

**NOTICE OF PREPARATION OF A
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
3896 STEVENS CREEK COMMERCIAL PROJECT**

FILE NO: C19-020, CP19-031, T19-038
PROJECT APPLICANT: CYPRESS ACQUISITIONS, LLC
APN: 303-25-012, 303-25-013, 303-25-016, 303-25-022,
303-25-023

Project Description: Conforming Rezoning from Commercial Neighborhood & Commercial General Zoning District to Commercial Pedestrian Zoning District; a Conditional Use Permit to allow the demolition of 4 commercial buildings, late night use (4a.m. to midnight) for a fitness center, and to allow the construction of an approximately 270,000-square foot office building, 150,000-square foot fitness center, and 16,000-square foot of ground floor retail; and a Tentative map to combine 5 existing lots into 2 on an approximately 6.30-gross acre site on an approximately 4.84-gross acre site.

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.

A **joint community and environmental public scoping meeting** for this project will be held:

When: Monday, January 6, 2019 from 6:30 p.m. to 8:00 p.m.

Where: Cypress Senior Center at 403 Cypress Avenue, San Jose, CA 95117

The project description, location, and probable environmental effects that will be analyzed in the EIR for the project can be found on the City's Active EIRs website at www.sanjoseca.gov/activeeirs, including the EIR Scoping Meeting information. 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: Thai-Chau Le, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San José CA 95113-1905
Phone: (408) 535-5658, e-mail: Thai-Chau.Le@sanjoseca.gov

Rosalynn Hughey, Director
Planning, Building and Code Enforcement


Deputy

12/04/19
Date

**NOTICE OF PREPARATION
OF AN ENVIRONMENTAL IMPACT REPORT
FOR THE 3896 STEVENS CREEK BOULEVARD PROJECT**

December 2019

Introduction

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental impacts of a 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:

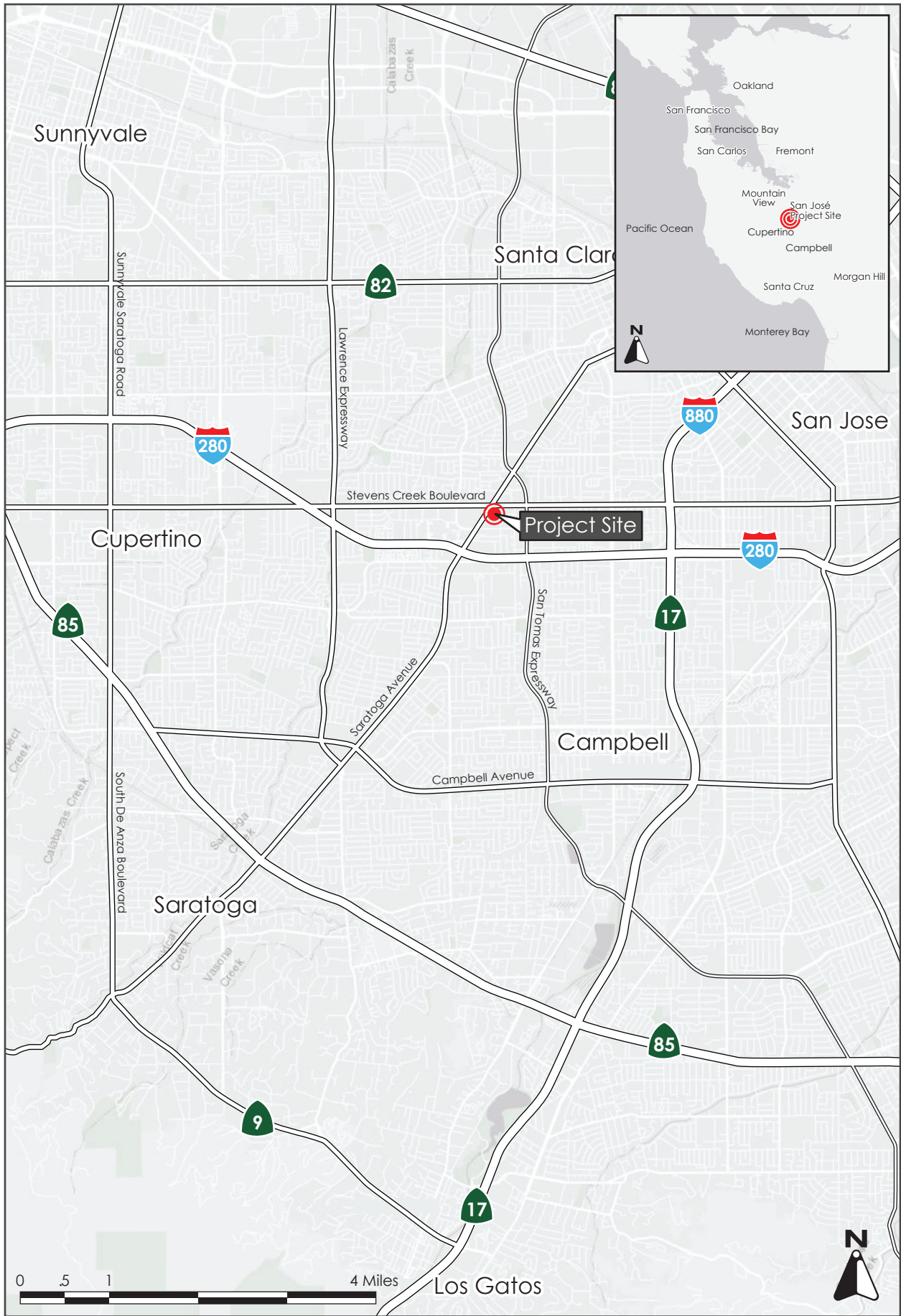
- A summary of the project;
- A project description;
- A description of the existing environmental setting, environmental impacts, and mitigation measures for the project;
- Alternatives to the project as proposed; and
- Environmental consequences, including (a) significant environmental effects that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

Project Location

The approximately 4.8-acre project site is located on the southeast corner of the Saratoga Avenue and Stevens Creek Boulevard intersection in the City of San José. (see Figure 1, Figure 2, and Figure 3)

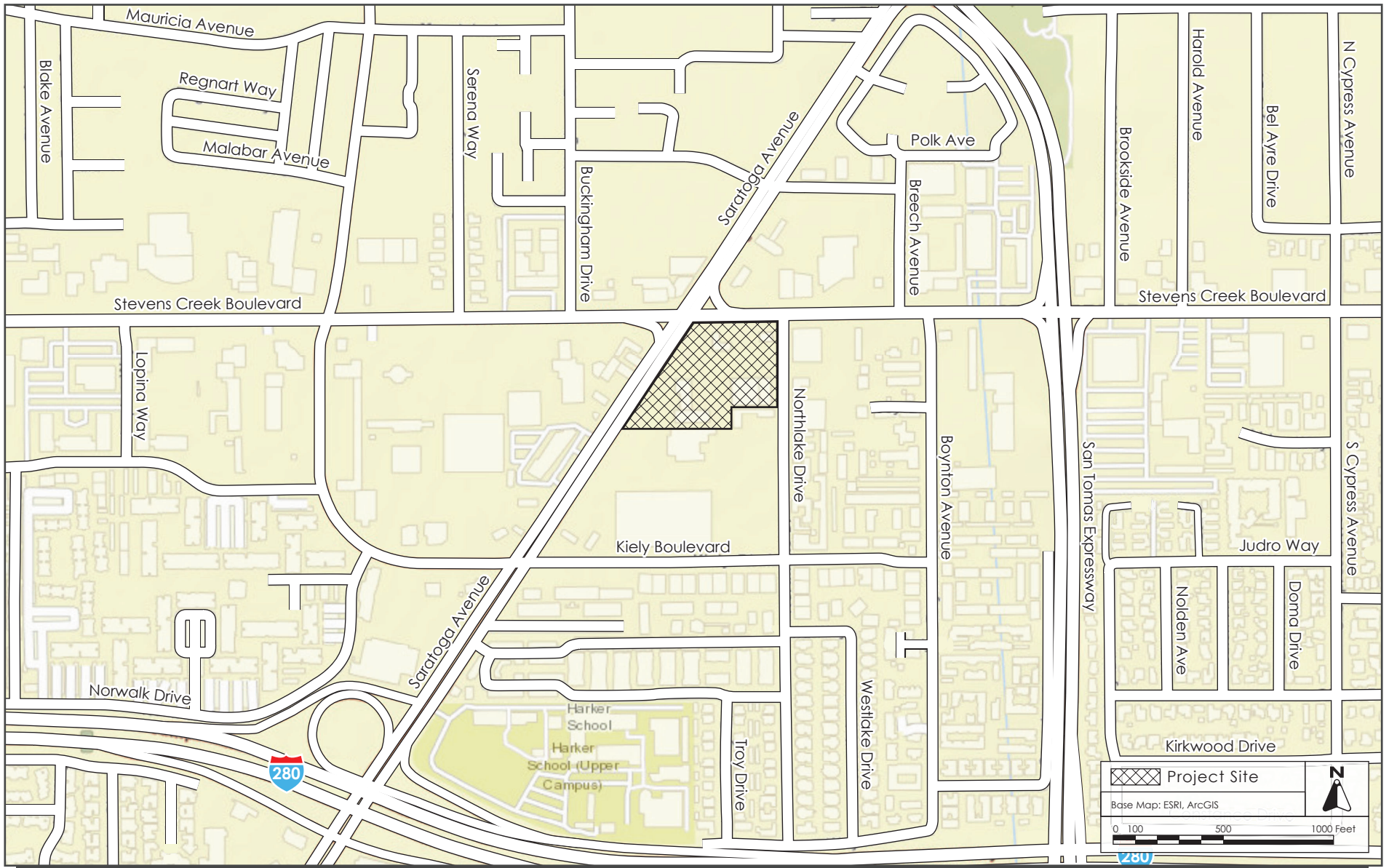
Project Description

The project site is currently developed with four commercial buildings surrounded by surface parking lots. The proposed project would demolish the existing buildings and hardscape, remove trees and vegetation, and construct a commercial development project consisting of office, retail, and fitness uses, as well as associated structured parking (as shown in Figure 4). Outdoor rooftop use areas and open space areas are also proposed. The fitness facility would operate between the hours of 4:00 a.m. 12:00 a.m.



REGIONAL MAP

FIGURE 1



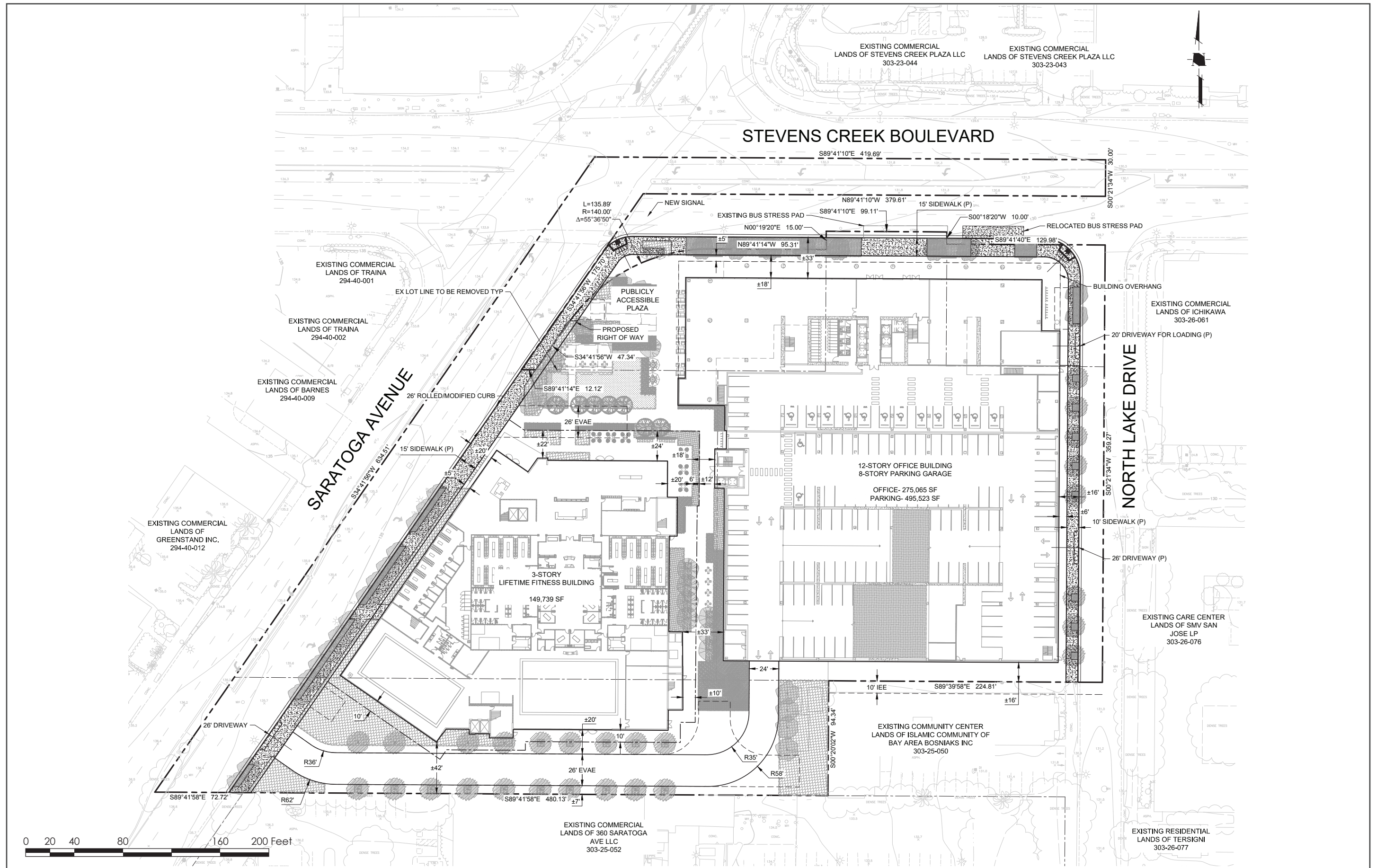
VICINITY MAP

FIGURE 2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 3



SITE PLAN

FIGURE 4

The project site is designated Urban Village under the City’s General Plan. The project site has two zoning designations. The majority of the site is zoned CN – Neighborhood Commercial and a small portion of the northern side of the site is zoned CG – Commercial General

The proposed project would include the following components (shown in Table 1 below).

Table 1: Proposed Project Summary	
Proposed Land Use	Maximum Proposed
Office	270,000 square feet
Fitness	150,000 square feet
Retail/Restaurant	16,000 square feet
Parking	1,300 parking stalls

The proposed project would be housed within two separate structures. The proposed office building structure would have a maximum height of 150 feet (164 to the top of the mechanical screen). The fitness use building would have a maximum height of 63 feet (78 to the top of the parapet). Retail uses would be housed within the ground floor of the office building. Parking would be located within a parking garage structure that is wrapped by and partially within the office building.

Required Discretionary Approvals

1. Rezoning
2. Conditional Use Permit
3. Site Development Permit

Potential Environmental Impacts of the Project

The EIR will identify the significant environmental impacts anticipated to result from the proposed project. Mitigation measures will be identified for significant impacts, as warranted. The EIR will discuss the following environmental resource areas as related to the proposed project:

1. Aesthetics

The EIR will describe the existing visual setting of the project area and will discuss aesthetics impacts consistent with Senate Bill 743. The EIR will also discuss possible light and glare impacts from the development.

2. 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 2017 Bay Area Air Quality Management District (BAAQMD) guidelines and thresholds.

3. *Biological Resources*

The project site is within a developed urbanized area. The site is developed with commercial buildings surrounded by surface parking lots. The EIR will discuss the overall loss of existing urban habitat and/or trees, and the project's consistency with the Santa Clara Valley Habitat Plan.

4. *Cultural Resources*

Previous analyses in the project vicinity have not yielded any information regarding subsurface artifacts; however, at least three of the existing buildings on-site were constructed before 1965, making them more than 50 years old. A historic evaluation will be prepared for the proposed project to determine if any of the buildings have historical significance. The EIR will address the potential for any undocumented subsurface resources to be located on-site.

5. *Energy*

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

6. *Geology*

The project site is located in a seismically active region. The EIR will discuss the project's potential to exacerbate impacts due to seismic hazards and soil conditions on the project site.

14. *Greenhouse Gas Emissions*

The EIR will address the proposed project's contribution to regional and global greenhouse gas emissions based on BAAQMD thresholds. Proposed design measures to reduce energy consumption, which in turn would reduce greenhouse gas emissions, will be discussed.

7. *Hazards and Hazardous Materials*

The project site is surrounded by commercial businesses and residential land uses. The project site was historically used as agricultural land and may contain residual pesticides. The EIR will summarize known hazardous materials conditions on and adjacent to the project site and will address the potential for hazardous materials impacts.

8. *Hydrology and Water Quality*

The EIR will address the possible flooding issues of the site as well as the effectiveness of the storm drainage system and the project's effect on storm water quality consistent with the requirements of the Regional Water Quality Control Board. The EIR will also include the percentage of pervious and impervious surfaces on-site (under existing and project conditions), and a list of proposed stormwater control measures that meet Low Impact Development Requirements.

9. *Land Use*

The project site is located in a developed urbanized area (Stevens Creek Boulevard Urban Village Plan area) and is surrounded by general commercial, office, and residential land uses. The EIR will describe the existing land uses adjacent to and within the project area. Environmental impacts due to conflicts with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect will be discussed.

10. *Transportation and Circulation*

The EIR will examine the existing traffic conditions in the immediate vicinity of the project site. The EIR will include a vehicle miles traveled analysis, pursuant to the City's transportation analysis policy (Council Policy 5-1).

11. *Noise*

The project site is located adjacent to Stevens Creek Boulevard and Saratoga Avenue, both major roadways with high traffic volumes. The EIR will also discuss the increase in traffic noise that would result from implementation of the proposed project, temporary construction noise, and future operational noise. Consistency with applicable standards and guidelines will be discussed.

12. *Public Services and Recreation*

Implementation of the proposed project will increase the daytime employee population of the City, which will result in an increased demand on public services, including police and fire protection. 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.

13. *Tribal Cultural Resources*

The EIR will discuss the project's potential for impacts to tribal cultural resources under Assembly Bill 52.

14. *Utilities*

Implementation of the proposed project will result in an increased demand on utilities and public facilities compared to existing conditions. The EIR will examine the effect of the project on public services and any potential environmental impacts from necessary new facilities, including sanitary sewer lines, storm drains, water lines, and solid waste management.

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. Alternatives discussed will be chosen based on their ability to reduce or avoid identified significant impacts of the proposed project, while still achieving most of the identified project objectives.

16. Significant Unavoidable Impacts

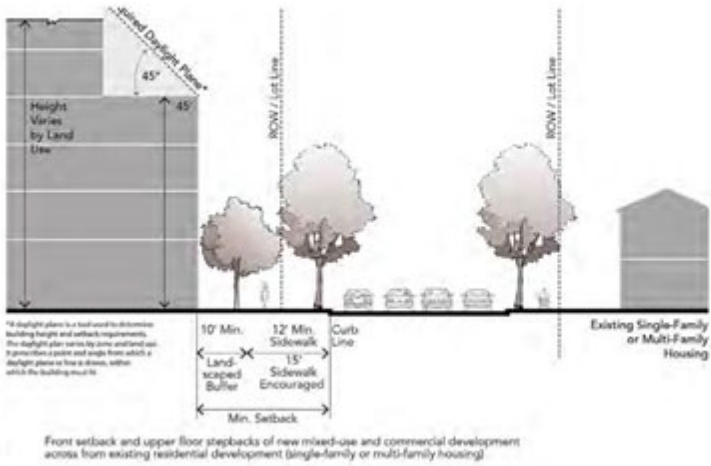
The EIR will identify those significant impacts that cannot be avoided, if the project is implemented as proposed.

17. Cumulative Impacts

The EIR will include a Cumulative Impacts analysis addressing the impacts of the project when considered with past, present, and reasonably foreseeable future projects in the area.

18. Other Required Sections

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



- 9. Utilize setbacks to reduce impacts from the buildings onto adjoining parks, open spaces, paths, or adjoining residential buildings.
- 10. Provide a front setback to achieve a 12-foot to 15-foot sidewalk on all streets except along Stevens Creek Boulevard, Saratoga Avenue, Kiely Boulevard.
- 11. Encourage a 15-foot sidewalk along Albany Drive to achieve a 25-foot wide setback.

Hi Thai, Thank you.

I also want to add one more comment. Do the 12 story office and 8 story garage conform to the above setback and daylight plane requirement on Northlake drive?

Thank you,
Alamelu

On Wed, Jan 8, 2020 at 10:29 AM Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov> wrote:

Hi Alamelu,

We never received any formal explanation from the applicants as to why they withdrew. We think it may be financial aspect for both developers.

Best regards,
Thai

From: Alamelu Ramaswamy [mailto:sralamelu@gmail.com]
Sent: Tuesday, January 7, 2020 9:49 PM
To: Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>
Cc: Farmer, Stefanie <stefanie.farmer@sanjoseca.gov>
Subject: Re: comment on CYPRESS AND LIFETIME PROJECT

[External Email]

Thank you Thai.

I was curious to know why the previous plan from shorrentein was withdrawn. Would you be able to provide more information on it?

Thank you,

On Tue, Jan 7, 2020 at 9:29 AM Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov> wrote:

Hi Alamelu,

Thank you for your comments. I have sent the comments to the environmental consultant to make this part of the EIR record and consideration as well. Please let us know if you have any additional comments or questions.

Best regards,
Thai

From: Alamelu Ramaswamy [mailto:sralamelu@gmail.com]

Sent: Monday, January 6, 2020 9:34 PM

To: Farmer, Stefanie <stefanie.farmer@sanjoseca.gov>; Le, Thai-Chau <Thai-Chau.Le@sanjoseca.gov>

Subject: Re: comment on CYPRESS AND LIFETIME PROJECT

[External Email]

Hi Stefanie/Thai-Chau,

Some corrections below...

Regarding the CYPRESS AND LIFETIME PROJECT, here are my comments.

1. The proposed entrance on Northlake drive must be reconsidered or the entrance should not be further down than the current PepBoys commercial location to ensure that residences are not subjected to additional traffic noise.
2. The previous plan for this lot included 2 acre park, which is not the case with this plan. What is the city's plan to add green space given the lot size are not big enough? 280, San Thomas and Lawrence are physical barriers. If these developments are allowed without any green space, the city needs to consider buying land to construct a park within these neighborhoods.
3. I am also in favor of adding more retail space. The city has recently approved expansion of another car dealership across the street from this lot (Land Rover/Jaguar), though as part of the urban village plan, the city was going to reduce the car dealership foot print! Though it is not clear how many retail spaces will be available and who are tenants are going to be, this area is already overrun with car dealerships and can use more restaurant and eateries.

In spite of the above concerns, please put it on record that I am in favor of any new development on this block, including residential buildings. I live on Boynton Ave, a block from where the development is planned. This block has been deteriorating for a long time and the city seems clueless about how to tackle homelessness, drug and alcohol issues. The residents in and around the neighborhood have been working with the city and county to find a solution. We look forward to having responsible tenants on this lot, who care about the neighborhood.

Thank you

On Mon, Jan 6, 2020 at 8:47 PM Alamelu Ramaswamy <sralamelu@gmail.com> wrote:

Hi Stefanie/Thai-Chau,

Regarding the CYPRESS AND LIFETIME PROJECT, here are my comments.

1. The proposed entrance on Northlake drive must be reconsidered or the entrance should not be further down than the current PepBoys commercial location to ensure that residences are not subjected to additional traffic noise.
2. The previous plan for this lot included 2 acre park, which is not the case with this plan. What is the city's plan to add green space given the lot size are not big enough? 280, San Thomas and Lawrence are physical barriers. If these developments are allowed without any green space, the city needs to consider buying land to construct a park within these neighborhoods.
3. I am also in favor of adding more retail space. The city has recently approved expansion of another car dealership across the street from this lot (Lan, Rover), though as part of the urban village plan, the city was going to reduce the car dealership foot print! Though it is not clear how many retail spaces will be available and who are tenants are going to be, this area is already overrun with car dealerships and can use more restaurant and eateries.

Apart from the above concerns, please put it on record that I am in favor of any new development on this block, including residential buildings. I live on Boynton Ave, a block from where the development is planned. This block has been deteriorating for a long time and the city seems clueless about how to tackle homelessness, drug and alcohol issues. The residents in and around the neighborhood have been working with the city and county to find a solution. We look forward to having responsible tenants on this lot, who care about the neighborhood.

Thank you
Alamelu

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January 8, 2020

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

Re: Notice of Preparation for the 3896 Stevens Creek Commercial Project Draft
Environmental Impact Report (C19-020, CP19-031, T19-038)

Dear Ms. Le:

Thank you for including the City of Santa Clara (Santa Clara) in the environmental review process for the 3896 Stevens Creek Commercial Project (Project) and for informing Santa Clara of the Notice of Preparation of a Draft Environmental Impact Report for the Project. The Project includes a Conforming Rezoning from Commercial Neighborhood & Commercial General Zoning District to Commercial Pedestrian Zoning District; a Conditional Use Permit to allow the demolition of 4 commercial buildings, late night use (4a.m. to midnight) for a fitness center, and to allow the construction of an approximately 270,000-square foot office building, 150,000-square foot fitness center, and 16,000-square foot of ground floor retail; and a Tentative Map to combine 5 existing lots into 2 on an approximately 6.30-gross acre site.

Santa Clara requests the following information be included in the environmental analysis being prepared for this Project:

Traffic Study Work Scope: Santa Clara understands the City of San Jose no longer views congestion as a CEQA impact and Vehicles Miles Travelled (VMT) is now the adopted CEQA metric to measure transportation environmental impacts per City Council Policy 5-1. However, the City is kindly requesting a “local transportation analysis” per the City of San Jose’s Transportation Analysis Handbook dated April 2018 for this project. Local operational analysis at signalized intersections using level of service and delay is requested. The City of Santa Clara uses criteria of the VTA TIA Guidelines as a basis for determining study intersections. Accordingly, municipal and CMP intersections with ten or more project trips per approach lane should be analyzed along Stevens Creek Boulevard, San Tomas Expressway, Lawrence Expressway, Kiely Boulevard, Pruneridge Avenue, Homestead Road, Winchester Boulevard/Lincoln Street and Saratoga Avenue corridors as project trips most likely will utilize these corridors. Santa Clara would also like to review and comment on the scope of work related to the local transportation and VMT analysis to be prepared for this project.

The residential neighborhoods within Santa Clara to the north of Stevens Creek Boulevard are very sensitive to cut-through traffic intrusion. This should be analyzed as part of the local

transportation analysis and any measures to combat the intrusion should be identified and discussed with the City of Santa Clara.

The local transportation analysis must also include an analysis of bicycle and pedestrian facilities in terms of their availability, project effects on future bike/pedestrian plans, and improvements proposed by the project. Maps and information on existing and planned bicycle facilities within Santa Clara can be found on the City's website at <https://www.santaclaraca.gov/our-city/departments-g-z/public-works/engineering/committees/bicycle-and-pedestrian-advisory-committee>.

The project site is located near the southern boundary of the City of Santa Clara. Relevant approved projects within Santa Clara need to be included in the study estimates of the Background traffic volumes. This is consistent with the CMP TIA Guidelines. A list of approved projects within the City of Santa Clara is attached. Similarly, pending projects within Santa Clara need to be incorporated in the Cumulative traffic volume estimates, in order to reflect the growth in both local and regional traffic. A list of pending projects within the City of Santa Clara is attached.

Any physical improvements required or planned at study intersections need to evaluate secondary impacts to alternative modes of transportation.

Fair share contributions should be made for significant impacts found along roadways and/or intersections, including along Stevens Creek Boulevard and Saratoga Avenue.

Per the Santana West settlement agreement, any impacts found at protected intersections, including Winchester Boulevard/Stevens Creek Boulevard, which will also impact traffic in the City of Santa Clara will require payment of fees to be used for transportation system improvements to alleviate the increased traffic congestion in Santa Clara. The City of San Jose shall be in conformance with the Santa Clara and San Jose settlement agreement related to Stevens Creek Boulevard corridor. A clear explanation of how fees are calculated should be provided, and offsetting improvements should be identified with specificity and coordinated with the City of Santa Clara.

In order to reduce single-occupant vehicles accessing the site, a Travel Demand Management (TDM) plan with monitoring, reporting, and penalties should be required for the office component of the project.

Bird Strike Analysis: It appears as if the building design utilizes clear glass. Please include analysis and any measures to reduce the risk of bird strike.

Shade and Shadow Impacts: Given the potential heights of the proposed buildings and their proximity to the City of Santa Clara, please include an analysis of the potential for shade and shadow impacts on Santa Clara businesses.

January 8, 2020

Page 3

Thank you for the opportunity to comment on the Notice of Preparation for the Project. Santa Clara looks forward to meeting with the City of San Jose to discuss the findings of the local transportation analysis.

Should you have any questions regarding this letter, please contact Reena Brilliot, Planning Manager via email at rbrilliot@santaclaraca.gov or phone 408-615-2452.

Best Regards,



Andrew Crabtree

Director of Community Development

Cc: Michael Liw, Assistant Director of Public Works



January 10, 2020

City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113

Attn: Thai-Chau Le
By Email: Thai-Chau.Le@sanjoseca.gov

Subject: City File CL9-020, CP 19-03I, T19-038 at 3896 Stevens Creek Commercial Project

Dear Thai-Chau,

Thank you for the opportunity to provide comments on the Notice of Preparation (NOP) for the 3896 Stevens Creek Commercial Project in the City of San José. VTA has provided comments on previous proposals for the site and has the following comments, some of which may be repeated:

Land Use

VTA supports the proposed land use intensification on this site, strategically located on the regional transportation network and served by the VTA Rapid 523 and Frequent 23 along the Stevens Creek Boulevard frontage. Stevens Creek Boulevard is identified as a Corridor in VTA's Community Design & Transportation (CDT) Program Cores, Corridors, and Station Areas framework, which shows VTA and local jurisdiction priorities for supporting concentrated development in the County. The CDT Program was developed through an extensive community outreach strategy in partnership with VTA Member Agencies and was endorsed by all 15 Santa Clara County cities and the county.

Pedestrian and Bicycle Accommodations

VTA requests that the TIA analysis of Pedestrian and Bicycle Accommodations consider the completeness of the pedestrian and bicycle network on roadways and intersections adjacent to and nearby the project site. VTA also recommends that the City require bicycle parking consistent with City of San José bicycle parking standards as a Condition of Approval for the project. VTA supports bicycling as an important transportation mode and thus recommends inclusion of conveniently located bicycle parking for the project. Bicycle parking facilities can include bicycle lockers or secure indoor parking for all-day storage and bicycle racks for short-term parking. VTA's Bicycle Technical Guidelines provide guidance for estimating supply,

siting, and design for bicycle parking facilities. This document may be downloaded from <https://www.vta.org/programs/bicycle-program>.

Congestion Impacts on Transit Travel Times

The transportation analyses in the TIA should address any potential impacts that increased motor vehicle traffic and congestion associated with the project may have on transit travel times on the Stevens Creek Boulevard corridor. VTA recommends that the TIA include a cumulative analysis of the impacts of vehicle traffic congestion, which considers the effects of the proposed Project, and other approved and pending projects in the vicinity, such as the Valley Fair Expansion, Winchester Ranch, South Fourth Mixed-Use Project, and Santana West. While VTA is supportive of increasing development densities along this corridor, increased congestion could degrade the schedule reliability of transit and increase travel times, making transit a less attractive option for travelers in the corridor. If increased transit delay is found, transit priority measures, such as dedicated transit lanes, queue jump lanes, transit priority signal timing, and/or improvements to transit stops and passenger amenities, would constitute appropriate offsetting measures.

Transportation Demand Management/Trip Reduction

In order to reduce the number of single occupant vehicle trips generated by the project, VTA recommends that the City and project sponsor consider a comprehensive Transportation Demand Management (TDM) program for the office portion of this project. VTA notes that such programs can be more effective when they include a vehicle trip reduction target, third-party monitoring of trip generation upon project completion and a Lead Agency enforcement/penalty structure. Effective TDM programs that may be applicable to the project include:

- Parking pricing and parking cash-out programs
- Public-private partnerships or employer contributions to improved transit service to the area
- Transit fare incentives such as free or discounted transit passes on a continuing basis
- Bicycle lockers and bicycle racks
- Showers and clothes lockers for bicycle commuters
- Preferentially located carpool parking
- Employee carpool matching services

Bus Stop Improvements:

VTA has an existing bus stop along the frontage of the proposed development. The existing bus stop serves route 23. The Site Plan included in the NOP shows the bus stop along with the bus pad will be relocated closer to North Lake Drive. The relocated stop is a better location than existing conditions.

VTA has the following recommendations:

- For the construction of a new bus pad, a VTA Oversight permit is required.
- Replace existing shelter with VTA's standard 13' Full Back Ad shelter.
- Place trees and landscaping outside of the bus stop area

VTA would like the opportunity to review updated site plans to ensure the placement of driveways, landscaping and any other features do not conflict with bus operations. VTA's Transit Passenger Environment Plan provides design guidelines for bus stops. This document can be downloaded at <https://www.vta.org/projects/transit-passenger-environment-plan>. VTA has a Bus Stop Placement, Closures and Relocations Policy. Prior to any construction or bus stop impact, please contact bus.stop@vta.org.

Thank you again for the opportunity to review this project. If you have any questions, please do not hesitate to contact me at 408-546-7985.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Pearse". The signature is fluid and cursive, with the first name "Brent" and last name "Pearse" clearly distinguishable.

Brent Pearse
Transportation Planner III