

**NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
826 N. WINCHESTER BOULEVARD MIXED USE DEVELOPMENT PROJECT**

FILE NOS.: H24-052, GP23-011, ER24-147

PROJECT APPLICANT: VCI Companies & Winchester Estate LLC

APN: 274-50-061

Project Description: The project applicant proposes to demolish the existing 11,742-square-foot, two-story, vacant office/commercial building on the project site and to construct a new 240,500-square-foot, mixed-use development building with two towers. The proposed building would include 17 stories, including a one-story podium building that would contain retail and commercial uses, and two separate multifamily residential towers. Tower A would include a 16-story tower above the podium for a total of 17 stories and height of approximately 197 feet; and Tower B would include a 12-story tower above the podium for a total of 13 stories and a height of approximately 151 feet. Additionally, the proposed project would include two levels of underground parking. The proposed project would include up to 16,836 square feet of commercial uses in level 1, and 135 units in levels 2 through 17 (see Figure 1, *Project Site Plan*; Figure 2a, *Architectural Rendering*; and Figure 2b, *Architectural Rendering*). The proposed project would include an emergency generator on the northeastern corner of the first level. The proposed project would include a General Plan amendment to change the General Plan land use designation from Neighborhood/Community Commercial to Transit Residential and a rezoning from Commercial Pedestrian (CP) and Single-Family Residence (R-1-8) to Transit Residential (TR).

Construction of the proposed project would occur in one phase over approximately 31 months. Project construction activities would not include pile driving.

Location: The 0.6-acre project site is 826 N. Winchester Boulevard (see Figure 3, *Project Location Map*). The project site is in an urbanized portion of San José and lies to the northeast of the intersection of Hedding Street and Winchester Boulevard. The parcel is L-shaped, with one leg of the “L” having frontage on Hedding Street and the other having frontage on Winchester Boulevard. The project site is bound by Winchester Boulevard to the west, Hedding Street to the south, business properties to the north and southwest, and single-family residences to the east.

Environmental Impact Report: As the Lead Agency, the City of San José will prepare an Environmental Impact Report (EIR) for the proposed project summarized above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency’s statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, this EIR may be used by your

agency when considering subsequent approvals related to the proposed project.

A **joint community and environmental public scoping meeting** for this project will be held:

When: December 16, 2024 from 6:00 p.m. to 7:30 p.m.

Where: Via Zoom (see instructions below and on www.sanjoseca.gov/activeeirs)

The live meeting will be recorded. You will be muted upon entry to the meeting. Please do not unmute yourself until the presenter has called on you to speak. If you have not participated in a Zoom meeting before, we encourage you to download the Zoom application to your phone, tablet, or computer and feel free to log in early to troubleshoot any technical issues that may arise. Participants who are unable to install Zoom on their computer or mobile device can join a meeting through their computer's web browser. Meeting function may be limited on a web browser. Zoom currently works best with Google Chrome, Apple Safari, Mozilla Firefox, and Chromium Edge.

Electronic Device Instructions

For participants who would like to join electronically from a PC, Mac, iPad, iPhone or Android device, please click this URL: <https://sanjoseca.zoom.us/j/97603317122>

Please ensure your device has audio input and output capabilities. During the session, if you would like to comment, please use the 'raise hand' feature in Zoom conference call to speak.

Telephone Device Instructions

For one tap mobile please dial: +12133388477,,97603317122# US (Los Angeles), +14086380968,,97603317122# US (San Jose)

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 213 338 8477 US (Los Angeles)

+1 408 638 0968 US (San Jose)

Webinar ID: 976 0331 7122

International numbers available: <https://sanjoseca.zoom.us/j/97603317122>

You may also click *9 to indicate you wish to speak.

Public Comments

If you would like to submit comments, please e-mail Cort.Hitchens@sanjoseca.gov.

The project description, location, and probable environmental effects to be analyzed in the EIR for the project can be found on the City's Active EIRs website at www.sanjoseca.gov/activeeirs, including the EIR Scoping Meeting information. The deadline for your response is 40 days from publication of this notice, and responses provided before the 40-day deadline are always

welcome. The City will accept comments on the scope of the EIR until **5:00 p.m. on January 15, 2025**. If you have comments on the scope of the environmental issues to be addressed in the EIR, please identify a contact person if you represent an organization, and send your response via mail or email to:

City of San José, Department of Planning, Building and Code Enforcement
Attn: Cort Hitchens, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113-1905
E-mail: Cort.Hitchens@sanjoseca.gov

Christopher Burton, Director
Planning, Building and Code Enforcement



Deputy

12/5/24

Date

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A DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE 826 N. WINCHESTER BOULEVARD MIXED USE DEVELOPMENT
PROJECT**

December 6, 2024

Introduction

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of the proposed project that an agency may implement or approve. The EIR process is intended to provide sufficient information to evaluate a project and its potential for significant impacts on the environment; to examine methods of reducing adverse impacts; and to consider alternatives to the project.

The EIR for the proposed project will be prepared and processed in accordance with the California Environmental Quality Act (CEQA). In accordance with the requirements of CEQA, the EIR will include the following:

- A summary of the project and its impacts;
- A project description;
- A description of the existing environmental setting, environmental impacts, and mitigation measures for the project; and
- Environmental consequences, including (a) any significant environmental effects that cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth inducing impacts of the proposed project; and (d) cumulative impacts.

The EIR will also discuss a range of reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and will evaluate the comparative merits of the alternatives (CEQA Guidelines Section 15126.6[a]).

Project Description

The project applicant proposes to demolish the existing 11,742-square-foot, two-story, vacant office/commercial building on the project site and to construct a new 240,500-square-foot, mixed-use development building with two towers. The proposed building would include 17 stories, including a one-story podium building that would contain retail and commercial uses, and two separate multifamily residential towers. Tower A would include a 16-story tower above the podium for a total of 17 stories and a height of approximately 197 feet; and Tower B would include a 12-story tower above the podium for a total of 13 stories a height of approximately 151 feet.

Additionally, the proposed project would include two levels of underground parking. The proposed project would include up to 16,836 square feet of commercial uses in level 1, and 135 units in levels 2 through 17 (see Figure 1, *Project Site Plan*; Figure 2a, *Architectural Rendering*; and Figure 2b, *Architectural Rendering*). The proposed project would include an emergency generator on the northeastern corner of the first level. The proposed project would include a General Plan amendment to change the General Plan land use designation from Neighborhood/Community Commercial to Transit Residential and a rezoning from Commercial Pedestrian (CP) and Single-Family Residence (R-1-8) to Transit Residential (TR).

The proposed residences would include a mix of studios, 1-bedroom units, 2-bedroom units, 3-bedroom units, 4-bedroom units, and one 6-bedroom unit. The commercial space would be located on the ground level of the mixed-use building and would front Hedding Street to the south. Access to the commercial establishments would be provided via Winchester Boulevard to the west and Hedding Street to the south. The proposed project would provide a total of 139 parking spaces, including 134 standard parking spaces and five ADA-accessible spaces, in a two-level, subterranean garage at the northwestern corner of the project site along Winchester Boulevard. Additionally, Basement Level 1 would include amenities for bicyclists including 24 bicycle parking spaces, electrical and storage rooms, an electric vehicle (EV) charger room with six chargers, and a booster pumps room; and Basement Level 2 would include electrical and storage rooms and an EV charger room with 12 chargers.

The proposed project would contain approximately 18,344 of common open space, including a 5,114-square foot recreational area on the ground floor, a 4,980-square foot terrace on the 2nd floor, a 2,750-square foot indoor lounge area on the 14th floor, and a 5,500-square foot terrace on the 15th floor. Additionally, 68 of the 135 units will include private balconies within the units.

Project Location

The 0.6-acre project site is 826 N. Winchester Boulevard (Assessor's Parcel Number 274-50-061) (see Figure 3, *Project Location Map*). The project site is in an urbanized portion of San Jose and lies to the northeast of the intersection of Hedding Street and Winchester Boulevard. The parcel is L-shaped, with one leg of the "L" having frontage on Hedding Street and the other having frontage on Winchester Boulevard. The project site is bound by Winchester Boulevard to the west, Hedding Street to the south, business properties to the north and southwest, and single-family residences to the east.

Project Approvals Anticipated to Be Required

1. Certification of the 826 N. Winchester Boulevard Project Environmental Impact Report
2. Zone map and zone text amendment
3. General Plan map and text amendment
4. Site Development Permit
5. Issuance of building permits, demolition permits, grading permits, and Department of Public Works clearances

6. Other agreements or actions of the City in furtherance of the Proposed Project
7. Issuance of a National Pollutant Discharge Elimination System (NPDES) Permit for construction activities
8. BAAQMD Rule 201 (Permit to Construct) and SCAQMD Rule 203 (Permit to Operate)
9. BAAQMD Rule 403 (Large Operation Notification Form)
10. Approval of building and emergency access place for compliance with Fire Code

Potential Environmental Impacts of the Project

The EIR will identify the significant environmental effects anticipated to result from development of the proposed project. Mitigation measures will be identified for significant impacts, as feasible and warranted. The EIR will discuss the standards of significance specific to the proposed project on the following environmental issue areas:

- **Aesthetics**- Standards of significance for aesthetics will be based on consistency with the City’s guidelines and planning documents pertaining to visual character, scenic quality, light and glare, and whether publicly accessible scenic vistas would be adversely affected by the proposed project. A shadow study will be prepared that analyzes the potential projection of shadow from the proposed project over adjacent buildings and outdoor space. The project site is not visible from a State-designated scenic highway; therefore, the EIR will not include a discussion of whether the proposed project will substantially damage scenic resources within a State scenic highway.
- **Air Quality** – Standards of significance for air quality will be based on consistency with the Bay Area Air Quality Management District (BAAQMD) 2022 CEQA Air Quality Guidelines and the proposed project’s construction and operational impacts to local and regional air quality in accordance. Construction and operational emissions will be compared to applicable BAAQMD significance thresholds. A health risk assessment (HRA) will be prepared to quantitatively evaluate construction-period toxic air contaminants (TAC) impacts to air quality-sensitive receptors within 1,000 feet of the project site.
- **Biological Resources** – Standards of significance for biological resources will be based on conflicts with local and regional policies pertaining to biological resources and conservation; impacts to identified riparian, wetland, native resident or migratory wildlife corridors or nursery sites, and/or other biological habitats; and impacts to candidate, sensitive, or special-status species and sensitive natural communities identified in the California Natural Diversity Data Base. In addition, the EIR will identify and discuss the project’s biological impacts during construction and operation and the project’s consistency with the Santa Clara County Habitat Conservation Plan. There are no trees on the project site; thus, tree removal would not be required for the proposed project. However, tree protection measures will be addressed for adjacent properties.

- **Cultural Resources** – Standards of significance for cultural resources will be based on substantial adverse changes to resources that have been formally identified by the City or State of California as a significant historical, archeological, or otherwise cultural resource, such as those listed in the California Register of Historical Resources and/or designated as a Historical Landmark by the City. The EIR will include a Historic Resource Evaluation (HRE) for the existing office building constructed in 1958. The property will be evaluated for listing in the California Register of Historical Resources (California Register) for the purposes of project review under CEQA. The EIR will address the impacts to known and unknown cultural resources buried on the project area.
- **Energy** – Standards of significance for energy will be based on consistency with the City and State applicable energy efficiency plans, policies, and regulations including the California Building Energy Efficiency Standards (Title 24, Part 6), California Green Building Standards Code (CALGreen; Title 24, Part 11), and Renewables Portfolio Standard to determine whether the implementation of the proposed project would result in wasteful, inefficient, or unnecessary consumption of energy resources, during construction and operation. The EIR will discuss the increase in energy usage on-site as well as energy efficiency measures proposed by the project.
- **Geology and Soils** – Standards of significance for geology and soils will be based on the potential for the proposed project to cause potential substantial adverse effects, including the risk of loss, injury, or death involving earthquake risk (fault rupture, ground shaking, and landslides) directly or indirectly. This section will also summarize soil conditions, focusing on geologic units and soils that are prone to erosion, unstable, or expansive. The potential for impacts to paleontological resources or unique geologic features will also be evaluated. Due to the project site location in urbanized San José and the availability of sewer infrastructure, the EIR will not evaluate the capability of site soils to adequately support alternative wastewater disposal systems.
- **Greenhouse Gas Emissions** – Standards of significance for greenhouse gas (GHG) emissions will be based on consistency with the policies adopted by the City for reducing GHG emissions and the GHG reduction targets of Senate Bill 32, as illustrated in BAAQMD’s 2022 CEQA Air Quality Guidelines, by: 1) demonstrating consistency with a qualified GHG emissions reduction strategy for the City pursuant to CEQA Guidelines Section 15183.5, or 2) including BAAQMD’s best management practices including all-electric buildings, CAL Green’s Tier 2 electric vehicle charging standards, and consistency with adopted Senate Bill 743 transportation goals. In addition, the GHG analysis will evaluate consistency with State, regional, and local plans, including the City’s Greenhouse Gas Reduction Strategy, for reducing GHG emissions.
- **Hazards and Hazardous Materials** – Standards of significance for hazards and hazardous materials will include consistency with City, State, and federal policies pertaining to hazards and hazardous materials related to transport, use, or disposal of hazardous

materials from the proposed project; potential for reasonably foreseeable upset and accident conditions involving release of hazardous materials; the addition of hazardous materials emissions or quantities within one-quarter mile of an existing or proposed school; the location of proposed development on sites included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; interference with local and regional emergency response or evacuation plans; and increased exposure of people or structures to wildland fires. The EIR will address existing hazards and hazardous materials conditions on and near the project site and will address the potential for hazardous materials impacts which may result from the proposed project.

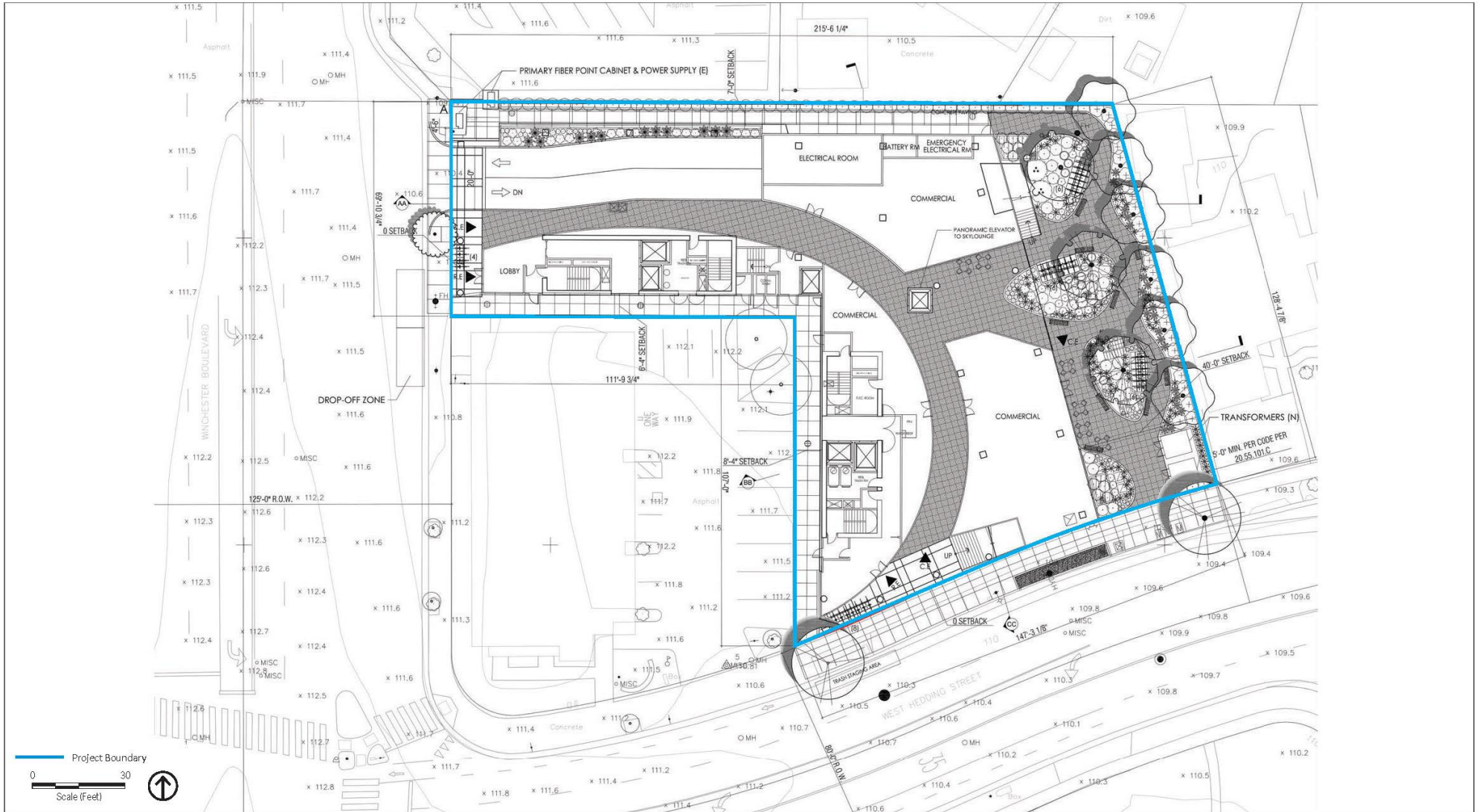
- **Hydrology and Water Quality** – Standards of significance for surface and groundwater quality will be based on water quality standards or waste discharge requirements in line with the Santa Clara Valley Urban Runoff Pollution Prevention Program’s C.3 Stormwater Handbook, and the requirements of the Municipal Regional Permit Order Number R2-2022-0018 and NPDES Permit Number CAS612008 and other federal, State, local and regional programs and regulations that are applicable to the project. The EIR will address the project’s impact relating to surface and groundwater hydrology, site drainage, storm water pollution prevention during construction and operation, and best management practices.
- **Land Use and Planning** – Standards of significance for land use and planning will consider whether the proposed project physically would divide an established community or conflict with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The project site is located within a developed, urbanized area of San José surrounded by residential and commercial land uses. The EIR will describe the existing on-site and surrounding land use and zoning designations.
- **Noise and Vibration** – Standards of significance for noise and vibration will be based on consistency with relevant standards and criteria for noise exposure, including those in the City of San José General Plan. The EIR will describe existing conditions and identify the nearest sensitive receptors and other environmental characteristics and evaluate the traffic, stationary, and construction noise and vibration that would result from the proposed project.
- **Population and Housing** – Standards of significance for population and housing will be based on a determination of whether implementation of the proposed project would result in substantial unplanned population growth or displace substantial numbers of existing people or housing.
- **Public Services** – Standards of significance for public services will be based on demand and if there would be impacts associated with physical improvements to public service facilities required to maintain acceptable service ratios, response times, or other performance objective. The EIR will describe the existing conditions and service ratios for

the public services in the project area.

- **Transportation** – Standards of significance for transportation will be based on the disruption or interference with existing or planned transit, bicycle, and pedestrian facilities or services (through conflict with county plans, ordinances, or policies) and the City’s Transportation Analysis Policy (Council Policy 5-1); and exceedance of vehicle miles traveled metrics, based on CEQA Guidelines Section 15064.3(b). Additionally, a Transportation Impact Assessment has been prepared to analyze potential transportation impacts that would result from the proposed project.
- **Tribal Cultural Resources** – Standards of significance for tribal cultural resources will be based on substantial adverse changes to resources that have been formally identified as a tribal cultural resource. The EIR process will include appropriate consultation with Native American tribes for the proposed project.
- **Utilities and Service Systems** – Standards of significance for water, wastewater, stormwater, electricity, and natural gas utilities and service systems will be based on a determination of whether the proposed project will result in the relocation or construction of new or expanded facilities, the construction or relocation of which could cause significant environmental effects. Best Management Practices (BMPs) and Low Impact Development (LID) measures will be considered in determining the potential for stormwater-related with the proposed project. In addition, the EIR will describe the capacity of local landfills to accept solid waste and the State and local solid waste diversion programs will be considered in determining potential solid waste impacts.
- **Other CEQA Sections** – Due to the project site location in urbanized San José, the EIR will not evaluate potential impacts on agriculture and forestry resources, mineral resources, and wildfire.

The EIR will identify any of the project’s significant and unavoidable impacts, as well as any potentially significant cumulative impacts when considered with other past, present, and reasonably foreseeable future projects in the project area. The EIR will also evaluate alternatives to the proposed project that could reduce project impacts identified in the EIR while meeting some or all of the project objectives.

FIGURE 1. PROPOSED SITE PLAN



Source: VCI Architecture 2024.

FIGURE 2a. ARCHITECTURAL RENDERINGS



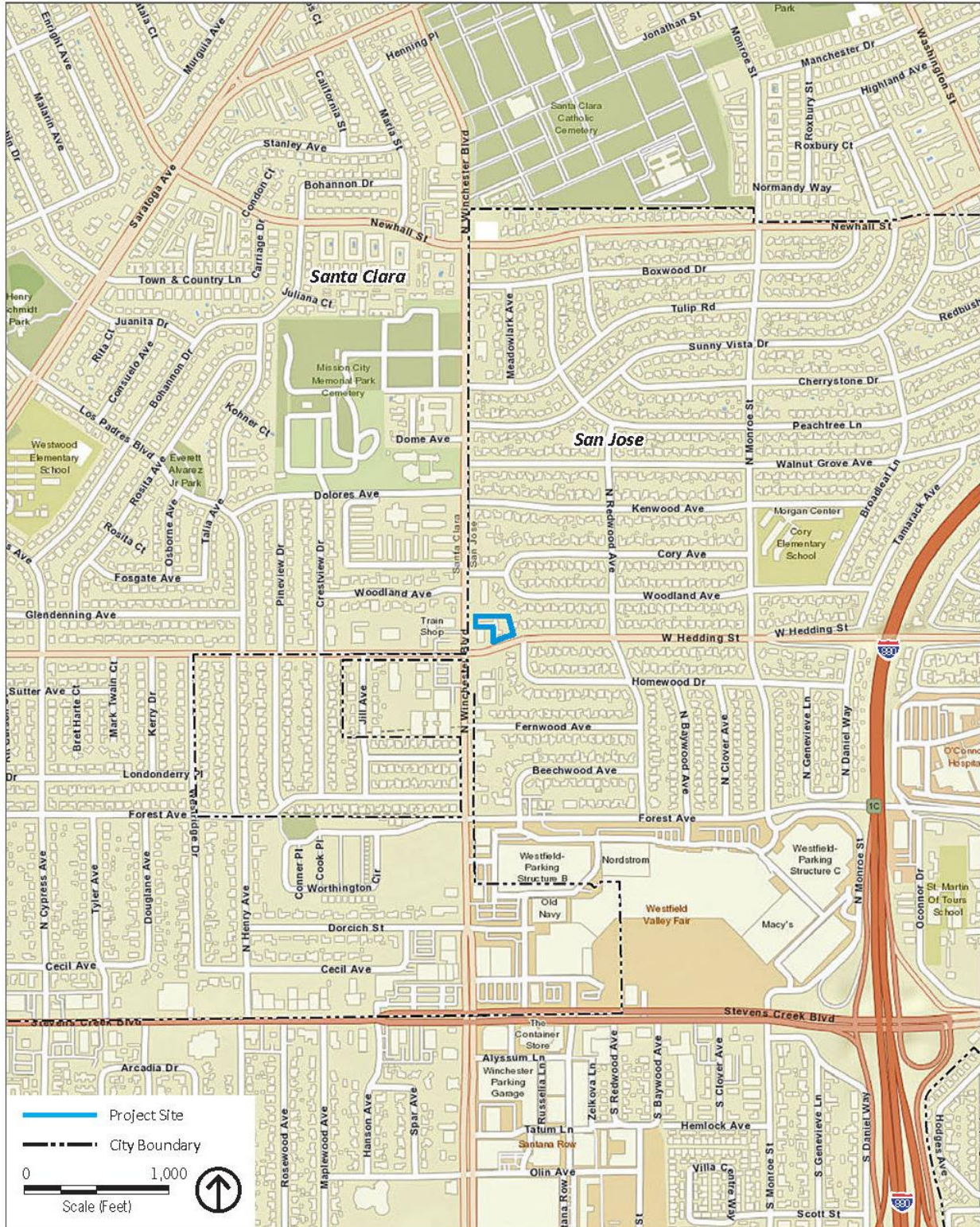
Source: VCI Architecture 2024.

FIGURE 2b. ARCHITECTURAL RENDERINGS



Source: VCI Architecture 2024.

FIGURE 3. PROJECT LOCATION MAP



Source: Generated using ArcMap 2024.