



January 14, 2020

City of San Jose, Department of Planning, Building, and Code Enforcement
Attn: Rosalynn Hughey, Director of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
San Jose CA 95113-1905

Via UPSP and email: rosalynn.hughey@sanjoseca.gov

Re: Winchester Ranch Residential Project EIR and General Plan Amendment, General Plan Text Amendment Planned Development Zoning, Planned Development Permit, and Tentative Map (Project File Nos. GP18-014, GPT19-004, PDC18-037, PD19-019, and PT19-023)

Dear Ms. Hughey:

Thank you for including the City of Santa Clara (Santa Clara) in the environmental review process for the Winchester Ranch Residential Project (Project) and for informing Santa Clara that the Draft Environmental Impact Report (DEIR), First Amendment to the EIR, and the corresponding General Plan Amendments, Planned Development Zoning, Planned Development Permit, and Tentative Map are scheduled for consideration at the January 14, 2020 City of San Jose (San Jose) City Council Hearing.

After reviewing these documents Santa Clara continues to have concerns regarding the Project's conformance to the Santana West Settlement Agreement (Settlement Agreement). As you know, the Settlement Agreement, which was approved by both San Jose and Santa Clara in January 2018, includes provisions requiring that: (1) "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 (2) "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.) These concerns have been documented in letters sent to San Jose on April 8, 2019, October 15, 2019, and December 4, 2019.

Upon review of the latest information on the Project, Santa Clara finds no direct evidence of San Jose's commitment to these Settlement Agreement provisions in relation to the Project. However, recently San Jose staff communicated that a revised development condition will be added to the Project's Conditions of Approval to require that the project fund or implement transportation improvements in the amount of \$1,199,432 along the Winchester Boulevard

corridor. As listed in the January 13, 2020 Supplemental Memorandum to the San Jose City Council, the proposed condition is as follows:

- *Under the Local Transportation Analysis (LTA) of Council Policy 5-1, the project has adverse effects at two signalized intersections: Winchester Boulevard/Stevens Creek Boulevard (within City of San Jose and Santa Clara) and Monroe Street/Stevens Creek Boulevard (within City of San Jose). The project is required to either pay or construct improvements in the amount of \$799,539 for Winchester Boulevard/Stevens Creek Boulevard and \$399,893 for Monroe Street/Stevens Creek Boulevard, which total \$1,199,432. Staff will continue to coordinate with the City of Santa Clara to identify specific improvements to the transportation system, in order to improve overall operations and/or enhance non-auto travel modes in the vicinity of these two intersections. In the event improvements are identified and agreed upon between the City of San Jose and City of Santa Clara prior to the issuance of any building permit, permittee shall construct such improvements valued up to the total amount identified above. In the event improvements are not agreed upon between the City of San Jose and City of Santa Clara prior to the issuance of any building permit, full payment shall be made to the City of San Jose prior to the issuance of any building permit for the project.*

As mentioned in Santa Clara's December 4, 2019 letter on the Project, Santa Clara estimates that the Project Protected Intersection funding should be in the amount of \$1,199,432. Santa Clara appreciates that San Jose staff's proposed condition will provide the appropriate level of funding towards transportation improvements within the vicinity of the intersections of Winchester Boulevard/Stevens Creek Boulevard and Monroe Street/Stevens Creek Boulevard as both are Protected Intersections. Santa Clara looks forward to working with San Jose on the specific improvements to be implemented with the Project in compliance with the Settlement Agreement.

While Santa Clara appreciates the proposed inclusion of the above-mentioned project condition, Santa Clara remains concerned regarding San Jose's lack of formal response to Santa Clara's concerns regarding compliance with the Santana West Settlement Agreement. As stated above, 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 to these three letters. San Jose's complete lack of response to Santa Clara does not indicate that San Jose is complying with its obligation to act in good faith.

While stated previously, it is important to restate that Santa Clara is significantly concerned that San Jose may not follow through with its obligations under the Settlement Agreement as a result of the April 2018 San Jose adoption of San Jose Council Policy 5-1, which eliminated the Protected Intersection provisions within San Jose's previous Council policy regarding

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transportation impacts (5-3) and replaced Level of Service with Vehicle Miles Travelled as the mechanism by which California Environmental Quality Act (CEQA) impacts are identified and mitigated. Without any written response to Santa Clara's repeated requests for clarification from San Jose on Protected Intersections, Santa Clara has no alternative other than to believe that San Jose does not intend to comply with the terms of the Settlement Agreement.

Should you have any questions regarding this letter, please contact Michael Liw, Assistant Director/City Engineer via email at mliw@santaclaraca.gov or phone 408-615-3002.

Best Regards,

Andrew Crabtree
Director of Community Development

Cc: Mayor and City Council, City of San Jose
City Clerk, City of San Jose
Matt Cano, Director of Public Works, City of San Jose
Ryan Do, Division Manager, Department of Public Works, City of San Jose
John Ristow, Director of Transportation, City of San Jose
Deanna Santana, City Manager, City of Santa Clara
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