

Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH # 2021080419

Project Title: 1065 South Winchester Boulevard Mixed-Use Project

Lead Agency: City of San Jose

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Project Location: San Jose

Santa Clara

City

County

Project Description (Proposed actions, location, and/or consequences).

The approximately 0.93-acre project site is comprised of one parcel (APN: 299-25-037) located at 1065 South Winchester Boulevard, which is currently developed with a one-story house, barn, tank house and fruit drying area and shed. The proposed project would demolish all existing buildings and structures on site and construct a 6-story above grade, multi-family residential building totaling 70 residential condominium units and 20,410 square feet of commercial office space. The project also includes subdivision of the existing lot into residential condominiums and commercial office space.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

The project would have unavoidable significant impact for the demolition the potential historic structures and buildings. While still significant unavoidable, the project would implement mitigation measures such as advertisement to gauge interest in relocation prior to full demolition. The project would also be required to document the existing conditions of the structures and buildings on site to HABS standards prior to demolition.

Furthermore, the project would have potential significant impacts to temporary construction air quality, biological resources for removal of vegetation that could disturb raptors and nests, and cultural and tribal cultural resources discovery during ground disturbance activities. The project would also have a Vehicle-Mile-Traveled (VMT) impact. The project has mitigation measures for higher tier equipment with best management practices to reduce temporary air pollutant during construction phases, would be required to conduct pre-construction survey for the full project site to mitigate for raptor, and Transportation Demand Management (TDM) to mitigate VMT. The project would also include pre-construction training for cultural and tribal cultural resources, on-site monitoring for, and treatment plan for potential disturbance of subsurface cultural and tribal cultural resources.

The impacts and mitigation measures are further detailed below:

Air Quality

Impact AQ-1: The proposed project would expose sensitive receptors to construction dust and equipment exhaust emissions of DPM and PM2.5 that exceed BAAQMD single-source thresholds for infant/child cancer risks and PM2.5 concentrations

Mitigation Measure AQ-1: Prior to issuance of any demolition permit, grading permit, or building permit, whichever comes first,

the project applicant shall prepare and submit a construction emissions reduction plan containing the measures listed below to the City of San Jose Planning Director or Director's designee for review and approval. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying the equipment included in the plan meets the standards set forth in this mitigation measure. The emissions reduction plan shall include some or all of the following measures to achieve an 85 percent reduction in DPM emissions that corresponds with an infant/child cancer risk of 10 or fewer cases per million, and a reduction of PM2.5 emissions of 59 percent. During construction, the project contractor shall implement the measures listed in the approved construction emissions reduction plan to reduce emissions of fugitive dust and engine exhaust DPM. These measures shall be included in the project plans, prior to issuance of any demolition permit, grading, or building permit:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered three (3) times per day and at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe prior to each watering to determine if the moisture content standard is maintained or a frequency greater than three (3) times per day is needed to maintain the standard. A daily compliance log for this measure shall be maintained on the site available for review by City staff; and
- b. All vehicle speeds on unpaved roads shall be limited to five (5) mph.
- c. At minimum, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total (over the course of the full construction process) shall utilize diesel engines that are EPA certified "Tier 3 or better" emission standards for particulate matter and be equipped with CARB-certified Level 3 Diesel Particulate Filters as needed to meet the EPA Tier 4 emissions standard. Prior to the issuance of any demolition permits, the project applicant shall submit specifications of the equipment to be used during construction and confirmation this requirement is met; and/or
- d. Use alternatively fueled equipment or equipment with zero emissions (i.e. electrical equipment); and/or
- e. Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment, such as generators; and/or
- f. Other demonstrable measures that may reduce emissions and avoid or minimize exposures to the affected sensitive receptors

Biological Resources

Impact BIO-1: The project removes trees and/or buildings that may provide roosting habitat for special-status bats

Mitigation Measure BIO-1: Pre-Construction Bat Survey. Prior to tree trimming/removal, demolition of buildings, or any other earth moving activities, the project applicant shall retain a qualified biologist to conduct a habitat assessment for bats and potential roosting sites in trees to be trimmed, and in trees and structures within 50 feet of the development footprint to the extent access to neighboring properties would be available. The survey shall be completed no more than 14 days prior to earthmoving activities. In the event that construction activities are suspended for 15 consecutive days or longer, these surveys shall be repeated.

These surveys shall include, but are not limited to, a visual inspection of potential roosting features (bats need not be present) and a search for presence of guano within and 50 feet around the project site. Cavities, crevices, exfoliating bark, and bark fissures that could provide suitable potential nest or roost habitat for bats shall be surveyed. Potential roosting features found during the survey shall be flagged or marked. Locations off the site to which access is not available may be surveyed from within the site or from public areas.

If no roosting sites or bats are found, a letter report confirming absence shall be submitted by the qualified biologist to the Director of Planning, Building and Code Enforcement, or the Director's designee prior to the commencement of tree trimming and construction activities and no further mitigation is required.

If bats or roosting sites are found, a letter report and supplemental documents shall be provided by the qualified biologist to the Director of Planning, Building and Code Enforcement, or the Director's designee prior to the commencement of tree trimming and construction activities and the following monitoring, exclusion, and habitat replacement measures shall be implemented:

- a. Avoidance Outside of Nursery Season. If bats are found roosting outside of the nursery season (May 1 through October 1, inclusive), they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or by monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b) below.
- b. Avoidance During Nursery Season. If bats are found roosting during the nursery season (May 1 through October 1, inclusive), a 50-foot buffer zone (or different size if determined in consultation with the California Department of Fish and Wildlife) shall be established around the roosting site within which no construction activities including tree removal or structure disturbance shall occur until after the nursery season. Monitoring of the roosting site(s) shall occur until the end of the nursery season. If bats continue to roost and require removal or exclusion, the bats shall be evicted as described under (b) below.

- c. Eviction Outside of Nursery Season. If a non-breeding bat hibernaculum is found in a tree or snag scheduled for removal or on any structures within 50 feet of project disturbance activities, the individuals shall be safely evicted, under the direction of a qualified bat biologist. If pre-construction surveys determine that there are bats present in any trees or structures to be removed, exclusion structures (e.g., one-way doors or similar methods) shall be installed by a qualified biologist. The exclusion structures shall not be placed until the time of year in which young are able to fly, outside of the nursery season. Information on placement of exclusion structures shall be provided to the CDFW prior to construction. If needed, other removal methods could include: carefully opening the roosting area in a tree or snag by hand to expose the cavity and opening doors/windows on structures, or creating openings in walls to allow light into the structures. Removal of any trees or snags and disturbance within 50 feet of any structures shall be conducted no earlier than the following day (i.e., at least one night shall be provided between initial roost eviction disturbance and tree removal/disturbance activities). This action shall allow bats to leave during dark hours, which increases their chance of finding new roosts with a minimum of potential predation.

Mitigation Measure BIO-2: Bat Mitigation and Monitoring Plan. If roosting habitat is identified, a Bat Mitigation and Monitoring plan shall be prepared by a qualified biologist and implemented to mitigate for the loss of roosting habitat. The plan shall include information pertaining to the species of bat and location of the roost, compensatory mitigation for permanent impacts, including specific mitigation ratios and a location of the proposed mitigation area, and monitoring to assess bat use of mitigation areas. The plan shall be submitted to CDFW for review and approval prior to the bat eviction activities or the removal of roosting habitat.

Impact BIO-2: The project removes trees that may provide nesting bird habitat.

Mitigation Measure BIO-3: Avoidance: Prior to the issuance of demolition, grading, tree removal or building permits (whichever occurs first), the project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

Nesting Bird Surveys: If demolition and construction cannot be scheduled to occur between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of breeding season (May 1st through August 31st inclusive). During this survey the qualified ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of the construction areas for nests.

Buffer Zones: If an active nest is found within 250 feet of the work areas to be disturbed by construction, the qualified ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The no-disturbance shall remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.

Reporting: Prior to any tree removal and construction activities or issuance of any demolition, grading or building permits (whichever occurs first), the qualified ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee

Cultural And Tribal Cultural Resources

Impact 3-1: Adverse Change to Historic Resources (Demolition of Historic Resources at 1065 South Winchester Boulevard, Candidates for the City of San José Historic Resources Inventory and the California Register of Historical Resources)

Mitigation Measure CUL 3-1a: Prior to issuance of any demolition permit, or permit to relocate the structures, a qualified architectural historian shall document the residence and barn at 1065 South Winchester Boulevard in accordance with the guidelines established for the Historic American Building Survey (HABS). Documentation shall consist of the following components:

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

An architectural historian meeting the Secretary of the Interior's Professional Qualification Standards shall oversee the preparation of the sketch plans, photographs and written data. The existing DPR forms shall fulfill the requirements for the

written data report.

The City of San José's Historic Preservation Officer shall review the documentation, and then the applicant shall file the documentation with the San José Library's California Room and the Northwest Information Center at Sonoma State University, the repository for the California Historical Resources Information System. All documentation shall be submitted on archival paper.

Mitigation Measure CUL 3-1b: Prior to issuance of any demolition permits, the project applicant shall advertise the residence and barn at 1065 South Winchester Boulevard for relocation by a third party. The project applicant shall be required to advertise the availability of the structure for a period of no less than 30 days. The advertisements must include a newspaper of general circulation, a website, and notice on the project site. The project applicant must provide evidence (i.e., receipts, date and time stamped photographs, etc.) to the Director of Planning, Building and Code Enforcement or the Director's designee that this condition has been met prior to the issuance of any demolition permits.

If a third party does agree to relocate the residence and barn at 1065 South Winchester Boulevard, the following measures must be followed:

1. The City's Director of Planning, Building and Code Enforcement or the Director's designee, based on consultation with the City's Historic Preservation Officer, must determine that the receiver site is suitable for the building.
2. Prior to relocation, the project applicant or third party shall hire a qualified historic preservation architect and a qualified structural engineer to undertake an existing condition study. The purpose of the study shall be to establish the baseline condition of the building prior to relocation. The documentation shall take the form of written descriptions and visual illustrations, including those character-defining physical features of the resource that convey its historic significance and must be protected and preserved. The documentation shall be reviewed and approved by the City's Historic Preservation Officer prior to the structure being moved. Documentation already completed shall be used to the extent possible to avoid repetition in work.
3. To protect the building during relocation, the third party shall engage a building mover who has experience moving similar historic structures. A qualified structural engineer shall also be engaged to determine if the building needs to be reinforced/stabilized before the move.
4. Once moved, the building shall be repaired and restored, as needed, by the project applicant or third party in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. In particular, the character-defining features shall be restored in a manner that preserves the integrity of the features for the long-term preservation of these features.

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

If no third party relocates the residence and barn at 1065 South Winchester Boulevard, the structure shall be made available for salvage-to-salvage companies facilitating the reuse of historic building materials. The time frame available for salvage shall be established by the Director of Planning, Building and Code Enforcement or the Director's designee, together with the City's Historic Preservation Officer.

The project applicant must provide evidence to the Director of Planning, Building and Code Enforcement or the Director's designee, that this condition has been met prior to the issuance of any demolition permits.

Impact 3-2: Potential Disturbance of Subsurface Historic Resources Associated with Late 19th and Early 20th Century Agricultural and Residential History of the Property.

Mitigation Measure CUL 3-2a: Cultural Sensitivity Training. Prior to issuance of any grading permits, the project applicant shall be required to submit evidence that a Cultural Awareness Training will be provided to construction personnel prior to ground disturbances. The training shall be facilitated by the project archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commissions for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.

Mitigation Measure CUL 3-2b: Sub-Surface Monitoring. A qualified archeologist in collaboration with a Native American monitor, registered with the Native American Heritage Commission for the City of San Jose and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall also be present during applicable earthmoving activities such as, but not limited to, trenching, initial or full grading, lifting of foundation, boring on site, or major landscaping.

Mitigation Measure CUL 3-2c: Treatment Plan. A qualified archeologist in collaboration with a Native American monitor, registered with the Native American Heritage Commission for the City of San Jose and that is traditionally and culturally

affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall prepare a treatment plan that reflects permit-level detail pertaining to depths and locations of excavation activities. The treatment plan shall be prepared and submitted to the Director of the City of San José Department of Planning, Building, and Code Enforcement or Director's designee prior to approval of any grading permits. The treatment plan shall contain, at a minimum:

1. Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.
2. Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).
3. Monitoring schedules and individuals
4. Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).
5. Detailed field strategy to record, recover, or avoid the finds and address research goals.
6. Analytical methods.
7. Report structure and outline of document contents.
8. Disposition of the artifacts.
9. Security approaches or protocols for finds.
10. Appendices: all site records, correspondence, and consultation with Native Americans, etc.
11. Implementation of the plan, by a qualified archaeologist, shall be required prior to the issuance of any grading permits. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources.

Impact 3-4: Disturb Native American Human Remains (During Grading Activities)

Mitigated by Standard Conditions

Impact 3-5: Potential Adverse Change in Tribal Cultural Resource Listed or Eligible for Listing in the California Register of Historical Resources or Significant Pursuant to Public Resources Code Section 5024.1 (During Grading and Construction Activities)

Mitigated by mitigation measures 3.2a, 3.2b, and 3.2c above.

Noise

Impact N-1: Construction of the proposed project would occur within 500 feet of residential land uses and within 200 feet of office uses and would last for more than 12 months, thereby resulting in a significant impact. The following mitigation measure is required in order to ensure temporary construction noise levels are less than significant.

Mitigation Measure N-1: Construction Noise Logistics Plan: Prior to the issuance of any grading or demolition permits, the project applicant shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. The noise logistic plan shall be submitted to the Director of Planning or Director's designee of the Department of Planning, Building, and Code Enforcement prior to the issuance of any grading or demolition permits.

As a part of the noise logistic plan and project, construction activities for the proposed project shall include, but is not limited to, the following best management practices:

In accordance with Policy EC-1.7 of the City's General Plan, utilize the best available noise suppression devices and techniques during construction activities.

Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.

- a. Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- b. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

- c. Prohibit unnecessary idling of internal combustion engines.
- d. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- e. Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- f. Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
- g. Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of “noisy” construction activities to the adjacent land uses and nearby residences.
- h. If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- i. Designate a “disturbance coordinator” who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- j. Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific “construction noise mitigation plan” and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

Transportation/Traffic

Impact TR-1: The proposed project would generate 13.13 VMT per employee for the office component, which would exceed the established impact threshold of 12.21 VMT per employee.

Mitigation Measure TR-1: In addition to the final Transportation Demand Management (TDM) plan for reduced parking, the project applicant shall implement one of the following mitigation measures to reduce VMT impacts:

Option A: Telecommuting and Alternative Work Schedules: Encourage 50 percent of the employees to telecommute, shift work schedules, or commute outside of peak congestion periods on a 4/40 schedule or 4 of 40 hours on alternative work schedule. This measure reduces commute vehicle trips; or

Option B: Operate a Free Direct Shuttle: Provide shuttle service for at least 15 percent of the project employees that would serve the project site and areas with high concentrations of employed residents. This measure reduces drive-alone commute trips; or

Option C: Provide Ride-Sharing Programs: Organize a program to match individuals interested in carpooling who have similar commutes for at least 15 percent of the project employees. This measure promotes the use of carpooling and reduces the number of drive-alone trips; or

Option D:

- 1. Car Sharing Program: Provide subsidies and promotions, as well as dedicated parking spaces, for carsharing services such as ZipCar, Car2Go, and GetAround, etc for 100 percent of the project employees; and
- 2. Commute Trip Reduction Marketing/Education: Implement marketing/educational campaigns that promote the use of transit, shared rides, and travel through active modes for 100 percent of the project employees. Strategies may include incorporation of alternative commute options into new employee orientations, event promotions, and publications; and
- 3. Employee Parking “Cash Out” and on-site TDM coordinator: Require Project employers to offer parking "cash-out" for 70 percent of the project employees. Providing a "cash-out" incentives gives employees the choice to forgo subsidized/free parking for a cash payment equivalent to the cost that the employer would otherwise pay for the parking space. Providing an alternative to subsidized/free parking encourages commuters to travel by walking, biking, carpooling, and transit.

Mitigation Measure TR-2: On-site TDM Coordinator. The project applicant shall provide a draft TDM plan (including one or more options above) prior to issuance of Planning Permit for review and approval. Prior to issuance of any building permit, a first draft of the Plan shall be resubmitted and shall include an annual monitoring requirement establishing an average daily trip (ADT) cap of 42 AM peak-hour trips and 46 PM peak-hour trips. The annual monitoring shall be prepared by a traffic engineer and the report must demonstrate the project is within 10% of the ADT cap. If the project is not in conformance with the trip cap, the project may add additional TDM measure to meet the trip cap. A follow up report shall be required within six months of the last approved TDM If the project is still out of conformance, penalties will be assessed.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

PG&E submitted a comment letter on the NOP but did not raise any environmental concerns.

Members of the public raised concerns regarding wall height and materials, air quality, noise, and design issues.

The Preservation Action Council of San Jose raised concerns about the on-site, historic buildings.

Valley Water raised issues regarding the increase in impervious surfaces and impact on groundwater recharge, as well as possibly encountering shallow groundwater during excavation activities.

Provide a list of the responsible or trustee agencies for the project.

Not applicable.