- Large destination, name brand entertainment uses
- Carwash/detailing
- Auto brokers, wholesale, with no on-site storage

Most building heights would no longer be restricted to 90 or 120 feet by the zoning but would be set by a Planned Development Permit for each building. Buildings within 30 feet of residentially zoned single-family dwelling units would still have a maximum building height restriction of 35 feet.

Construction of a 228,200 square foot office building and a 1,500 square foot retail pavilion at the southeast corner of Winchester Boulevard and Olsen Road (Lot 11) is also proposed. The building would be six stories tall (90 feet) and include four levels of underground parking with 678 parking spaces. Parking within this building would be limited to office employees/visitors during weekdays and open to all Santana Row patrons on weekday evenings and weekends. The location of the project site and Lot 11 is shown on Figure 3. A site plan of the proposed office development is shown on Figure 4. The office building is included in the PD Permit submitted concurrently with the application for PD rezoning. The office building is consistent with the proposed rezoning.

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

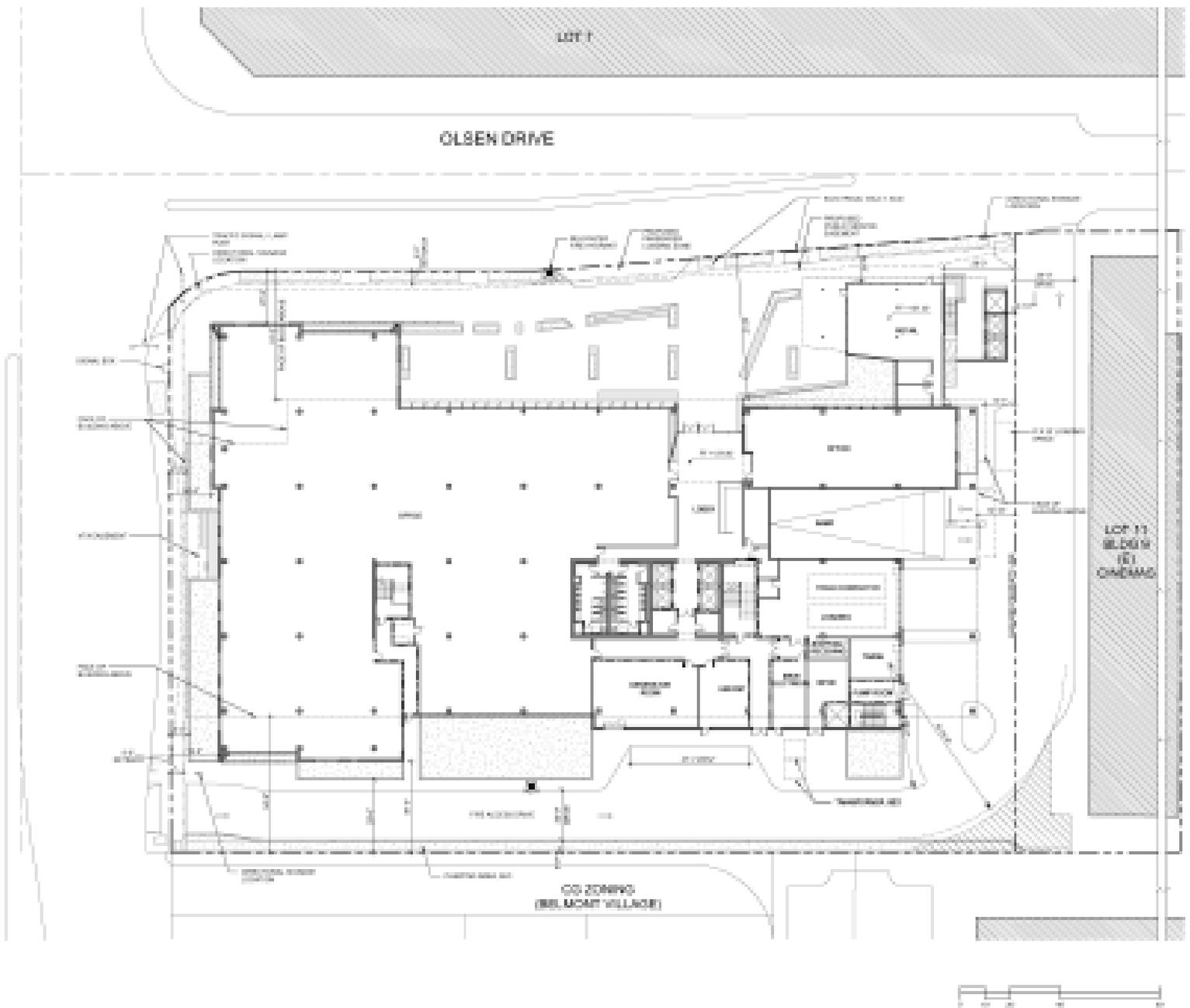
- Exceed the State Title 24 California Energy Code requirements by 15 percent;
- Salvage or recycle at least 50 percent of construction waste;
- Use of recycled and/or local building materials;
- Cool roofs; and
- Water efficient landscaping and irrigation design.



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 3

S. WINCHESTER BOULEVARD



SITE PLAN

FIGURE 4

SECTION 4.0 ENVIRONMENTAL SETTING & CHECKLIST

This section describes the existing environmental conditions on and near the subject site, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the CEQA Guidelines, was used to identify environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified in Section 5.0. Mitigation measures are identified for all significant project impacts. “Mitigation Measures” are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370).

4.1 AESTHETICS

4.1.1 Setting

4.1.1.1 Project Site

The project site is a mixed-use development comprised of residential, retail, office, and entertainment space with maximum building heights up to 90 or 120 feet. The project site has a variety of architectural styles, building colors, and landscaping. The buildings are all oriented along the internal roadways which are generally in a grid pattern. The main internal access is a private road (Santana Row) which extends the full length of the site from Stevens Creek Boulevard to the southernmost buildings. At the southern end of this road, in between the travel lanes, is a private open space area which has seating, recreational areas, and small shops. The other major open space on the site is a large lawn area off the main roadway.

Lot 11 is currently a surface parking lot with perimeter landscaping. There are no trees or other landscaping within the parking area.

4.1.1.2 Surrounding Land Uses

Development in the project area is a mix of retail/commercial and residential land uses (see Figure 3). Building heights vary by land use from one to 11 stories. The project site is bounded by Stevens Creek Boulevard (a major arterial) to the north, a mixed-density residential neighborhood to the east, a seven-story senior housing facility and a five level parking structure to the south, and Winchester Boulevard to the west.

Stevens Creek Boulevard is a six-lane roadway with a raised center median. On the north side of Stevens Creek Boulevard, directly across from the project site, is Valley Fair, a regional enclosed shopping mall. Valley Fair is a large, two-story shopping mall with no distinctive architectural style. The mall is comprised of a main building, several detached commercial structures, three above-ground parking structures, and surface parking lots. Most of buildings are well maintained and the site has extensive landscaping throughout the parking lots and along the perimeters of the site. Due to the existing landscaping, large parking structures, and some freestanding commercial buildings near the roadway, the main building is not highly visible from Stevens Creek Boulevard.

The residential neighborhood to the east is comprised of a recently built complex of two-story cluster housing, and an older mixed-use neighborhood of one and two-story single-family houses, including some duplexes and low-rise apartments, interspersed with commercial businesses. While some of the commercial businesses are in commercial buildings, other businesses are located in converted single-family houses. The neighborhood is a mix of architectural styles as a result of the houses being built over many decades with the earliest houses built prior to World War II and the newest subdivision (directly adjacent to Santana Row) built in the mid 1980's.

South of Lot 11 (which is the southwesterly corner of Santana Row) is an eight-story senior housing facility, five level parking garage, three office buildings (six to 11 stories tall) with some surface parking, and three low-rise apartment buildings. The office buildings are well maintained with mature landscaping and are typical of mid-rise office buildings constructed throughout the City. The senior housing facility is relatively new construction (about 12 years old) in the Mission style with arched windows and towers on the northeast and northwest corners of the building that are one story taller than the rest of the building.

Winchester Boulevard is a four- to six-lane roadway. On the west side of Winchester Boulevard, directly across from the project site, is the Century movie theaters, the historic Winchester Mystery House, several small one- and two-story commercial buildings, and a single-family residential neighborhood behind the commercial buildings and theater. The Century theaters are comprised of three large commercial buildings set more than 450 feet back from Winchester Boulevard. The area between the buildings and the roadway is a large surface parking lot with minimal landscaping. The Winchester Mystery House is a historic landmark structure with extensive manicured gardens. The commercial buildings along Winchester Boulevard are free-standing one-story buildings with minimal setbacks from the roadway. All of these buildings are well maintained and have mature landscaping. The single-family neighborhood located behind the commercial buildings is similar to the neighborhood east of the project site.

4.1.1.3 Applicable Aesthetics Regulations and Policies

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

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

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

4.1.2 Environmental Checklist and Discussion

AESTHETICS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4

4.1.2.1 Aesthetic Impacts

Scenic Vistas and Other Scenic Resources

Most of the City is relatively flat and prominent viewpoints, other than buildings, are limited. The project area in particular has minimal to no scenic views due to the existing built environment and no designated scenic resources. The project site is already developed with buildings ranging up to 90 to 120 feet in height and adjacent nearby buildings range from one to 11 stories in height. The proposed zoning would not limit future building height. The construction of new buildings on-site under the proposed rezoning, including the currently proposed construction on Lot 11, would not significantly diminish scenic views in the project area or damage any designed scenic resources because there are no views or scenic resources in the project area. **(No Impact)**

Visual Character

Most new construction resulting from the proposed rezoning would be in the interior of the project site and off-site visibility would be limited. The proposed office building and retail pavilion on Lot 11, however, would be on the Winchester Boulevard frontage and highly visible from the roadway and surrounding properties. The Santana Row project is in a highly urbanized area with a multitude of architectural styles and building heights.

The General Plan FEIR concluded that while new development and redevelopment under the General Plan would alter the appearance of the City, implementation of adopted policies and existing regulations (including the City's Design Guidelines) would avoid substantial degradation of the

visual character or quality of the City. Future development on-site under the proposed rezoning will comply with the adopted plans, policies, and regulations as outlined in the General Plan FEIR. In particular, all development on-site will comply with the City's Design Guidelines for residential and commercial structures. As a result, the proposed rezoning will have a less than significant impact on the visual character and quality of the City. **(Less Than Significant Impact)**

The office building proposed on Lot 11 is illustrated in the plans on file with the City and represents an acceptable level of quality, equivalent to or higher in quality than existing buildings in the area. The height is consistent with the General Plan designation for the site and with surrounding structures. **(Less Than Significant Impact)**

Light and Glare

As stated above, most new construction resulting from the proposed rezoning would be in the interior of the project site and off-site visibility would be limited. The proposed office building and retail pavilion on Lot 11, however, would be on the Winchester Boulevard frontage and highly visible from the roadway and surrounding properties. All new structures and parking areas on-site would contribute to increased light levels in the immediate project area. While the proposed office building/retail pavilion on Lot 11 would be the most visible, future development along the eastern property line would have the greatest effect on the residential neighborhood to the east.

The General Plan FEIR concluded that while new development and redevelopment under the General Plan could be new sources of nighttime light and daytime glare, implementation of adopted plans, conformance with adopted policies and regulations and with General Plan policies would avoid substantial light and glare impacts. Future development on-site under the proposed rezoning will comply with the aforementioned General Plan policies, the City's Design Guidelines for residential and commercial structures, and City Council Lighting Policies 4-2 and 4-3. As a result, the proposed project would not significantly impact adjacent land uses with increased nighttime light levels or daytime glare from building materials. **(Less Than Significant Impact)**

The proposed office building/retail pavilion on Lot 11 is consistent with the City's adopted Commercial Design Guidelines and with City Council Lighting Policies 4-2 and 4-3. The proposed project would not, therefore, significantly impact adjacent land uses with increased nighttime light levels or daytime glare from building materials. **(Less Than Significant Impact)**

4.1.3 Conclusion

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

4.2 AGRICULTURAL AND FOREST RESOURCES

4.2.1 Setting

There are no agricultural or forest resources on or adjacent to the project site that would be impacted by the proposed project.

4.2.2 Environmental Checklist and Discussion

AGRICULTURAL AND FOREST RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Codes section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3
4) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3

4.2.3 Conclusion

The proposed project would have no impact on agricultural land, agricultural activities, or forest resources. **(No Impact)**

4.3 AIR QUALITY

4.3.1 Setting

4.3.1.1 Background

Air quality and the amount of a given pollutant in the atmosphere are determined by the amount of pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain and for photochemical pollutants, sunshine.

The project site is within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that monitors and regulates air pollution within the air basin.

4.3.1.2 Topography and Climate

The South Bay has significant terrain features that affect air quality. The Santa Cruz Mountains and Diablo Range on either side of the South Bay restrict horizontal dilution, and this alignment of the terrain also channels winds from the north to south, carrying pollution from the northern San Francisco Bay Peninsula toward San José.

The proximity of San José to both the Pacific Ocean and San Francisco Bay has a moderating influence on the climate. Meteorological factors make air pollution potential in the Santa Clara Valley quite high. Northwest winds and northerly winds are most common in the project area, reflecting the orientation of the Bay and the San Francisco Peninsula.

4.3.1.3 Regional and Local Criteria Pollutants

Major criteria pollutants, listed in "criteria" documents by the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms.

Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone nor state standards for PM₁₀ and PM_{2.5}. The area is considered attainment or unclassified for all other pollutants.

4.3.1.4 Local Community Risks/Toxic Air Contaminants and Fine Particulate Matter

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs). These contaminants tend to be localized and are found in relatively low concentrations in ambient air. However, they can result in adverse chronic health effects if exposure to low concentrations occurs for long periods.

Fine Particulate Matter (PM_{2.5}) is a complex mixture of substances that includes elements such as carbon and metals; compounds such as nitrates, organics, and sulfates; and complex mixtures such as diesel exhaust and wood smoke. Long-term and short-term exposure to PM_{2.5} can cause a wide range of health effects.

Common stationary source types of TACs and PM_{2.5} include gasoline stations, dry cleaners, and diesel backup generators which are subject to permit requirements. The other, often more significant, common source is motor vehicles on freeways and roads.

4.3.1.5 Sensitive Receptors

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, schools, playgrounds, child-care centers, retirement homes, convalescent homes, hospitals and medicinal clinics. Existing sensitive receptors near the project site include residential development within Santana Row and the Belmont Village Assisted Living facility on Winchester Boulevard.

4.3.1.6 Applicable Air Quality Regulations and Policies

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

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

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

4.3.2 Environmental Checklist and Discussion

AIR QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4

AIR QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4
4) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4
5) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4

New thresholds of significance were recently promulgated by the Regional BAAQMD and subsequently found to not have been adopted consistent with CEQA. Their status is therefore not yet official.

4.3.2.1 Clean Air Plan Consistency

Determining consistency with the 2010 CAP involves assessing whether applicable control measures contained in the 2010 CAP are implemented. Implementation of control measures improve air quality and protect public health. These control measures are organized into five categories: Stationary Source Measures, Mobile Source Measures, Transportation Control Measures (TCMs), Land Use and Local Impact Measures, and Energy and Climate Measures. Applicable control measures and the project's consistency with them are summarized in Table 2, below. The project supports the primary goals of the Clean Air Plan in that it does not exceed the BAAQMD thresholds for air pollutant emissions and is infill development that provides users of the site with access to existing services which will reduce vehicle trips. The project is also consistent with the City's Greenhouse Gas Reduction Strategy (refer to *Section 4.7 Greenhouse Gas Emissions*). The proposed project is generally consistent with the control measures.

TABLE 2 Bay Area 2010 Clean Air Plan Applicable Control Measures		
Control Measures	Description	Project Consistency
<i>Transportation Control Measures</i>		
Improve Bicycle Access and Facilities	Expand bicycle facilities serving transit hubs, employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers.	Class II Bike Lanes are planned for Tisch Way and Moorpark Avenue between Winchester Boulevard and the existing bicycle and pedestrian overcrossing that crosses I-280 at Santana Park. The proposed office development provides 31 bicycle parking spaces. The project, therefore, is

TABLE 2
Bay Area 2010 Clean Air Plan Applicable Control Measures

Control Measures	Description	Project Consistency
		consistent with this control measure.
Improve Pedestrian Access and Facilities	Improve pedestrian access to transit, employment, and major activity centers.	The project provides sidewalks throughout the site and connecting to sidewalks on adjacent roadways. Landscaping, including street trees, would be planted by the project on Winchester Boulevard and the Olsen Drive street frontage to enhance the pedestrian experience. The project is consistent with this control measure.
Support Local Land Use Strategies	Promote land use patterns, policies, and infrastructure investments that support mixed-use, transit-oriented development that reduce motor vehicle dependence and facilitate walking, bicycling, and transit use.	The proposed office development is located within the mixed-use Santana Row urban village. An existing bus stop is located directly adjacent to the proposed office development on Winchester Boulevard. The project is consistent with the Urban Village concepts contained in the City's General Plan. Based on the proposed mix of land uses and existing transportation options available to the site, the project is consistent with this control measure.
Parking Pricing and Management Strategies	Promote policies to implement market-rate pricing of parking facilities, reduce parking requirements for new development projects, parking "cash-out", unbundling of parking in residential and commercial leases, shared parking at mixed-use facilities, etc.	The City's Zoning Ordinance requires four (4) parking spaces per 1,000 square feet of office space. The proposed project would provide 3.44 parking spaces per 1,000 square feet of office use. The proposed parking spaces will be available for Santana Row visitors during evenings and weekends. Based on the reduced rate of parking provided for the proposed office building and the sharing of proposed parking with other uses in Santana Row, the project is consistent with this control measure.
<i>Energy and Climate Measures</i>		
Energy Efficiency	Increase efficiency and conservation to decrease fossil fuel use in the Bay Area.	The proposed office building would be built to achieve LEED Gold certification through implementation of the following green building measures and design features: <ul style="list-style-type: none"> • Exceed the State Title 24 California Energy Code requirements by 15 percent; • Salvage or recycle at least 50 percent of construction waste; • Use of recycled and/or local building materials; • Cool roofs; and • Water efficient landscaping and irrigation design.

**TABLE 2
Bay Area 2010 Clean Air Plan Applicable Control Measures**

Control Measures	Description	Project Consistency
Urban Heat Island Mitigation	Mitigate the “urban heat island” effect by promoting the implementation of cool roofing, cool paving, and other strategies.	The project proposes the use of cool roofs and is, therefore, consistent with this control measure.
Tree-Planting	Promote planting of low-VOC-emitting shade trees to reduce urban heat island effects, save energy, and absorb CO ₂ and other air pollutants.	The project would plant new trees on the site which will reduce the urban heat island effect. The proposed project, therefore, is consistent with this control measure.

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

4.3.2.2 Impacts to Regional and Local Air Quality

The proposed Planned Development rezoning of the entire Santana Row property would not result in an increase in traffic that could exceed the BAAQMD CEQA Guidelines screening threshold for regional emissions of criteria pollutants. The net increases in floor area represented in Table 1 include 30,000 square feet of additional restaurant space and 128,200 square feet of additional office space beyond existing entitlements. The project’s criteria pollutant emissions are shown in Table 3, below.

**TABLE 3
Criteria Pollutant Emissions Calculations**

	Criteria Pollutant Emissions (lbs/day)			
	ROG	NO_x	PM₁₀	PM_{2.5}
Proposed Development	22.24	27.33	52.48	10.00
Existing Development	- 8.26	- 10.42	- 19.86	- 3.79
Net New Emissions	13.98	16.91	32.62	6.21
BAAQMD Threshold	54	54	82	54

The project would not exceed emissions thresholds for criteria pollutants and would have a less than significant impact on regional air quality. **(Less Than Significant Impact)**

A determination of the project’s potential to result in significant local air pollutant emissions (i.e. carbon monoxide) is based on its consistency with the local Congestion Management Program and its potential to add sufficient vehicle trips to one or more intersections that would cause the intersection(s) to exceed 44,000 vehicles per hour. The project is consistent with the local Congestion Management Program and would not contribute vehicle traffic exceeding screening

thresholds for carbon monoxide impacts at the intersections affected by the project. The project, therefore, would have a less than significant local air quality impact. **(Less Than Significant Impact)**

4.3.2.3 Construction Impacts

Construction activities would temporarily affect local air quality. Construction activities such as demolition, earthmoving, construction vehicle traffic and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality.

Construction Criteria Pollutant Emissions

Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials, and caulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application. The proposed project does not exceed the screening criteria for construction ozone precursor emissions and, therefore, would not result in significant criteria pollutant impacts. **(Less Than Significant Impact)**

Construction Dust Emissions

Construction dust could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when, and if, underlying soils are exposed to the atmosphere. The effects of construction activities would be increased dustfall and locally elevated levels of particulate matter downwind of construction activity.

In accordance with the existing PD zoning for the project site, the project shall implement the following measures during all phases of construction on the project site to reduce dustfall and locally-elevated particulate matter emissions:

- All active construction areas shall be watered twice daily or more often if necessary. Increased watering frequency shall be required whenever wind speeds exceed 15 miles-per-hour.
- Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites.
- Cover stockpiles of debris, soil, sand, and any other materials that can be windblown. Trucks transporting these materials shall be covered.
- Damp sweep daily, or more often if necessary, all paved construction areas and adjacent street of dust and debris.
- Subsequent to clearing, grading, or excavating, exposed portions of the site shall be watered, landscaped, treated with soil stabilizers, or covered as soon as possible. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for ten days or more.

- Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replanting of vegetation in disturbed areas as soon as possible after completion of construction.

The following best management practices will also be implemented on the project site to reduce fugitive dust and particulate matter emissions to the extent feasible:

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- Post a publicly visible sign with the telephone number and person to contact at the City of San José regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

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

Construction TAC Emissions

Construction of the project would result in the generation of TACs, including diesel PM, from trucks and off-road equipment exhaust emissions. Construction activity on the project site will vary over time and the emissions of TACs would also be temporary given the relatively short timeframe diesel equipment will be used within close proximity to sensitive receptors. The current models and methodologies available to conduct health risk assessments do not correlate to the temporary and variable nature of construction activities. Accurate estimates of health risk due to construction activity, therefore, are difficult to quantify. The BAAQMD does not currently provide quantification tools and acknowledges that the implementation of the best management practices identified in the discussion of construction dust emissions above would also reduce diesel PM exhaust emissions.

Sensitive receptors are located directly south of Lot 11 in a senior living facility and directly north of Lot 11 across Olsen Drive in a mixed commercial and residential building on the Santana Row property. Winds from the north and northwest are typical in the project area. The closest sensitive receptors downwind of the project site at the senior living facility would be exposed temporarily and the senior living facility does not have outdoor activity areas located directly adjacent to proposed construction activities on Lot 11 that would cause greater exposure for these receptors.

With the implementation of construction best management practices, including limitations on the idling of construction vehicles, construction TAC emissions from the project site would be limited. **(Less Than Significant Impact)**

4.3.3 Conclusion

The proposed project would have a less than significant impact on local and regional air quality.
(Less Than Significant Impact)

4.4 BIOLOGICAL RESOURCES

The following discussion is based, in part, on an arborist report prepared by *Arborwell* in February 2012. The report can be found in Appendix A of this Initial Study.

4.4.1 Setting

4.4.1 Regulatory Setting

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

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

4.4.1.1 City of San José Tree Ordinance

The City of San José Tree Removal Controls (San José City Code Section 13.31.010 to 13.32.100) protect all trees having a trunk that measures 56 inches or more in circumference at a height of 24 inches above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City of San José for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance can be designated as a Heritage tree, regardless of tree size or species. It is unlawful to vandalize, mutilate, remove, or destroy such heritage trees.

4.4.2 Existing Setting

4.4.2.1 Overview of Habitat Found on the Project Site

The project site is fully developed with a mix of retail/commercial businesses, housing, and parking comprised of parking structures and surface lots. There is landscaping, including trees, plants, and lawn areas dispersed throughout the site.

The site is located in a developed urbanized area adjacent to two major roadways (Stevens Creek Boulevard and Winchester Boulevard). Due to the development of the project site there is no native vegetation on-site.

4.4.2.2 Special Status Animal Species

Special status species are those plants and animals listed under the State and Federal Endangered Species Acts (including candidate species); plants listed on the California Native Plant Society's

Inventory of Rare and Endangered Vascular Plants of California (1994); and animals designated as Species of Special Concern by the California Department of Fish and Game. Most special status animal species occurring in the Bay Area use habitats that are not present on the project site. Salt marsh, freshwater marsh, and serpentine grassland habitats are not present within or immediately adjacent to the site. Since the native vegetation of the area is no longer present on-site, native wildlife species have been supplanted by species that are more compatible with an urbanized area.

4.4.2.3 Trees

Trees (both native and non-native) are valuable to the human environment for the benefits they supply in resisting global climate change (i.e., carbon dioxide absorption), protection from weather, because they provide nesting and foraging habitat for raptors and other migratory birds, and because they are a visual enhancement. Because there is a specific development proposal for Lot 11, a tree survey was completed to document and evaluate the trees on the proposed development site.

Trees located on Lot 11 are a mixture of non-native species in varying sizes and levels of health. Within the boundaries of Lot 11, there are a total of 48 trees. Of the 48 trees surveyed there are 10 American sweetgums, nine coast redwoods, seven poplars, seven ornamental pears, five queen palms, four London planes, three crape myrtles, two camphors, and one Chinese pistache. None of the trees are native species. The project proposes to remove 29 of the existing trees.

The following table lists all trees identified on Lot 11 during the tree survey. Trees to be removed are highlighted in bold print. The location of the trees is shown on Figure 5.

Tree No.	Species	Diameter	Health**
1	Crape Myrtle	3	3
2	Crape Myrtle	3	3
3	Crape Myrtle	1	3
4	American Sweetgum	5	3
5	American Sweetgum	7	3
6	American Sweetgum	8	3
7	American Sweetgum	8	3
8	American Sweetgum	7	3
9	American Sweetgum	7	3
10	American Sweetgum	7	3
11	American Sweetgum	8	3
12	American Sweetgum	8	3
13	American Sweetgum	6	3
14	Coast Redwood	6	3
15	Coast Redwood	7	3

TABLE 4 Continued
Tree Survey for Lot 11

Tree No.	Species	Diameter	Health
16	Coast Redwood	7	3
17	Coast Redwood	6	3
18	Coast Redwood	6	3
19	Coast Redwood	8	3
20	Coast Redwood	9	3
21	Chinese Pistache	9	3
22	Coast Redwood	4	3
23	Coast Redwood	5	3
24	Queen Palm	12	2
25	Queen Palm	12	2
26	Ornamental Pear	5	3
27	Ornamental Pear	2	3
28	Ornamental Pear	4	3
29	Ornamental Pear	4	3
30	Poplar	12	2
31	Poplar	7	2
32	Queen Palm	8	2
33	Poplar	10	3
34	Queen Palm	10	2
35	Poplar	10	2
36	Poplar	10	2
37	Ornamental Pear	2	3
38	Poplar	6	2
39	Ornamental Pear	4	3
40	Poplar	15.5	2
41	Ornamental Pear	4	3
42	Queen Palm	12	3
43	London Plane	9	3
44	London Plane	11	3
45	Camphor	5	2
46	Camphor	5	2
47	London Plane	9	3
48	London Plane	11	3

*Trees Listed in Bold To be Removed

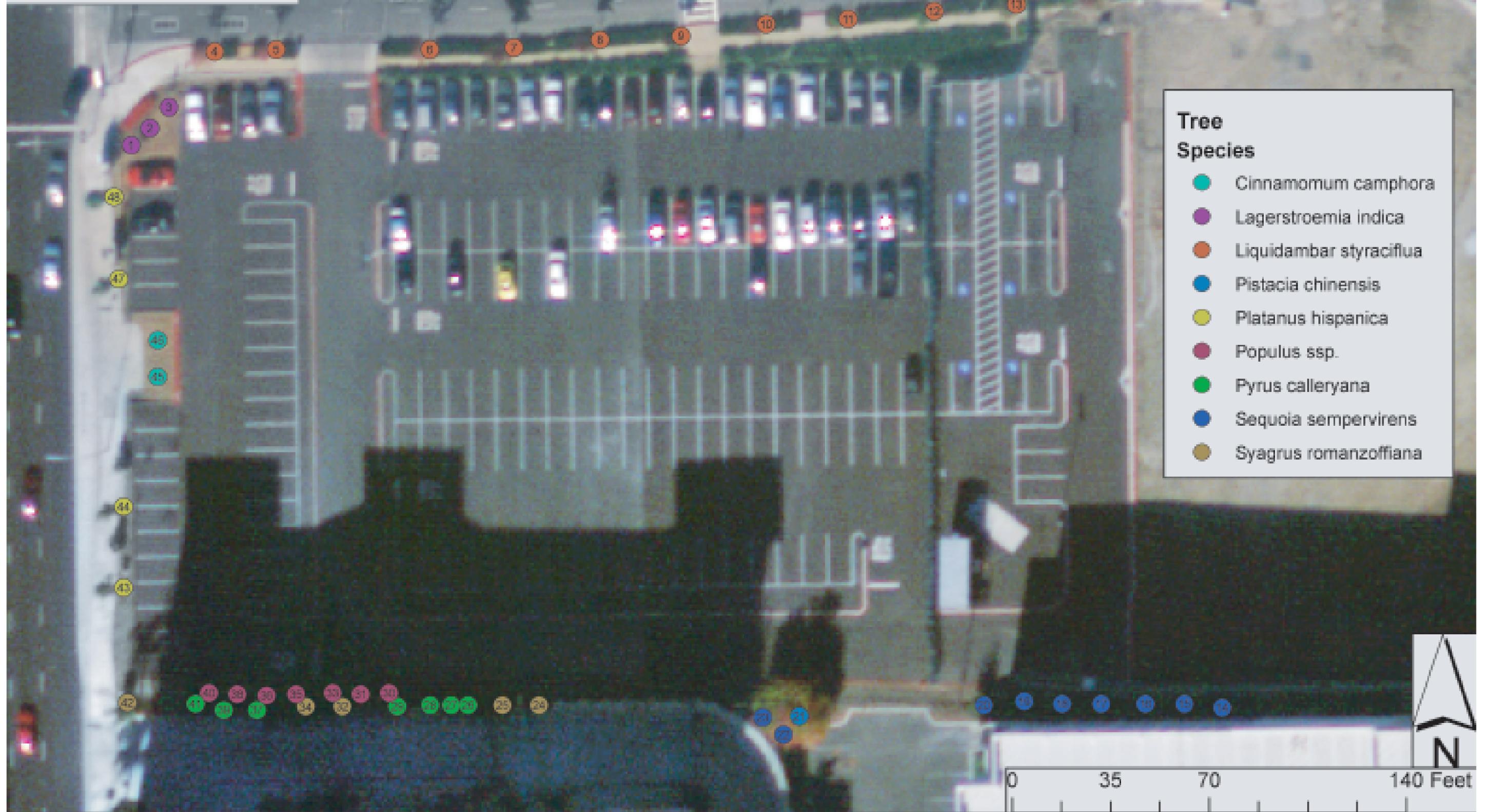
** Health is based on a scale of 1-5 where 1 equates to poor health and 5 equates to excellent health.

4.4.2.4 Applicable Biological Regulations and Policies

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

Jose, California

Tree Survey



TREE MAP

FIGURE 5

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

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

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

4.4.3 Environmental Checklist and Discussion

BIOLOGICAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4

BIOLOGICAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4,6
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4

4.4.3.1 Vegetation, Habitats, and Wildlife

The project site is completely developed and mostly paved. Vegetation on the project site consists solely of landscape trees, plants, and lawn areas. Because of the history of development on-site, no natural or sensitive habitats exist that would support endangered, threatened, or special status wildlife species. The General Plan FEIR concluded that impacts to developed habitats resulting from proposed development under the General Plan will be less than significant because of their abundance within the region and State, and the relatively low value of these habitats for biological resources compared to more natural habitats. Vegetation and wildlife impacts that would occur on the project site due to temporary or permanent loss of existing lawn, decorative plants, and ornamental trees as a result of future development under the proposed rezoning will be less than significant. **(Less Than Significant Impact)**

The specific vegetation impacts from the construction of the proposed office building and retail pavilion on Lot 11 would not impact any special status habitat or species. The loss of the ornamental species removed from Lot 11 would not be biologically significant. The impact to the urban forest of removal of 29 ornamental trees, none of which are ordinance size, would be offset by replanting trees on the site and nearby, in conformance with Policies MS-21.4, MS-21.5, and MS-21.6.

4.4.3.2 Trees

While the project site is urbanized and is within a larger urbanized area, there are numerous trees on-site that are part of the urban forest. Within the City of San José, the urban forest as a whole is considered an important biological resource because most mature trees provide some nesting, cover, and foraging habitat for a variety of birds (including raptors) and mammals that are tolerant of

humans, as well as providing necessary habitat for beneficial insects. While the urban forest is not as favorable an environment for native wildlife as extensive tracts of native vegetation, trees in the urban forest are often the only or best habitat commonly or locally available within urban areas.

Future development under the proposed rezoning would likely result in the loss of landscape trees throughout the site. In addition, construction of the proposed office building/retail pavilion on Lot 11 would result in the loss of 29 trees, four of which are considered mature.³

As a condition of approval of the PD rezoning, a tree survey will be required as part of any future development proposal to identify the size and species of all trees to be removed. Trees removed during future development under the proposed PD Rezoning would be required to be replaced in accordance with all applicable laws, policies or guidelines, including:

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

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

On Lot 11, five of the trees are large enough to be classified as mature (more than 12 inches in diameter). Four of these five trees (two poplars and two queen palms) are slated to be removed during construction. In accordance with staff guidelines, the four mature trees will have to be replaced at a 2:1 ratio with minimum 24-inch box trees and the remaining 25 trees will have to be replaced at a 1:1 ratio with minimum 15-gallon container trees for a total of 33 trees. The species of trees to be planted will be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement. The project proposes to plant five new trees on Lot 11. The remaining 28 trees will be planted within the project area. Off-site tree planting locations will be approved by the Director of Planning, Building and Code Enforcement. The provision of replacement trees will offset the loss of existing trees in compliance with City policies. **(Less Than Significant Impact)**

Construction Impacts

Construction activities associated with future development on the project under the proposed rezoning could damage trees that are planned to be retained on-site.

The development proposal for Lot 11 includes the retention of 17 trees. Due to the extensive excavation work required to implement future and currently proposed development, remaining trees could be damaged during construction. **(Significant Impact)**

Impact BIO-1: Construction activities associated with future development could damage the existing trees which are proposed to be retained.

³ The City of San José defines a mature tree as any tree that measures 12 inches or greater in diameter at 24 inches above the ground surface.

Impact BIO-2: Construction activities associated with the development of Lot 11 could damage the existing trees which are proposed to be retained.

Mitigation: The following mitigation and avoidance measures to protect existing trees on public and private property will be conditions of approval of both the Planned Development rezoning and the PD Permit for Lot 11, to be implemented during all phases of construction on Lot 11 as well as all phases of future construction on the Santana Row property:

MM BIO 1-1: A certified arborist will establish a tree protection zone for each of the street trees prior to start of construction. No grading, construction, demolition or other work shall occur within the tree protection zone. Any modification to the tree protection zone must be approved and monitored by the consulting arborist.

MM BIO 1-2: Prior to issuance of demolition permits, all trees to be retained will be fenced in accordance to the established tree protection zone. Fences shall be 6 ft. chain link or equivalent as approved by the consulting arborist. The fences will remain on-site until all grading and construction is completed.

MM BIO 1-3: Any root pruning or canopy pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist.

MM BIO 1-4: Supplemental irrigation shall be applied as determined by the consulting arborist.

MM BIO 1-5: If injury should occur to any tree during construction, work will stop in the area around the tree and the damage shall be evaluated by the consulting arborist so that appropriate treatments can be applied.

MM BIO 1-6: No materials or liquids of any kind can be dumped or stored within the designated tree protection zones.

4.4.4 Conclusion

With implementation of the proposed mitigation measures, future development under the proposed PD Rezoning will have a less than significant impact on trees and the City's urban forest. **(Less Than Significant Impact With Mitigation)**

With implementation of the proposed mitigation measures, construction of the office building and retail pavilion on Lot 11 will have a less than significant impact on trees and the City's urban forest. **(Less Than Significant Impact With Mitigation)**

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

4.5 CULTURAL RESOURCES

4.5.1 Setting

The Santana Row site is not in an area of known sensitivity. The entire project site has been previously developed and soil currently in place has been extensively disturbed. There are no cultural resources on or adjacent to the project site that could be impacted by the proposed project.

4.5.2 Environmental Checklist and Discussion

CULTURAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
4) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4

4.5.3 Conclusion

Implementation of the proposed project will have no impact on cultural resources. **(No Impact)**

4.6 GEOLOGY AND SOILS

The following discussion is based on a geotechnical report prepared by *Kleinfelder* in January 2009. The report can be found in Appendix B of this report.

4.6.1 Setting

4.6.1.1 Geology and Soils

The project site is located within an alluvial plain that surrounds San Francisco Bay. The area is relatively level and generally trends toward the Bay to the northeast. Based on soil maps of the area, the project site subsurface is comprised of Holocene alluvial fan deposits made up of medium dense to dense gravelly sand, and sandy and clayey gravel.

Based on site specific soil borings on Lot 11, the upper layers of the subsurface are comprised of two to six inches of asphalt, three to eight inches of aggregate base, and 3.5 to 7 feet of fill (fill depth varies throughout the site). Beneath the fill layer is an approximately 35 foot layer of stiff, lean clay and sand with silty clay and sandy clay layers. Dense to very dense, fine to coarse sand with fine to coarse gravel are present below the clay and sand layer and extend for the remaining depth of the borings. Groundwater was not encountered in the borings, but previous borings encountered groundwater at 47.5 feet below the ground surface (bgs). According to the California Geological Survey, the depth to groundwater at this site has historically been approximately 50 feet.

4.6.1.2 Seismicity and Seismic Hazards

Fault	Distance from Site
Monte Vista – Shannon	4.7 miles SW
Hayward (Southeast Extension)	8.7 miles SW
San Andreas	9.3 miles NW
Hayward	11.7 miles NW
Calaveras	11.7 miles NW

The project site is located within the seismically active San Francisco Bay Region. The Uniform Building Code designates the entire Bay Area as Seismic Activity Zone 4, the most seismically active zone in the United States. The project site is not within a defined Alquist-Priolo Earthquake Fault Zone and no active faults have been mapped on-site. Therefore, the risk of fault rupture at the site is low. The faults

in the region are, however, capable of generating earthquakes of magnitude 7.0 or higher and strong to very strong ground shaking would be expected to occur at the project site during a major earthquake on one of the nearby faults. Active faults near the project site are shown in Table 5.

Liquefaction and Differential Settlement

Liquefaction is the result of seismic activity and is characterized as the transformation of loose water saturated soils from a solid state to a liquid state during ground shaking. Soils most susceptible to liquefaction are loose to moderately dense, saturated, non-cohesive soils with poor drainage.

Differential settlement is the unequal settlement of material that causes a gradual, uneven downward movement of a structure's foundation. According to the California Geological Survey, the project

site is not located within a potential liquefaction zone. Based on the depth to groundwater and the soil composition, the geotechnical report concluded that liquefaction potential, including differential settlement, for the site is low.

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as the steep bank of a stream channel. The project site is relatively flat and is not adjacent to a creek or any other unsupported face. Therefore, the potential for lateral spreading is low.

4.6.1.3 Applicable Geological Regulations and Policies

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

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

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

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

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

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

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

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

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

4.6.2 Environmental Checklist and Discussion

GEOLOGY AND SOILS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4,7
b) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4,7
c) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4,7
d) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4,7
2) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4,7
3) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4,7
4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4,7

GEOLOGY AND SOILS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project: 5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4,7

4.6.2.1 Geology and Soils Impacts

Faults in the area are considered active and have a long history of seismic activity. The project site would experience fairly intense ground shaking in the event of a large earthquake; though the probability for liquefaction, settlement, and lateral spreading on-site is low.

The General Plan FEIR concluded that adherence to the California Building Code would reduce seismic related impacts to a less than significant level. All future development under the proposed PD Rezoning will be built and maintained in accordance with site-specific geotechnical reports and applicable regulations including the 2010 California Building Code which contains the regulations that govern the construction of structures in California.

Development on Lot 11 was analyzed in the *Kleinfelder* geotechnical report referenced at the beginning of this section. The report makes specific recommendations regarding the design of building foundations and supports based on soil conditions, depth to groundwater, and potential seismic conditions (pages 13-32 of Appendix B). The report also makes recommendations regarding excavation, sub-grade preparation, and use of fill material. The proposed office building and retail pavilion will be constructed in conformance with the recommendations of the site-specific geotechnical analysis as well as the 2010 California Building Code.

Because all future development, including the proposed office building and retail pavilion on Lot 11, on the project site will comply with the regulations identified in the General Plan FEIR, the project would not result in a significant geologic impact. **(Less Than Significant Impact)**

4.6.2.2 Construction Impacts

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

The City's NPDES Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. The General Plan FEIR concluded that with the regulatory programs currently in place, the possible

impacts of accelerated erosion during construction would be less than significant. The City will require all future development under the proposed PD Rezoning to comply with all applicable City regulatory programs pertaining to construction related erosion. Because all future development on the project site will comply with the regulations identified in the General Plan FEIR, implementation of the proposed PD Rezoning would have a less than significant soil erosion impact. **(Less Than Significant Impact)**

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

- All excavation and grading work will be scheduled in dry weather months or construction sites will be weatherized.
- Stockpiles and excavated soils will be covered with secured tarps or plastic sheeting.
- Ditches will be installed, if necessary, to divert runoff around excavations and graded areas.

With implementation of these measures and compliance with the City's grading ordinance, construction of the proposed office building and retail pavilion on Lot 11 will have a less than significant impact. **(Less Than Significant Impact)**

4.6.3 Conclusion

Construction of the proposed office building and retail pavilion on Lot 11 and future development under the proposed PD Rezoning will have a less than significant geologic impact. **(Less Than Significant Impact)**

4.7 GREENHOUSE GAS EMISSIONS

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of Greenhouse Gases (GHGs) have a broader, global impact. Global warming associated with the “greenhouse effect” is a process whereby GHGs accumulating in the atmosphere contribute to an increase in the temperature of the earth’s atmosphere. The principal GHGs contributing to global warming and associated climate change are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated compounds. Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the transportation, industrial and manufacturing, utility, residential, commercial, and agricultural sectors.

4.7.1 Existing On-Site GHG Emissions

The proposed PD rezoning site is currently developed with a mix of residential, commercial, hotel, and office uses. Existing uses on the site generate GHG emissions from motor vehicles traveling to and from the site and electricity and natural gas use of residents, visitors, and businesses. Lot 11 currently is developed with surface parking to serve existing development at Santana Row.

4.7.2 Regulatory Background

4.7.2.1 State of California

AB 32, CEQA, and Other Laws and Regulations

The Global Warming Solutions Act (also known as “Assembly Bill (AB) 32”) sets the State of California’s 2020 greenhouse gas emissions reduction goal into law. The Act requires that the GHG emissions in California be reduced to 1990 levels by 2020. Prior to adoption of AB 32, the Governor of California also signed Executive Order S-3-05 which identified CalEPA as the lead coordinating State agency for establishing climate change emission reduction targets in California. Under Executive Order S-3-05, the state plans to reduce GHG emissions to 80 percent below 1990 levels by 2050. Additional state law and regulations related to the reduction of greenhouse gas emissions includes SB 375, the Sustainable Communities and Climate Protection Act (see discussion below), the State’s Renewables Portfolio Standard for Energy Standard (Senate Bill 2X) and fleet-wide passenger car standards (Pavley Regulations).

The California Natural Resources Agency, as required under state law (Public Resources Code Section 21083.05) has amended the state CEQA Guidelines to address the analysis and mitigation of greenhouse gas emissions. In these changes to the CEQA Guidelines, Lead Agencies, such as the City of Cupertino, retain discretion to determine the significance of impacts from greenhouse gas emissions based upon individual circumstances. Neither CEQA nor the CEQA Guidelines provide a specific methodology for analysis of greenhouse gases and under the amendments to the CEQA Guidelines, a Lead Agency may describe, calculate or estimate greenhouse gas emissions resulting from a project and use a model and/or qualitative analysis or performance based standards to assess impacts.

Senate Bill 375

Senate Bill 375 (SB 375), also known as the Sustainable Communities and Climate Protection Act of 2008, requires regional transportation plans to include a Sustainable Communities Strategy (SCS) that links transportation and land use planning together into a more comprehensive, integrated process. The SCS is a mechanism for more effectively linking a land use pattern and a transportation system together to make travel more efficient and communities more livable. The result is reduced greenhouse gas emissions from passenger vehicles along with other benefits.

The target for the Bay Area is a 7 percent per capita reduction in GHG emissions attributable to automobiles and light trucks by 2020 and a 15 percent per capita reduction by 2035. The base year for comparison of emission reductions is 2005. The 2013 Regional Transportation Plan will be the Bay Area's first plan that is subject to SB 375.⁴ A draft Jobs-Housing Connection Scenario that is part of the regional planning effort under SB 375 was released on March 9, 2012. The project site is within an area designated as a *Mixed-Use Corridor* in a Priority Development Area. Priority Development Areas are those areas where most of the growth in the Bay Area is anticipated to occur.

4.7.2.2 BAAQMD CEQA Guidelines and 2010 Bay Area Clean Air Plan

BAAQMD identifies thresholds of significance for operational GHG emissions from land-use development projects in its CEQA Air Quality Guidelines.⁵ These guidelines include recommended significance thresholds, assessment methodologies, and mitigation strategies for GHG emissions. Under the BAAQMD CEQA Guidelines, if a project would result in operational-related greenhouse gas emissions of 1,100 metric tons (MT) (also called the “bright line” threshold), or 4.6 metric tons per service population⁶ of carbon dioxide equivalents (CO₂e) per year or more, it would make a cumulatively considerable contribution to greenhouse gas emissions and result in a cumulatively significant impact to global climate change. In jurisdictions where a qualified Greenhouse Gas Reduction Strategy⁷ has been reviewed under CEQA and adopted by decision-makers, compliance

⁴One Bay Area. “One Bay Area Fact Sheet”. Accessed March 5, 2012. Available at: <http://www.onebayarea.org/pdf/SB375_OneBayArea-Fact_Sheet2.pdf>

⁵ In December 2010, the California Building Industry Association (BIA) filed a lawsuit in Alameda County Superior Court challenging toxic air contaminants and PM_{2.5} thresholds developed by BAAQMD for its CEQA Air Quality Guidelines (California Building Industry Association v. Bay Area Air Quality Management District, Alameda County Superior Court Case No. RG10548693). One of the identified concerns is that the widespread use of the thresholds would inhibit infill and smart growth in the urbanized Bay Area. On March 5, 2012, the Superior Court found that adoption of thresholds by the BAAQMD in its CEQA Air Quality Guidelines is a CEQA project and BAAQMD is not to disseminate officially sanctioned air quality thresholds of significance until BAAQMD fully complies with CEQA. No further findings or rulings were made on the thresholds of the updated BAAQMD Air Quality Guidelines. The City understands the effect of the lawsuit to be that BAAQMD may have to prepare an environmental review document before adopting the same or revised thresholds. However, the ruling in the case does not equate to a finding that the quantitative metrics in the BAAQMD thresholds are incorrect or unreliable for meeting AB 32's climate protection goals. Per the State CEQA Guidelines [Section 15064(b)], the determination of whether a project may have a significant effect on the environment is subject to the discretion of each individual lead agency, based upon substantial evidence. For the assessment of GHG emissions impacts the City of San José analyzes project conformance with its adopted GHG Reduction Strategy as allowed for in the CEQA Guidelines and BAAQMD CEQA Air Quality Guidelines.

⁶ Service population is defined as the sum of the number of residents and the number of employees at the development.

⁷ The required components of a “qualified” Greenhouse Gas Reduction Strategy or Plan are described in both the CEQA Guidelines (Section 15183.5 *Tiering and Streamlining the Analysis of Greenhouse Gas Emissions*) and the

with the Greenhouse Gas Reduction Strategy would reduce a project's contribution to cumulative greenhouse gas emission impacts to a less than significant level. The BAAQMD CEQA Guidelines also outline a methodology for estimating greenhouse gases.

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

4.7.2.3 City of San José

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes a Greenhouse Gas Reduction Strategy embedded in its policies and programs that are designed to help the City sustain its natural resources, grow efficiently, and meet state legal requirements for greenhouse gas (GHG) emissions reduction. Multiple policies and actions in the *Envision San José 2040 General Plan* have greenhouse gas implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City's Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in greenhouse gas emissions. The GHG Reduction Strategy is intended to meet the mandates as outlined in the *CEQA Guidelines* and the recent standards for "qualified plans" as set forth by BAAQMD.

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

Compliance with the mandatory measures and voluntary measures required by the City would ensure an individual project's consistency with the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions.

BAAQMD CEQA Air Quality Guidelines (Section 4.3 *Greenhouse Gas Reduction Strategies*) as amended in June 2010.

4.7.3 Environmental Checklist and Discussion

GREENHOUSE GAS EMISSIONS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,3,4
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,3,4

4.7.3.1 Greenhouse Gas Emissions Impacts

Operational Emissions

The City of San José has an adopted Greenhouse Gas (GHG) Reduction Strategy that was approved by the City Council in November 2011 in conjunction with the *Envision San José 2040 General Plan*. In order to conform to the GHG Reduction Strategy, projects must be consistent with the Land Use/Transportation Diagram and incorporate features into the project that meet the mandatory implementation policies.

The proposed PD rezoning would allow development of 940,700 square feet of commercial space on the project site, an increase of approximately 108,200 square feet of additional commercial space than allowed by the existing zoning. The proposed PD rezoning would increase commercial development on the site from the existing square footage by approximately 309,800 square feet, of which 228,200 square feet would be developed with an office building. No increase is proposed to currently permitted residential or hotel development. In addition, the project is consistent with the Land Use/Transportation Diagram.

Development of specific buildings on the project site under the proposed PD rezoning would be subject to the City’s Green Building Ordinance. Any further PD Permits granted under this zoning will require that the proposed development provide specific design features as well as conformance with the Green Building Ordinance, necessary to achieve operational emissions reductions consistent with the GHG Strategy. Therefore, the proposed project would be consistent with the City’s GHG Reduction Strategy and General Plan and would have a less than significant GHG emissions impact. **(Less Than Significant Impact)**

The proposed office development represents 24 percent of the total commercial development that would be allowed on the project site proposed PD rezoning. The proposed office building would be built to achieve LEED Gold certification. LEED certification would be achieved by implementing the following green building measures and design features:

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

The proposed office building location, development intensity, and design features conform to applicable policies in the City’s GHG Reduction Strategy. The currently proposed office building on the project site, therefore, would not result in a significant increase in GHG emissions. **(Less Than Significant Impact)**

Construction Emissions

The proposed office development project would result in minor increases in GHGs associated with construction activities. Project construction would result in GHG emissions from construction-related sources including construction equipment and emissions from construction workers’ personal vehicles traveling to and from the construction site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. BAAQMD has not established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant, however an estimate has been provided.

The URBEMIS2007 model predicts construction emissions in the form of CO₂. An approximate two-year construction schedule was assumed in the modeling. Under this scenario, construction of the project would emit 618 metric tons of CO₂ (or 681 short tons). These would be temporary emissions. Neither the City of San Jose nor the BAAQMD have quantified thresholds for construction activities. However, the emissions would be below the lowest threshold adopted by BAAQMD, and would not interfere with the implementation of AB 32. **(Less Than Significant Impact)**

4.7.3.2 Conformance with Applicable Plans

Greenhouse Gas Reduction Strategy

As discussed in the Regulatory Background section above, the City of San José has an adopted Greenhouse Gas Reduction Strategy which includes both mandatory measures for all projects and other measures which are considered voluntary. Voluntary measures could be incorporated in the project as mitigation measures for proposed projects, at the discretion of the City.

Compliance with the mandatory measures and any voluntary measures required by the City would ensure an individual project’s consistency with the GHG Reduction Strategy. The proposed PD rezoning is consistent with the Land Use/Transportation Diagram designation of *Regional*

Commercial with an *Urban Village Area Boundary* overlay. The proposed office development incorporates the mandatory green building measures and bicycle and pedestrian site design measures, as applicable. The proposed office development also incorporates voluntary measures such as structured parking and a reduction in the number of parking spaces provided due to the potential shared use of those spaces with the existing development on the PD rezoning site. The City of San José will require that the developer implement a transportation demand management program as a condition of approval of the PD permit for the proposed office building on Lot 11. **(Less Than Significant Impact with Mitigation Required)**

4.7.4 Conclusion

Development allowed by the proposed PD rezoning will incorporate applicable policies of the City's adopted GHG Reduction Strategy and, therefore, would have a less than significant GHG impact. **(Less Than Significant Impact)**

4.8 HAZARDS AND HAZARDOUS MATERIALS

4.8.1 Setting

The project was historically used as orchard land until the early 1960's when the original Town and Country Village Shopping Center was constructed. The original shopping center was replaced with the current Santana Row mixed use development with construction beginning in 2000.

The historic agricultural land uses on-site resulted in the accumulative of residual pesticides (DDT-compounds, arsenic, and lead) in the shallow soil. A Human Health Risk Assessment prepared for the original Santana Row development project concluded that the contamination levels on-site are below worker safety thresholds, meaning that construction workers may come into contact with the contaminated soil without special protective clothing.

During the initial redevelopment and subsequent construction on the project site, contaminated soils related to previous agricultural activities were selectively excavated and used as fill in certain areas of the site in accordance with an approved Removal Action Workplan (RAW) which included a Soil Management Plan (SMP) and a Health and Safety Plan (HSP). The impacted soils were isolated beneath an engineered cap consisting of concrete, asphalt, building foundations, or other fill soil.

In 2004, a deed restriction was filed on the project site. The deed restriction limits residential development except for development of townhouses, multi-family residences, and hotels. Townhouses and multi-family residential developments cannot have areas for human habitation on the ground floor and cannot have ground floor outdoor play areas unless the areas are covered with asphalt, concrete, or other surfacing that prevents contact with contaminated soils. The project site cannot house a human hospital, public or private schools for persons under 21, or day care facilities. The deed restriction also requires that soil disturbing activities under the engineered cap be completed in accordance with a Department of Toxic Substances Control (DTSC) approved SMP and HSP and all applicable State and Federal laws.

4.8.1.1 **Applicable Hazardous Materials Regulations and Policies**

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

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

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

Action EC-7.8: When an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazard materials found in the soil, groundwater, soil vapor, or in existing structures.

Action EC-7.9: Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.

Action EC-7.10: Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

Action EC-7.11: Require sampling for residential agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

4.8.2 Environmental Checklist and Discussion

HAZARDS AND HAZARDOUS MATERIALS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-5
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-5
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-5

HAZARDS AND HAZARDOUS MATERIALS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-5
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-5
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-5
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-5
8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-5

4.8.2.1 Impacts From On-Site Conditions

Future development projects that disturb soil with residual agricultural contamination would be required to comply with the current deed restrictions recorded on the project site.

The Town and Country Village FEIR identified specific mitigation for addressing contaminated soil on the project site (listed below). The mitigation requires that a RAW be prepared in conjunction with DTSC and the City of San José. The RAW would include specific remedial measures such as capping the contaminated soil with buildings or pavement and/or removing all or a portion of the contaminated soil for off-site treatment or disposal at an appropriate disposal facility. The Town and

County Village FEIR concluded that with implementation of the RAW, hazardous materials impacts would be less than significant.

Under the proposed PD Rezoning, future development projects that are built at-grade would contain and cap contaminated soils on-site and future development projects with below grade parking would be required to off-haul contaminated soils and dispose of the soil at an appropriately licensed facility consistent with the mitigation required for the Town and Country Village project approval.

As proposed, the office building and retail pavilion on Lot 11 would have four levels of below grade parking. The soil excavated for this development has previously been identified as being contaminated with residual agricultural chemicals. Therefore, the soil will be hauled off-site to an appropriate disposal site or used in a construction project as described above.

Since contaminated soils left on-site would be capped and future residential development would be constructed consistent with the existing deed restrictions, contaminated soil left on-site would not pose a health risk to site users or residents. Contaminated soils hauled off-site will not pose a health safety risk if handled and disposed of properly. There is no future development proposed on-site that would use or store large quantities of hazardous materials that could pose a risk to site users, residents, or adjacent properties. The management of contaminated soil and restrictions on siting of sensitive uses are consistent with General Plan policies for avoiding or reducing significant impacts.

The General Plan FEIR concluded that with the implementation of City policies and regulatory programs currently in place, exposure and transport of contaminated soils during construction would have a less than significant impact on human health and the environment. Because all future development on the project site will comply with the policies and regulations identified in the General Plan FEIR, as well as the mitigation identified in the Town and Country Village FEIR (listed below), the project would have a less than significant hazardous materials impact. **(Less Than Significant Impact With Mitigation)**

Town and Country Village FEIR Hazardous Materials Mitigation

The following mitigation would be implemented during all phases of construction on Lot 11 as well as all phases of future construction on the project site:

Prior to issuance of a PD Permit for development of either (1) the Courtesy Chevrolet portion of the property, (2) the Building 9 area of the vacant former dry cleaner operation, or (3) the former agricultural area, a Removal Action Workplan (RAW) will be developed in conjunction with the Department of Toxic Substances Control and the City of San José requirements. The RAW will describe the specific measures that will be implemented to reduce or avoid the potential exposure of future residents, workers, and users of the site to hazardous materials, if it is determined that such measures are necessary. The Workplan will include proposed remedial measures such as capping the contaminated soil with buildings or pavement and/or removing all or a portion of the contaminated soil for off-site treatment or disposal at an appropriate disposal site. Once implemented, the RAW will reduce the levels of contamination within the areas designated for residential uses to acceptable threshold levels as established by local, State, and Federal regulatory agencies.

4.8.3 Conclusion

The proposed project would have a less than significant hazardous materials impact. **(Less Than Significant Impact With Mitigation)**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Setting

4.9.1.1 Flooding

Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (Map 06085C0229H), the project site is located in Flood Zone D. Zone D is an area of undetermined but possible flood hazard that is outside the 100-year flood plain.

4.9.1.2 Storm Drainage System

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

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

Under existing conditions, Lot 11 is 90 percent impervious. The pervious surface area is comprised entirely of landscaping around the perimeter of the parking lot.

4.9.1.3 Water Quality Regulatory Background

Nonpoint Source Pollution Program

In 1988 the SWRCB adopted the Nonpoint Source Management Plan in an effort to control nonpoint source pollution in California. In December 1999, the Plan was updated to comply with the requirements of Section 319 of the Clean Water Act and Section 6217 of the Coastal Zone Act Reauthorization Amendment (CZARA) of 1990. The Nonpoint Source Program requires individual permits to control discharge associated with construction activities. The Nonpoint Source Program is administered by the Regional Water Quality Control Board (RWQCB) under the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. Projects must comply with the requirements of the Nonpoint Source Program if:

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

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

Santa Clara Valley Urban Runoff Pollution Prevention Program

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

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

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

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

Hydromodification

In addition to water quality controls, the Municipal Regional Stormwater NPDES permit requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. Projects may be deemed exempt from the permit requirements if they do not meet the size threshold, drain into tidally influenced areas or directly into the Bay, drain into hardened channels, or are infill projects in subwatersheds or catchments areas that are greater than or equal to 65 percent impervious (pre the Santa Clara Permittees Hydromodification Management Applicability Map).

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

The City of San José's Policy No.8-14 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. Policy No. 8-14 requires all new and redevelopment projects that create or replace one acre or more of impervious surface to

manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP).

Based on the SCVUPPP watershed map for the City of San José, the project site is exempt from the NPDES hydromodification requirements because it is located in a subwatershed that drains into a hardened channel and/or tidal area.⁸ The currently proposed office building/retail pavilion and future phases of development on the project site must, however, comply with Policy 8-14 as it is applicable at the Development Permit stage.

4.9.1.4 Groundwater

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

4.9.1.5 Applicable Hydrology and Water Quality Regulations and Policies

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

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

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

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

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

Action EC-7.10: Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

⁸ San Francisco Bay Regional Water Quality Control Board web site http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/mrp.shtml Accessed March 22, 2012.

4.9.2 Environmental Checklist and Discussion

HYDROLOGY AND WATER QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4
5) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4
6) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4
7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4,10
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4,10

HYDROLOGY AND WATER QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4
10) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4

4.9.2.1 Flooding Impacts

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

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

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

4.9.2.2 Water Quality Impacts

Construction Impacts

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

The General Plan FEIR concluded that with the regulatory programs currently in place, stormwater runoff from construction activities would have a less than significant impact on stormwater quality. Because future development activities undertaken pursuant to this PD rezoning will comply with the regulations identified above, the project would have a less than significant construction related water quality impact. **(Less Than Significant Impact)**

The proposed office building/retail pavilion on Lot 11 will disturb approximately 85,105 square feet of land area which is well above the one acre threshold. Therefore, construction of the office building/retail pavilion would also be required by conditions of approval to comply with the NPDES General Permit for Construction Activities. Specifically, the proposed development on Lot 11 includes the following measures for avoiding and reducing impacts from construction stormwater runoff:

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered and all trucks would be required to maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.
- A Storm Water Permit will be administered by the RWQCB. Prior to construction grading for the proposed land uses, the project proponent will file a "Notice of Intent" (NOI) to comply with the General Permit and prepare a SWPPP which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Measures will include, but are not limited to, the aforementioned RWQCB mitigation.
- The project proponent will submit a copy of the NOI and draft SWPPP to the City of San José for review and approval prior to start of construction on the project site. The certified SWPPP will be posted at the project site and will be updated to reflect current site conditions.
- When construction is complete, a Notice of Termination (NOT) for the General Permit for Construction will be filed with the RWQCB. The NOT will document that all elements of the

SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction storm water management plan is in place as described in the SWPPP for the site.

The General Plan FEIR concluded that with the regulatory programs currently in place, stormwater runoff from construction activities would have a less than significant impact on stormwater quality. Because construction of the office building and retail pavilion on Lot 11 includes the specific measures and actions identified above, and will be required by the City to comply with the regulatory programs, the project would have a less than significant construction related water quality impact. **(Less Than Significant Impact with Mitigation Required)**

Post-Construction Impacts

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

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

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

Under existing conditions, Lot 11 is approximately 90 percent impervious. Upon completion of the proposed development, Lot 11 will continue to be 90 percent impervious. Construction of the office building and retail pavilion would result in the replacement of more than 10,000 square feet of impervious surface area. Therefore, this specific development will comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional NPDES permit. In order to meet these requirements, the project proposes bioretention treatment areas along the perimeters of the project site (at-grade areas and planter boxes) as well as small green roof areas on the 2nd and 6th floors. Stormwater runoff will drain into these treatment areas prior to entering the storm drainage system. The proposed treatment facilities will be numerically sized and will have sufficient capacity to treat and/or store all the stormwater runoff entering the storm drainage system consistent with the NPDES permit Low Impact Development requirements.

With implementation of a stormwater control plan consistent with RWQCB requirements and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the

proposed office building and retail pavilion on Lot 11 will have a less than significant water quality impact. **(Less Than Significant Impact)**

4.9.2.3 Groundwater Impacts

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

Construction of the proposed office building/retail pavilion on Lot 11 would include four levels of below grade parking with a total depth of approximately 40 feet. On-site borings found groundwater at 47.5 feet below the ground surface (bgs) and historically groundwater levels on-site have been 50 bgs. Based on this data, the proposed development will not interfere substantially with groundwater flow or impact the groundwater aquifer. **(Less Than Significant Impact)**

4.9.3 Conclusion

The proposed project would have a less than significant hydrology impact. **(Less Than Significant Impact)**

4.10 LAND USE

4.10.1 Setting

4.10.1.1 Existing Land Uses

The project site is a mixed-use development comprised of residential, retail, office, and restaurant/bar/entertainment space with maximum building heights of 90 to 120 feet. Specifically, the site currently has a 214 room hotel, 514 residential units, 472,161 square feet of retail space, 60,000 square feet of office space, and 98,742 square feet of restaurant/entertainment space. There is also one large parking structure and several surface parking lots. The buildings are all oriented along internal roadways.

4.10.1.2 Surrounding Land Uses

Development in the project area is a mix of retail/commercial and residential land uses. Building heights vary by land use from one to 11 stories. The project site is bound by Stevens Creek Boulevard to the north, a residential neighborhood to the east, a seven-story senior housing facility and a five level parking structure to the south, and Winchester Boulevard to the west.

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

The residential neighborhood to the east is comprised of one and two-story single-family houses, along with some duplexes and low-rise apartments. The residential development is interspersed with commercial businesses near Stevens Creek Boulevard.

Adjacent to the senior housing facility and parking structure south of the project site, there are three office buildings (six to 11 stories tall) with some surface parking and three low-rise apartment buildings.

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

4.10.1.3 Existing Land Use Designation and Zoning

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

This designation allows for a wide variety of commercial, residential, and institutional land uses. The project site has already been extensively redeveloped and has entitlements for additional

development on-site. The General Plan allows for a building density of up to 10.0 floor area ratio (FAR) and residential densities up to 250 dwelling units per acre (DU/AC) within the Urban Village.⁹ The *Regional Commercial* designation applies primarily to existing regional shopping centers that support a wide range of commercial uses and densities. Under this designation, the General Plan allows for a building density of up to 12.0 FAR and building heights of one to 25 stories.

A PD zoning does not carry any restrictions associated with the base zoning. Building density, height, and setbacks, as well as allowable land uses can all be specifically defined on a site by site basis under a PD zoning.

4.10.1.4 Applicable Land Use Regulations and Policies

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

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

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

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

4.10.2 Environmental Checklist and Discussion

LAND USE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project: 1) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4

⁹ The Village Plan for this area is in the first horizon, but planning has not yet started.

LAND USE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4

4.10.2.1 Land Use Impacts

Consistency with the General Plan Land Use Designation and Zoning

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

The project proposes to rezone the site to allow for an increase in retail/commercial square footage over the existing approved development and a reconfiguration of the existing land use entitlements under the current PD zoning. The proposed development on Lot 11 and all future development on the project site will conform to development standards established by the new PD Rezoning. Therefore, the office building and retail pavilion proposed on Lot 11 will be consistent with the zoning for the site. If the proposed rezoning is not approved, the new development proposed on Lot 11 project cannot be approved.

Land Use Impacts

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

The General Plan FEIR evaluated potential land use impacts resulting from high intensity development within Urban Villages adjacent to low density residential neighborhoods. These impacts could include visual intrusion from building height, shade and shadow impacts, noise, litter, and parking spillover. The project site is already developed with high density mixed-use development that has been analyzed and approved by the City. In addition, the project site has existing entitlements to develop an additional 201,597 square feet of retail/commercial space and 456 residential units. As a result, the potential land use impacts relating to high density development on the project site have already been identified and mitigated or avoided. The proposed PD rezoning would increase the overall allowable retail/commercial square footage on-site by 108,200 square feet and reconfigure the remaining retail/commercial entitlements. It would not, however, introduce a new land use on the project site that has not been previously considered and analyzed.

Each development location on-site has specific issues related to the surrounding land uses, particularly development sites along the eastern boundary of the project site. The General Plan FEIR concluded that land use conflicts, including impacts to adjacent residential development and existing businesses, from development within Urban Villages can be substantially limited or precluded with implementation of applicable General Plan policies and actions for planning and implementation as well as conformance with identified ordinances and adopted design guidelines. Future development on the Santana Row site will comply with all applicable City policies, actions and ordinances, and will be consistent with adopted design guidelines. The new zoning places no maximum limit on building height except adjacent to single-family where building height will be limited to 35 feet. Future development on-site would have a less than significant impact on surrounding land uses. **(Less Than Significant Impact)**

The proposed development on Lot 11 would remove an existing surface parking lot and construct a six-story office building and one-story retail pavilion, over underground parking. Adjacent land uses to Lot 11 include a seven-story senior housing facility, a parking garage, and three office buildings ranging from six to 11 stories. The scale and height of the proposed office building would be compatible with the existing adjacent office buildings and the senior housing facility.

The senior housing facility has towers on the northeast and northwest corners of the building that comprise the seventh floor of the building. There are two communal balconies on the sixth floor of the senior housing facility, on the east and west sides. The towers are directly adjacent to the balconies and effectively shield the balconies from any land uses north of the building. No other outdoor recreational space is provided. The proposed office building would not hinder the use of outdoor recreational areas by the facility's residents. In addition, the senior housing facility is already adjacent to three office buildings and these land uses were previously found to be compatible. As with all future development on-site, the proposed office building will comply with all applicable City policies, actions, ordinances, and design guidelines. Therefore, the office building would have a less than significant impact on surrounding land uses. **(Less Than Significant Impact)**

4.10.3 Conclusion

Implementation of the proposed project will result in less than significant land use impacts. **(Less Than Significant Impact)**

4.11 MINERAL RESOURCES

4.11.1 Setting

There are no mineral resources on or adjacent to the project site that could be impacted by the proposed project.

4.11.2 Environmental Checklist and Discussion

MINERAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4

4.11.3 Conclusion

The project would not result in a significant impact from the loss of availability of a known mineral resource. **(No Impact)**

4.12 NOISE

4.12.1 Setting

4.12.1.1 Background Information

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the period of exposure to the sound, the frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a “decibel” scale which serves as an index of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the “A-weighted” decibel or dBA.

Although the A-weighted noise level may adequately indicate the level of environmental noise at any instant in time, community noise levels vary continuously. Most environmental noise includes a conglomeration of noise from distant sources that create a relatively steady background noise in which no particular source is identifiable. To describe the time-varying character of environmental noise, the statistical noise descriptors, L01, L10, L50, and L90, are commonly used. They are the A-weighted noise levels equaled or exceeded during one, 10, 50, and 90 percent of a stated time period. A single number descriptor called the Leq is also widely used. The Leq is the average A-weighted noise level during a stated period of time. An A-weighted maximum noise level is Lmax.

In determining the daily level of environmental noise, it is important to account for the difference in response of people to daytime and nighttime noises. During the nighttime, exterior background noises are generally lower than the daytime levels. Most people sleep at night and are very sensitive to noise intrusion. To account for human sensitivity to nighttime noise levels, a descriptor, DNL (day/night average sound level), was developed. The DNL divides the 24-hour day into the daytime of 7:00 AM to 10:00 PM and the nighttime of 10:00 PM to 7:00 AM. The nighttime noise level is weighted 10 dB higher than the daytime noise level.

Construction Noise

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

4.12.1.2 Existing Noise Condition

Noise levels in the project area are primarily influenced by vehicular noise on Winchester Boulevard, Stevens Creek Boulevard and Interstate 280. Noise levels on the project site are approximately 70 dBA DNL due to traffic on Winchester Boulevard.¹⁰

The project site is not exposed to noise from aircraft overflights or loud intermittent noise sources such as light or heavy rail.

4.12.1.3 Applicable Noise Standards and Policies

The *Envision San José 2040 General Plan* includes policies applicable to all development projects in San José. The City's noise and land use compatibility guidelines are shown in Table 6, below.

TABLE 6						
Proposed General Plan Land Use Compatibility Guidelines (GP Table EC-1)						
Land Use Category	Exterior DNL Value in Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care ¹						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						
¹ Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.						
Normally Acceptable:  Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.						
Conditionally Acceptable:  Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.						
Unacceptable:  New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.						

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

¹⁰ City of San José. *Envision San José 2040 General Plan Final PEIR*, September 2011. Appendix C.

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

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

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

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

Municipal Code – Operation Standards

The City’s Municipal Code contains a Zoning Ordinance that limits noise levels at any property line of residential, commercial, or industrial properties as shown in Table 7.

TABLE 7 City of San José Zoning Ordinance Noise Standards	
Land Use Types	Maximum Noise Level in Decibels at Property Line
Residential, open space, industrial or commercial uses adjacent to a property used or zoned for residential purposes	55
Open space, commercial, or industrial use adjacent to a property used or zoned for commercial purposes or other non-residential uses	60
Industrial use adjacent to a property used or zoned for industrial or use other than commercial or residential purposes	70

The Zoning Ordinance also limits noise levels generated by stand-by/backup and emergency generators. The noise level emitted by these generators shall not exceed 55 decibels at the property line of residential properties. The standards and criteria for stand-by/backup generators are set as follows:

1. Maximum noise levels, based upon a noise analysis by an acoustical engineer, will not exceed the applicable noise standards set forth in Title 20.80.2030.
2. Testing of generators is limited to 7 a.m. to 7 p.m., Monday through Friday.

Municipal Code – Construction Standards

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

4.12.2 Environmental Checklist and Discussion of Impacts

NOISE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)/ Discussion Location
Would the project result in:						
1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-5
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-5
6) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-5

4.12.2.1 Noise Impacts on Residents

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

Standard commercial building construction methods typically provide 25 to 30 decibels of noise attenuation for interior spaces. For residential development, attenuation is typically 15 to 20 decibels. Based on future ambient noise levels of 68 dBA along Stevens Creek Boulevard and 70 dBA along Winchester Boulevard, as identified in the General Plan, future development will meet the City's exterior noise standards of 75 dBA for commercial/retail/office and 70 for residential. Based on State and City standards, interior noise levels should be less than or equal to 45 dBA. With standard building techniques, interior noise levels will meet. Therefore, future development on the project site would not be impacted by noise. **(Less Than Significant Impact)**

The proposed office building and retail pavilion would be located adjacent to Winchester Boulevard which currently generates noise levels of 70 dBA and is anticipated to continue to generate noise levels of 70 dBA with planned development in the *Envision San José 2040 General Plan*. As stated above, standard office and commercial construction methods typically provide 25 to 30 decibels of noise attenuation in interior spaces. The proposed office and retail development are consistent with the noise and land use compatibility guidelines of the *Envision San José 2040 General Plan*. **(Less Than Significant Impact)**

4.12.2.2 Noise Impacts from the Project

Project-Generated Traffic Noise

As shown in Table 5 of Appendix C, the proposed office development/retail pavilion and future development under the proposed changes to the PD Rezoning would generate approximately 4,817 net new average daily trips. Winchester Boulevard currently carries approximately 33,900 average daily trips and Stevens Creek Boulevard currently carries approximately 48,700 daily trips. As traffic would normally have to double to create a perceptible noise impact, traffic generated by this project would not substantially increase noise levels in the project area. **(Less Than Significant Impact)**

Mechanical Equipment

The project proposes use of a variable flow refrigerant system and a campus cooling tower system to provide air conditioning for the proposed office building and retail pavilion. The campus cooling tower system is an existing system on the project site and is currently planned to be used for future development as well. ESJ 2040 General Plan Policy EC-1.6 requires existing and new industrial and commercial development to reduce the effects of operational noise on adjacent residential uses through compliance with noise standards in the City's Municipal Code (refer to Table 7 above).

Conformance with the Municipal Code will ensure that the identified equipment for the proposed office building and retail pavilion project will not result in a significant impact. **(Less Than Significant Impact)**

Construction Noise

Typical hourly average construction-generated noise levels are approximately 77 to 89 dBA L_{eq} ¹¹ measured at a distance of 50 feet from the site during busy construction periods. Large pieces of earth-moving equipment, such as graders, scrapers, and dozers, generate maximum noise levels of 85 to 90 dBA L_{max} ¹² at a distance of 50 feet. During each stage of construction, there would be a different mix of equipment operating and noise levels would vary based on the amount of equipment on site and the location of the activity. Construction noise levels drop off at a rate of approximately six dBA per doubling of distance between the noise source and receptor. Intervening structures or terrain would result in lower noise levels at distant receivers.

Noise from the construction of future development under the proposed rezoning as well as construction of the proposed office building/retail pavilion could pose a significant impact to the surrounding residential properties. The General Plan FEIR concluded that short-term construction noise would be mitigated by identified General Plan policies and existing regulations including the City's Municipal Code that require reasonable noise reduction measures.

In accordance with the existing PD zoning for the project site and consistent with the General Plan FEIR, particularly Policy EC-1.7, each construction project undertaken on the Santana Row project site, including the office building/retail pavilion on Lot 11 will be required by conditions of project approval to implement the following measures during all current and future phases of construction on the project site:

- Demolition and construction activities on- or off-site, within 500 feet of sensitive receptors, such as residential development, shall be restricted to the hours of 7 AM to 7 PM Monday through Friday, non-holidays only.
- Staging areas and construction material areas shall be located as far away as possible from adjacent land uses.
- All internal combustion engines for construction equipment used on the site shall be properly muffled and maintained.
- All unnecessary idling of internal combustion engines is prohibited.
- All stationary, noise-generating construction equipment, such as air compressors and portable power generators, shall be located as far as practical from existing residences and businesses.
- The Director of Planning and residential neighborhoods proximately located to the project site shall be notified in writing by the developer of the construction schedule at least seven days prior to the start of construction.

¹¹ Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level (L_{eq}) that has the same acoustical energy as the summation of all the time-varying events. The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration.

¹² The L_{max} measurement is used to describe the maximum noise level during the measurement period.

- A noise disturbance coordinator shall be designated who is responsible for responding to complaints about construction noise. The telephone number of the disturbance coordinator shall be posted in a conspicuous place at the construction site and shall also be included in the notice sent to neighbors and the Director of Planning regarding the schedule.

(Less Than Significant Impact with Mitigation)

4.12.3 Conclusion

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

4.13 POPULATION AND HOUSING

4.13.1 Setting

According to California Department of Finance 2010 census data, San José's population for 2010 was 945,942 persons. In 2010, there were 314,038 households with 3.09 persons per household.¹³ The Association of Bay Area Governments (ABAG) projects the population for San José to be 1.3 million in 2030.¹⁴ As of 2010, the City had approximately 369,500 jobs and an active labor force of approximately 480,000 people.

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

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

4.13.2 Environmental Checklist and Discussion

POPULATION AND HOUSING						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4

¹³ State of California Department of Finance. *Census 2010*. 2010.

http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_DP_DPDP1&prodType=table Accessed March 22, 2012.

¹⁴ Association of Bay Area Governments. *Building Momentum: Projections and Priorities 2009*, August 2009.

4.13.2.1 Population and Housing Impacts

Full build out of Santana Row under both the existing and proposed PD zoning would increase both jobs and housing in San José consistent with the planned growth identified in the General Plan. Specifically, the proposed PD Rezoning would allow for the construction of an additional 309,797 square feet of commercial space (including 35,139 square feet of retail, 228,200 square feet of office, and 46,458 square feet of restaurant/bar/entertainment uses) and 456 housing units. The proposed office building on Lot 11 is part of the total office space planned under the PD Rezoning. The addition of both jobs and housing at Santana Row, combined with other planned growth in the City, would help to alleviate the overall jobs/housing imbalance in the City.

Construction of the office building and retail pavilion would not displace any existing housing and would not require replacement housing to be constructed elsewhere. While construction of the office building and retail pavilion would incrementally increase available jobs in the City, it would not induce substantial population growth and would have no measureable effect on the overall jobs/housing imbalance in the City.

Implementation of the proposed project would not impact population and housing in San José. **(No Impact)**

4.13.3 Conclusion

Implementation of the proposed project would have no impact on population and housing. **(No Impact)**

4.14 PUBLIC SERVICES

4.14.1 Setting

4.14.1.1 Fire Protection Services

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The closest station to the project site is Station No. 10 located at 511 S. Monroe Street, less than 1,000 feet southeast of the site.

For fire protection services, the General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls.

4.14.1.2 Police Protection Services

Police protection services for the project site are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street, approximately three miles northeast of the project site. For the last several years, the most frequent calls for service in the City dealt with larceny, burglary, vehicle theft, and assault.

For police protection services, the General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls.

4.14.1.3 Applicable Public Services Regulations and Policies

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

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

4.14.2 Environmental Checklist and Discussion

PUBLIC SERVICES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
<p>Would the project:</p> <p>1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</p> <p style="padding-left: 40px;">Fire Protection?</p> <p style="padding-left: 40px;">Police Protection?</p> <p style="padding-left: 40px;">Schools?</p> <p style="padding-left: 40px;">Parks?</p> <p style="padding-left: 40px;">Other Public Facilities?</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	 1-4 1-4 1-4 1-4 1-4

4.14.2.1 **Impacts to Public Services**

Fire Protection Services

The General Plan FEIR concluded that planned growth under the General Plan would increase calls for fire protection services in the City. The higher density development envisioned in the General Plan may require additional staffing and equipment to adequately serve the larger population but no new stations would be required other than those already planned.

The proposed increase in development on the project site is accounted for in the planned growth for the City. The project is, however, only a small fraction of the total growth identified in the General Plan. The proposed project, by itself, would not preclude the SJFD from meeting its service goals. As a result, all future development proposed on-site could be adequately served by existing resources. No additional fire personnel or equipment would be required.

Similarly, the proposed office building and retail pavilion are only a portion of the total development proposed on the project site. While development of a 225,000 square foot office building and 1,500 square foot retail pavilion on an existing parking lot could increase the need for fire protection services on-site, the buildings would be constructed in accordance with current building codes. In addition, the property owner would be required to maintain the buildings in accordance with applicable City policies identified in the General Plan FEIR to avoid unsafe building conditions and promote public safety. As a result, the proposed office development will not require new fire stations

to be constructed or existing fire stations to be expanded to serve the development while maintaining City service goals. **(Less Than Significant Impact)**

Police Protection Services

The General Plan FEIR concluded that planned growth under the General Plan would increase the population of the City which would require an increase in police services. While the overall service area would not increase, additional police officers and equipment would be needed to serve the larger population. The increase in police personnel may require the expansion of existing police facilities.

The proposed increase in development on the project site is accounted for in the planned growth for the City. The project is, however, only a small fraction of the total growth identified in the General Plan. The proposed project, by itself, would not preclude the SJPD from meeting its service goals. As a result, all future development proposed on-site could be adequately served by existing resources. No additional police personnel or equipment or expanded facilities would be required.

Similarly, the proposed office building and retail pavilion is only a portion of the total development proposed on the project site. While development of a 225,000 square foot office building and 1,500 square foot retail pavilion on an existing parking lot could increase the need for police protection services on-site, the buildings would be constructed in accordance with current building codes. In addition, the property owner would be required to maintain the buildings in accordance with applicable City policies to promote public and property safety. As a result, the proposed office development will not require new police stations to be constructed or existing police stations to be expanded to serve the development while maintaining City service goals. **(Less Than Significant Impact)**

Other Public Services

Full build out under the proposed PD Rezoning would result in an additional 456 residential units in San José. These residential units are, however, part of the current PD Permit and have already been analyzed. There is no new housing proposed by this project. As a result, the project would have no direct impact on the use of schools, libraries, parks, or other public facilities. **(No Impact)**

4.14.3 Conclusion

The project would have a less than significant impact on public services in San José. **(Less Than Significant Impact)**

4.15 RECREATION

4.15.1 Setting

There are no recreational resources on or adjacent to the project site that would be impacted by the proposed project.

4.15.2 Environmental Checklist and Discussion

RECREATION						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,3,4

4.15.3 Conclusion

Implementation of the proposed PD rezoning, which includes the proposed office building/retail pavilion on Lot 11, would not result in accelerated deterioration of local recreational facilities or the need for new recreational facilities. **(No Impact)**

4.16 TRANSPORTATION

The City of San José uses different methodologies for evaluating transportation impacts from the General Plan, and from near term development proposals. The differences are related to the levels of specificity inherent in the two circumstances. The General Plan establishes land uses, street patterns, design and performance standards, and identifies the goals and policies that should govern implementation. With a development proposal, the City is evaluating a specific land use or group of land uses to be configured on a piece of identified property, usually in the immediate future.

The City Council adopted Council Policy 5-3 which describes how the General Plan multi-modal transportation policies, including the Transportation Level of Service Policy, are to be interpreted and implemented. Policy 5-3 is periodically updated through a public process that includes stakeholder input and CEQA review. Pursuant to Policy 5-3, Staff has developed a detailed methodology for preparing traffic impact analyses (TIA) that reflect the City's adopted policies and thresholds of significance.

The near term TIA for this project was prepared by Hexagon Transportation Consultants in conformance with the requirements of Policy 5-3, and is attached to this Initial Study as Appendix C.

4.16.1 Setting

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

Existing Roadway Network

Regional access to the project site is provided via I-880 and I-280. These facilities are described below and shown on Figure 6.

I-880 is a six-lane freeway in the vicinity of the site. It extends north to Oakland and south to I-280 in San José, at which point it makes a transition into SR 17 to Santa Cruz. Access to the site is provided via its interchange with Stevens Creek Boulevard.

I-280 is an eight-lane freeway in the vicinity of the site. It extends northwest to San Francisco and east to King Road in San José, at which point it makes a transition into I-680 to Oakland. Access to the site is provided via its interchange with Winchester Boulevard.

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

Stevens Creek Boulevard is a divided six-lane east-west roadway in the vicinity of the project site. It extends from Cupertino eastward to I-880, at which point it makes a transition into San Carlos Street to Downtown San José. Access to the site is provided via its full access signalized intersection at Santana Row. Stevens Creek Boulevard is designated as a *Grand Boulevard* in the adopted General Plan.

Winchester Boulevard is a divided six-lane north-south roadway that runs from Los Gatos to Lincoln Street in Santa Clara. Winchester Boulevard provides direct access to the Parcel 11 site via Olsen Drive. Winchester Boulevard is designated as a *Main Street* in the adopted General Plan.

Tisch Way is a two-lane east-west roadway that extends east from Winchester Boulevard to South Monroe Street. Access to the site is provided via Winchester Boulevard.

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

Bicycle and Pedestrian Facilities

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

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

Transit Service

Existing transit service in the project area is bus service provided by VTA. The Valley Fair Transit Center is located at Valley Fair shopping mall, north of Santana Row, within close proximity to the project site. The Valley Fair Transit Center is served by two bus lines (lines 23 and 60). The 23 line provides service between De Anza College and the Alum Rock Transit Center via Stevens Creek Boulevard, with 10-15-minute headways during commute hours. The 60 line provides service between the Winchester Transit Center and Great America via Winchester Boulevard, with 15-20-minute headways during commute hours. Other bus lines in the vicinity of the project site include the 25 line that provides service between the Alum Rock Transit Center and De Anza College, with 10-20-minute headways during commute hours. The nearest bus stop locations are located at the Olin Avenue and Olsen Drive intersections with Winchester Boulevard.

Intersection Levels of Service

Existing lane configurations were determined in the field by the traffic consultant. Current volumes at the study intersections were obtained from the City of San José or by recent counts. All of this data, and the LOS calculations, are included in the traffic report in Appendix C.

Intersection levels of service were evaluated at 16 intersections against City of San José and (for regional intersections) CMP standards. The results of the intersection level of service analysis under existing conditions are summarized in Table 8. The 16 intersections are shown on Figure 6.

City of San José Intersection Analysis

The LOS analysis found that the intersection of San Tomas Expressway and Stevens Creek Boulevard currently operates at an unacceptable LOS E during the PM peak hour. All other study intersections currently operate at an acceptable LOS D or better during both the AM and PM peak hours of traffic.

TABLE 8
Existing Intersection Levels of Service

No.	Intersection	Peak Hour	Count Date	Avg. Delay ^β	LOS
1	Stevens Creek Boulevard/Winchester Boulevard*	AM	9/27/11	35.6	D
		PM	10/05/10	49.5	D
2	Stevens Creek Boulevard/Santana Row	AM	2/08/11	15.9	B
		PM	2/08/11	29.3	C
3	Stevens Creek Boulevard/Redwood Avenue	AM	7/13/11	8.4	A
		PM	7/13/11	21.2	C
4	Stevens Creek Boulevard/ Monroe Street	AM	2/08/11	26.9	C
		PM	2/08/11	41.9	D
5	Stevens Creek Boulevard/I-880 SB Off-ramp*	AM	9/27/11	24.3	C
		PM	10/21/10	23.3	C
6	Winchester Boulevard/Olin Avenue	AM	2/09/11	16.5	B
		PM	2/09/11	16.6	B
7	Winchester Boulevard/Olsen Drive	AM	2/09/11	15.9	B
		PM	2/09/11	18.7	B
8	Winchester Boulevard/I-280 WB On-ramp	AM	2/09/11	22.6	C
		PM	2/09/11	30.4	C
9	Winchester Boulevard/Moorpark Avenue	AM	2/09/11	38.3	D
		PM	2/09/11	45.0	D
10	I-280 EB Off-ramp/Moorpark Avenue*	AM	9/27/11	10.7	B
		PM	10/13/10	12.8	B
11	Bascom Avenue/San Carlos Street	AM	2/10/11	40.2	D
		PM	2/10/11	48.5	D
12	Bascom Avenue/Naglee Avenue	AM	2/19/09	34.5	C
		PM	2/19/09	43.8	D
13	Forest Street/Winchester Boulevard	AM	2/10/11	14.7	B
		PM	2/10/11	17.4	B
14	Hedding Street/Monroe Street	AM	2/10/11	35.8	D
		PM	2/10/11	36.4	D
15	Hedding Street/Winchester Boulevard	AM	2/19/09	32.4	C
		PM	2/19/09	34.4	C
16	San Tomas Expressway/Stevens Creek Boulevard*	AM	09/27/11	51.3	D
		PM	10/05/10	71.1	E

^βWhole intersection weighted average control delay expressed in seconds per vehicle.
Bold indicates level of service exceeds threshold of acceptability.
 * - Denotes CMP intersection.

CMP Intersection Analysis

Four of the 15 study intersections are identified as regional intersections in the CMP. The LOS analysis found that all of the CMP regional intersections analyzed currently operate at an acceptable LOS E or better during the AM and PM peak hours of traffic.¹⁵

Intersection Operations – Field Observations

Particularly on busy urban streets, there may be conditions that influence roadway congestion that cannot be identified by relying only on counts and calculations. The City's methodology therefore requires that the traffic consultant also personally observe intersection operations. Traffic conditions in the field are observed in order to identify existing operational deficiencies and to confirm the accuracy of calculated levels of service.¹⁶

Field observations revealed the following operational problems that may not be reflected in level of service calculations:

In general, Stevens Creek Boulevard experiences heavy congestion during the weekday PM peak hour in both directions of travel between Winchester Boulevard and I-880. The congestion is made worse by the close spacing of several signalized intersections along the roadway. At its intersections with I-880 and Monroe Street, vehicles do not clear at nearly every approach during the PM peak hour. Left-turn queues in the westbound direction regularly extend out of the provided turn-pockets at its intersections with Winchester Boulevard and Santana Row during the PM peak hour. Vehicles making the westbound left-turn movement at Santana Row do not clear within the allotted green time. Left-turn pockets in the eastbound direction are adequate with no vehicles spilling out of the provided storage.

Operations along Stevens Creek Boulevard can be improved by providing longer left-turn pockets into the Santana Row entrance. The longer pockets will allow for more storage capacity and prevent the blockage of through lanes. A second southbound left-turn lane at the intersection with Winchester Boulevard would provide for more green time to all other approaches and improve intersection operations. Improvements to the intersections near the Monroe Street and I-880 intersections are physically restricted. There are planned improvements at the Stevens Creek Boulevard and I-880 interchange that will provide additional capacity.

The right lane on eastbound Stevens Creek Boulevard is sometimes congested from I-880 to Santana Row. In addition, some vehicles aggressively enter the right lane at the last minute to avoid the long wait. A possible improvement is to add storage to the on-ramp. There are planned improvements to the I-880/Stevens Creek Boulevard/I-280 interchange. The improvements to the interchange will reduce queuing and other operational problems along Stevens Creek Boulevard near the interchange. All other study intersections operate without any major operational problems.

¹⁵ Stevens Creek/San Tomas Expressway is a CMP intersection located within the City of San José. It currently operates at LOS E, which is below the City of San José standard of D, but is within acceptable parameters for the CMP.

¹⁶ Other operational issues that do not result in CEQA-related impacts are evaluated in the TIA in Appendix ___, but are not addressed in this Initial Study.

Freeway Segment Analysis

Traffic volumes for the study freeway segments were obtained from the 2010 CMP Annual Monitoring Report, which contains the most recent data collected for freeway segments located in Santa Clara County. The results of the analysis are summarized below. The analysis found that 13 of the 18 directional study freeway segments currently operate at an unacceptable LOS F during at least one peak hour of traffic.

The following freeway segments operate at LOS F during the peak hour(s) indicated:

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

4.16.1.1 Applicable Transportation Regulations and Policies

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

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

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

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

Policy TR-5.3: The minimum overall roadway performance during peak travel periods should be level of service “D” except for designated areas.

Policy TR-8.6: Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Urban Villages and other Growth Areas.

Policy TR-8.7: Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.

Action TR-8.10: Update existing parking standards to reduce parking requirements for transit-oriented developments, mixed-use projects, and projects within the Urban Villages to take advantage of shared parking opportunities generated by mixed-use development. Update existing parking standards to address TDM actions and to require amenities and programs that support reduced parking requirements.

Policy CD-2.3: Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Main Streets, and other locations where appropriate.

4.16.2 Environmental Checklist and Discussion

TRANSPORTATION/TRAFFIC						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,4,8,9
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,4,8,9
3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,4
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,4
5) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,8

TRANSPORTATION/TRAFFIC						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project: 6) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,4,8

4.16.2.1 Transportation Impacts

Pursuant to General Plan policies and adopted Council Policy 5-3, traffic impacts in the City of San José are considered significant if any of the following occur:

For a City intersection during either peak hour:

1. The level of service at the intersection degrades from an acceptable LOS D or better under background conditions to an unacceptable LOS E or F under background plus project conditions, or
2. The level of service at the intersection is an unacceptable LOS E or F under background conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by four (4) or more seconds and the volume-to-capacity ratio (V/C) to increase by one percent (.01) or more.

An exception to this threshold applies when the addition of project traffic reduces the amount of average stopped delay for critical movements (i.e., the change in average stopped delay for critical movements is negative). In that case, the threshold of significance is an increase in the critical V/C value by .01 or more.

The CMP standard for acceptable level of service at a designated regional intersection is LOS E or better.

Intersection Level of Service Under Existing Plus Project and Existing Plus Background Plus Project Conditions

The purpose of a CEQA document is to disclose what changes a proposed project is likely to cause in the environment. To accomplish this, the law and Guidelines require that this document disclose the “existing” conditions for comparison with future “project” conditions. The interpretation of what that means has been subject to a great deal of discussion and litigation. Much of California, especially urban California, is changing relatively quickly. The physical conditions at the time a developer (or other project proponent) first thinks of a project will change before that project receives an entitlement from the lead agency. In many areas, including Silicon Valley, there have been time periods when very substantial changes occur between the point in time when a project application is filed with a city and when the project begins construction.

To best communicate to decision makers and the interested public what the conditions are likely to be at the time the project is completed, both San José's LOS policy and the methodology developed for the County CMP require that "background" conditions be established, incorporating traffic from previously approved but not yet constructed projects into the setting or baseline against which project impacts are calculated. The City's Department of Transportation maintains a citywide data base of previously approved project traffic to assist with preparing this analysis. The "background" condition is, therefore, the most accurate representation possible of what the circumstances are likely to be at that future point in time when the project's traffic appears on the streets.

CEQA specifies that project impacts must be compared to an existing condition defined as generally being the time that a Notice of Preparation is circulated for an EIR so that the general public can compare the project's impacts to existing physical conditions. This document is not an EIR, so no NOP will be circulated. The existing conditions are defined for the purposes of this analysis as generally being the point at which preparation of the Initial Study began. The existing counts used in the traffic report were completed in prior years (see Table 8). The traffic consultant (as stated in the TIA in Appendix C) compared the older counts to current conditions in the field and found that the counts still closely represent intersection congestion levels.¹⁷ The project's traffic is shown in Table 9, where it can be compared to existing conditions. As illustrated in Table 9, project traffic does not result in a significant deterioration when compared to existing conditions.

Table 10, which follows Table 9, identifies background conditions, defined as the existing conditions plus traffic from previously approved but not yet built development. This is traffic that is reasonably likely to be on the roads when the project is completed. The project's traffic estimated by the consultant using the City's methodology as described in the TIA is then added to the background conditions, resulting in the levels of service shown.

¹⁷ There has been relatively little development occurring in recent years due to economic constraints

TABLE 9
Existing Plus Project Traffic
Intersection Levels of Service

No.	Intersection	Peak Hour	Existing		Existing Plus Project			
			Avg. Delay ^β	LOS	Avg. Delay ^β	LOS	Incr in Crit Delay	Incr in Crit V/C
1	Stevens Creek Boulevard/Winchester Boulevard*	AM	35.6	D	36.0	D	0.1	0.003
		PM	49.5	D	50.7	D	2.0	0.029
2	Stevens Creek Boulevard/Santana Row	AM	15.9	B	16.3	B	0.2	0.010
		PM	29.3	C	30.2	C	1.2	0.012
3	Stevens Creek Boulevard/Redwood Avenue	AM	8.4	A	8.3	A	0.0	0.016
		PM	21.2	C	20.9	C	-0.3	0.008
4	Stevens Creek Boulevard/ Monroe Street	AM	26.9	C	27.8	C	0.3	0.021
		PM	41.9	D	43.7	D	2.6	0.056
5	Stevens Creek Boulevard/I-880 SB Off-ramp*	AM	24.3	C	24.8	C	0.6	0.033
		PM	23.3	C	23.6	C	0.3	0.019
6	Winchester Boulevard/Olin Avenue	AM	16.5	B	16.4	B	0.3	0.004
		PM	16.6	B	16.3	B	0.0	0.017
7	Winchester Boulevard/Olsen Drive	AM	15.9	B	22.2	B	9.4	0.057
		PM	18.7	B	26.3	B	6.6	0.082
8	Winchester Boulevard/I-280 WB On-ramp	AM	22.6	C	26.0	C	5.0	0.047
		PM	30.4	C	32.4	C	1.6	0.039
9	Winchester Boulevard/Moorpark Avenue	AM	38.3	D	38.9	D	0.9	0.021
		PM	45.0	D	45.4	D	0.7	0.014
10	I-280 EB Off-ramp/Moorpark Avenue*	AM	10.7	B	10.8	B	0.2	0.023
		PM	12.8	B	12.8	B	0.0	0.005
11	Bascom Avenue/San Carlos Street	AM	40.2	D	40.4	D	0.3	0.010
		PM	48.5	D	48.6	D	0.1	0.009
12	Bascom Avenue/Naglee Avenue	AM	34.5	C	34.4	C	0.0	0.000
		PM	43.8	D	43.8	D	-0.1	0.001
13	Forest Street/Winchester Boulevard	AM	14.7	B	14.4	B	0.1	0.005
		PM	17.4	B	17.2	B	-0.4	0.018
14	Hedding Street/Monroe Street	AM	35.8	D	36.0	D	0.1	0.003
		PM	36.4	D	36.6	D	0.6	0.009
15	Hedding Street/Winchester Boulevard	AM	32.4	C	30.3	C	-3.3	0.011
		PM	34.4	C	34.5	C	0.3	0.013
16	San Tomas Expressway/Stevens Creek Boulevard*	AM	51.3	D	51.8	D	0.8	0.007
		PM	71.1	E	71.8	E	1.0	0.002

^βWhole intersection weighted average control delay expressed in seconds per vehicle.

Bold indicates level of service exceeds threshold of acceptability.

* - Denotes CMP intersection.

TABLE 10
Background and Background Plus Project Traffic
Intersection Levels of Service

No.	Intersection	Peak Hour	Background		Background Plus Project			
			Avg. Delay ^β	LOS	Avg. Delay ^β	LOS	Incr in Crit Delay	Incr in Crit V/C
1	Stevens Creek Boulevard/Winchester Boulevard*	AM	35.7	D	35.8	D	0.0	0.001
		PM	52.4	D	53.5	D	1.9	0.017
2	Stevens Creek Boulevard/Santana Row	AM	20.5	C	20.8	C	0.0	0.006
		PM	36.8	D	37.2	D	0.6	0.012
3	Stevens Creek Boulevard/Redwood Avenue	AM	10.0	A	9.8	A	-0.1	0.009
		PM	28.9	C	28.8	C	-0.1	0.005
4	Stevens Creek Boulevard/ Monroe Street	AM	32.3	C	32.7	C	0.2	0.012
		PM	61.7	E	66.7	E	8.1	0.032
5	Stevens Creek Boulevard/I-880 SB Off-ramp*	AM	25.8	C	26.2	C	0.4	0.019
		PM	27.6	C	27.9	C	0.3	0.011
6	Winchester Boulevard/Olin Avenue	AM	19.8	B	19.5	B	-0.1	0.002
		PM	18.6	B	19.4	B	1.0	0.010
7	Winchester Boulevard/Olsen Drive	AM	16.6	B	19.4	B	4.4	0.032
		PM	19.3	B	23.2	C	2.0	0.036
8	Winchester Boulevard/I-280 WB On-ramp	AM	25.5	C	27.7	C	3.8	0.028
		PM	33.9	C	34.9	C	0.9	0.019
9	Winchester Boulevard/Moorpark Avenue	AM	39.6	D	40.0	D	0.6	0.012
		PM	47.9	D	48.3	D	0.7	0.008
10	I-280 EB Off-ramp/Moorpark Avenue*	AM	11.0	B	11.0	B	0.0	0.005
		PM	13.3	B	13.3	B	0.0	0.003
11	Bascom Avenue/San Carlos Street	AM	40.6	D	4.17	D	0.2	0.006
		PM	49.7	D	19.7	D	0.1	0.005
12	Bascom Avenue/Naglee Avenue	AM	35.3	D	35.3	D	0.0	0.000
		PM	45.3	D	45.3	D	0.0	0.001
13	Forest Street/Winchester Boulevard	AM	16.2	B	16.0	B	0.0	0.003
		PM	20.8	C	20.7	C	-0.1	0.009
14	Hedding Street/Monroe Street	AM	35.7	D	35.9	D	0.1	0.001
		PM	36.6	D	36.7	D	0.3	0.005
15	Hedding Street/Winchester Boulevard	AM	32.4	C	32.5	C	0.4	0.010
		PM	35.7	D	35.8	D	0.2	0.008
16	San Tomas Expressway/Stevens Creek Boulevard*	AM	51.9	D	52.2	D	0.4	0.004
		PM	76.3	E	76.8	E	0.7	0.001

^βWhole intersection weighted average control delay expressed in seconds per vehicle.

Bold indicates level of service exceeds threshold of acceptability.

* - Denotes CMP intersection.

= indicates a project impact.

Valley Fair Expansion development is included as part of background conditions of this study along with its required mitigation; this is appropriate because the traffic from that additional development will not be on the streets unless the mitigation is also implemented. The Stevens Creek Boulevard and Winchester Boulevard intersection will operate at LOS D conditions during the PM peak hour

with the addition of the identified second southbound left-turn lane, even with the traffic from the currently proposed Santana Row project.

Based on the identified thresholds of significance, the intersection of Stevens Creek Boulevard and Monroe Street would be significantly impacted by the project. Project traffic at all other intersections studied would not exceed the thresholds and therefore would result in less than significant impacts.

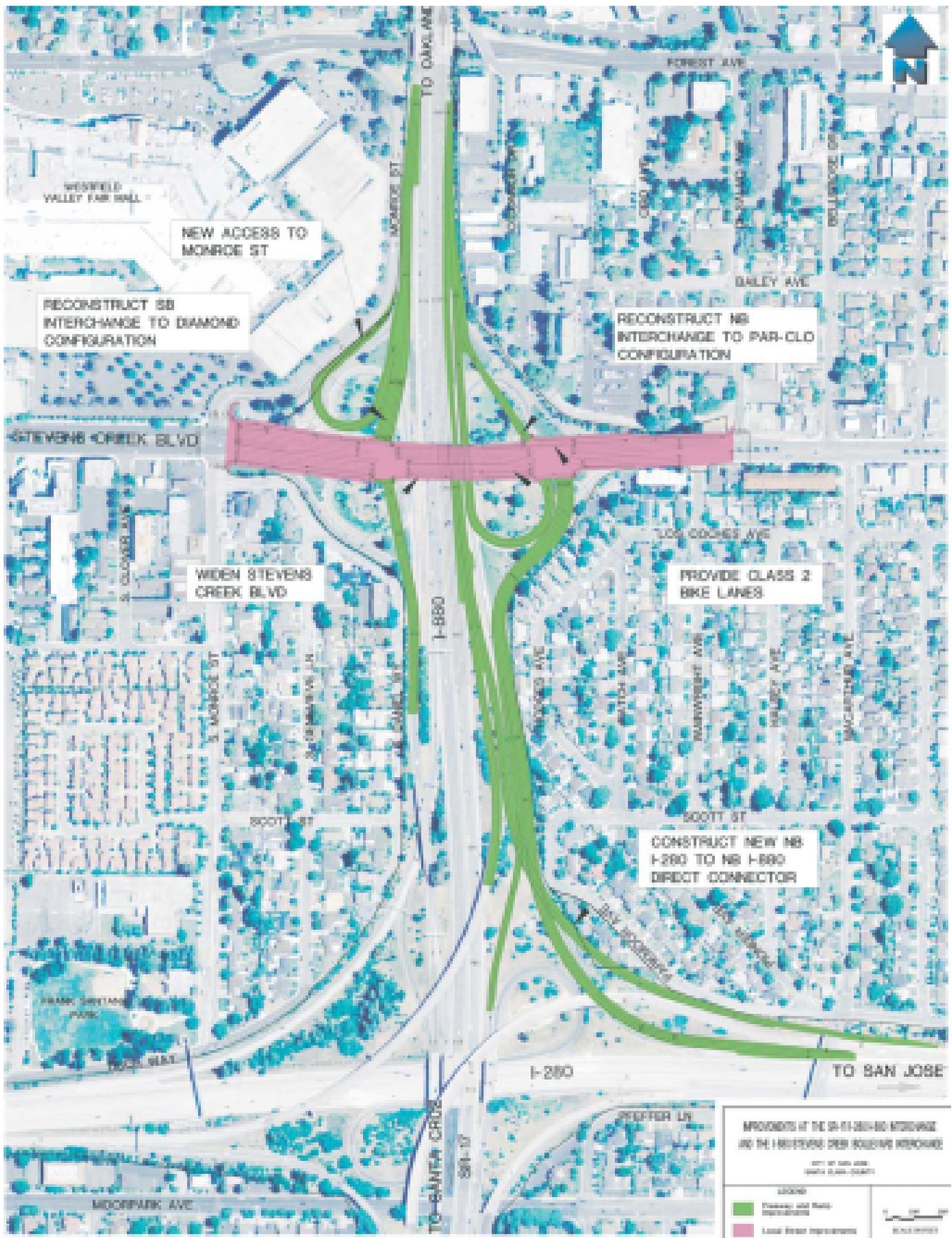
Mitigation: An improvement project that will mitigate the project's impacts at this intersection is being implemented. The roadway improvement project is designed and budgeted, and is scheduled for construction as described below and illustrated in Figure 7: Build Alternative for 880/Stevens Creek Interchange:

The 880/Stevens Creek Interchange consists of the reconfiguration the existing full cloverleaf I-880/Stevens Creek Boulevard interchange to improve traffic flow in the surrounding interchange area by widening and realigning ramps, widening the overcrossing structure at Stevens Creek Boulevard over I-880, improving intersections and providing enhanced access for pedestrians and bicyclists and separation of freeway-to-freeway traffic from local traffic by constructing a new direct connector from northbound I-280 to northbound I-880 with an estimated construction cost of \$41.4 million. The project is going to the VTA Board in May, 2012 and will be under construction in October, 2012. All the traffic capacity improvements are fully funded but other parts of the interchange project such as landscaping, and art are not fully funded.

The project proposes to make a fair share contribution to the cost of these improvements, based on the level of impact that would otherwise occur. This is consistent with Council Policy 5-3 and with the mitigation anticipated by General Plan Policy TR-5.3. Completion of these proposed roadway improvements will reduce project impacts to less than significant. **(Less Than Significant Impact with Mitigation)**

4.16.3 Conclusion

The project as it is proposed will not result in a significant transportation impact. **(Less than Significant Impact with Mitigation)**



I-280 STEVENS CREEK PROJECT MAP DETAIL

FIGURE 7

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Setting

4.17.1.1 Water Services

Water service to the site is supplied by the San José Water Company. The current development on the project site use approximately 145,560 gallons per day (gpd) of water and existing entitlements, once constructed, would use an additional 37,331 gdp.¹⁸

4.17.1.2 Wastewater

Sanitary sewer lines in the area are owned and maintained by the City of San José. The General Plan FEIR states that average wastewater flow rates are approximately 70 to 80 percent of domestic water use and 85 to 95 percent of business use (assuming no internal recycling or reuse programs). For the purposes of this analysis, wastewater flow rates are assumed to be 85 percent of the total on-site water to account for the various business types as well as the high density housing that has little to no private open space which requires irrigation. The current land uses on the project site generate approximately 123,726 gpd of wastewater and existing entitlements, once constructed, would generate an additional 31,731 gdp.

Based on the General Plan FEIR, the City's average dry weather flow is approximately 69.8 million gallons per day (mgd). The City's capacity allocation at the San José/Santa Clara Water Pollution Control Plant (WPCP) is approximately 108.6 mgd, leaving the City with approximately 38.8 mgd of excess treatment capacity.

4.17.1.3 Storm Drainage

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

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

Under existing conditions, Lot 11 is 90 percent impervious. The pervious surface area is comprised entirely of landscaping around the perimeter of the parking lot.

4.17.1.4 Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and was reviewed in 2004 and 2007. Each jurisdiction

¹⁸ Oberg, John. City of San José. "Re: water lines." E-mail to David J. Powers and Associates, Inc. 4 February 2004.

in the County has a landfill diversion requirement of 50 percent per year. In 2008, the San José diverted approximately 60 percent of the waste generated in the City. According to the IWMP, the County has adequate disposal capacity beyond 2022. In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. The City landfills approximately 700,000 tons per year of solid waste including 578,000 tons per year at landfill facilities in San José. The total permitted landfill capacity of the five operating landfills in the City is approximately 5.3 million tons per year.

4.17.1.5 Applicable Utilities and Service Systems Regulations and Policies

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

Policy MS-3.2: Promote use of green building technology or techniques that can help to reduce the depletion of the City’s potable water supply as building codes permit.

Policy MS-3.3: Promote the use of drought tolerant plants and landscaping materials for non-residential and residential uses.

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

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

4.17.2 Environmental Checklist and Discussion

UTILITIES AND SERVICE SYSTEMS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4
2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4
3) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4

UTILITIES AND SERVICE SYSTEMS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4
5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-4
7) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1-4

4.17.2.1 Water Supply

The entire Santana Row project site currently uses approximately 145,560 gpd of water. The existing entitlements, which have already been analyzed and approved, would use an additional 37,331 gpd for a total water usage of 182,891 gpd at full build out. Future development under the proposed rezoning, including the proposed office building and retail pavilion on Lot 11, would increase water usage on-site by 45,050 gpd over current build out conditions.

The General Plan FEIR determined that the three water suppliers for the City could serve planned growth under the General Plan until 2025. Water demand could exceed water supply with implementation of the General Plan during dry and multiple dry years after 2025. The General Plan has specific policies to reduce water consumption including expansion of the recycled water system and implementation of water conservation measures. The General Plan FEIR concluded that with implementation of existing regulations and adopted General Plan policies, full build out under the General Plan would not exceed the available water supply.

Future development on the project site under the proposed rezoning, as well as construction of the proposed office building/retail pavilion on Lot 11, will comply with the policies and regulations identified in the General Plan FEIR. In addition, the office building has been designed to meet LEED Gold certification standards including water efficient landscaping and overall water usage reduction compared to standard building practices. Therefore, implementation of the proposed project would have a less than significant impact on the City's water supply. **(Less Than Significant Impact)**

4.17.2.2 Sanitary Sewer Capacity

The project site currently generates approximately 123,726 gpd of wastewater. The existing entitlements, which have already been analyzed and approved, would generate an additional 31,731 gpd for a total wastewater generation of 155,457 gpd at full build out. Future development under the proposed rezoning, including the proposed office building and retail pavilion on Lot 11, would increase wastewater generation on-site by 38,293 gpd over current build out conditions.

The City of San José Department of Public Works analyzed the existing sanitary sewer capacities in the project area. At this time, the applicant has not yet provided plans showing where the proposed office building would connect to the existing sanitary sewer system. Should the applicant propose to connect to the six-inch line in Winchester Boulevard, a capacity analysis will be needed to determine if upsizing of the line would be required to support the project. Connection to the existing eight-inch line in Olsen Drive would not warrant additional studies, nor would it trigger upsizing of the sanitary sewer lines.

As stated above, the City currently has approximately 38.8 mgd of excess treatment capacity at the WPCP. Based on a sanitary sewer hydraulic analysis prepared for the General Plan FEIR, full build out under the General Plan would increase average dry weather flows by approximately 30.8 mgd. As a result, development allowed under the General Plan would not exceed the City's allocated capacity at the WPCP. Future development under the proposed rezoning, which includes the proposed office building and retail pavilion, is consistent with the development assumptions in the General Plan. Therefore, full build out of the project site under the proposed PD Rezoning would have a less than significant impact on the WPCP. **(Less Than Significant Impact)**

4.17.2.3 Storm Drainage System

Impervious surface on the project site with full build out under the proposed PD Rezoning would be comparable to the existing condition as the remaining developable areas are currently used as surface parking lots with minimal landscaping. There would be no substantial increase in impervious surfaces on-site as a result of future development. In addition, Lot 11 is approximately 90 percent impervious and will continue to be 90 percent impervious after construction of the proposed office building and retail pavilion.

The existing storm drainage system has sufficient capacity to serve the existing development on-site. Future development, including the proposed development on Lot 11, will not significantly increase stormwater runoff from the site because the percentage of impervious surfaces on-site will not change. In addition, all new development on-site will comply with the NPDES Municipal Regional Permit which requires more on-site retention and re-use of stormwater, effectively reducing the amount of runoff relative to the existing conditions. Lastly, the project will comply with all applicable plans, policies, and regulations (including RWQCB permits) for the treatment of stormwater. For all these reasons, implementation of the proposed project will have a less than significant impact on the City's storm drainage system. **(Less Than Significant Impact)**

4.17.2.4 Solid Waste

Future development on the project site under the proposed rezoning, which includes the proposed office building and retail pavilion on Lot 11, would increase the total solid waste generated by the project site, compared to existing conditions. The General Plan FEIR concluded that the increase in waste generated by full build out under the General Plan would not cause the City to exceed the capacity of existing landfills that serve the City. Future increases in solid waste generation from development allowed under the General Plan would be avoided with ongoing implementation of the City's Zero Waste Strategic Plan. This plan, in combination with existing regulations and programs, would ensure that full build out of the General Plan would not result in significant impacts from the provision of landfill capacity to accommodate the City's increased service population.

The proposed rezoning is consistent with the development assumptions in the General Plan. Therefore, full build out of the project site under the proposed PD Rezoning would have a less than significant impact on the solid waste disposal capacity. **(Less Than Significant Impact)**

4.17.3 Conclusion

Implementation of the proposed PD Rezoning project t will not require new utility lines or facilities and would not exceed the capacity of existing utility and service systems. **(Less Than Significant Impact)**

4.18

MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-10
2) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-10
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1-10

4.18.1 Findings

The proposed project would contribute incrementally to traffic and air quality impacts associated with development in an urban area. Design features have been included in the project, consistent with the City’s adopted General Plan, that will reduce any potential project impacts on the natural and human environment to a less than significant level. The project would have no impact on agricultural or forest lands, cultural resources, mineral resources, or recreational resources. The project would have a less than significant impact on all other resource areas by conforming to adopted plans, policies, and regulations identified in the General Plan FEIR as required by the City of San José.

4.18.2 Conclusion

Implementation of the proposed project would not result in any significant unavoidable impacts, impacts that are cumulatively considerable, or directly or indirectly cause substantial adverse affects on human beings. **(Less Than Significant Impact)**

SECTION 5.0 CHECKLIST SOURCES

1. CEQA Guidelines - Environmental Thresholds (Professional judgment and expertise)
2. Project Plans/Application
3. City of San José, Envision San José 2040 General Plan
4. City of San José. Envision San José 2040 General Plan Integrated Final Program EIR.
5. Town & Country Village FEIR
6. Arborist Report (Appendix A)
7. Geotechnical Report (Appendix B)
8. Transportation Impact Analysis (Appendix C)
9. Karen Mack, City of San José Department of Public Works
10. FEMA Flood Insurance Rate Map

Copies of all documents referenced are available in the Planning Division in City Hall during normal working hours.

SECTION 6 REFERENCES

Arborwell. *Santana Row – Lot 11 Pre-Construction Tree Survey*. February 2012

Association of Bay Area Governments. *Building Momentum: Projections and Priorities 2009*, August 2009.

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Hexagon Transportation Consultants. *Santana Row Parcel 11 Office & Restaurant Space Development Transportation Impact Analysis*. March 2012.

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