

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE (1) MAKING CERTAIN FINDINGS IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970 AS A RESPONSIBLE AGENCY FOR IMPLEMENTATION OF THE I-280/WINCHESTER BOULEVARD INTERCHANGE IMPROVEMENT PROJECT, FOR WHICH A FINAL ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED AND CERTIFIED BY THE CALIFORNIA DEPARTMENT OF TRANSPORTATION; (2) ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND (3) ADOPTING THE RELATED MITIGATION MONITORING AND REPORTING PROGRAM**

**WHEREAS**, the I-280/Winchester Boulevard Interchange Improvement Project (“Project”) developed by the City of San José (City), Valley Transportation Authority (VTA), and the California Department of Transportation (Caltrans) comprises: (1) the construction of a new off-ramp from northbound I-280 to the Tisch Way/Hatton Street intersection to provide new access from northbound I-280; (2) the construction of a new freeway-to-freeway connector ramp from northbound SR-17 to northbound I-280 and a new pedestrian overcrossing at Monroe Street to replace the existing pedestrian overcrossing; (3) the widening of the existing Winchester Boulevard bridge over I-280 by approximately 35 feet, lane reconfigurations on Winchester Boulevard to improve operations at both the Winchester Boulevard/Moorpark Avenue and the Winchester Boulevard/Tisch Way intersections; (4) removal and replacement of a portion of the existing soundwalls along the north side of I-280 and east of Winchester Boulevard; (5) construction of protected bike lanes and wider sidewalks on both northbound and southbound Winchester Boulevard within the project limits; and (6) the construction of dedicated bike lanes on Tisch Way from Hatton Street to Winchester Boulevard; and

**WHEREAS**, prior to the adoption of this Resolution, Caltrans, acting as the lead agency, completed the I-280/Winchester Boulevard Interchange Improvements Project

Environmental Impact Report (EIR) for the Project in 2024, in accordance with the California Environmental Quality Act of 1970, as amended ("CEQA"); and

**WHEREAS**, on September 25, 2024, the District Director of Caltrans District 4 certified the Final EIR for the Project, approved the Project, adopted a Mitigation Monitoring and Reporting Program, made findings pursuant to Title 14 of the California Code of Regulations, sections 15091 and 15096, and adopted a Statement of Overriding Considerations; and

**WHEREAS**, the City will be considering proposed discretionary actions necessary to support the implementation of the project within its jurisdiction; and

**WHEREAS**, approval of the project would constitute a project under the provisions of CEQA of 1970, together with related State and local implementation guidelines and policies promulgated thereunder, all as amended to date (collectively, "CEQA"); and

**WHEREAS**, prior to approving discretionary actions necessary to support the implementation of the project within its jurisdiction, the City Council, deemed the decision-maker of the City as the Responsible Agency under CEQA, desires to make certain findings pursuant to Title 14 of the California Code of Regulations, Sections 15091 and 15096, promulgated under CEQA in connection with the reasonably foreseeable discretionary actions to be considered and taken by the City in connection with the implementation of the project within the City's jurisdiction;

**NOW, THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE:

1. That the above recitals are true and correct; and
2. That the City has reviewed the information contained in the Final EIR that is relevant to its approval of discretionary actions within the City's jurisdiction

- necessary for City support of the design and construction of the project as described in the Final EIR; and
3. That the City has reviewed the CEQA Findings, and the City Council hereby determines and concludes all of the following:
    - a. Caltrans has identified, disclosed and adopted the mitigation measures recommended in the Final EIR; and
    - b. The City retains its responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which the City decides to implement, finance, or approve; and
    - c. The City Council has reviewed and considered the Final EIR together with the related CEQA Findings and Statement of Overriding Considerations and determines that the information and analyses contained in the Final EIR, together with the related CEQA Findings, are adequate for its use as a decision-making body for a responsible agency and for its consideration of discretionary actions necessary to implement the project within its jurisdiction; and
    - d. Approvals of the discretionary actions within the City are within the scope of the activities described and evaluated in the Final EIR; and
    - e. The City has not identified any feasible alternative or additional feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect that the Project would have on the environment.
  4. Therefore, based upon all of the foregoing, the City, as a responsible agency under CEQA, hereby approves Caltrans's CEQA findings for the project as its own findings under CEQA to the fullest possible extent that said CEQA findings are relevant to City's decision to approve discretionary actions necessary to implement the project within its jurisdiction; and
  5. That the City Council was presented with, and has independently reviewed and analyzed the Final EIR and other information in the record and has considered the information contained therein prior to acting upon and approving the Project, and has found that the Final EIR represents the independent judgment of the City, and

designates the Director of Planning, Building and Code Enforcement at the Director's office at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, as the custodian of documents and record of proceedings on which the decision of the City is based; and

6. The City Council does hereby make the following findings with respect to the significant effects of the environment of the Project.

## **I-280/WINCHESTER BOULEVARD INTERCHANGE IMPROVEMENT PROJECT FINAL EIR SIGNIFICANT ENVIRONMENTAL IMPACTS**

Attached to this Resolution as Exhibit "A" is the Findings and Statement of Overriding Considerations adopted by Caltrans as the lead agency for the Project under CEQA. The Project will not have a potentially significant adverse effect on the environment in regards to Air Quality, Biological Resources, Noise and Vibration, and Parks and Recreation in that mitigation measures have been included in the project which eliminate or reduce any temporary construction impacts to a less than significant level, as identified in the Final EIR. Such mitigation measures are within the responsibility and jurisdiction of Caltrans as the lead agency and not the City of San José. Such findings have been adopted by Caltrans on September 25, 2024.

### **SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL IMPACTS**

#### **Aesthetics**

**Impact:** The proposed flyover ramp from northbound SR-17 to northbound I-280 is inconsistent with Goal CD-4 and Goal VN-1.11 of the Envision San José 2040 General Plan and would substantially detract from the character of the neighborhood along Parkmoor Avenue. The connector ramp would be a highly visible structure adjacent to the residential neighborhood around Parkmoor Avenue that is visually incompatible with the character of the neighborhood and creates a high level of visual impact.

**Mitigation:** **MM-VIS-1.1:** To diminish the loss of visual quality caused by the construction of the new SR-17/I-280 flyover connector ramp, the existing landscaping that was planted along the westside of Parkmoor Avenue as part of the I-880/Stevens Creek Interchange Project will be enhanced. The

enhanced landscaping will consist of one or more rows of rapidly growing (i.e., at least 2 feet per year), tall tree species such as canary island pine or coast redwood that are spaced as closely as recommended by an arborist such that the trees will eventually form a dense visual barrier to freeway infrastructure from Parkmoor Avenue. Design and construction of this landscaping will be implemented in conjunction with roadway construction.

**Finding:** No feasible mitigation measure would reduce the visual incompatibility impacts of the proposed flyover ramp on the neighborhood along Parkmoor Avenue. Such mitigation measures are within the responsibility and jurisdiction of Caltrans as the lead agency and not the City of San José. Such findings have been adopted by Caltrans on September 25, 2024. (Significant and Unavoidable Impact)

**Facts in Support of Finding:** As discussed in the Final EIR, the proposed flyover ramp from northbound SR-17 to northbound I-280 is inconsistent with Goal CD-4 and Goal VN-1.11 of the Envision San José 2040 General Plan which constitutes a significant impact. Goal CD-4 in the Envision San José 2040 General Plan states that aesthetically pleasing streetscapes that preserve and build on the unique characteristics of the local area and contribute to a distinctive neighborhood or community identity should be provided. Goal VN-1.11 of the Envision San José 2040 General Plan states that residential neighborhoods should be protected from the encroachment of incompatible activities or land uses which may have a negative impact on the residential living environment. The impacts would be visual change created by the new flyover connector ramp from residences along Parkmoor Avenue, as shown in the visual simulations included in Section 2.9 in the Final EIR. The tall structure would be out of character with the adjacent residential neighborhood from which it would be visible and visual quality would be diminished, such as from the loss of mature trees, the addition of elevated hardscape, and the visual massing and industrial look of the proposed flyover contrasts with the green space of the park and diminishes the intactness and unity of the view. While mitigation measure MM-VIS-1.1 would include aesthetic upgrades to the streetscape at the Winchester Boulevard overcrossing of I-280 that are consistent with Goal CD-4, the mitigation measure would not reduce the visual impacts of the flyover crossing to a less-than-significant level.

## STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to CEQA, the City Council of the City of San José hereby adopts and makes the following statement of overriding considerations regarding the remaining significant unavoidable impact of the Project as outlined above and the anticipated economic, social, and other benefits of the Project.

- A. Significant Unavoidable Impacts.** With respect to the foregoing findings and in recognition of those facts that are included in the record, the City has determined that the Project will result in significant unmitigated or unavoidable impacts associated with aesthetics.
- B. Overriding Considerations.** The City Council specifically adopts and makes this Statement of Overriding Considerations that this Project has eliminated or substantially lessened all significant effects on the environment where feasible, and finds that the remaining significant, unavoidable impacts of the Project are acceptable in light of the economic, legal, environmental, social, technological or other considerations noted below, because the benefits of the Project outweigh the significant adverse environmental impact of the Project. The City Council finds that each of the overriding considerations set forth below constitutes a separate and independent basis for finding that the benefits of the Project outweigh the significant adverse environmental impacts and is an overriding consideration warranting approval of the Project. These matters are supported by evidence in the record that includes, but is not limited to, the Envision San José 2040 General Plan.
- C. Benefits of the Proposed Project.** The City Council has considered the public record of proceedings on the proposed Project and other written materials presented to the City as well as oral and written testimony at all public hearings related to the Project, and does hereby determine that implementation of the Project as specifically provided in the Project documents would result in the following substantial public benefits:
- **Regional Transportation Plans and Policies Alignment:** The Project comprises the construction of transportation improvements that are consistent with the San Francisco Bay Regional Transportation Plan, VTA's 2016

Measure B Program, and the I-280/Winchester Transportation Development Policy.

- **Enhanced Pedestrian and Bicycle Infrastructure:** The I-280/Winchester Blvd bridge widening and the construction of the new protected bike lanes would better facilitate safe bicyclist connections. Furthermore, pedestrian connections will be improved with the construction of a new pedestrian overcrossing that will follow Americans with Disabilities Act (ADA) requirements with greater width, reduced incline slopes, and the provision of stairs at the west end of the new pedestrian overcrossing within Santana Park.
- **Traffic Operations Improvement and Transit Connectivity:** The Project will better facilitate traffic operations and transit connectivity in the I-280/Winchester Boulevard interchange area of west San José. Project improvements would improve VTA bus services that utilize Stevens Creek Boulevard and Winchester Boulevard. Furthermore, the Project would help alleviate significant traffic congestion in an area with concentrated commercial retailers and planned Urban Villages.

This City Council has weighed each of the above benefits of the proposed Project against its unavoidable environmental risks and adverse environmental effects identified in the Final EIR and hereby determines that those benefits outweigh the risks and adverse environmental effects of the Project and, therefore, further determines that these risks and adverse environmental effects are acceptable and overridden.

### **MITIGATION MONITORING AND REPORTING PROGRAM**

Attached to this Resolution as Exhibit “B” and incorporated and adopted as part of this Determination herein is the Mitigation Monitoring and Reporting Program (MMRP) for the Project required under Section 21081.6 of the CEQA Statute and Section 15097(b) of the CEQA Guidelines. The MMRP identifies the impacts of the Project, corresponding mitigation, designation for responsibility for mitigation implementation and the agency responsible for the monitoring action.

## LOCATION AND CUSTODIAN OF RECORDS

The documents and other materials that constitute the record of proceedings on which the City Council based the foregoing findings and approval of the Project are located at the Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, Third Floor Tower, San José, CA 95113.

## NOTICE OF DETERMINATION

**BE IT FURTHER RESOLVED** that the Director of Planning, Building and Code Enforcement is hereby directed to prepare a Notice of Determination under CEQA and cause the same to be filed with the County Clerk of the County of Santa Clara promptly following the City's approval of any discretionary action related to the project.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, MMC  
City Clerk

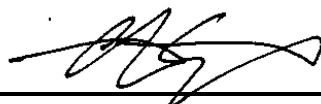


**EXHIBIT A**

**FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS ADOPTED BY  
CALTRANS**

**Attach to E-Mail for Executive Signature**Document Item: I-280/Winchester Boulevard Interchange Improvements Project Findings and SOCEA Number: 04-1K980Item Due Date: 09/06/2024Number of Documents to be Signed: 2*Amanda Goldsmith*

09/05/2024

*Branch Chief* for Brian Gassner*Date*Telephone: (510) 506-0372

9/25/2024

*Deputy District Director**Date*

Christopher Caputo

*Taslima Khanum*

09/10/2024

*Project Manager* Taslima Khanum*Date*Telephone: (510) 290-7219*Deputy District Director**Date*

9/11/2024

*Office Chief* Lawrence Bonner*Date*Telephone: (510) 390-2537*Deputy District Director**Date**Chief Deputy District Director**Date**David Ambuhl*

09/25/2024

For *District Director**Date*

Dina A. El Tawansy

*Return to Originator**Telephone**Email Address*



**PROJECT NAME:** I-280/WINCHESTER BOULEVARD INTERCHANGE  
IMPROVEMENTS PROJECT,  
SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA

**DIST-CO-RTE-PM:** 04-SCL-280-PM 4.5/5.3  
04-SCL-880-PM 0.0/0.5  
04-SCL-17-PM 13.3/13.9

**EA:** 04-1K980

**EFIS ID:** 0416000338

**CALIFORNIA DEPARTMENT OF TRANSPORTATION**

**FINDINGS**

**for**

**IMPROVEMENTS TO THE I-280/WINCHESTER BOULEVARD**

**AND I-280/I-880/SR-17 INTERCHANGES**

**SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA**

The following information is presented to comply with State CEQA Guidelines (Title 14 California Code of Regulations, Division 6, Chapter 3, Section 15091) and the Department of Transportation and California Transportation Commission Environmental Regulations (Title 21, California Code of Regulations, Division 2, Chapter 11, Section 1501 et seq.). Reference is made to the Final Environmental Impact Report (FEIR) for the project, which is the basic source for the information.

The following effects have been identified in the EIR as resulting from the project. Effects found not to be significant have not been included.



## 1. VISUAL/AESTHETIC IMPACTS

**Adverse Environmental Effect:** Goal CD-4 in the *Envision San José 2040 General Plan* states that aesthetically pleasing streetscapes that preserve and build on the unique characteristics of the local area and contributes to a distinctive neighborhood or community identity should be provided. Goal VN-1.11 of the *Envision San José 2040 General Plan* states that residential neighborhoods should be protected from the encroachment of incompatible activities or land uses which may have a negative impact on the residential living environment.

While the Project includes aesthetic upgrades to the streetscape at the Winchester Boulevard overcrossing of I-280 that are consistent with Goal CD-4, the proposed flyover ramp from northbound SR-17 to northbound I-280 would substantially detract from the character of the neighborhood along Parkmoor Avenue. The connector ramp would be a highly visible structure adjacent to the residential neighborhood around Parkmoor Avenue that is visually incompatible with the character of the neighborhood and creates a high level of visual impact.

**Finding:** Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR. [Significant and Unavoidable Impact]

**Statement of Facts:** The following measure will be implemented during the construction phase:

MM-VIS-1.1: To diminish the loss of visual quality caused by the construction of the new SR-17/I-280 flyover connector ramp, the existing landscaping that was planted along the westside of Parkmoor Avenue as part of the I-880/Stevens Creek Interchange Project will be enhanced. The enhanced landscaping will consist of one or more rows of rapidly growing (i.e., at least 2 feet per year), tall tree species such as canary island pine or coast redwood that are spaced as closely as recommended by an arborist such that the trees will eventually form a dense visual barrier to freeway infrastructure from Parkmoor Avenue. Design and construction of this landscaping will be implemented in conjunction with roadway construction.

Although this mitigation is included in the Project, which would partially reduce this impact, it cannot be mitigated to a less-than-significant level. A Statement of Overriding Considerations is adopted.



## 2. AIR QUALITY IMPACTS

**Adverse Environmental Effect:** Emissions would be generated during the construction phase of the Project, which could affect nearby sensitive receptors.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which will mitigate the significant environmental effects thereof as identified in the Final EIR.

**Statement of Facts:** The following measures will be implemented during the construction phase:

MM-AIR-1.1: The contractor for the Project shall submit a list of all off-road equipment greater than 25 horsepower (hp) that would be operated for more than 20 hours over the entire duration of Project construction, including equipment from subcontractors, to BAAQMD for review and certification. The list shall include all information necessary to ensure the equipment meets the following requirement:

- Equipment shall be zero emissions or have engines that meet or exceed either EPA or ARB Tier 4 off-road emission standards, and it shall have engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS), if one is available for the equipment being used. Equipment with engines that meet Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement; therefore, a VDECS would not be required.

MM-AIR-1.2: Idling time of diesel-powered construction equipment and trucks shall be limited to no more than two minutes. Clear signage of this idling restriction shall be provided for construction workers at all access points.

MM-AIR-1.3: All construction equipment shall be maintained and properly tuned in accordance with the manufacturers' specifications.

MM-AIR-1.4: Portable diesel generators shall be prohibited. Grid power electricity should be used to provide power at construction sites; or propane and natural gas generators may be used when grid power electricity is not feasible.

MM-AIR-2.1: All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

MM-AIR-2.2: On-site dirt piles or other stockpiled PM shall be covered, wind breaks installed, and water and/or soil stabilizers employed to reduce wind-blown dust emissions.



The use of approved nontoxic soil stabilizers shall be incorporated according to manufacturers' specifications to all inactive construction areas.

MM-AIR-2.3: All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. Dry power sweeping should only be performed in conjunction with thorough watering of the subject roads.

MM-AIR-2.4: All vehicle speeds on unpaved roads and surfaces shall be limited to 15 mph when hauling material and operating non-earth moving equipment, and 10 mph when operating earth-moving equipment.

MM-AIR-2.5 All roadway, driveway, and sidewalk paving shall be completed as soon as possible.

MM-AIR-2.6: All construction sites shall provide a posted sign visible to the public with the telephone number and person to contact at the lead agency regarding dust complaints. The recommended response time for corrective action shall be within 48 hours. BAAQMD's Complaint Line (1-800-334-6367) shall also be included on posted signs to ensure compliance with applicable regulations.

MM-AIR-2.7: All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.

MM-AIR-2.8: Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.

MM-AIR-2.9: Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

MM-AIR-2.10: The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.

MM-AIR-2.11: All transfer processes involving a free fall of soil or other PM shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions.

MM-AIR-2.12: Site accesses to a distance of 100 feet from the paved road shall be treated with a 6-to 12-inch compacted layer of wood chips, mulch, or gravel.



MM-AIR-2.13: Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.

MM-AIR-2.14: Open burning shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (e.g., trash, demolition debris) may be conducted at the project site. Vegetative waste shall be chipped or delivered to waste-to-energy facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials off-site for disposal by open burning.

### 3. BIOLOGICAL RESOURCES IMPACTS

**Adverse Environmental Effect:** Roosting bats, which are protected under federal and state law, could be adversely affected during the Project's construction phase.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which will mitigate the significant environmental effects thereof as identified in the Final EIR.

**Statement of Facts:** The following measures will be implemented during the construction phase:

MM-BIO-1.1: Initial Survey. A survey for roosting bats in the soffit vents of the Monroe POC will be undertaken by a qualified bat biologist prior to the breeding season (i.e., April 1) in the year in which disturbance within 100 feet of the POC is scheduled to occur. If a visual survey (e.g., a dusk emergence survey) is not adequate to determine presence or absence of bats in soffit vents of the POC, acoustic equipment will be used to determine occupancy.

MM-BIO-1.2: Eviction/Exclusion. If any bats are found roosting in the Monroe POC, the bats will be safely evicted under the direction of a qualified bat biologist. Eviction of bats will occur at night to decrease the likelihood of predation (compared to eviction during the day). Eviction will occur between September 1 and March 31, outside the maternity season, but will not occur during long periods of inclement or cold weather (as determined by the bat biologist) when prey are not available or bats are in torpor. Eviction activities will be performed under the supervision of a qualified bat biologist. Following eviction (or following the initial survey, if no bats are detected), bat exclusion devices will be installed to prevent bats from taking up occupancy of the POC prior to its demolition.



MM-BIO-1.3: Pre-construction/Pre-disturbance Survey. Because the initial survey as described in MM-BIO-1.1 above will be conducted prior to the breeding season, several months could pass between the initial survey and the initiation of project activities that could potentially result in disturbance of roosting bats. Therefore, a pre-construction survey for roosting bats, following the methods described above, will be undertaken at the Monroe POC within 15 days prior to the commencement of demolition of the POC or demolition/construction within 100 feet of the POC to ensure that exclusion measures have been successful and that bats have not occupied a roost in that structure. If no active roosts are found, then no further action is warranted prior to demolition. In the unlikely event that bats have occupied a roost in the POC (e.g., if the exclusion measures were not successful), MM-BIO-1.4 will be implemented.

MM-BIO-1.4: Buffer. If bats have established a maternity roost in the Monroe POC despite the installation of exclusion measures, the bat biologist will determine the extent of a construction-free buffer around the active roost that will be maintained during the breeding season (i.e., from April 1 until the young are flying, typically after August 31). After the breeding season, the bats can be evicted as described in MM-BIO-1.2 above prior to demolition of the POC or demolition/construction within the buffer established by the bat biologist.

**Adverse Environmental Effect:** Nesting birds, which are protected under federal and state law, could be adversely affected during the Project's construction phase.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which will mitigate the significant environmental effects thereof as identified in the Final EIR.

**Statement of Facts:** The following measures will be implemented during the construction phase:

MM-BIO-2.1: Avoidance of Nesting Bird Season. To the extent feasible, project activities should be scheduled outside the avian nesting season to avoid impacts on nesting birds (including raptors) protected under the MBTA and California Fish and Game Code. The nesting season for most birds in Santa Clara County typically extends from February 1 through August 31, although some birds may nest as early as January 1.

MM-BIO-2.2: Preconstruction Survey. If it is not possible to schedule project activities between September 1 and December 31, then preconstruction surveys will be undertaken by a qualified biologist to identify any nests within the project area so that protection measures can be implemented to avoid disturbance to these nests. These surveys will be undertaken no more than 48 hours prior to the initiation of project activities. During





these surveys, a qualified biologist will inspect all potential nesting habitats (e.g., trees, shrubs, and structures) within 300 feet of impact areas for raptor nests and within 100 feet of impact areas for nests of non-raptors. If an active nest (i.e., a nest with eggs or young, or any completed raptor nest attended by adults) is found sufficiently close to work areas to be disturbed by these activities, the biologist, in consultation with CDFW, will determine the extent of a disturbance-free buffer zone to be established around the nest (typically 300 feet for raptors and 50–100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation.

MM-BIO-2.3: Nest Deterrence. If project activities will not be initiated until after the start of the nesting season, potential nesting substrate (e.g., bushes, trees, and other vegetation, and structures) scheduled to be removed by the Project may be removed prior to the start of the nesting season (e.g., prior to January 1) to reduce the potential for initiation of nests within the work area. Nest deterrence may also include the use of netting or screening to block birds' access to nest sites and blocking soffit vents so birds such as white-throated swifts and northern rough-winged swallows cannot enter them to nest. Deterrence may be particularly important on bridges that will be physically altered by project activities, to avoid constraints on the project's schedule if nesting birds are present. If netting is used, it must be inspected daily and well maintained to prevent birds from being trapped in or behind the netting. At the Monroe POC, any nesting bird deterrence measures will be coordinated with the bat measures described above to ensure that both birds and bats can be effectively excluded without injury or mortality of individuals of either group.

#### 4. NOISE AND VIBRATION IMPACTS

**Adverse Environmental Effect:** Short-term increases in noise during construction could be significant, especially during pile driving and nighttime work.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which will mitigate the significant environmental effects thereof as identified in the Final EIR.

**Statement of Facts:** The following measures will be implemented during the construction phase:

MM-NOI-1.1: All construction equipment shall conform to Section 14-8.02, Noise Control, of the latest Caltrans Standard Specifications.



MM-NOI-1.2: When feasible, noise-generating construction activities shall be restricted to between 7:00 a.m. and 7:00 p.m. on weekdays, with no construction occurring on weekends or holidays. If work is necessary outside of these hours, Caltrans shall require the contractor to implement a construction noise monitoring program and provide additional noise controls where practical and feasible. As part of the noise monitoring program, construction schedules for noise-generating activities shall be provided, as necessary, to nearby residences and businesses.

MM-NOI-1.3: Pile driving activities shall be limited to daytime hours only.

MM-NOI-1.4: All internal combustion engine driven equipment shall be equipped with manufacturer recommended intake and exhaust mufflers that are in good condition and appropriate for the equipment.

MM-NOI-1.5: Unnecessary idling of internal combustion engines within 100 feet of residences shall be strictly prohibited.

MM-NOI-1.6: Noise generating equipment shall be located as far as practical from sensitive receptors when sensitive receptors adjoin or are near the construction project area.

MM-NOI-1.7: "Quiet" air compressors and other "quiet" equipment shall be utilized where such technology exists.

MM-NOI-1.8: The existing soundwall along Tisch Way that is planned to be removed and replaced, shall be replaced as soon as feasible after the removal of the existing barrier.

**Adverse Environmental Effect:** Due to the proximity of the proposed improvements to existing structures, there is the potential for vibration from pile driving during construction to exceed applicable thresholds.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which will mitigate the significant environmental effects thereof as identified in the Final EIR.

**Statement of Facts:** The following measures will be implemented during the construction phase:

MM-NOI-2.1: Impact or vibratory pile driving methods will be prohibited when within the exceedance distances from vibration-sensitive structures as listed in Table 2.16-6. In



such cases, drilled piles will be utilized if geological conditions permit their use as it produces lower vibration levels.

MM-NOI-2.2: A photo and crack monitoring survey will be undertaken for older residential structures and new residential, commercial, or industrial buildings exposed to vibration from impact pile driving located within the exceedance distances given in Table 2.16-6, based on the determination made as to the sensitivity of the structure to damage due to construction vibration. Preliminary review indicates that buildings including 3097 Moorpark Avenue, 2875 Moorpark Avenue, 2845 Moorpark Avenue, 2801 Moorpark Avenue, 2787 Moorpark Avenue, and 544 Dudley Avenue would have the potential to be impacted by heavy construction or impact pile driving.

MM-NOI-2.3: A post-construction survey of structures where complaints of damage have occurred will be undertaken. Where damage has occurred as a result of project-related construction activities, appropriate repairs will be made.

MM-NOI-2.4: A person responsible for registering and investigating claims of excessive vibration by project-related activities will be designated. The contact information of such person shall be clearly posted on the construction site.

## 5. PARKS IMPACTS

**Adverse Environmental Effect:** The footprint of the proposed off-ramp from northbound I-280 to Winchester Boulevard, including modifications to Tisch Way and the reconstruction of the Monroe POC, would require approximately 0.45 acre of right-of-way from the southerly portion of Frank Santana Park. This area is currently occupied by the southerly segment of the park's walking/jogging path and the southerly portion of the outfield of the softball field, both of which would be directly impacted. Approximately 24 trees would also be impacted.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which will mitigate the significant environmental effects thereof as identified in the Final EIR.

**Statement of Facts:** The following measures will be implemented by the Project:

MM-PARK-1.1: In compliance with the Park Preservation Act, the Project would fully offset the loss of 0.45 acre of land from Santana Park by purchasing the following two parcels:



- An adjacent vacant parcel on the northeast corner of Tisch Way and Hatton Street. The subject parcel, Assessor's Parcel Number (APN) 277-38-012, is 22,981 square feet (0.53 acre) in size. Of this total, and based on the conceptual design, approximately 0.16 acre would be used for the Project and the remainder of 0.37 acre would be dedicated to the City for incorporation into the park.
- An adjacent vacant parcel on the east side of Hatton Street approximately 225 feet north of Tisch Way. The subject parcel, APN 277-38-014, is 11,391 square feet (0.26 acre) in size. The entire parcel would be dedicated to the City for incorporation into the park.

MM-PARK-2.1: The segment of the existing walking/jogging path impacted by the Project would be replaced with a new path, directly north of, and parallel to, the existing path.

MM-PARK-2.2: The Project would reconstruct the existing softball field by shifting and realigning it northward. In the pre-project and post-project condition, the minimum left-field foul line dimensions would be approximately 260 feet. The right-field foul line dimensions would meet or exceed the current field dimensions. Reconstruction of the existing softball field would include the reconstruction of fencing, dugouts, and bleachers. The conceptual design for this measure is depicted on Figure A-3 in Appendix A of the Final EIR.

MM-PARK-2.3: The Project would work with the City's Parks Recreation and Neighborhood Services Department and an arborist on the replacement of trees within the park to ensure that future tree locations are compatible with the layout of park facilities that may be constructed as part of the Santana Park Master Plan. The minimum number and sizes of replacement trees will be as shown in Table 2.4-1 of the Final EIR.

For Dina A. El-Tawansy

District 4 Director

*David Ambuehl*

Signature

09/25/2024

Date



**PROJECT NAME:** I-280/WINCHESTER BOULEVARD INTERCHANGE  
IMPROVEMENTS PROJECT

**DIST-CO-RTE-PM:** 04-SCL-280-PM 4.5/5.3  
04-SCL-880-PM 0.0/0.5  
04-SCL-17-PM 13.3/13.9

**EA:** 04-1K980

**EFIS ID:** 0416000338

**CALIFORNIA DEPARTMENT OF TRANSPORTATION**  
**STATEMENT OF OVERRIDING CONSIDERATIONS**  
**for**  
**IMPROVEMENTS TO THE I-280/WINCHESTER BOULEVARD**  
**AND I-280/I-880/SR-17 INTERCHANGES**  
**SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA**

The following information is presented to comply with State CEQA Guidelines (Title 14 California Code of Regulations, Division 6, Chapter 3, Section 15093), and the Department of Transportation and California Transportation Commission Environmental Regulations (Title 21 California Code of Regulations, Division 2, Chapter 11, Section 1501 et seq.). Reference is made to the Final Environmental Impact Report (FEIR) for the project, which is the basic source for the information.

The following impact has been identified as significant and not fully mitigable:

- **Aesthetics**



The I-280 Winchester Boulevard Interchange Improvements Project will modify the existing I-280/Winchester Boulevard interchange by constructing a new off-ramp from northbound I-280 to the intersection of Tisch Way and Hatton Street and a new direct connector ramp from northbound SR-17 to northbound I-280. The connector ramp will diverge from the existing northbound SR-17 to southbound I-280 connector ramp and “flyover” the I-280/I-880/SR-17 interchange entering northbound I-280 west of the I-280/I-880/SR-17 interchange. The new connector ramp would reach a maximum height of approximately 70 feet above the northbound off-ramp from I-280 to Stevens Creek Boulevard. As described in Section 3.2.1 of the Final EIR/EA for the Project, the loss of visual quality caused by the flyover connector ramp would result in a significant impact to Aesthetics that cannot be reduced to a less than significant level by feasible mitigation measures.

Goal CD-4 in the *Envision San José 2040 General Plan* states that aesthetically pleasing streetscapes that preserve and build on the unique characteristics of the local area and contributes to a distinctive neighborhood or community identity should be provided. Goal VN-1.11 of the *Envision San José 2040 General Plan* states that residential neighborhoods should be protected from the encroachment of incompatible activities or land uses which may have a negative impact on the residential living environment.

While the Project includes aesthetic upgrades to the streetscape at the Winchester Boulevard overcrossing of I-280 that are consistent with Goal CD-4, the flyover connector ramp from northbound SR-17 to northbound I-280 would substantially detract from the character of the neighborhood along Parkmoor Avenue. The connector ramp would be a highly visible structure adjacent to the residential neighborhood around Parkmoor Avenue that is visually incompatible with the character of the neighborhood and creates a high level of visual impact.

Mitigation consisting of enhanced landscaping is included in the Project. With incorporation of mitigation measures described in Section 2.9.4, landscaping along the west side of Parkmoor Avenue would be increased by planting a row of tall tree species. The trees would create a wall as they mature that would block views of at least some freeway infrastructure and add greenery to the view. While this mitigation would partially reduce this impact, it cannot be mitigated to a less-than-significant level.

Overriding considerations that support approval of this recommended Project are as follows:

Caltrans has considered the EIR, the public record of proceedings on the Project and other written materials presented to it, as well as oral and written testimony at all hearings



related to the Project and does hereby find that the significant unavoidable impact is outweighed by the benefits of the Project.

The benefits of the Project as specifically provided in the Project documents include the following:

- The transportation improvements to be constructed by the Project are consistent with, and identified in, the San Francisco Bay Regional Transportation Plan, VTA's 2016 Measure B Program, and the I-280/Winchester Transportation Development Policy.
- The new off-ramp from northbound I-280 to Winchester Boulevard will improve access to the project area. Under existing conditions, traffic that would otherwise exit northbound I-280 to the project area is forced to use the I-880/Stevens Creek Boulevard interchange. The improved access that would result from the Project would, when compared to the No Build Alternative, result in an overall decrease in vehicle-miles-traveled (VMT).
- The Project will facilitate bicycle and pedestrian travel in the area by replacing the existing Monroe Pedestrian Overcrossing (POC) with an ADA-compliant facility that will improve access for all users.
- The alignment of the new POC will allow for the closure of an existing dark, narrow, and secluded tunnel that is used by bicyclists and pedestrians. This new POC will provide a safer means of traveling to/from residential and commercial areas, as well as to/from Frank Santana Park.
- Consistent with the policies of the *Envision San Jose 2040 General Plan* to facilitate and encourage use of non-automobile transportation modes, the Project will construct bicycle and pedestrian improvements in the area along Winchester Boulevard and Tisch Way, including the following:
  - The existing Winchester Boulevard bridge over I-280 would be widened to provide enhanced bicycle and pedestrian facilities in both directions.
  - Buffered bike lanes and pedestrian facilities would be added on both northbound and southbound Winchester Boulevard within the project limits.
  - A buffered bike lane would be constructed on the southside of Tisch Way from Monroe Street to Winchester Boulevard.
  - A combination of multi-use path, buffered bike lane, and designated bike route would be added on the north side of Tisch Way from Monroe Street to Winchester Boulevard.



- The Project will help accommodate projected traffic demand in the area, including growth anticipated under adopted land use plans, thereby reducing future congestion and delay, especially during peak travel periods.
- The Project will provide for the expansion of Santana Park to the west to Hatton Street.

For Dina A. El-Tawansy

District 4 Director

*David Ambush*

Signature

09/25/2024

Date



## EXHIBIT B

### MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

**I-280/Winchester Boulevard Interchange Improvements  
Santa Clara County, California  
04-1K980**

**ENVIRONMENTAL COMMITMENT RECORD**

In order to be sure that all of the environmental measures identified in this document are executed at the appropriate times, the following mitigation program (as articulated on the proposed Environmental Commitments Record [ECR] which follows) would be implemented. During project design, avoidance, minimization, and /or mitigation measures will be incorporated into the Project's final plans, specifications, and cost estimates, as appropriate. All permits will be obtained prior to implementation of the Project. During construction, environmental and construction/engineering staff will ensure that the commitments contained in this ECR are fulfilled. Following construction and appropriate phases of project delivery, long-term mitigation maintenance and monitoring will take place, as applicable. As the following ECR is a draft, some fields have not been completed, and will be filled out as each of the measures is implemented. Note: Some measures may apply to more than one resource area. Duplicative or redundant measures have not been included in this ECR.

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/Minimization Measure
<b>PARKS AND RECREATIONAL FACILITIES / SECTION 4(F)</b>						
MM-PARK-1.1	In compliance with the Park Preservation Act, the Project would fully offset the loss of 0.45 acre of land from Santana Park by purchasing parcels APN 277-38-012 and APN 277-38-014.	Draft EIR/EA Section 2.4	Design	Caltrans, VTA	■	
MM-PARK-2.1	The segment of the existing walking/jogging path impacted by the Project would be replaced with a new path, directly north of, and parallel to, the existing path.	Draft EIR/EA Section 2.4	Design through Construction	Caltrans, VTA, Contractor	■	
MM-PARK-2.2	The Project would reconstruct the existing softball field by shifting and realigning it northward. In the pre-project and post-project condition, the minimum left-field foul line dimensions would be approximately 260 feet. The right-field foul line dimensions would meet or exceed the current field dimensions. Reconstruction of the existing softball field would include the reconstruction of fencing, dugouts, and bleachers.	Draft EIR/EA Section 2.4	Design through Construction	Caltrans, VTA, CSJ PRNS Staff, Contractor	■	
MM-PARK-2.3	The Project would work with the City's PRNS Department and an arborist on the replacement of trees within the park to ensure that future tree locations are compatible with the layout of park facilities that may be constructed as part of the Santana Park Master Plan. The minimum number and sizes of replacement trees will be as shown in Table 2.4-1.	Draft EIR/EA Section 2.4	Design through Construction	Caltrans, VTA, CSJ PRNS Staff, Contractor	■	
n/a	The Project would incorporate features into the design of the new Monroe POC to improve aesthetics and reduce the opportunity for graffiti. The features which may include aesthetic fence treatments, public art, unique lighting, texture, landscaping, and/or color treatments. Input from the local community and San José's PRNS Department would be an important component of the process to determine the final design of the POC.	Appendix A of Draft EIR/EA	Design through Construction	Caltrans, VTA, CSJ PRNS Staff, Contractor	■	

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/Minimization Measure
n/a	Prior to the start of construction, temporary fencing would be erected to separate the construction zone from Park facilities.	Appendix A of Draft EIR/EA	Construction	Contractor	■	
n/a	To avoid short-term closures, the temporary relocation of the walking/jogging path outside of the fenced construction zone would occur prior to the start of construction.	Appendix A of Draft EIR/EA	Construction	Contractor	■	
n/a	The timing of the temporary closure of the softball facility to allow for its reconstruction would be coordinated in advance with San José's PRNS Department. This coordination would include providing advanced notice of the temporary closure to groups that typically reserve the facility in order to facilitate their booking of an alternate field.	Appendix A of Draft EIR/EA	Construction	Contractor	■	
<b>VISUAL/AESTHETICS</b>						
MM-VIS-1.1	The existing landscaping that was planted along the westside of Parkmoor Avenue as part of the I-880/Stevens Creek Interchange Project will be enhanced. The enhanced landscaping will consist of one or more rows of rapidly growing (i.e., at least 2 feet per year), tall tree species such as canary island pine or coast redwood that are spaced as closely as recommended by an arborist such that the trees will eventually form a dense visual barrier to freeway infrastructure from Parkmoor Avenue. Design and construction of this landscaping will be implemented in conjunction with roadway construction.	Draft EIR/EA Section 2.9	Design through Construction	Caltrans, VTA, Contractor	■	
MM-VIS-1.2	Replacement landscaping will be provided for Santana Park. The number of trees to be planted and their location within the park will be determined based on coordination	Draft EIR/EA	Design through Construction	Caltrans, VTA, CSJ	■	

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/Minimization Measure
	with, and to the satisfaction of, the City's PRNS Department and an arborist. The tree replacement ratios and sizes listed in Table 2.4-1 will be utilized.	Section 2.9		PRNS Staff, Contractor		
MM-VIS-1.3	The Project will incorporate treatments to improve aesthetics and reduce the opportunity for graffiti, which may include aesthetic fence treatments, public art, unique lighting, texture, landscaping, and/or color on project features, including the new Monroe POC, northbound SR-17 to northbound I-280 flyover, Winchester Boulevard bridge, retaining walls of the tunnel off-ramp, and the replacement soundwall constructed for the Project.	Draft EIR/EA Section 2.9	Design through Construction	Caltrans, VTA, CSJ PRNS Staff, Contractor	■	
MM-VIS-1.4	Highway replacement planting will be provided in areas of damaged and/or removed vegetation in accordance with Caltrans policy and guidance where feasible. Design and construction of replacement planting will be implemented such that it closely follows the completion of roadway construction. A plant establishment period will be provided to ensure replacement plantings reach maturity.	Draft EIR/EA Section 2.9	Design through Construction	Caltrans, VTA, Contractor	■	
MM-VIS-1.5	All lighting on new ramps, roads, and structures will be designed to limit light pollution and have minimum impact on the surrounding environment. All light fixtures will have LEDs configured with the minimum necessary number of bulbs, optimal mounting height, mast-arm length, and angle to restrict light to the roadways. Where applicable, shields on the fixtures to prevent light trespass to adjacent properties will be evaluated and incorporated where necessary during the detailed design phase.	Draft EIR/EA Section 2.9	Design through Construction	Caltrans, VTA, Contractor	■	
MM-VIS-1.6	Construction lighting during nighttime work will be limited to the work area by using directional lighting and shielding of light fixtures.	Draft EIR/EA Section 2.9	Construction	Contractor	■	
<b>CULTURAL RESOURCES</b>						

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/Minimization Measure
n/a	If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.	Draft EIR/EA Section 2.10	Construction	Contractor		■
n/a	Discovery of Human Remains: If remains are discovered during excavation, all work within 60 feet of the discovery will halt and Caltrans' Office of Cultural Resource Studies (OCRS) will be called. OCRS staff will assess the remains and, if determined to be human, will contact the County Coroner in accordance with Public Resources Code (PRC) Sections 5097.98, 5097.99, and Section 7050.5 of the California Health and Safety Code. If the Coroner determines the remains to be Native American, the Coroner will contact the Native American Heritage Commission, which will assign a Most Likely Descendant. Caltrans will consult with the Most Likely Descendant on treatment and reburial of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.	Draft EIR/EA Section 2.10	Construction	Contractor, Caltrans, VTA		■
<b>WATER QUALITY</b>						
MM-WQ-1.1	The Project includes Best Management Practices (BMPs) and will comply with the Caltrans Stormwater Management Plan to reduce the pollutant component of stormwater runoff. The potential permanent BMPs considered for the Project include Biofiltration Strips and Gross Solids Removal Devices (GSRDs). Permanent BMPs would meet hydromodification requirements and other Caltrans' requirements.	Draft EIR/EA Section 2.11	Design through Construction	Caltrans, VTA, Contractor		■
MM-WQ-1.2	The Project will implement permanent design pollution control BMPs to improve stormwater quality by reducing erosion, stabilizing disturbed soil areas, and maximizing vegetated surfaces. These measures could include a	Draft EIR/EA Section 2.11	Design through Construction	Caltrans, VTA, Contractor		■

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/Minimization Measure
	combination of source and sediment control measures to prevent and minimize erosion from disturbed soil areas. Source controls would utilize erosion control netting in combination with hydroseeding. Outlet protection and velocity dissipation devices will also be considered.					
MM-WQ-1.3	Active paved construction areas will be swept and washed as needed.	Draft EIR/EA Section 2.11	Construction	Contractor		■
MM-WQ-1.4	Silt fencing or straw wattles will be used to retain sediment on the project site.	Draft EIR/EA Section 2.11	Construction	Contractor		■
MM-WQ-1.5	Temporary cover of disturbed surfaces or temporary slope protection measures will be provided per regulatory requirements and Caltrans' guidelines to help control erosion. Permanent cover/revegetation will be provided to stabilize the disturbed surfaces after construction has been completed.	Draft EIR/EA Section 2.11	Construction	Contractor		■
MM-WQ-1.6	No debris, soil, silt, sand, bark, slash, sawdust, cement, concrete, washings, petroleum products, or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into any waterways.	Draft EIR/EA Section 2.11	Construction	Contractor		■
MM-WQ-1.7	BMPs will be utilized by the contractor(s) during construction. The BMPs will be incorporated into a Stormwater Pollution Prevention Plan for the project, as required by the Caltrans NPDES permit.	Draft EIR/EA Section 2.11	Construction	Contractor		■
<b>GEOLOGY/SOILS/SEISMIC/TOPOGRAPHY</b>						
n/a	The Project would be designed to comply with both the Uniform Building Code and Caltrans' Design Standards.	Draft EIR/EA	Design through Construction	Caltrans, VTA, Contractor		■

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/Minimization Measure
		Section 2.12				
<b>PALEONTOLOGICAL RESOURCES</b>						
MM-PALEO-1.1	Prior to the start of excavations, preparation of a Paleontological Mitigation Plan (PMP) will be prepared by a qualified Principal Paleontologist (M.S. or PhD in paleontology or geology familiar with paleontological procedures and techniques). The PMP will include monitoring of cuts more than eight feet below the historic grade (i.e., below an elevation of about 132 feet msl) by a qualified Paleontological Monitor. The PMP, at a minimum, also would include the components listed in Section 2.14.3 of the Draft EIR/EA.:	Draft EIR/EA Section 2.13	Design through Construction	Caltrans or VTA Paleontologist		■
MM-PALEO-1.2	If unanticipated discoveries of paleontological resources occur during project construction, all work within 25 feet of the discovery must cease and the find must be protected in place until it can be evaluated by a qualified paleontologist. Work may resume immediately outside of the 25-foot radius.	Draft EIR/EA Section 2.13	Construction	Contractor, Caltrans, VTA		■
<b>HAZARDOUS WASTE/MATERIALS</b>						
MM-HAZMAT-1.1	As part of project development, a soil investigation will be conducted to determine whether ADL has affected soils that will be excavated as part of the proposed Project. The investigation for ADL will be performed in accordance with Caltrans' Lead Testing Guidance Procedure. The analytical results will be compared against applicable hazardous waste criteria. Based on analytical results, the investigation will provide recommendations regarding management and disposal of affected soils in the project area including the reuse potential of ADL-affected soil during project development. The provisions of a variance granted to Caltrans by the California Department of Toxic	Draft EIR/EA Section 2.14	Design through Construction	Caltrans, VTA, Contractor		■



ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/Minimization Measure
	Substances Control on September 22, 2000 (or any subsequent variance in effect when the Project is constructed) regarding aerially-deposited lead will be followed.					
MM-HAZMAT-1.2	Testing for the presence of lead-based paint on existing structures that will be modified or demolished by the Project will occur. If this substance is found to be present, applicable regulations pertaining to its removal and disposal will be followed.	Draft EIR/EA Section 2.14	Design through Construction	Caltrans, VTA, Contractor		■
MM-HAZMAT-1.3	Testing for the presence of asbestos-containing materials on existing structures that will be modified or demolished by the Project will occur. If these materials are found to be present, applicable regulations pertaining to their removal and disposal will be followed.	Draft EIR/EA Section 2.14	Design through Construction	Caltrans, VTA, Contractor		■
MM-HAZMAT-1.4	If work in the vicinity of Winchester Boulevard will involve drilling to groundwater and extraction of groundwater, the groundwater will be tested to determine if contamination is present in levels that exceed regulatory thresholds. If elevated levels of contamination are determined to be present and dewatering or extraction is anticipated, the investigation report will provide recommendations regarding proper treatment, if necessary, and disposal or reuse of affected groundwater.	Draft EIR/EA Section 2.14	Design through Construction	Caltrans, VTA, Contractor		■
<b>AIR QUALITY</b>						
MM-AIR-1.1	The contractor for the Project shall submit a list of all off-road equipment greater than 25 horsepower (hp) that would be operated for more than 20 hours over the entire duration of Project construction, including equipment from subcontractors to BAAQMD for review and certification. The list shall include all information necessary to ensure the equipment meets the following requirement:	Draft EIR/EA Section 2.15	Construction	Contractor		■

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/Minimization Measure
	<ul style="list-style-type: none"> <li>Equipment shall be zero emissions or have engines that meet or exceed either EPA or ARB Tier 4 off-road emission standards, and it shall have engines that are retrofitted with a ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS), if one is available for the equipment being used. Equipment with engines that meet Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement; therefore, a VDECS would not be required.</li> </ul>					
MM-AIR-1.2	Idling time of diesel-powered construction equipment and trucks shall be limited to no more than two minutes. Clear signage of this idling restriction shall be provided for construction workers at all access points.	Draft EIR/EA Section 2.15	Construction	Contractor		■
MM-AIR-1.3	All construction equipment shall be maintained and properly tuned in accordance with the manufacturers' specifications.	Draft EIR/EA Section 2.15	Construction	Contractor		■
MM-AIR-1.4	Portable diesel generators shall be prohibited. Grid power electricity should be used to provide power at construction sites; or propane and natural gas generators may be used when grid power electricity is not feasible	Draft EIR/EA Section 2.15	Construction	Contractor		■
MM-AIR-2.1	All haul trucks transporting soil, sand, or other loose material off-site shall be covered.	Draft EIR/EA Section 2.15	Construction	Contractor		■
MM-AIR-2.2	On-site dirt piles or other stockpiled PM shall be covered, wind breaks installed, and water and/or soil stabilizers employed to reduce wind-blown dust emissions. The use of approved nontoxic soil stabilizers shall be incorporated according to manufacturers' specifications to all inactive construction areas.	Draft EIR/EA Section 2.15	Construction	Contractor		■

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/Minimization Measure
MM-AIR-2.3	All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. Dry power sweeping should only be performed in conjunction with thorough watering of the subject roads.	Draft EIR/EA Section 2.15	Construction	Contractor		■
MM-AIR-2.4	All vehicle speeds on unpaved roads and surfaces shall be limited to 15 mph when hauling material and operating non-earth moving equipment, and 10 mph when operating earth-moving equipment.	Draft EIR/EA Section 2.15	Construction	Contractor		■
MM-AIR-2.5	All roadway, driveway, and sidewalk paving shall be completed as soon as possible	Draft EIR/EA Section 2.15	Construction	Contractor		■
MM-AIR-2.6	All construction sites shall provide a posted sign visible to the public with the telephone number and person to contact at the lead agency regarding dust complaints. The recommended response time for corrective action shall be within 48 hours. BAAQMD's Complaint Line (1-800-334-6367) shall also be included on posted signs to ensure compliance with applicable regulations.	Draft EIR/EA Section 2.15	Construction	Contractor		■
MM-AIR-2.7	All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.	Draft EIR/EA Section 2.15	Construction	Contractor		■
MM-AIR-2.8	Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.	Draft EIR/EA Section 2.15	Construction	Contractor		■
MM-AIR-2.9	Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.	Draft EIR/EA Section 2.15	Construction	Contractor		■

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/Minimization Measure
MM-AIR-2.10	The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.	Draft EIR/EA Section 2.15	Construction	Contractor		■
MM-AIR-2.11	All transfer processes involving a free fall of soil or other PM shall be operated in such a manner as to minimize the free fall distance and fugitive dust emissions.	Draft EIR/EA Section 2.15	Construction	Contractor		■
MM-AIR-2.12	Site accesses to a distance of 100 feet from the paved road shall be treated with a 6-to 12-inch compacted layer of wood chips, mulch, or gravel.	Draft EIR/EA Section 2.15	Construction	Contractor		■
MM-AIR-2.13	Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.	Draft EIR/EA Section 2.15	Construction	Contractor		■
MM-AIR-2.14	Open burning shall be prohibited at the project site. No open burning of vegetative waste (natural plant growth wastes) or other legal or illegal burn materials (e.g., trash, demolition debris) may be conducted at the project site. Vegetative wastes shall be chipped or delivered to waste-to-energy facilities (permitted biomass facilities), mulched, composted, or used for firewood. It is unlawful to haul waste materials off-site for disposal by open burning.	Draft EIR/EA Section 2.15	Construction	Contractor		■
<b>NOISE AND VIBRATION</b>						
MM-NOI-1.1	All construction equipment shall conform to Section 14-8.02, Noise Control, of the latest Caltrans Standard Specifications.	Draft EIR/EA Section 2.16	Construction	Contractor		■
MM-NOI-1.2	When feasible, noise-generating construction activities shall be restricted to between 7:00 a.m. and 7:00 p.m. on	Draft EIR/EA	Construction	Contractor		■

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/Minimization Measure
	weekdays, with no construction occurring on weekends or holidays. If work is necessary outside of these hours, Caltrans shall require the contractor to implement a construction noise monitoring program and provide additional noise controls where practical and feasible.	Section 2.16				
MM-NOI-1.3	Pile driving activities shall be limited to daytime hours only.	Draft EIR/EA Section 2.16	Construction	Contractor		■
MM-NOI-1.4	All internal combustion engine driven equipment shall be equipped with manufacturer recommended intake and exhaust mufflers that are in good condition and appropriate for the equipment.	Draft EIR/EA Section 2.16	Construction	Contractor		■
MM-NOI-1.5	Unnecessary idling of internal combustion engines within 100 feet of residences shall be strictly prohibited.	Draft EIR/EA Section 2.16	Construction	Contractor		■
MM-NOI-1.6	Noise generating equipment shall be located as far as practical from sensitive receptors when sensitive receptors adjoin or are near the construction project area.	Draft EIR/EA Section 2.16	Construction	Contractor		■
MM-NOI-1.7	"Quiet" air compressors and other "quiet" equipment shall be utilized where such technology exists.	Draft EIR/EA Section 2.16	Construction	Contractor		■
MM-NOI-1.8	The existing soundwall along Tisch Way that is planned to be removed and replaced, shall be replaced as soon as feasible after the removal of the existing barrier.	Draft EIR/EA Section 2.16	Construction	Contractor		■
MM-NOI-2.1	Impact or vibratory pile driving methods will be prohibited when within the exceedance distances from vibration-sensitive structures as listed in Table 2.16-6. In such	Draft EIR/EA	Design through Construction	Caltrans, VTA, Contractor		■

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/Minimization Measure
	cases, drilled piles will be utilized if geological conditions permit their use as it produces lower vibration levels.	Section 2.16				
MM-NOI-2.2	A photo and crack monitoring survey will be undertaken for older residential structures and new residential, commercial, or industrial buildings exposed to vibration from impact pile driving located within the exceedance distances given in Table 2.16-6, based on the determination made as to the sensitivity of the structure to damage due to construction vibration. Preliminary review indicates that buildings including 3097 Moorpark Avenue, 2875 Moorpark Avenue, 2845 Moorpark Avenue, 2801 Moorpark Avenue, 2787 Moorpark Avenue, and 544 Dudley Avenue would have the potential to be impacted by heavy construction or impact pile driving.	Draft EIR/EA Section 2.16	Pre-Construction	Contractor		■
MM-NOI-2.3	A post-construction survey of structures where complaints of damage have occurred will be undertaken. Where damage has occurred as a result of project-related construction activities, appropriate repairs will be made.	Draft EIR/EA Section 2.16	Post-Construction	Contractor		■
MM-NOI-2.4	A person responsible for registering and investigating claims of excessive vibration by project-related activities will be designated. The contact information of such person shall be clearly posted on the construction site.	Draft EIR/EA Section 2.16	Construction	Contractor		■
<b>BIOLOGICAL RESOURCES</b>						
MM-BIO-1.1	Initial Survey. A survey for roosting bats in the soffit vents of the Monroe POC will be undertaken by a qualified bat biologist prior to the breeding season (i.e., April 1) in the year in which disturbance within 100 feet of the POC is scheduled to occur. If a visual survey (e.g., a dusk emergence survey) is not adequate to determine presence or absence of bats in soffit vents of the POC, acoustic equipment will be used to determine occupancy.	Draft EIR/EA Section 2.18	Pre-Construction	Caltrans or VTA Biologist		■

<b>ID Number</b>	<b>Task and Brief Description</b>	<b>Source</b>	<b>Project Timing</b>	<b>Responsible Staff</b>	<b>CEQA Mitigation Measure</b>	<b>Avoidance/Minimization Measure</b>
MM-BIO-1.2	Eviction/Exclusion. If any bats are found roosting in the Monroe POC, the bats will be safely evicted under the direction of a qualified bat biologist. Eviction of bats will occur at night to decrease the likelihood of predation (compared to eviction during the day). Eviction will occur between September 1 and March 31, outside the maternity season, but will not occur during long periods of inclement or cold weather (as determined by the bat biologist) when prey are not available or bats are in torpor. Eviction activities will be performed under the supervision of a qualified bat biologist. Following eviction (or following the initial survey, if no bats are detected), bat exclusion devices will be installed to prevent bats from taking up occupancy of the POC prior to its demolition.	Draft EIR/EA Section 2.18	Pre-Construction through Construction	Caltrans or VTA Biologist		■
MM-BIO-1.3	Pre-construction/Pre-disturbance Survey. Because the initial survey as described in MM-BIO-1.1 above will be conducted prior to the breeding season, several months could pass between the initial survey and the initiation of project activities that could potentially result in disturbance of roosting bats. Therefore, a pre-construction survey for roosting bats, following the methods described above, will be undertaken at the Monroe POC within 15 days prior to the commencement of demolition of the POC or demolition/construction within 100 feet of the POC to ensure that exclusion measures have been successful and that bats have not occupied a roost in that structure. If no active roosts are found, then no further action is warranted prior to demolition. In the unlikely event that bats have occupied a roost in the POC (e.g., if the exclusion measures were not successful), MM-BIO-1.4 will be implemented.	Draft EIR/EA Section 2.18	Pre-Construction through Construction	Caltrans or VTA Biologist		■

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/Minimization Measure
MM-BIO-1.4	Buffer. If bats have established a maternity roost in the Monroe POC despite the installation of exclusion measures, the bat biologist will determine the extent of a construction-free buffer around the active roost that will be maintained during the breeding season (i.e., from April 1 until the young are flying, typically after August 31). After the breeding season, the bats can be evicted as described in MM-BIO-1.2 above prior to demolition of the POC or demolition/construction within the buffer established by the bat biologist.	Draft EIR/EA Section 2.18	Pre-Construction through Construction	Caltrans or VTA Biologist		■
MM-BIO-2.1	Avoidance of Nesting Bird Season. To the extent feasible, project activities should be scheduled outside the avian nesting season to avoid impacts on nesting birds (including raptors) protected under the MBTA and California Fish and Game Code. The nesting season for most birds in Santa Clara County typically extends from February 1 through August 31, although some birds may nest as early as January 1.	Draft EIR/EA Section 2.18	Final Design	Caltrans, VTA		■
MM-BIO-2.2	Preconstruction Survey. If it is not possible to schedule project activities between September 1 and December 31, then preconstruction surveys will be undertaken by a qualified biologist to identify any nests within the project area so that protection measures can be implemented to avoid disturbance to these nests. These surveys will be undertaken no more than 48 hours prior to the initiation of project activities. During these surveys, a qualified biologist will inspect all potential nesting habitats (e.g., trees, shrubs, and structures) within 300 feet of impact areas for raptor nests and within 100 feet of impact areas for nests of non-raptors. If an active nest (i.e., a nest with eggs or young, or any completed raptor nest attended by adults) is found sufficiently close to work areas to be	Draft EIR/EA Section 2.18	Pre-Construction through Construction	Caltrans or VTA Biologist		■



ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/Minimization Measure
	disturbed by these activities, the biologist, in consultation with CDFW, will determine the extent of a disturbance-free buffer zone to be established around the nest (typically 300 feet for raptors and 50–100 feet for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation.					
MM-BIO-2.3	Nest Deterrence. If project activities will not be initiated until after the start of the nesting season, potential nesting substrate (e.g., bushes, trees, and other vegetation, and structures) scheduled to be removed by the Project may be removed prior to the start of the nesting season (e.g., prior to January 1) to reduce the potential for initiation of nests within the work area. Nest deterrence may also include the use of netting or screening to block birds' access to nest sites and blocking soffit vents so birds such as white-throated swifts and northern rough-winged swallows cannot enter them to nest. Deterrence may be particularly important on bridges that will be physically altered by project activities, to avoid constraints on the project's schedule if nesting birds are present. If netting is used, it must be inspected daily and well maintained to prevent birds from being trapped in or behind the netting. At the Monroe POC, any nesting bird deterrence measures will be coordinated with the bat measures described above to ensure that both birds and bats can be effectively excluded without injury or mortality of individuals of either group.	Draft EIR/EA Section 2.18	Pre-Construction through Construction	Caltrans or VTA Biologist		■
MM-BIO-3.1	The project will avoid and minimize impacts by clearly indicating on all construction plan sets the trees to be removed. Trees to be retained will be protected by tree	Draft EIR/EA Section 2.18	Design through Construction	Caltrans, VTA, Contractor		■

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/Minimization Measure
	exclusion fencing placed at the dripline of the preserved trees.					
MM-BIO-3.2	<p>Except for within Santana Park, trees impacted by the project will be replaced at ratios that are commensurate with the size of the tree to be removed. Native trees with a diameter at breast height (DBH) of less than 12 inches will be replaced at a 2:1 ratio. Native trees with a DBH of 12 inches or more will be replaced at a 3:1 ratio. If urban trees (nonnatives and ornamentals) are replaced with native trees, a reduced mitigation ratio of 1:1 for all trees smaller than 12 inches DBH, and 2:1 for all trees with a DBH of 12 inches or more, will be implemented. Replacement 24-inch box trees will be considered where feasible. The replacement trees will be irrigated and maintained for a period of not less than three years. If trees cannot be replaced at the stated ratios within the project footprint, in-lieu fees will be paid to an appropriate fund so that trees can be planted elsewhere within the City of San José limits.</p> <p>For tree removal impacts within Santana Park, the minimum tree replacement ratios and sizes listed in Table 2.4-1 will be utilized.</p>	Draft EIR/EA Section 2.18	Design through Construction	Caltrans, VTA, CSJ PRNS Staff (for trees in Santana Park), Contractor	■	
<b>INVASIVE SPECIES</b>						
MM-INV-1.1	Prior to vegetation clearing and grubbing, vehicles (including wheels, undercarriages, and bumpers) and all other equipment, will be washed before and after entering the project's construction site. Vehicles will be cleaned at legally operating car washes before entering the construction site and at existing construction yards after they have encountered vegetation. All washing will follow appropriate stormwater BMPs. Only clean water in	Draft EIR/EA Section 2.19	Construction	Contractor		■

ID Number	Task and Brief Description	Source	Project Timing	Responsible Staff	CEQA Mitigation Measure	Avoidance/Minimization Measure
	washing (no soap or detergent) will be used and appropriate runoff containment BMPs will be implemented. Wash water will be discharged in a way that it does not enter a storm drain (i.e., let it soak into a pervious area on site). Vegetation will be disposed of off-site. After clearing and grubbing of the vegetation has been completed, construction vehicles will use designated entrance/exits and no washing will be required.					
<p>Notes:</p> <p>VTA = Santa Clara Valley Transportation Authority</p> <p>CSJ PRNS Staff = Staff of the City of San Jose's Parks, Recreation, and Neighborhood Services Department</p>						