

ERRATA

Tropicana Shopping Center Commercial Development Project

File No. H15-014
Location 1664 Story Road, San José
Council District 7

BACKGROUND

The Draft Initial Study/Mitigated Negative Declaration (IS/MND) for The Tropicana Shopping Center Commercial Development Project (Project) was published for public review on March 11, 2019 and ended on April 1, 2019. Since the public review of the IS/MND, there are minor text changes that has been made to the IS/MND. The following errata to the IS/MND is made to correct and clarify the changes. In addition, responses to public comments that was received during the public review period is included as attachment to this Errata.

PURPOSE OF ERRATA

The California Environmental Quality Act (CEQA) Guidelines, Section 15073.5, requires that a lead agency recirculate a negative declaration “when the document must be substantially revised.” A “substantial revision” includes: (1) identification of a new, avoidable significant effect requiring mitigation measures or project revisions, and/or (2) determination that proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures and revisions must be required.

State CEQA Guidelines specify situations in which recirculation of a negative declaration is not required. This includes, but is not limited to, situations in which “new information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.” As noted below, revisions to the proposed project would not change the extent of the project analyzed in the Initial Study/Mitigated Negative Declaration (IS/MND). Changes to the negative declaration would therefore merely clarify the project being analyzed, and modifications would be insignificant. Recirculation of the negative declaration is therefore not required in accordance with Section 15073.5(c).

TEXT REVISIONS

This change is made to Impact Discussion 4.17.4(a) and Impact Discussion 4.17.4(b) on Pages 112 and 113 of the IS as shown below. Deletions are shown as ~~strike through~~ text and additions are shown in underlined text.

- a) **Less than Significant Impact.** The City’s Level of Service (LOS) Policy 5-3 establishes an exemption for small infill projects. Projects that are not small infill projects require a traffic

analysis. The City's General Plan allows for the adoption of Special Area development policies, which establish a specific transportation standard for certain areas. In this case, the City Council adopted the Evergreen East Hills Development Policy (EEHDP) which applies to this project, and this project is consistent with the EEHDP. The VTA CMP requires a transportation impact analysis (TIA) to be prepared when a project would add 100 or more peak hour trips to the roadway network. Projects that generate fewer than 100 trips during peak hours are presumed to have a less than significant impact on the LOS of local intersections that would carry project traffic. The building site is currently a parking area of the shopping center. The site, by itself, does not generate peak hour vehicle trips. The proposed commercial building is expected to increase traffic in the area. Since the project is located in the EEHDP area, however, it is not required to perform a TIA. The EIR for the EEHDP provides project-level environmental review for the Revised Evergreen Development Policy components of the Evergreen-East Hills Vision Strategy (EEHVS). The approved development for the EEHVS area includes 500,000 square feet of commercial space and 75,000 square feet of office space. The proposed project would develop 20,748 square feet of office space and 10,996 square feet of retail space within the Tropicana Shopping Center property. The City's Department of Public Works reviewed the project plans and determined that it would be in conformance with the City's Transportation Level of Service Policy (Council Policy 5-3) and would not create a significant traffic impact as long as the project development conforms with the levels of commercial retail and office space defined by the EEHVS. Of the 500,000 square feet commercial retail and 75,000 square feet office that was established in the 2008 EEHDP, only 55,260 square feet of commercial and 59,231 square feet of office are remaining from the original allocation. In order to guarantee traffic capacity and be included in the current allocation, this project would need to pay the Traffic Impact Fee (TIF) as soon as the Planning Permit is approved. The City has indicated that the project would be consistent with development levels evaluated by the EIR for the EEHDP and a determination of less than significant can be made with respect to traffic impacts. The project would be required to pay the current fee rate in effect at the time the Public Works Clearance is issued. Therefore, impacts related to conflicts with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system considering all modes of transportation would be less than significant.

- b) **Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards (including the EEHDP) established by the county congestion management agency for designated roads or highways?**

Less than Significant Impact. Refer to response to 4.17 (a). The project would not conflict with VTA CMP (which is not a CEQA threshold) and, therefore, the impact would be less than significant.

This change is a minor correction that does not present new information or change the analysis or findings of the IS/MND. The proposed change identified above would only clarify the thresholds which evaluate the transportation impacts to the project and would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The new information is not significant and recirculation is not required. In conformance with Section 15074 of the CEQA Guidelines, the MND, technical appendices and reports, together with the Errata and the information contained in this document are intended to serve as documents that will inform the decision-makers and the public of environmental effects of this project.

Rosalynn Hughey, Interim Director
Planning, Building and Code Enforcement



Date: March 15, 2019

Deputy