

**NOTICE OF PREPARATION OF AN
ENVIRONMENTAL IMPACT REPORT
FOR
THE SUN GARDEN REDEVELOPMENT PROJECT**

January 2011

FILE NO: GP10-07-01 and PDC10-026
PROJECT APPLICANT: Sun Garden Tenants in Common
APN: 477-07-001, -004, -005, -006, -007, -013, -016
and portion of 477-08-023

As the Lead Agency, the City of San Jose will prepare an Environmental Impact Report (EIR) for the above-referenced project and would like your views regarding the scope and content of the environmental information, which is germane to your agency's statutory responsibilities in connection with the proposed project. This EIR may be used by your agency when considering approvals for this project.

The project description, location, and 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, we would appreciate an earlier response, if possible. Please identify a contact person, and send your response to:

City of San Jose, Planning Division, Attn: Janis Moore
City Hall, 200 East Santa Clara Street, 3rd Floor, San José CA 95113-1905
Phone: (408) 535-7815, e-mail: Janis.moore@sanjoseca.gov

The Draft EIR for the Sun Garden Redevelopment Project is currently being prepared. A separate EIR Notice of Availability will circulate when the Draft EIR becomes available for public review and comments (currently anticipated to begin in early March, 2011).

Joseph Horwedel, Director
Planning, Building and Code Enforcement


Deputy

January 20, 2011
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 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) 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 20-acre site is comprised of seven parcels (APNs 477-07-001, -004, -005, -006, -007, -013, -016 and a portion of 477-08-023) located on the east side of Monterey Road, southeast of the Monterey Road/Alma Avenue intersection in the City of San José (see Figures 1 and 2).

Existing Uses

The project site is currently developed with a two-story industrial building, a one-story commercial building (currently occupied by a restaurant), a one-story house that was used as office and storage space for the Sun Garden Packing Company, and surface parking lots. All three buildings are located on the southern portion of the property. The northern portion is currently vacant.¹ The project site is currently designated *General Commercial* (along the Monterey Road frontage) and *Heavy Industrial* (the remainder of the site) under the City of San José's adopted General Plan and is zoned *LI – Light Industrial Zoning District* (along the Monterey Road frontage) and *HI – Heavy Industrial Zoning District* (the remainder of the site).

The *Heavy Industrial* General Plan land use designation is intended for industrial uses with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or welfare are best segregated from other uses. Very limited scale retail sales and service establishments serving nearby businesses and their employees may be considered appropriate where such establishments do not restrict or preclude the ability of surrounding Heavy Industrial land from being used to its fullest extent and are not of a scale or design that depend on customers from beyond normal walking distances. Any such uses should be clearly incidental to the industrial user on the property and integrated within an industrial building. The proposed commercial/retail project does not conform to the existing *Heavy Industrial* land use designation.

¹ The northern portion of the site was previously occupied by the Sun Garden Packing Company. The building complex was approved for demolition after a fire compromised the structural integrity of the buildings. Demolition was completed in 2002.

Project Description

The project proposes a General Plan Amendment to change the land use designation to *Combined Industrial/Commercial* and a rezoning of the site to CG(PD) Planned Development to allow for the eventual demolition of existing structures and the construction of up to 282,300 square feet of new retail buildings.

Access to the site will be from five driveways on Monterey Road. The main driveway will be signalized and centrally located along the Monterey Road frontage (in line with Cottage Grove Avenue). There will also be one driveway north of the main driveway and three driveways south of the main driveway. There is an active railroad spur easement along the east edge of the site. The project applicant has acquired a portion of this easement to also provide access from Alma Avenue. Parking will be provided in surface parking lots throughout the site and along the Alma access drive aisle.

Potential Environmental Impacts of the Project

The EIR will identify the significant environmental effects anticipated to result from the General Plan amendment and development of the project as proposed. 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 and industrial land uses. The EIR will describe the existing land uses adjacent to and within the project area. Land use impacts which would occur as a result of the proposed project will be analyzed, including the compatibility of the proposed and existing land uses in the project area. Mitigation measures will be identified for significant impacts, as warranted.

2. Visual Resources

The project site is surrounded mostly by one- and two-story commercial and industrial buildings, a rail line, and Monterey Road. 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. The EIR will also discuss possible light and glare issues from the development of a new commercial center. Mitigation measures will be identified for significant impacts, as warranted.

3. Geology

The project site is located in Seismic Zone 4, which is 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. Mitigation measures will be identified for significant impacts, as warranted.

4. Hydrology and Water Quality

Based on the Federal Emergency Management Agency (FEMA) flood insurance rate maps, the project site located in Flood Zone AH. Flood Zone AH is an area subject to 100-year floods with depths of one to three feet with areas of ponding. 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. Mitigation measures will be identified for significant impacts, as warranted.

5. Biological Resources

The project site is partially developed and has no vegetation other than landscape trees and ruderal vegetation. The EIR will provide a discussion of the loss of trees on-site. Mitigation measures will be identified for significant impacts, as warranted.

6. *Hazards and Hazardous Materials*

The project site is surrounded by industrial and commercial businesses and historically there was documented soil contamination on-site. The EIR will summarize known hazardous materials conditions on and adjacent to the project site and will address the potential for the proposed development to be significantly impacted by hazardous materials. Mitigation measures will be identified for significant impacts, as warranted.

7. *Cultural Resources*

This area of San José is considered a sensitive area for prehistoric and historic resources because of the nearby local waterways, the known occupation of the area by the Costanoan (Ohlone) tribe, and its proximity to the Pueblo de San José settlement (the first civil settlement in San José). The EIR will address the known presence of historic and archaeological sites in the project area and the likelihood for unknown resources to be found during construction. Mitigation measures will be identified for significant impacts, as warranted.

8. *Transportation and Circulation*

The EIR will examine the existing traffic conditions in the immediate vicinity of the project site. A transportation impact analysis will be prepared for the proposed project in order to identify the transportation impacts of the proposed project on the existing local and regional transportation system and the planned long-range transportation network. Mitigation measures will be identified for significant impacts, as warranted.

9. *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. Temporary construction related impacts such as construction vehicle exhaust and air-borne particulates (i.e., dust) will also be discussed. Mitigation measures will be identified for significant impacts, as warranted.

10. *Noise*

The existing noise environment on-site is created primarily by local traffic on Monterey Road, the rail line, and aircraft flying into San José International Airport. The EIR will discuss impacts to the proposed project from existing noise levels on the project site. The EIR will also discuss the increase in traffic noise that would result from implementation of the proposed project, and temporary construction noise. Noise levels will be evaluated for consistency with applicable City of San Jose standards and guidelines. Mitigation measures will be identified for significant impacts, as warranted.

11. *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 impacts of the project on public services, including utilities such as sanitary and storm drains, water supply, and solid waste management. Mitigation measures will be identified for significant impacts, as warranted.

12. *Public Services*

Implementation of the proposed project will result in an increased demand on some public services, such as 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. Mitigation measures will be identified for significant impacts, as warranted.

13. *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 proposed design measures to reduce energy consumption. Mitigation measures will be identified for significant impact, as warranted.

14. *Global Climate Change*

The EIR will address the regional air quality conditions in the Bay Area and discuss the proposed project's contribution to regional and global greenhouse gas emissions. Proposed design measures to reduce energy consumption, which in turn would reduce greenhouse gas emissions, will be discussed. Mitigation measures will be identified for significant impacts, as warranted.

15. *Alternatives*

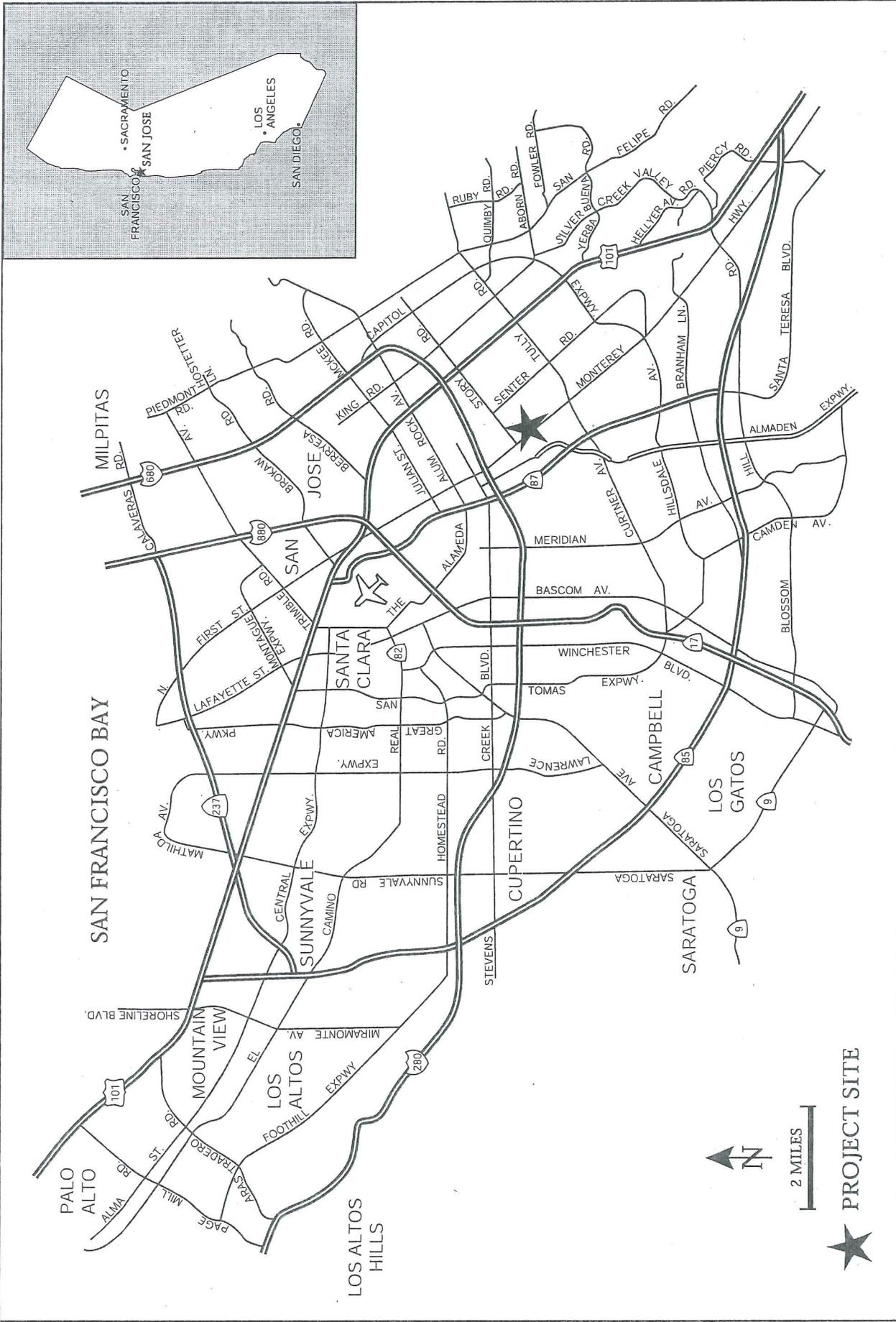
The EIR will examine alternatives to the proposed project including a "No Project" alternative and one or more alternative development scenarios depending on the impacts identified. Alternatives discussed will be chosen based on their ability to reduce or avoid identified significant impacts of the proposed project while achieving most of the identified objectives of the project.

16. *Significant Unavoidable Impacts*

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

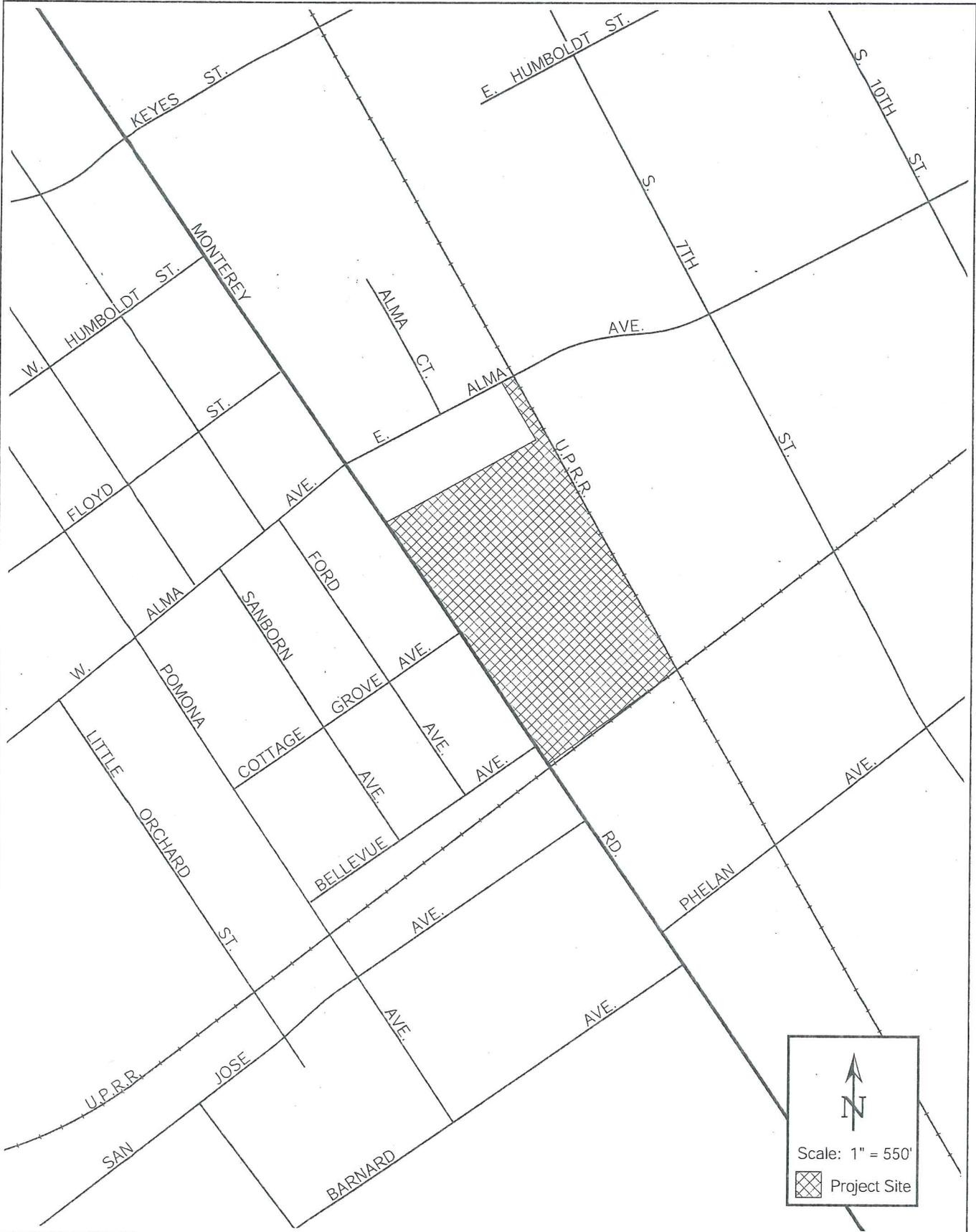
17. *Cumulative Impacts*

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



REGIONAL MAP

FIGURE 1



VICINITY MAP

FIGURE 2