



October 15, 2019

City of San Jose, Department of Planning, Building, and Code Enforcement
Attn: David Keyon, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San Jose CA 95113-1905

Re: Winchester Ranch Residential Project Notice of Availability of a Draft
Environmental Impact Report (DEIR) and Public Comment Period

Dear Mr. Keyon:

Thank you for including the City of Santa Clara in the environmental review process for the Winchester Ranch Residential Project (Project). City staff have reviewed the Draft Environmental Impact Report (DEIR) for the General Plan Amendments, Planned Development Zoning, Planned Development Permit, and Tentative Map for the Project. The Project will allow a mobile home park conversion and construction of up to 688 residential units and an approximately 2.0-acre public park on 15.7 acres, is located at 555 S. Winchester Boulevard at the northwest corner of the Winchester Boulevard and Interstate 280 intersection and is within the Santana Row/Valley Fair Urban Village.

On April 8, 2019, the City of Santa Clara (Santa Clara) submitted a letter to the City of San Jose (San Jose) regarding the Notice of Preparation (NOP) for the Project. The letter highlights several areas of concern by Santa Clara, including: (1) San Jose should share with Santa Clara the Project's proposed traffic study scope of work being prepared for the Project, (2) the Local Transportation Analysis (LTA) included with the Project traffic study should include an analysis of the Project's impacts on residential neighborhoods within Santa Clara, (3) any relevant approved and pending projects within Santa Clara should be included in the background and cumulative scenarios within the traffic study, (4) an explanation of how traffic fees are to be calculated and offsetting improvements identified should be included per the terms of the Santana West Settlement Agreement (Agreement) between the City of Santa Clara and the City of San Jose, and (5) significant CEQA transportation impacts in Santa Clara should be identified with clear and specific mitigation obligations with identified funding mechanisms.

Upon review of the DEIR, Santa Clara offers the following comments:

1. **Coordination of Project Traffic Study Work Scope with Santa Clara:** This request was not responded to or completed by San Jose. Although a meeting was held with San Jose on August 16, 2019, to discuss potential transportation improvements within the vicinity of the Project, this meeting was after San Jose had determined that there may be adverse transportation effects at the intersection of Winchester Avenue and Stevens Creek Boulevard.
2. **Local Transportation Analysis (LTA) to include an analysis of the Project's impacts on residential neighborhoods within Santa Clara:** The DEIR does not include any mention of the Project's proximity to Santa Clara or the potential for transportation impacts on residential neighborhoods within Santa Clara. For example, except for the intersection of Winchester Avenue and Stevens Creek Boulevard, the DEIR does not analyze any other intersections in Santa Clara. Please provide an explanation as to how the study intersections were chosen by San Jose and please respond to Santa Clara's request that the traffic study include an analysis of potential impacts on residential neighborhood within Santa Clara.

Additionally, the DEIR fails to mention that Winchester Boulevard north of Stevens Creek Boulevard is within Santa Clara's jurisdiction and that any improvements or changes proposed to this street require the review and approval of Santa Clara.

3. **Any relevant approved and pending projects within Santa Clara be included in the traffic study:** Thank you for including several approved and pending projects in Santa Clara in the Project's background and cumulative scenarios. Please provide a more detailed description of how the specific projects in Santa Clara were chosen to be included within the EIR.
4. **Compliance with Santana West Settlement Agreement:** The DEIR and LTA do not recognize that San Jose and Santa Clara entered into the Santana West Settlement Agreement in January 2018. In addition to providing specific settlement items related to the Santana West project, the Agreement specifies that "San Jose agrees to collect transportation impact funds pursuant to all applicable programs for development in the Stevens Creek Corridor" (Settlement Agreement, ¶ 6), and that "San Jose agrees to collect fees pursuant to its Protected Intersection Policy for intersections that will also impact traffic in the City of Santa Clara." (Settlement Agreement, ¶ 7.) Santa Clara has sent three letters dated, February 14, 2018, March 1, 2018, and November 17, 2018, requesting information as to how San Jose will comply with the terms of the Santana West Settlement Agreement. Santa Clara has received no response on these three letters. Of significant concern to Santa Clara is that in April 2018 San Jose

adopted San Jose Council Policy 5-1 which eliminates the Protected Intersection provisions within San Jose's previous Council policy regarding transportation impacts (5-3) and replaces Level of Service with Vehicle Miles Travelled as the mechanism by which California Environmental Quality Act (CEQA) impacts are identified and mitigated. A key provision of the Santana West Settlement Agreement is San Jose's commitment to continue to administer and collect transportation impact funds which includes the inclusion of Protected Intersections. The DEIR and LTA for the Project make no relevant mention of Protected Intersections and it is unclear to Santa Clara how San Jose will comply with the Santana West Settlement Agreement. To that end, Santa Clara requests that any City Council discussion of the Project be postponed until this matter can be resolved.

5. **Impacts and Mitigations:** While the DEIR does include an analysis of VMT impacts and summarizes that there are no CEQA VMT impacts, Santa Clara contends that impacts to any intersections within Santa Clara do not fall under that criteria for VMT. To that end, Santa Clara requests additional information as highlighted in comment 3 (listed above) to properly determine if there are impacts to Santa Clara intersections

The City of Santa Clara looks forward to receiving a response to this letter prior to any San Jose City Council hearing on the Project. Should you have any questions regarding this letter, please contact Reena Brilliot, Planning Manager via email at rbrilliot@santaclaraca.gov or phone 408-615-2452.

Best Regards,



Andrew Crabtree

Director of Community Development

cc: Rosalynn Hughey, Director of Planning, Building and Code Enforcement, City of San Jose
John Ristow, Director of Transportation, City of San Jose
Manuel Pineda, Assistant City Manager, City of Santa Clara
Brian Doyle, City Attorney, City of Santa Clara
Craig Mobeck, Director of Public Works, City of Santa Clara

Attachments: Thomas Law Group's letters to Rosalynn Hughey, Planning Director of the City of San Jose dated February 14, 2018, March 1, 2018, and November 7, 2018