

REVISED JANUARY 2018

**NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
4300 STEVENS CREEK BOULEVARD MIXED-USE PROJECT**

FILE NO: PDC16-036, PD17-014, PT17-023
PROJECT APPLICANT: FORTBAY, LLC
PROJECT LOCATION: 4300-4340 Stevens Creek Blvd.
APN: 296-38-013, 296-38-014, and 296-40-009

As the Lead Agency, the City of San José will prepare an Environmental Impact Report (EIR) for the project referenced above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, this EIR may be used by your agency when considering subsequent approvals related to the project. The project description, location, and a summary of the probable environmental effects that will be analyzed in the EIR for the project are attached

According to State law, the deadline for your response is 30 days after receipt of this notice. However, responses earlier than 30 days are always welcome. If you have comments on this Notice of Preparation, please identify a contact person from your organization, and send your response to:

City of San José,
Department of Planning, Building and Code Enforcement
Attn: Dipa Chundur
200 East Santa Clara Street, 3rd Floor Tower,
San José CA 95113-1905
Phone: (408) 535-7688, e-mail: dipa.chundur@sanjoseca.gov

Rosalynn Hughey, Interim Director
Planning, Building and Code Enforcement


Deputy

1/11/2018
Date

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Introduction

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

The EIR for the proposed project will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. In accordance with the requirements of CEQA, the EIR will include the following:

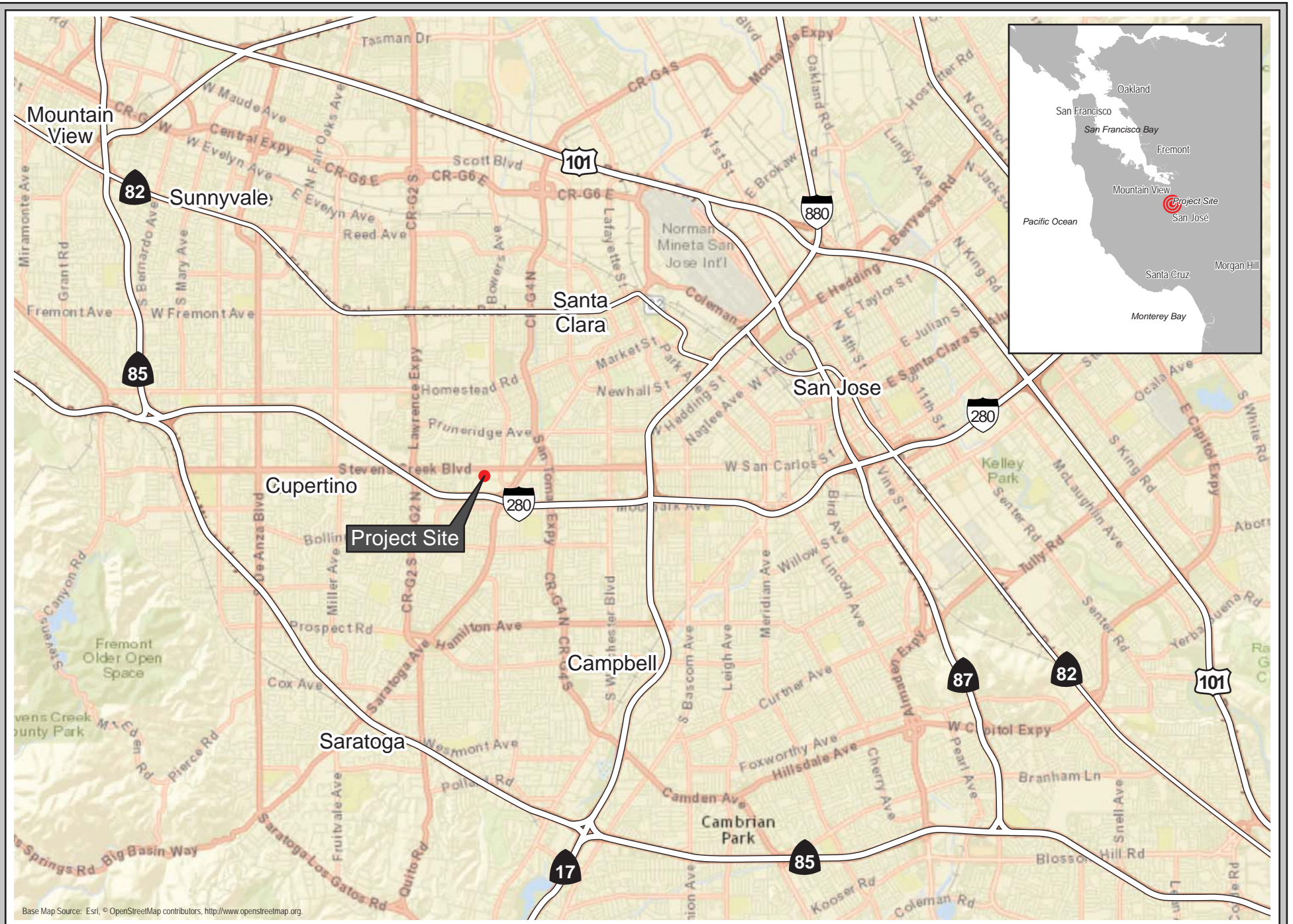
- A summary of the project;
- A project description;
- A description of the existing environmental setting, environmental impacts, and mitigation measures for the project;
- Alternatives to the project as proposed; and
- Environmental consequences, including (a) any significant environmental effects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

Project Location

The approximately 10.0 gross acre project site is located on the south side of Stevens Creek Boulevard, north of Albany Drive, and is bounded to the east and west by commercial development. Lopina Way currently bisects the site between Stevens Creek Boulevard and Albany Drive. The project site is comprised of three Assessor's Parcel numbers (APNs): 296-38-013 (4360 Stevens Creek Boulevard), 296-38-014 (4340 Stevens Creek Boulevard), and 296-40-009 (4300 Stevens Creek Boulevard). Regional and vicinity maps and an aerial of the project site are shown in Figure 1 through 3, respectively.

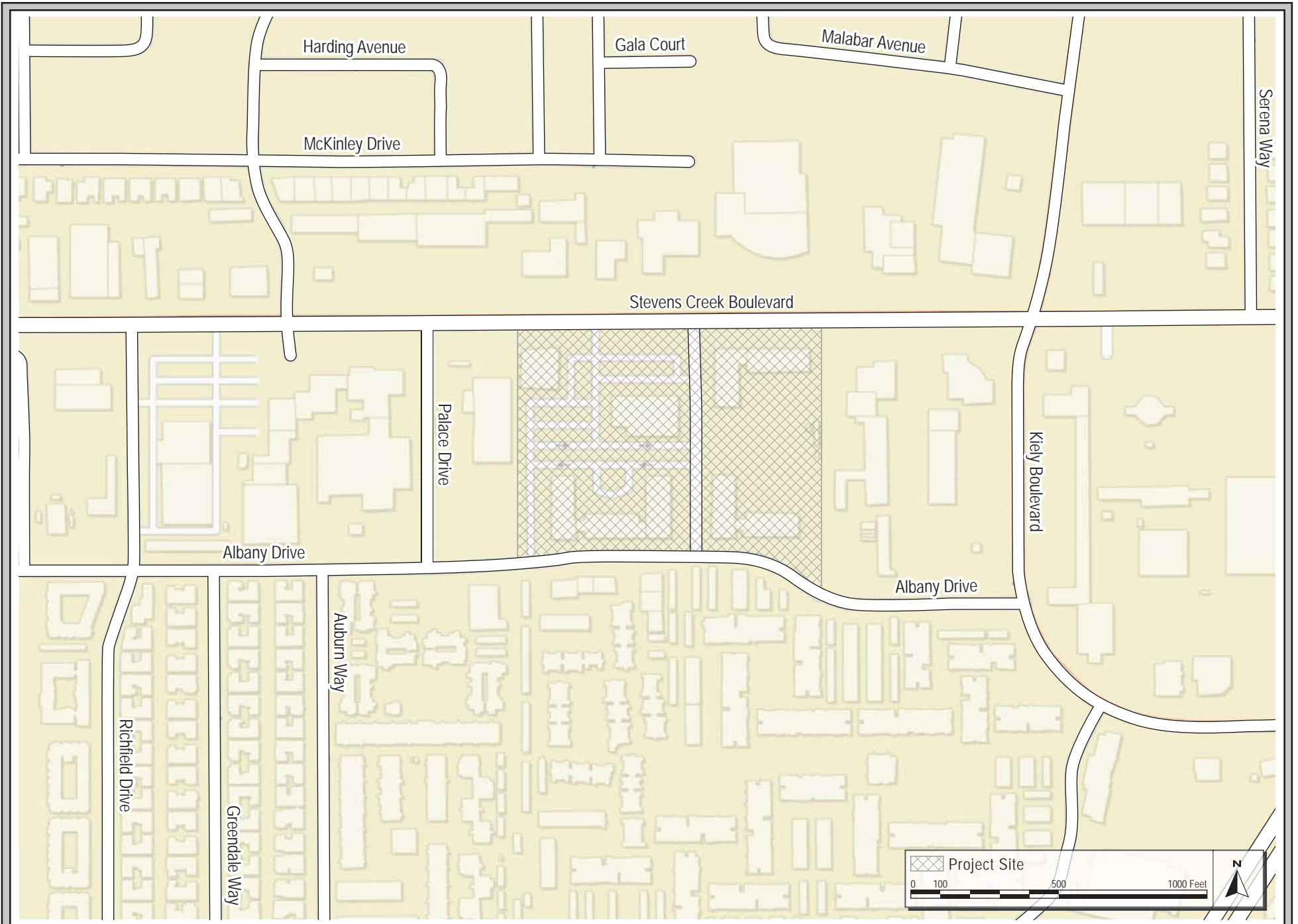
Existing Conditions

The project site is currently developed with a total of five buildings; three two-story office buildings, one one-story office building, a one-story commercial building, with surface parking lots adjacent to the buildings, and landscaping. The General Plan land use designation for the site is Urban Village [Envision San José 2040 General Plan] with a zoning designation of CG – Commercial General. The project site is also within the City's Stevens Creek Boulevard (mid) Urban Village, a planned growth area with policies and design guidance enumerated in the Stevens Creek Boulevard Urban Village Plan.



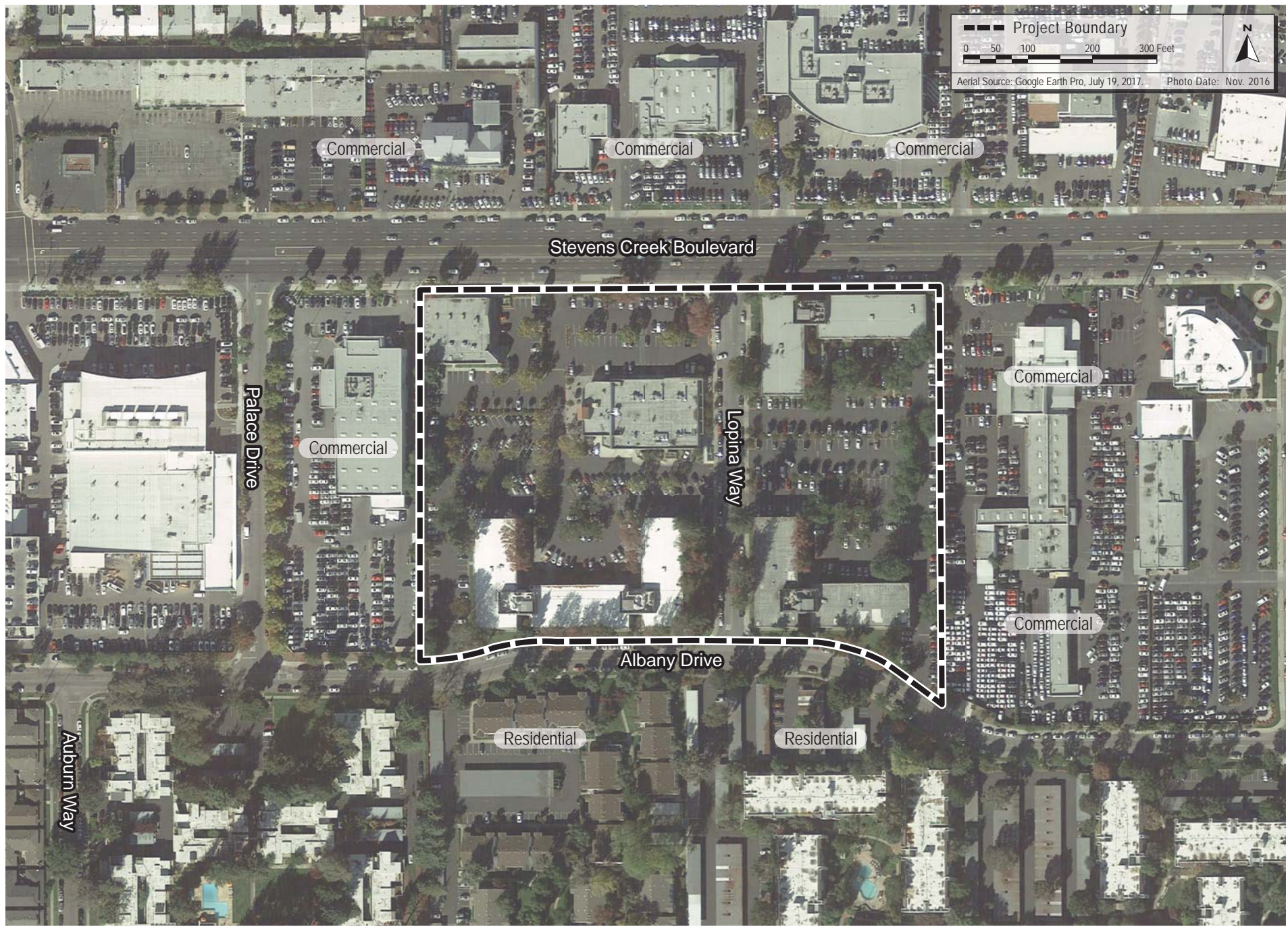
REGIONAL MAP

FIGURE 1



VICINITY MAP

FIGURE 2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 3

Current access to the site is provided via driveways on Stevens Creek Boulevard and Albany Drive, and internally on Lopina Way via three driveways on the east side and two driveways on the west side of Lopina Way. (Refer to Figure 3)

Description of Proposed Project

The project proposes rezoning the site from CG – Commercial General Zoning District to a Commercial Pedestrian Planned Development [CP(PD)] Zoning District to allow a mixed use project and subdivision of three existing parcels into four buildable lots and ten common lots.

The project includes demolition and removal of all existing buildings, existing surface parking lots, ancillary structures, relocation of utilities and a public street (Lopina Way), removal of all trees and other landscaping to prepare the site for new construction. The project proposes four main buildings: an office/retail Building A, a parking garage Building B, an eight-story residential/retail Building C, and an eight-story residential Building D.

- ***Office/Retail Building A:*** located on the northeast side would have up to approximately 300,000 square foot of office space, with an option to accommodate up to approximately 7,000 square feet of retail space facing Stevens Creek Boulevard.
- ***Residential/Retail Building C:*** located on the northwest side of the site would have up to 289 residential units and approximately 11,000 - 15,000 square feet of ground floor retail along Stevens Creek Boulevard.
- ***Residential Building D:*** located on the southwest side of the site would have up to 293 residential units.

The project is subject to the provisions of San José Municipal Code Title 5, Chapter 5.08 Inclusionary Housing, and the project also proposes at least 15 percent of the total number of dwelling units as affordable housing units.

Parking

Parking garage Building B on the southeast side of the site would provide approximately 1,238 parking spaces for the required on-site parking for office and retail tenant spaces in Office/Retail Building A.

Residential/Retail Building C would have two levels of below-grade parking and eight levels of above-grade parking for the residential units and retail spaces, providing up to 425 parking spaces. Residential Building D would have one level of below-grade parking and eight levels of above-grade parking for residential units, providing up to 380 parking spaces.

Site Access and Other Improvements

The project proposes to vacate existing Lopina Way and relocate it to the east property line along with associated utilities, lighting, and landscaping. Vehicular access to the project site is proposed on Stevens Creek Boulevard on the northwest side of the project site to access Residential/Retail

Building C and Residential Building D. Access to the project site is also proposed along the relocated Lopina Way on the east end of the project site to access garage Building B. Emergency Vehicular Access is provided to the project site from the relocated Lopina Way. Lastly, two driveways on Albany Drive are proposed to access Residential Building D and Garage Building B. The project proposes removal of existing easements on the site and provide right-of-way dedication along Stevens Creek Boulevard.

Landscape and Promenade

The project proposes removal of all existing landscaping, including on-site trees and street trees, and replacement landscaping. The area vacated by the existing Lopina Way is planned as a central feature with an approximately 1.6-acre landscaped promenade as a privately owned publicly accessible open space.

Additionally, the landscape plan also includes street trees and other landscape features and furniture along Stevens Creek Boulevard, Lopina Way, and Albany Drive per the intent and guidance within the Stevens Creek Boulevard (mid) Urban Village Plan.

A conceptual site plan of the project is shown in Figure 4.

Required Project Approvals:

1. Planned Development Zoning
2. Planned Development Permit
3. Planned Tentative Map
4. Demolition Permit
5. Tree Removal Permit
6. Building Permit
7. Grading Permit
8. Street vacation and dedication of a new public right-of-way for Lopina Way

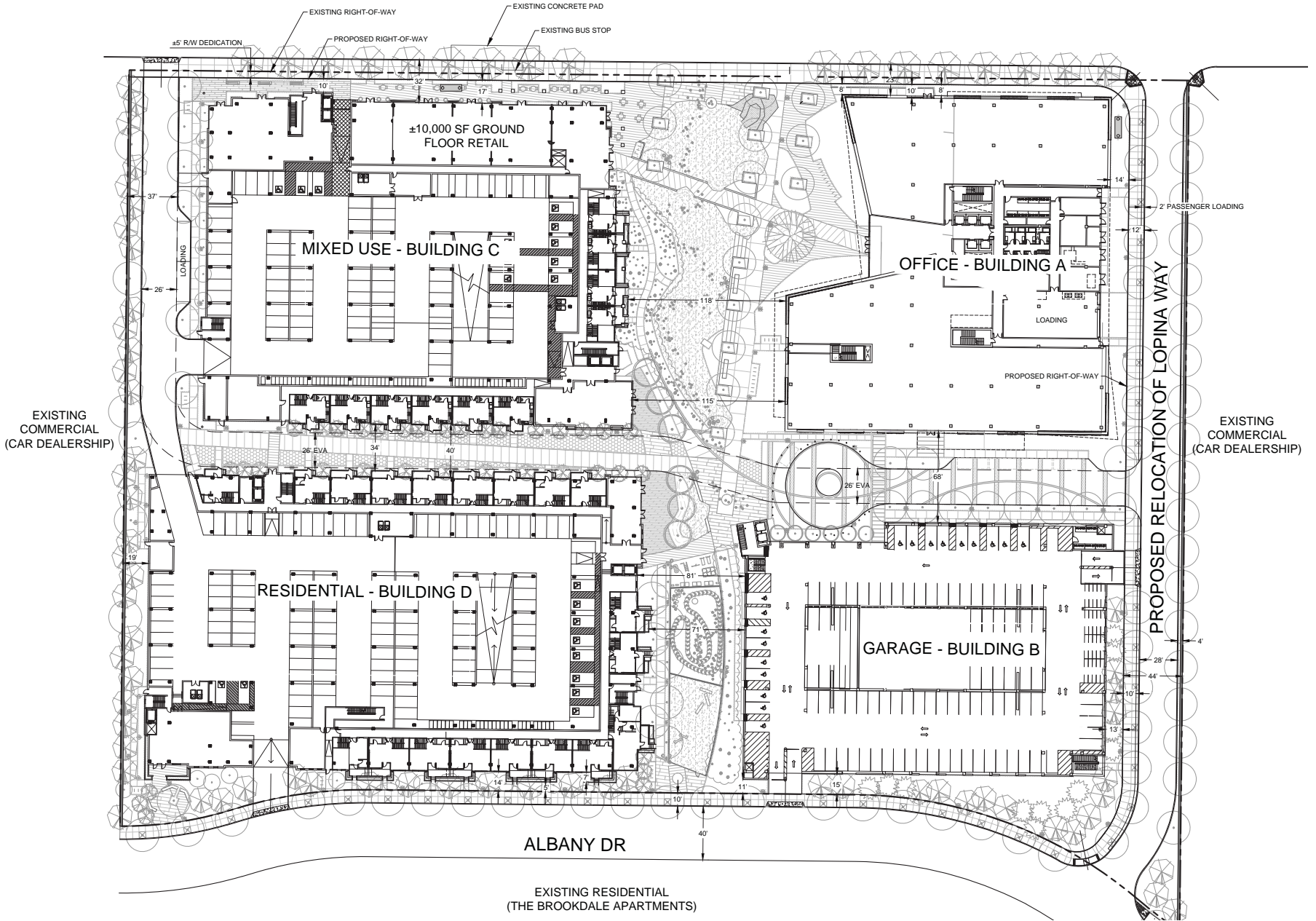
Potential Environmental Impacts of the Project

The EIR will identify the potentially significant environmental effects anticipated to result from development of the project as proposed. Mitigation measures will be identified for significant impacts, as warranted. The EIR will include the following specific environmental categories as related to the proposed project:

1. Land Use

The project site is located in a developed urbanized area surrounded by commercial/retail and residential land uses. The EIR will describe the existing land uses adjacent to and within the project area. Land use impacts that would occur as a result of the proposed project will be analyzed, including the consistency of the project with the City's General Plan and Zoning Code, and compatibility of the proposed uses to the existing land uses in the project area. The effect of the project on the City's jobs/housing balance will also be analyzed.

STEVENS CREEK BLVD



CONCEPTUAL SITE PLAN

FIGURE 4

2. *Aesthetics*

Development in the project area is primarily a mix of commercial/retail and residential land uses. The buildings vary in height from one- to four-stories.¹ The EIR will describe the existing visual setting of the project area and the visual changes that are anticipated to occur as a result of the proposed project.

3. *Biological Resources*

The project site is currently developed with three two-story office buildings and one one-story office building, a one-story commercial building, and surface parking lots. Habitats in the project area are low in species diversity and include predominately urban adapted birds and animals. The EIR will include a tree survey, which will identify the species and size of the trees on and adjacent to the site and discuss the biological impacts resulting from tree removal. It will also discuss the need for replacement trees. The discussion of potential biological impacts resulting from construction of the project and the projects consistency with the Santa Clara County Habitat Conservation Plan will also be addressed.

4. *Cultural Resources*

No buildings on-site are listed in the City of San José Historic Resources Inventory. The EIR will address the impacts to known and unknown buried archaeological resources on the project site, as well as impacts to potential historic structures on and near the project site (i.e., impacts to setting, structural integrity, etc).

5. *Transportation*

The project site is located immediately adjacent to Stevens Creek Boulevard and is approximately 2.0 miles west of I-880/I280 interchange. The EIR will examine the existing traffic conditions in the vicinity of the project site. A traffic impact analysis will be prepared in order to identify the transportation impacts of the proposed project on the existing local and regional transportation system. The EIR will also include an analysis of site access and circulation, pedestrian and transit facilities, and the relocation of Lopina Way.

6. *Air Quality*

The EIR will address the regional air quality conditions in the Bay Area and discuss the proposed project's impacts to local and regional air quality according to 2011 Bay Area Air Quality Management District (BAAQMD) guidelines and thresholds. The EIR will describe the existing air quality conditions in the Bay Area and will evaluate the operational and construction air quality impacts of the proposed project on nearby sensitive receptors, in accordance with current BAAQMD CEQA Guidelines and thresholds. The EIR will also address the effects of any toxic air contaminants on future residents of the site consistent with City policy.

¹ There is also one eight-story building on Stevens Creek Boulevard, east of Saratoga Avenue.

7. *Greenhouse Gas Emissions*

The EIR will address the project's consistency with the City's Greenhouse Gas Reduction Strategy. Proposed design measures to reduce energy consumption, which in turn would reduce greenhouse gas emissions, will also be discussed.

8. *Noise and Vibration*

The project site is located adjacent to Stevens Creek Boulevard, a major roadway with high traffic volumes. The EIR will include a discussion of the increase in traffic noise that would result from implementation of the proposed project and the impact of any noise increase on nearby sensitive receptors. The EIR will also discuss noise that would result from operation of the proposed project, as well as temporary construction noise. Noise levels will be evaluated for consistency with applicable standards and guidelines in the City of San José. The EIR will also address the effects of noise on future residents of the site consistent with City policy.

9. *Energy*

Implementation of the proposed project would likely result in an increased demand for energy on-site. The EIR will address any increase in energy usage on-site and proposed design measures to reduce energy consumption.

10. *Utilities*

Implementation of the proposed project would likely result in an increased demand on utilities and public facilities compared to existing conditions. The EIR will examine the impacts of the project on public services, including utilities such as sanitary and storm drains, water supply/demand, and solid waste management.

11. *Public Services*

Implementation of the proposed project would place housing on an existing commercial site and, as a result, would increase the resident population of the City. The proposed office may also increase the daytime employee population. These increases could result in an increased demand on public services, including police and fire protection, schools, and recreational facilities. The EIR will address the availability of public facilities and service systems and the potential for the project to require the construction of new facilities.

12. *Hazards and Hazardous Materials*

The project site is surrounded by commercial/retail businesses, and residential land uses. The EIR will summarize known hazardous materials conditions on and adjacent to the project site and will address the potential for hazardous materials impacts to result from implementation of the proposed project, including demolition of the existing structures.

13. Geology

The project site is located in the most seismically active region in the United States. The EIR will discuss the possible geological impacts associated with seismic activity and the existing soil conditions on the project site.

14. Hydrology and Water Quality

Based on the Federal Emergency Management Agency (FEMA) flood insurance rate maps, The EIR will address the possible flooding issues of the site as well as the effectiveness of the storm drainage system and the projects effect on storm water quality consistent with the requirements of the Regional Water Quality Control Board (RWQCB).

15. Alternatives

The EIR will examine alternatives to the proposed project including a “No Project” alternative and one or more alternative development scenarios depending on the impacts identified. Other alternatives that may be discussed could include reduced development alternatives, alternative land uses, and/or alternative project locations. Alternatives discussed will be chosen based on their ability to reduce or avoid identified potentially significant impacts of the proposed project, while achieving most of the identified objectives of the project.

16. Significant Unavoidable Impacts

The EIR will identify any significant impacts that cannot be avoided or reduced to less than significant levels with mitigation, if the project is implemented as proposed.

17. Cumulative Impacts

The EIR will include a Cumulative Impacts section that will address the potentially significant cumulative impacts of the project (particularly the cumulative traffic impacts) when considered with other past, present, and reasonably foreseeable future projects in the development area.

In conformance with the CEQA Guidelines, the EIR will also include the following sections: 1) consistency with local and regional plans and policies, 2) growth inducing impacts, 3) significant irreversible environmental changes, 4) references and organizations/persons consulted, and 5) EIR authors.