

CITY OF SAN JOSÉ
DETERMINATION OF CONSISTENCY WITH THE NORTH SAN JOSE
DEVELOPMENT POLICY FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT
(SCH# 2004102067), THE ENVISION SAN JOSE 2040 GENERAL PLAN FINAL
ENVIRONMENTAL IMPACT REPORT (SCH# 2009072096), THE ENVISION SAN
JOSE 2040 GENERAL PLAN FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT
REPORT (SCH# 2009072096), AND ADDENDA THERETO

Pursuant to Section 15162 of the CEQA Guidelines, the City of San José has determined that the project described below is pursuant to or in furtherance of the Final Environmental Impact Reports (EIRs) identified below and does not involve new significant effects beyond those analyzed in the Final EIRs. Therefore, the City of San José can take action on the project as being within the scope of the Final EIRs, as supplemented.

C19-035 and H19-045 – Metro Plaza Drive Project. Conforming Rezoning from an A(PD) Zoning District to the IP Industrial Park Zoning District (File No. C19-035) and a Site Development Permit (File No. H19-045) to remove 14 ordinance-size trees, allow the conversion of approximately 37,974 square feet of ground floor commercial/retail space to office space, and allow for an approximately 26,088 square foot addition to an existing 448,295-square foot office building on an approximately 7.22-gross acre site.

Location: Northwest corner of Metro Drive and North 1st Street (25, 101, & 181 Metro Drive)

Council District: 3

Assessor's Parcel Numbers: 230-29-084

The environmental impacts of this project were addressed by the following: "North San Jose Development Policy Final Program Environmental Impact Report," with findings adopted by City Council Resolution No. 72768, on June 21, 2005; Envision San Jose 2040 General Plan Final Environmental Impact Report," with findings adopted by City Council Resolution 76041 on November 1, 2011; and the "Envision San Jose 2040 General Plan Final Supplemental Environmental Impact Report," with findings adopted by City Council Resolution 77617 on December 15, 2015. Specifically, the following impacts were reviewed and found to be adequately considered by the EIRs, as supplemented:

Aesthetics	Agriculture Resources	Air Quality
Biological Resources	Cultural Resources	Geology and Soils
Greenhouse Gas	Hazardous Materials	Hydrology & Water Quality
Land Use	Mineral Resources	Noise
Population and Housing	Public Services	Recreation
Transportation/Traffic	Utilities & Service Systems	Energy
Growth Inducing	Cumulative Impacts	Mandatory Findings of Significant

ANALYSIS

Background

The current proposed project is located within the boundary of the North San Jose Development Policy Final Program Environmental Impact Report (NSJ EIR).

The North San José Development Policy (NSJ Policy) allows up to 26.7 million square feet of new industrial/office/Research & Development uses, 1.7 million square feet of new neighborhood serving commercial uses, and the addition of 32,000 new residential units in the Rincon Area, as analyzed in the NSJ EIR.

The proposed project is consistent with the allowable development identified within the NSJ Policy and is within the scope of commercial development analyzed in the NSJ EIR.

Project Consistency with Previously Approved EIRs

The project proposes the conversion of approximately 37,974 square feet of existing ground floor commercial/retail space to office space, and an approximately 26,088 square foot addition to an existing 448,295-square foot office building on an approximately 7.22-gross acre site. The proposed conversion and addition would bring the total square footage of the existing building to 474,383 square feet. An aerial of the project site and surrounding area is presented in Figure 1.

The total square footage is well below the 26.7 million square feet of new industrial/office/Research & Development uses evaluated in the NSJ EIR. Therefore, the currently proposed project is within the allowable development scope in the NSJ Policy, NSJ EIR, and addenda thereto.



Figure 1. Project Site Aerial

An area wide traffic impact analysis was prepared as part of the NSJ Policy and the NSJ EIR. Traffic impacts were identified based on the LOS threshold and resulted in an area wide traffic impact fees.

Consistent with North San Jose EIR, this project is required to pay a traffic impact fee. The 2019 fee is \$16.45 per square foot of Industrial or Office/R&D buildings and is subject to an annual escalation of 3.3% on July 1st and the next fee escalation will occur on July 1st, 2021. This fee must be paid prior to issuance of Public Works Clearance. Since adoption of the NSJ EIR, the City adopted the City Council Policy 5-1 Transportation Analysis Policy for determining the CEQA transportation impacts. Consistent with the City Council Policy 5-1, the project is within an Area Development Plan (ADP) and therefore, is subject to the subsequent review clause of the policy for determining impacts. Since the approval of the project, the transportation analysis shows that the project would not result in new or more significant environmental impacts beyond those identified in the NSJ EIR and the General Plan EIRs.

Furthermore, since the approval of NSJ EIR, the City of San Jose approved the Envision San Jose 2040 General Plan EIR and Supplemental EIR (General Plan EIR and General Plan SEIR). The General Plan EIR is a broad range analysis of the planned growth in the City and has considered all development approved in North San Jose as part of the baseline citywide greenhouse gas emissions in the analysis prepared. As the proposed project is consistent with the General Plan 2040 land use designation of Industrial Park, the project's contribution to cumulative greenhouse gas emissions has been analyzed and is still consistent with the analysis in the EIRs, as supplemented.

As the proposed project is within the scope of work for allowable development analyzed in both the NSJ EIR and General Plan EIR/SEIR, the project would not result in new or more significant environmental impacts beyond those identified in the EIRs. All applicable mitigation measures and standard conditions would continue to apply to the proposed project.

Conclusion

As previously mentioned, the proposed project is within the scope of the full build out of the North San José area which was analyzed in the NSJ EIR. Given the proposed project description and knowledge of the project area, the City has concluded that the proposed project would not result in any new impacts that have not been previously disclosed; nor would it result in a substantial increase in the magnitude of any significant environmental impact previously identified in the previously certified NSJ EIR.

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

3/10/2020
Date

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Deputy

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