



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** April 4, 2007

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**COUNCIL DISTRICT:** 4

**SUBJECT: GP07-04-01. GENERAL PLAN AMENDMENT REQUEST TO CHANGE THE LAND USE/TRANSPORTATION DIAGRAM DESIGNATION FROM INDUSTRIAL PARK WITH MIXED INDUSTRIAL OVERLAY TO COMBINED INDUSTRIAL/COMMERCIAL ON AN APPROXIMATELY 15.6-ACRE SITE LOCATED ON THE NORTH SIDE OF RIDDER PARK DRIVE, BOUNDED BY INTERSTATE 880 AND BROKAW ROAD, WEST OF COYOTE CREEK.**

## **RECOMMENDATION**

The Planning Commission voted 7-0-0 to recommend approval of the General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to Combined Industrial/Commercial.

## **OUTCOME**

If approved, the proposed General Plan amendment to Combined Industrial/Commercial could allow a broad range of commercial, office, or industrial uses or a compatible mixture of these uses. The uses of the Industrial Park, Light Industrial, General Commercial, and Neighborhood/Community Commercial land use designations are consistent with this use category. Future development would be required to focus on site designs that avoid land use incompatibilities with surrounding industrial land uses.

## **BACKGROUND**

On March 28, 2007, the Planning Commission held a public hearing to consider the proposed General Plan amendment. The Director of Planning, Building and Code Enforcement recommended approval of the General Plan amendment.

## ANALYSIS

At the request of John Newman, representing Val Monte Partners I, LLC, owner of the commercial office building on the adjacent property at 981 Ridder Park Drive, this item was pulled for discussion from the Planning Commission Consent Calendar. Mr. Newman stated concerns over 1) traffic circulation and access to the subject property, 2) transient activity in the Coyote Creek riparian area, and 3) future site planning as it relates to promoting recreational use of the Coyote Creek trail system. Staff responded that there is no development proposal on file at this time, but these are issues that would be addressed as part of future development review.

The proposed General Plan amendment request to change the General Plan land use designation from Industrial Park with Mixed Industrial Overlay to Combined Industrial/Commercial is consistent with the City's Economic Development Strategy and fundamental Major Strategies, as well as economic and commercial land use goals and policies of the General Plan. Approval of this General Plan amendment would enhance the City's ability to provide community-serving retail services, preserve employment opportunities, maintain a diverse economy, and provide long-term growth potential for a needed tax base.

Residential development envisioned by the North San José Area Development Policy is intended to increase residential and employment population in the North San Jose area. The proposed General Plan amendment could facilitate future development of commercial uses that support this anticipated growth.

## POLICY ALTERNATIVES

Not applicable.

## PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

In accordance with the Public Outreach Policy, a community meeting was held on March 13, 2007 at the Orchard Elementary School. No concerns were raised during the community meeting, which had an attendance of two individuals from the public. A joint notice of the public hearings to be held on the subject General Plan amendment before the Planning Commission on March 28, 2007 and City Council on April 24, 2007 was published, posted on the City's web site and distributed to the owners and tenants of all properties located within 1,000 feet of the project site. The Department of Planning, Building and Code Enforcement web site also contains information regarding the General

Plan process, amendments, staff reports, and hearing schedules. This web site is available with the most current information regarding the status of the General Plan amendments. This General Plan amendment is subject to the State of California Tribal Consultation Guidelines and was referred to the tribal representatives. Staff requested a 60-day response timeframe in order to meet deadlines for the subject hearing dates. To date, no comments from tribal representatives on the subject General Plan amendment request have been received.

**COORDINATION**

Review of this General Plan amendment was coordinated with the Office of Economic Development.

**FISCAL/POLICY ALIGNMENT**

This project is consistent with applicable General Plan policies as discussed in attached staff report.

**COST SUMMARY/IMPLICATIONS**

Not applicable.

**BUDGET REFERENCE**

Not applicable.

**CEQA**

An Addendum to a Negative Declaration for General Plan amendment File No. GP99-04-04/GP99-T-02 was adopted on March 13, 2007.

  
For JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions please contact Allen Tai, Department of Planning, Building and Code Enforcement at 535-7800.

**JOHN D. NEWMAN**  
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**VIA EMAIL & TELEFAX**

March 28, 2007

San Jose Planning Commission  
200 E. Santa Clara Street  
San Jose, California 95113

Re: Commission Agenda Item: GP07-04-01 General Plan Amendment  
15.6 Acre Site @ Ridder Park Drive/I-880/ Brokaw Road ("Development Site")

Dear Honorable Commissioners:

**Introduction**

This law firm represents Val Monte Partners I, LLC, (Val Monte) owner of the commercial office building at 981 Ridder Park Drive, ("Brokaw Business Center") immediately adjacent to the Development Site which is the subject of the proposed General Plan Amendment.

Val Monte wishes to be generally supportive of the developer's request to change the General Plan for the Development Site to include retail use; however, Val Monte has serious reservations concerning the presently advertised site location of the big box retailer and the resulting adverse impacts that the intensified use of the Development Site will have on (i) traffic circulation (ii) homelessness issues and (iii) future utilization of Coyote Creek for recreational purposes<sup>1</sup>.

Accordingly, Val Monte requests the Commission to either continue the hearing to allow the applicant to meet and confer with Val Monte concerning these issues, or impose two additional conditions to the proposed General Plan Amendment to require the developer to satisfactorily address these foreseeable adverse impacts.

**Problem 1: Significant And Adverse Traffic Impacts On Ridder Park Drive**

**Solution 1: Partial Re-direction of Traffic Away From The Intersection of Ridder Park Drive and East Brokaw Road**

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<sup>1</sup>Regrettably, the applicant has conducted no community outreach to Val Monte concerning the Development Site necessitating the appearance of Val Monte at this public hearing.

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March 28, 2007  
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Val Monte wishes to see a different circulation plan which will redirect and relieve traffic pressure away from the intersection of Ridder Park Drive and Brokaw Road, and improve traffic circulation not only for the Development Site, but also for the properties surrounding the Development Site, including the Brokaw Business Center.

Given the unique configuration of the Development Site and the anticipated trip generation associated with the intensification of use, approval of the General Plan Amendment should include a condition that the Development Site must include a second entrance and exit location (perhaps on Brokaw Road), or along the long off ramp from 880.

Without entitlements in hand, the developer's real estate representatives are currently marketing the Development Site to prospective tenants with a traffic circulation pattern and development footprint which will significantly and adversely affect the use of the Brokaw Business Center among other properties surrounding the Development Site (Please see Exhibit 1).

The current traffic circulation along Ridder Park Drive is completely inadequate to accommodate foreseeable trip generation demands that the Development Site will place on Ridder Park Drive at the intersection of Brokaw Road. The planned intensification of use and corresponding increased trip generation rates will create "bottle necks" at this intersection causing traffic to back up on Ridder Park Drive.

Access to and from the Brokaw Business Center will be extremely difficult and dangerous, and will ultimately reduce the utility and value of the Val Monte's commercial building.

**Problem 2: Intensification of Homelessness & Criminal Activity Impacts**

**Solution 2: Reposition The Location of the Big Box Retailer On Development Site**

The Commission should take notice that a substantial homeless community has regularly encamped in the location between the Brokaw/Coyote Creek Bridge and the Ridder Park Drive/Coyote Creek Bridge, often at the expense of the Brokaw Business Center and its valued tenants.

Val Monte is sensitive to the needs of the homeless, and also recognizes that the proposed development footprint of the Development Site would place a "big box retailer" backing on to the northeast boundary of the Development Site along Coyote Creek resulting in intensification of the homeless situation. (Please also see Exhibit 1.)

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Refuse, storage and other unsightly uses will inevitably occur behind the big box retailer and Coyote Creek, and will likely serve as an invitation for homeless and criminal activities.

These impacts can be minimized by relocating the footprint of the "big box retailer" away from the northeast boundary in a more appropriate location on the Development Site, perhaps on the southeast section of the Development Site.

**Problem 3: Adverse Impact on Potential Recreational Use of Coyote Creek**

**Solution 3: Reposition The Location of the Big Box Retailer On Development Site**

Val Monte is aware of discussions in the past of creating a lineal park along Coyote Creek similar to the one that exists along Los Gatos Creek in the Los Gatos/Campbell area. Val Monte supports the creation of such a lineal park, and hopes that the developer of the Development Site would do so as well.

Val Monte has recently reached out to the Santa Clara Water District ("District") about this lineal park concept and also learned that the District has not been approached by the applicant concerning the utilization of the Development Site. Though there are many issues to consider for such a lineal park, any hope of creating a safe, user-friendly exchange between retail and future recreational users of Coyote Creek, would be dashed if the location of the big box retailer is allowed to effectively serve as a barrier.

For the foregoing reasons, Val Monte requests the Commission to impose a condition prohibiting the location of any big box retailer along the northeast boundary of the Development Site and toward the eastern boundary of the Development Site.

**Conclusion**

The specific impacts of the Development Site and the cumulative impacts on the surrounding community need to be adequately considered. While Val Monte understands that further land use hearings will occur, understandably, Val Monte has concerns which it would like to see addressed at this time with the assistance of the City and the applicant.

**JOHN D. NEWMAN**

ATTORNEY AT LAW

San Jose Planning Commission

March 28, 2007

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Val Monte has tried to “define problems” with specificity and to “present solutions” which are reasonable and do not adversely impact the “developability” of the Development Site

Thank you for your consideration of these requests.

Very truly yours,



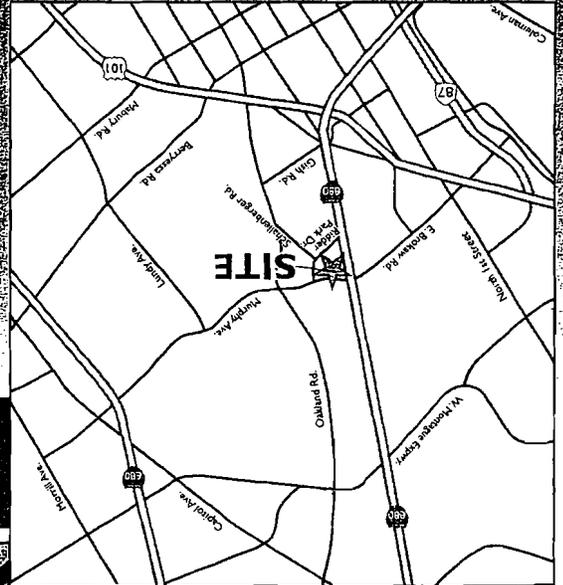
John D. Newman

cc: Val Monte Partners, I, LLC  
Mr. Allen Tai (via email & telefax)



**Jim Randolph**  
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Contact Exclusive C&C Agents:



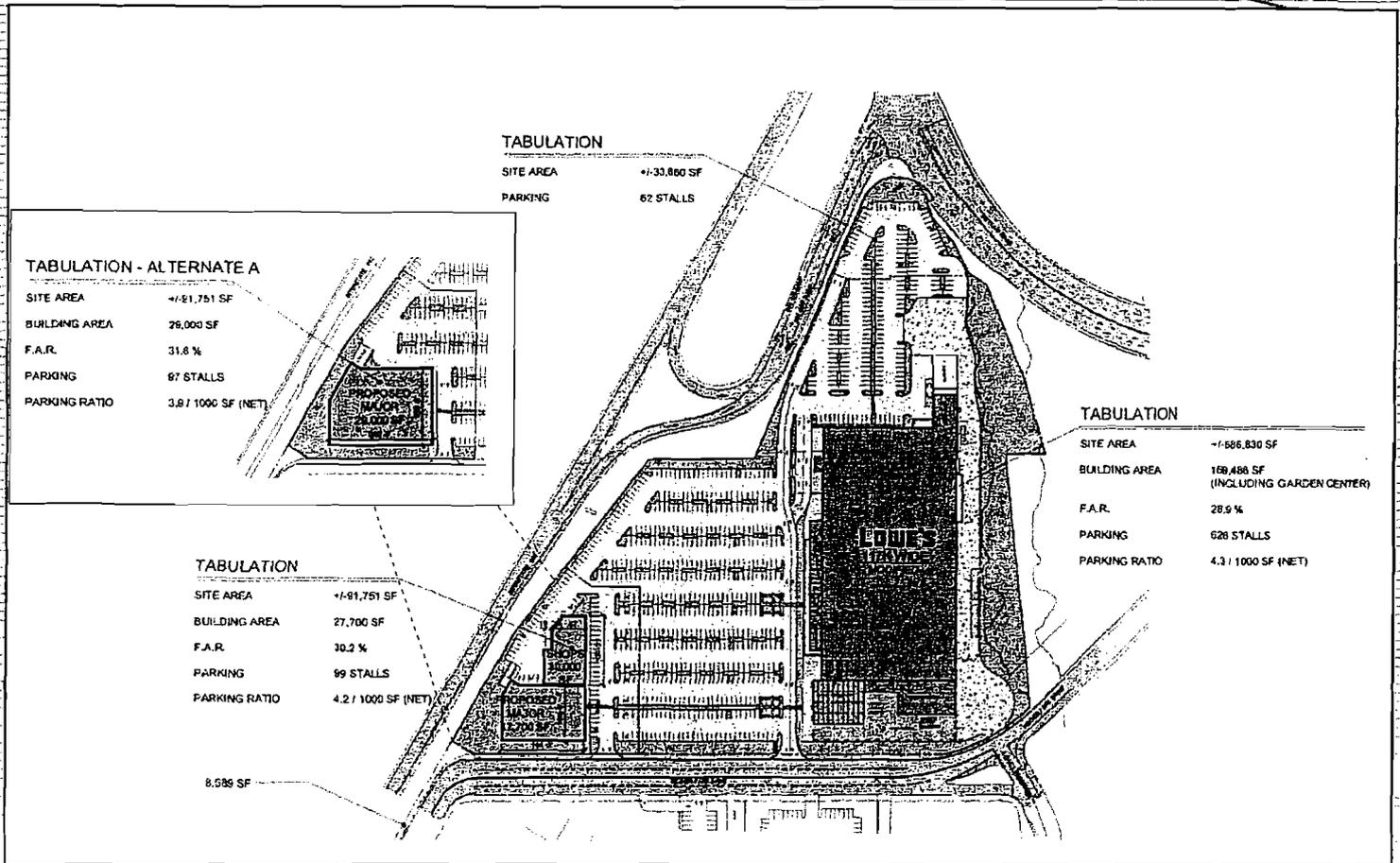
- Brand New Lowes Center
- Up to 30,000 Square Feet Available
- Prominent Freeway Visibility
- 145,000 AADT on I-880 at Brokaw Rd.



# New Retail Center

## Anchored by Proposed Lowe's

Brokaw & I-880, San Jose • Up to ±30,000 Square Feet Available



## SITE PLAN

### 2006 Demographics

Total Population

### 1 Mile

7,836

### 3 Miles

126,793

### 5 Miles

458,557

Average Household Income

\$111,723

\$95,887

\$91,017

Daytime Population

24,523

192,247

506,061

Contact Exclusive C&C Agents

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Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street  
San José, California 95113-1906

# GENERAL PLAN AMENDMENT STAFF REPORT SPRING 2007 HEARING

Hearing Date/Agenda Number:  
P.C. March 28, 2007 Item:

File Number:  
GP07-04-01

Council District and SNI Area:  
4 – Not in an SNI area

Major Thoroughfares Map Number:  
51

Assessor's Parcel Number(s):  
237-05-051, -052, -053, -035

Project Manager: Allen Tai

**PROJECT DESCRIPTION:**

General Plan amendment request to change the San Jose 2020 General Plan Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to Combined Industrial/Commercial on an approximately 15.6-acre site.

**LOCATION:** North side of Ridder Park Drive, bounded by Interstate 880 and Brokaw Road, west of Coyote Creek.

**ACREAGE:** Approximately 15.6 acres

**APPLICANT/OWNER:**

Judie Gilli, Metropolitan Planning Group, Applicant/ Sand Hill Property Company, Owner

**GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:**

Existing Designation: Industrial Park with Mixed Industrial Overlay

Proposed Designation: Combined Industrial/Commercial

**EXISTING ZONING DISTRICT(S):** Industrial Park

**SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):**

North: Brokaw Road, industrial park offices – Industrial Park

South: Ridder Park Drive, San Jose Mercury News offices and distribution facility – Heavy Industrial

East: Coyote Creek, office buildings – Heavy Industrial, Light Industrial

West: Interstate 880, retail commercial (Fry's Electronics), warehouses – Heavy Industrial

**ENVIRONMENTAL REVIEW STATUS:**

Addendum to Negative Declaration for General Plan amendment File No. GP99-04-04/GP04-T-02 adopted on March 13, 2007.

**PLANNING STAFF RECOMMENDATION:**

Combined Industrial/Commercial on 15.6 acres

Approved by:

Date:

**PLANNING COMMISSION RECOMMENDATION:**

**CITY COUNCIL ACTION:**

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**CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:**

- City of San Jose Fire Department – Fire Department staff has indicated that compliance with applicable fire and building codes will be verified during the Building Permit process for an actual development project.
- City of San Jose Public Works Department – Public Works Department staff identified the subject site within an A6 Flood Zone and a State Liquefaction Zone.
- City of San Jose Department of Transportation (DOT) – DOT staff indicated that the proposed change from Industrial Park with Mixed Industrial Overlay to Combined Industrial/Commercial is exempt from a computer model (CUBE) traffic model analysis.
- San Jose Municipal Water System – Muni Water staff indicated that future development will be required to use recycled water for non-potable needs. Recycled water is available adjacent to the site.
- County of Santa Clara Roads and Airports Department – County Roads and Airport Dept. staff requested analysis of the traffic impact to Montague Expressway and identification of possible mitigation measures.
- Santa Clara Valley Water District (SCVWD) – SCVWD staff commented on the flood issues on the site and provided recommendations for future development as it relates to flood hazards. SCVWD staff also requested coordination between the applicant, the District, and the City on efforts to reduce flooding along Coyote Creek. The District’s need for additional land rights along Coyote Creek for flood protection measures was also noted.
- Santa Clara Valley Transportation Authority (VTA) – VTA staff has no comments

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**GENERAL CORRESPONDENCE:**

- Libby Lucas, Santa Clara Valley Chapter California Native Plant Society – Ms. Lucas requested deferral of the General Plan amendment until the City evaluated alternative land uses for the site. She identified the subject site as one of few opportunities remaining along the Coyote Creek corridor for purposes of retaining and restoring wetlands as natural habitat and for flood control purposes.

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**ANALYSIS AND RECOMMENDATIONS:****RECOMMENDATION**

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to change the San Jose 2020 General Plan Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to Combined Industrial/Commercial on the approximately 15.6-acre site.

**PROJECT DESCRIPTION**

This is a privately initiated General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to Combined Industrial Commercial on a 15.6-acre portion of an approximately 17.7-acre vacant property. No change to the General Plan land use designation is proposed for the remainder of the property within the riparian corridor setback area. The existing setback area is consistent with the Riparian Corridor Policy Study and totals approximately 2.1 acres located within an approximately 100-foot wide area that parallels the edge of the riparian vegetation adjacent to Coyote Creek. The area within the riparian setback includes approximately 1.6 acres that is designated Private Open Space and 0.5 acres designated Public Park/Open Space, both of which will remain unchanged.

No specific development proposal has been submitted for the property; however, the applicant has indicated an interest in developing the site with retail commercial uses. If approved, the proposed General Plan amendment to Combined Industrial/Commercial could allow commercial, office, or industrial development or a compatible mixture of these uses. The uses of the Industrial Park, Light Industrial, General Commercial, and Neighborhood/Community Commercial land use designations are consistent

with this use category. Future development would be required to focus on site designs that avoid land use incompatibilities with surrounding industrial land uses.

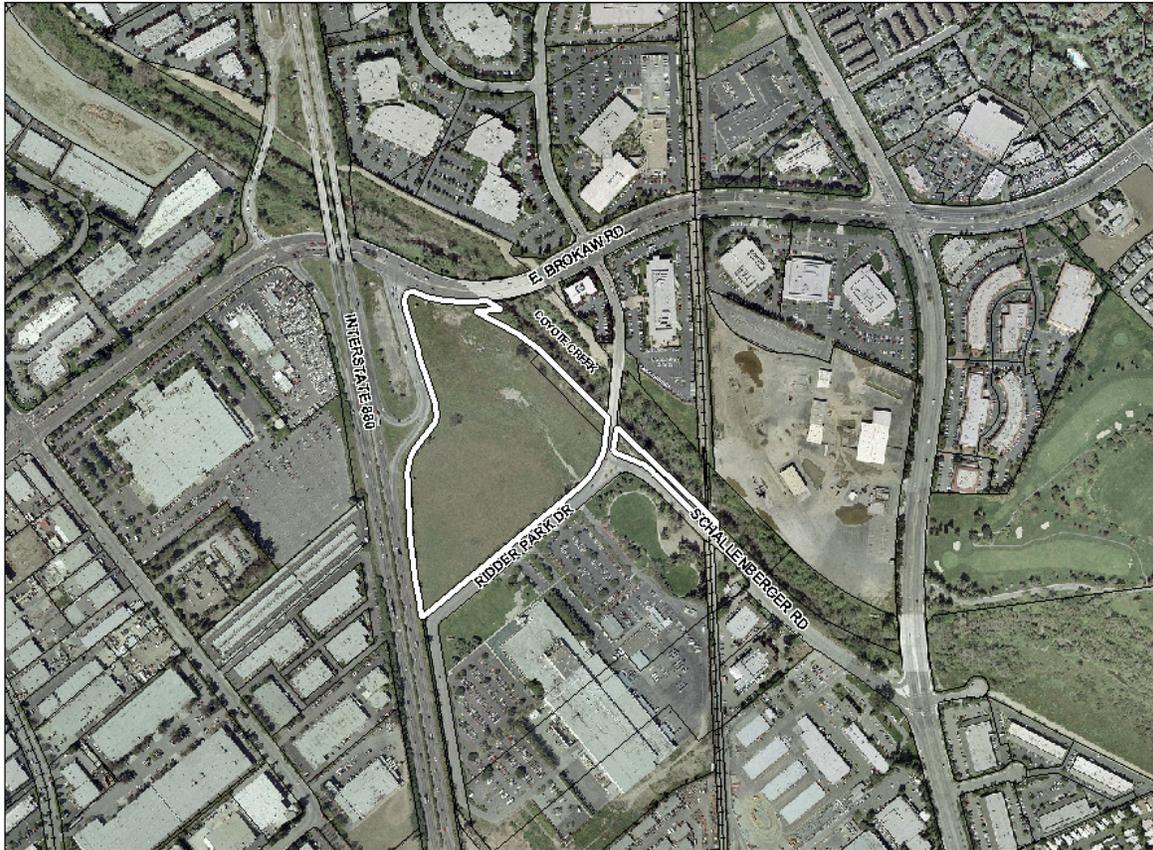


Figure A - Aerial Photograph of the site and the surrounding area, taken in 2001.

## **BACKGROUND**

### **Site and Surrounding Uses**

The site is located on the north side of Ridder Park Drive, bounded by Interstate 880 and Brokaw Road, west of Coyote Creek. The Interstate 880/Brokaw Road interchange is adjacent to the subject site to the northwest. The site is vacant with dense riparian vegetation adjacent to Coyote Creek. Approximately thirty trees exist on the site outside the riparian corridor. The last use of the site was for agricultural purposes.

Uses surrounding the site consist of the San Jose Mercury News offices, production and distribution facility on the south side of Ridder Park Drive, office and research and development uses across Coyote Creek and Brokaw Road to the north and east, and retail commercial sales of electronic equipment (Fry's Electronics) on the west side of Interstate 880.

The property is located in the North San José Development Policy Area and within the Rincon de Los Esteros Redevelopment Area. The Rincon de Los Esteros Redevelopment Area was first established in 1974 to maximize economic development potential and to promote industrial growth in the northerly area of San José. The North San José Area Development Policy (Policy) was originally adopted to address the resulting regional traffic congestion in the area with practical standards for development tailored for this area. The Policy was recently revised to allow greater intensities of industrial development and more

mixed-use opportunities with high density residential development in proximity to Light Rail Transit, consistent with the City of San José's Vision for North San José.

The site has an existing land use designation of Industrial Park with Mixed Industrial Overlay. Industrial Park is an exclusive land use designation intended for a wide variety of industrial uses such as research and development, manufacturing, assembly, testing and offices. Industrial areas designated with the Mixed Industrial Overlay may be appropriate for a mixture of primarily industrial with compatible commercial or public/quasi-public uses, or may be developed entirely with industrial uses in accordance with the base industrial designation. Examples of non-industrial uses include, but are not limited to, hotels and motels, big box retailers, large gymnasiums, and various assembly uses.



Figure B: San Jose Mercury News facilities to the south of Ridder Park Drive



Figure C: View of the site with Interstate 880 in the background



Figure D: View from Brokaw Road looking south. The Coyote Creek riparian corridor is located to the left and the on ramp to Interstate 880 is located to the right.

### General Plan Amendment/Site History

The site was designated Heavy Industrial in the General Plan prior to 1995. Since 1995, the site was the subject of several General Plan land use changes that included the addition of the Mixed Industrial Overlay in 1995 and changing the underlying land use designation from Heavy Industrial to Industrial Park in 1999. These land use changes took place to encourage industrial, office, and subsequently commercial development on the site during the 1990s.

In 2001, a Site Development Permit was approved for 265,000 square feet of office/research and development uses on the site under the existing Industrial Park with Mixed Industrial Overlay land use designation. However, due to market conditions at the time, the approved project never came into fruition.

In 2004, the City completed the *San José Neighborhood Retail Model Summary Report* (2004 Retail Study) that identified significant retail sales leakage out of San Jose. In particular, this was due to the lack of retail uses in many areas of the City, especially areas within the Berryessa community and North San Jose.

In 2006, Planning staff, the Office of Economic Development, and Redevelopment Agency staff identified the subject site as one of few remaining opportunity sites in the Berryessa/North San Jose area that are able to support viable regional and neighborhood-serving commercial development.

## **ANALYSIS**

The key issues in analyzing the proposed General Plan amendment are: 1) consistency with the *San José 2020 General Plan* Major Strategies, goals, and policies, and 2) consistency with the North San José Area Development Policy.

### **Consistency with the San José 2020 General Plan Major Strategies, Goals, and Policies**

The proposed amendment directly relates to two of the seven Major Strategies identified in the San José 2020 General Plan: Economic Development and Sustainable City.

#### **Economic Development Major Strategy**

The Economic Development Major Strategy is designed to maximize the economic potential of the City's land resources while providing employment opportunities for San José residents. This Major Strategy supports identifying opportunities for expanding the community's economic base, promoting a balance between "driving" industries and the service/supplier firms that support them, and actively marketing San José as a location for a wide range of businesses. The proposed Combined Industrial/Commercial designation supports the Economic Development Major Strategy by retaining the property in the City's economic base through expanding the opportunity for compatible industrial or commercial development in the future.

#### **Sustainable City Major Strategy**

The Sustainable City Major Strategy encourages a mix of complementary land uses to reduce traffic congestion, pollution, wastefulness, and environmental degradation. Changing the site to Combined Industrial/Commercial would add to the array and scale of commercial uses allowed on the site including new uses that could meet the commercial and retail needs of employees and residents in the surrounding vicinity. According to the 2004 Retail Study, the City of San José is under-served by retail throughout many areas of the City. This is resulting in a leakage of sales out of San José into other communities such as Milpitas and Santa Clara. The report identified local retail trade areas including the subject site that would benefit by having more retail in the form of grocery, drug, and apparel stores. The report suggests at least 100,000 square feet of mixed retail types could be supported. If approved, the General Plan amendment could allow future development of commercial uses that would help capture the retail leakage of sales out of the City.

#### **Economic Development Goals and Policies**

The proposed Combined Industrial/Commercial designation expands the opportunity for a broad range of commercial, office, or industrial developments or a compatible mixture of these uses on the currently vacant site. This land use designation also allows large-format retail as a stand-alone use or as part of a larger retail development. The proposed General Plan amendment supports Economic Development Goal No. 2, Economic Development Policy No. 4, and Economic Development Policy No. 7 by contributing to

a stronger municipal tax base, promoting economic development in mixed industrial areas, and providing a mix of land uses that would contribute to encouraging commercial growth in San Jose.

#### Commercial Land Use Goals and Policies

The City's Office of Economic Development and the Redevelopment Agency have identified this site as one that offers a rare opportunity for redevelopment with Community Retail uses. There are very few sites within the City that meet the criteria for Community Retail. Typically, a Community Retail Center requires more than 10 acres of land appropriately configured to accommodate large-format stores. The subject site is approximately 15.6 acres in size and consists of parcels assembled under a single ownership, with convenient access to freeways and arterial streets. The proposed General Plan land use designation would provide the opportunity for community-serving retail uses to address the City's unmet retail needs as identified in the adopted Economic Development Strategy and the Commercial Land Use Goals and Policies of the General Plan. Retail development on this site would fill current demand in anticipation of the new jobs and housing planned in North San Jose and the considerable population growth in Berryessa and citywide. Therefore, the proposal is also consistent with Commercial Land Use Policy #1, which support maximizing community access to retail outlets and services.

#### **Consistency with the North San José Development Area Policy**

The subject site is located within the North San José Development Policy Area. The North San José Area Development Policy establishes a policy framework to guide the ongoing development of the North San José area as an important employment center for San José. It provides for the development of up to 1.7 million square feet of new commercial uses that support the industrial and residential uses in the Policy area. Supporting commercial uses that would potentially reduce vehicle trips (e.g., food service, financial services, gyms, child care) are strongly encouraged within the Policy area. Therefore, the proposed Combined Industrial/Commercial designation, which provides a broad range of commercial opportunities, is consistent with the Policy. Large format (big box) commercial uses, which would potentially draw significant numbers of people from outside of the Policy area, are not covered by this Policy and require additional environmental review beyond that covered by the North San José Area Development Policy Environmental Impact Report. In summary, the proposed General Plan amendment could facilitate future development of commercial uses that support the anticipated jobs and population growth in North San Jose.

#### **ENVIRONMENTAL REVIEW**

An Addendum to a Negative Declaration for General Plan amendment File No. GP99-04-04/GP99-T-02 was adopted on March 13, 2007. The Negative Declaration was previously prepared in 1999 for General Plan amendment File No. GP99-04-04/GP99-T-02, which changed the land use designation on the site from what was Heavy Industrial with Mixed Industrial Overlay to the current designation of Industrial Park with Mixed Industrial Overlay. When comparing the proposed request for Combined Industrial/Commercial to the previously approved General Plan amendment, no notable environmental impacts would result. With regard to traffic and circulation, the proposed change from Industrial Park with Mixed Industrial Overlay to Combined Industrial/Commercial would not result in a significant change in peak hour trips. The proposal results in a net reduction in PM peak hour trips and is below the exemption threshold established for this area. As a result, the project is exempt from a computer model (CUBE) traffic impact analysis.

Because the subject General Plan amendment does not raise important new issues about the effects on the environment that were not previously disclosed in the Negative Declaration, the subject General Plan amendment is adequately covered through an Addendum to the Negative Declaration for the previous project. Any future development proposal under the requested land use designation of Combined Industrial/Commercial would be required to undergo project-specific environmental review.

## **PUBLIC OUTREACH**

### **Community Meeting and Public Noticing**

The property owners and occupants located within 1000-foot radius of the subject site were mailed a notice informing them about a community meeting which was later held on March 13, 2007 at the Orchard Elementary School auditorium, 921 Fox Lane. No concerns were raised during the community meeting, which had an attendance of two individuals from the public. Property owners and occupants located within 1000-foot radius of the subject site also received a notice of public hearings to be held on the subject General Plan amendment before the Planning Commission on March 28, 2007 and City Council on April 24, 2007. The Department of Planning, Building and Code Enforcement web site also contains information regarding the General Plan process, amendments, staff reports, and hearing schedules. This web site is available with the most current information regarding the status of the General Plan amendments.

### **Tribal Consultation**

This General Plan amendment is subject to the State of California Tribal Consultation Guidelines and was referred to the tribal representatives. Staff requested a 60-day response timeframe in order to meet deadlines for the subject hearing dates. To date, no comments from tribal representatives on the subject General Plan amendment request have been received.

### **General Correspondence**

Libby Lucas of the Santa Clara Valley Chapter California Native Plant Society requested a deferral of the General Plan amendment until the City evaluated alternative land uses for the site. She identified the subject site as one of few opportunities remaining along the Coyote Creek corridor for purposes of retaining and restoring wetlands. In a follow-up conversation with staff, Ms. Lucas also cited concerns about potential flooding on the site. Staff responded that the site is already designated in the General Plan for industrial park or commercial development despite being vacant. Furthermore, no changes are proposed to the riparian setback, and future development on the site will be required to conduct its own environmental analysis as it relates to flood protection and natural habitat protection. Given that the site is within a fully developed urban area, located along major transportation thoroughfares, and identified as a prime retail site, the public benefit of commercial development on the site is greater than preserving the site as a wetland for flood control purposes. Moreover, staff believes that the proposed General Plan amendment does not substantially alter the allowable development pattern on the site or generate significant impacts that would warrant consideration of land use alternatives for the site.

## **CONCLUSION**

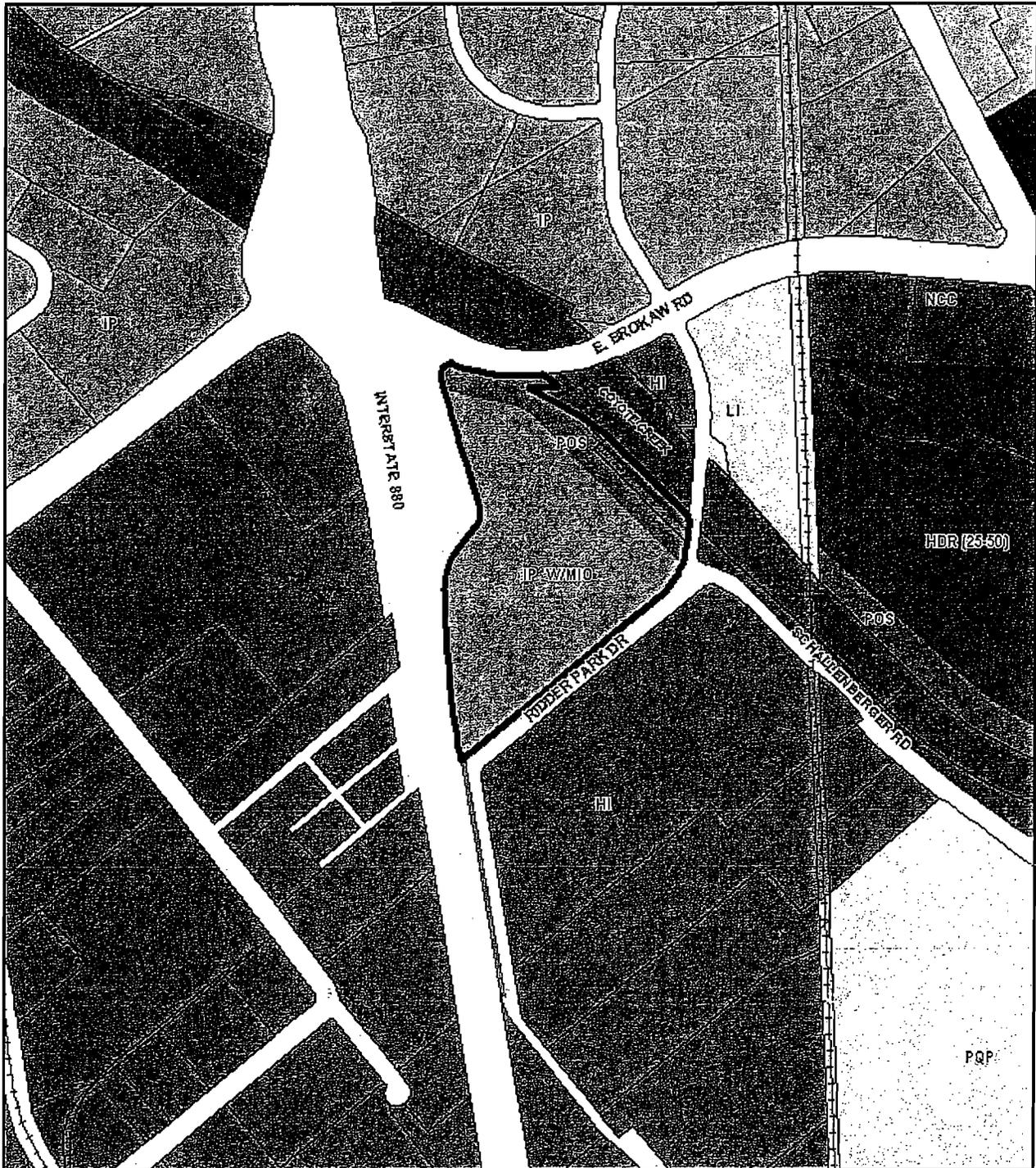
Staff recommends approval of the General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to Combined Industrial/Commercial on the approximately 15.6-acre site.

The proposed General Plan amendment request to change the General Plan land use designation from the existing Industrial Park with Mixed Industrial Overlay to Combined Industrial/Commercial is consistent with the City's Economic Development Strategy and fundamental Major Strategies, goals, and policies of the General Plan. Approval of this General Plan amendment would enhance the City's ability to provide community-serving retail services, preserve employment opportunities, maintain a diverse economy, and provide long-term growth potential for a needed tax base.

### **Attachments**

G:\2007 Annual Review\GP07-04-01\Staff Report\GP07-04-01 SPRING 2007 SR FINAL.doc

# GP07-04-01

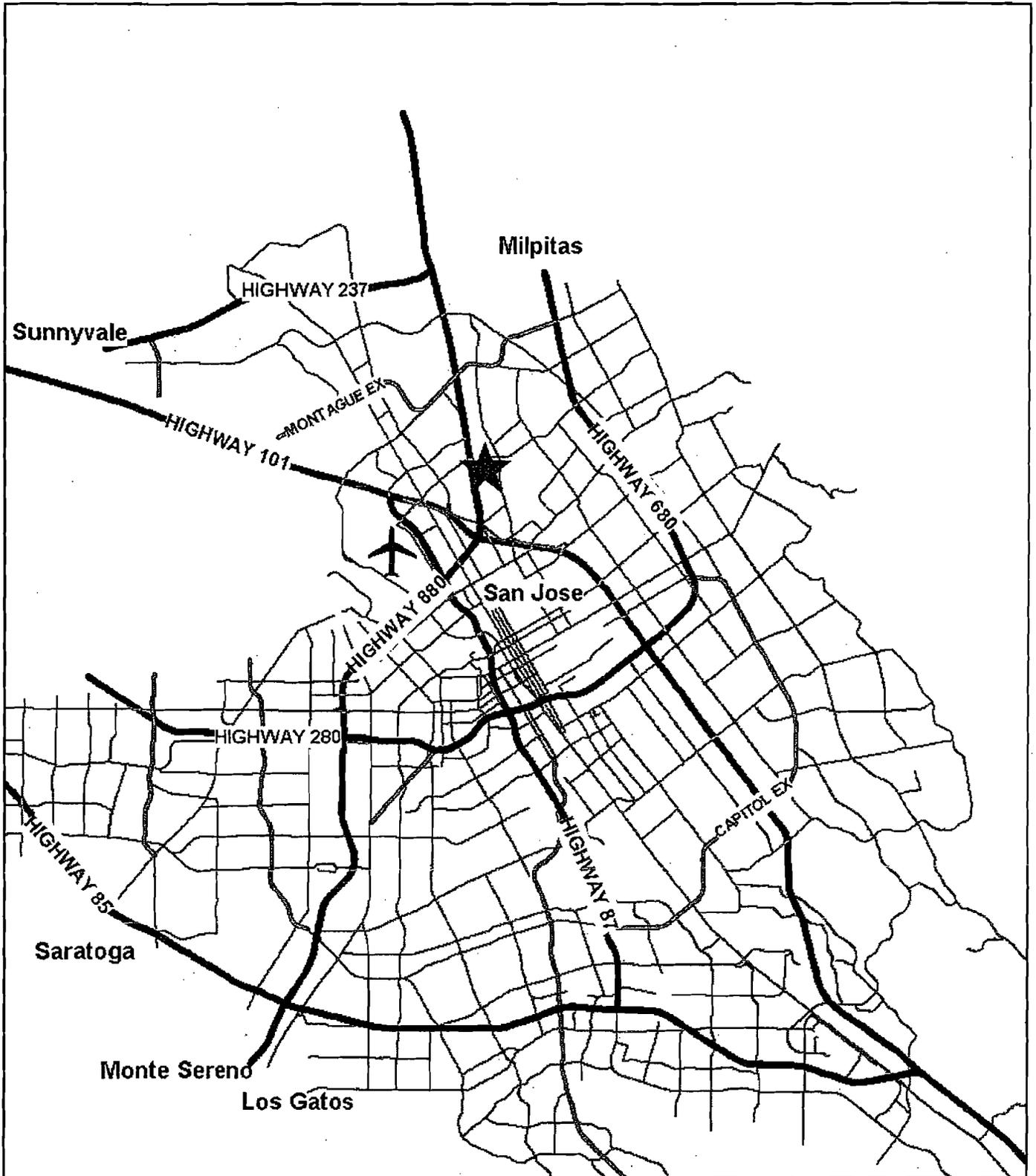


  
**CITY OF  
SAN JOSE**  
ESTABLISHED 1850  
  
Department of Planning, Building  
and Code Enforcement  
Planning Services Division

 SITE

  
NORTH

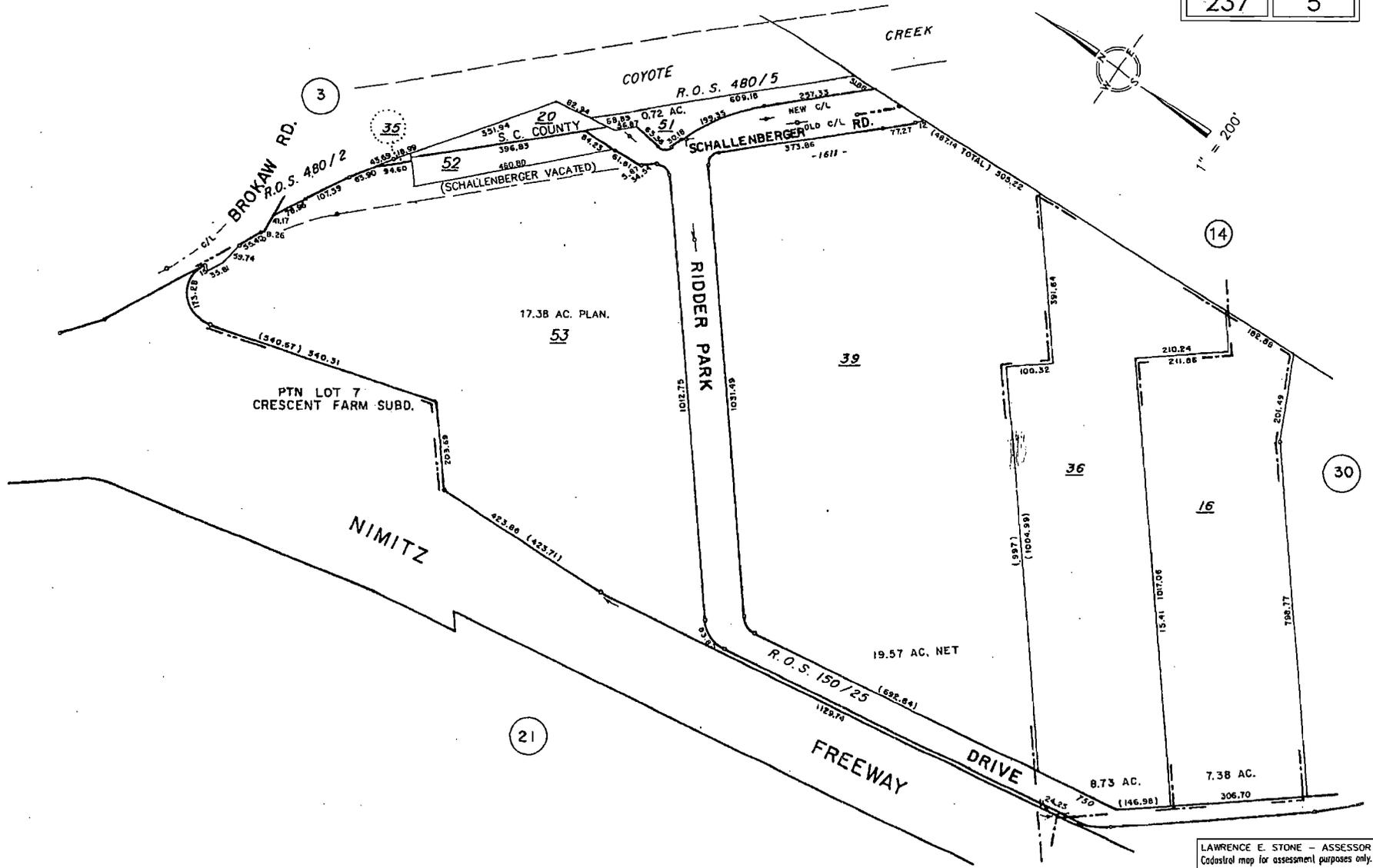
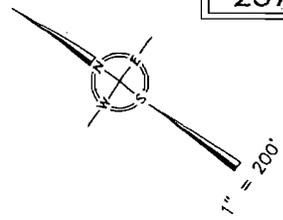
# GP07-04-01 - REGIONAL MAP



Department of Planning, Building  
and Code Enforcement  
Planning Services Division

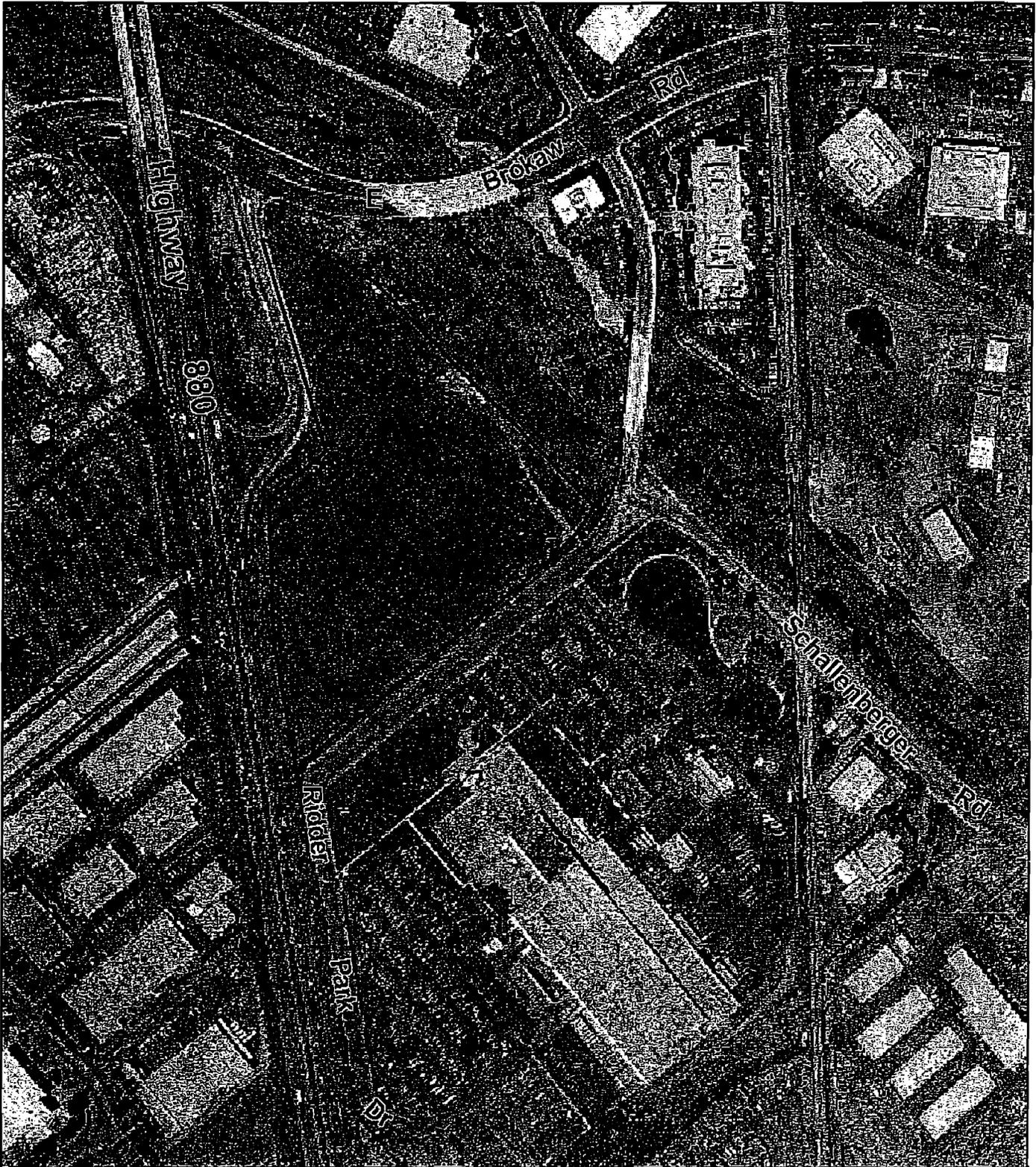


No Scale  
Quad: 51



LAWRENCE E. STONE - ASSESSOR  
 Cadastral map for assessment purposes only.  
 Compiled under R. & T. Code, Sec. 327.  
 Effective Roll Year 2004-2005

# GP07-04-01 - Aerial Map

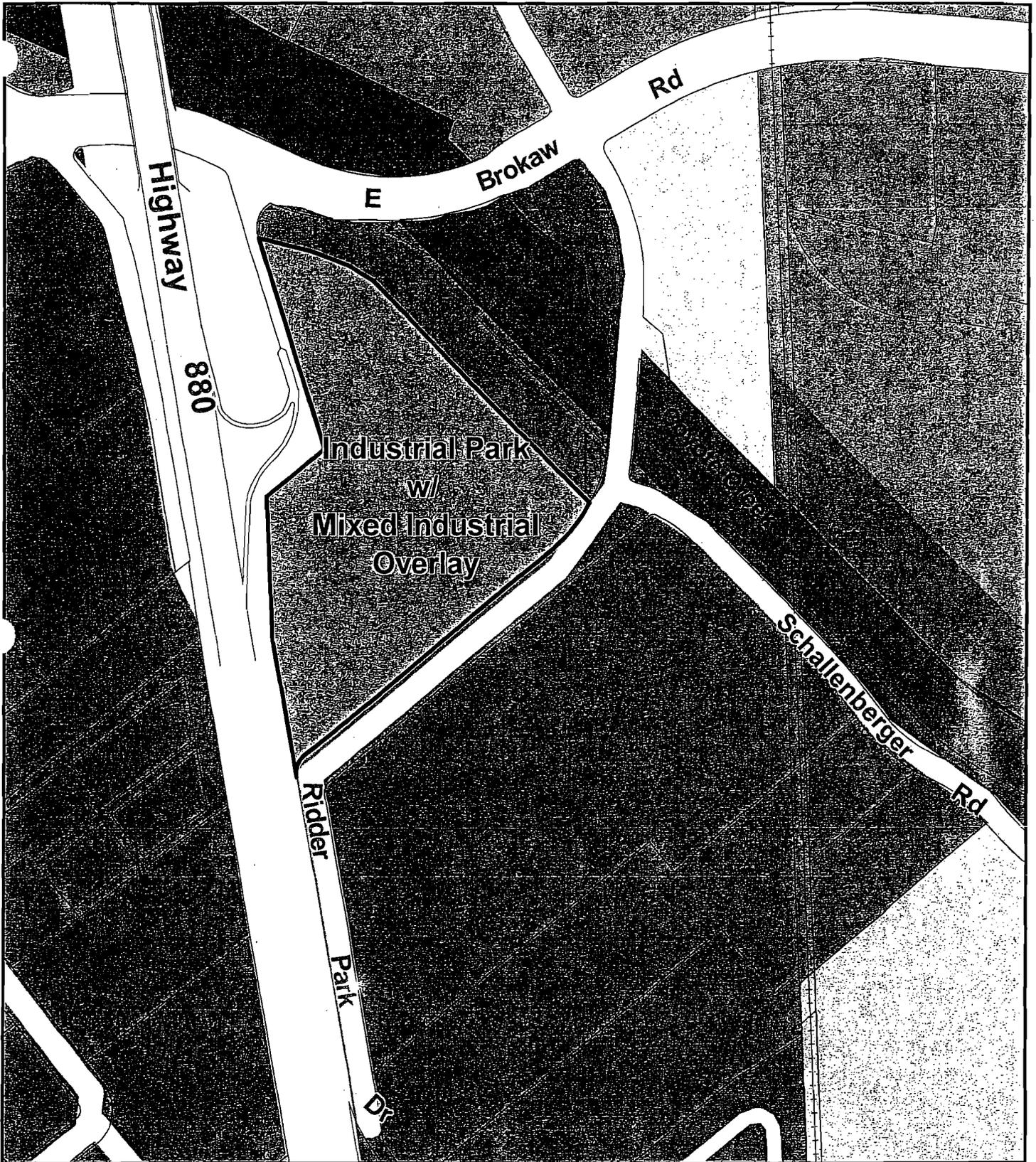


  
CITY OF  
**SAN JOSE**  
CAPITAL OF SILICON VALLEY  
Department of Planning, Building  
and Code Enforcement  
Planning Services Division

 SITE

  
N  
No Scale  
Quad: 51

# GP07-04-01 - Current General Plan Land Use Designation

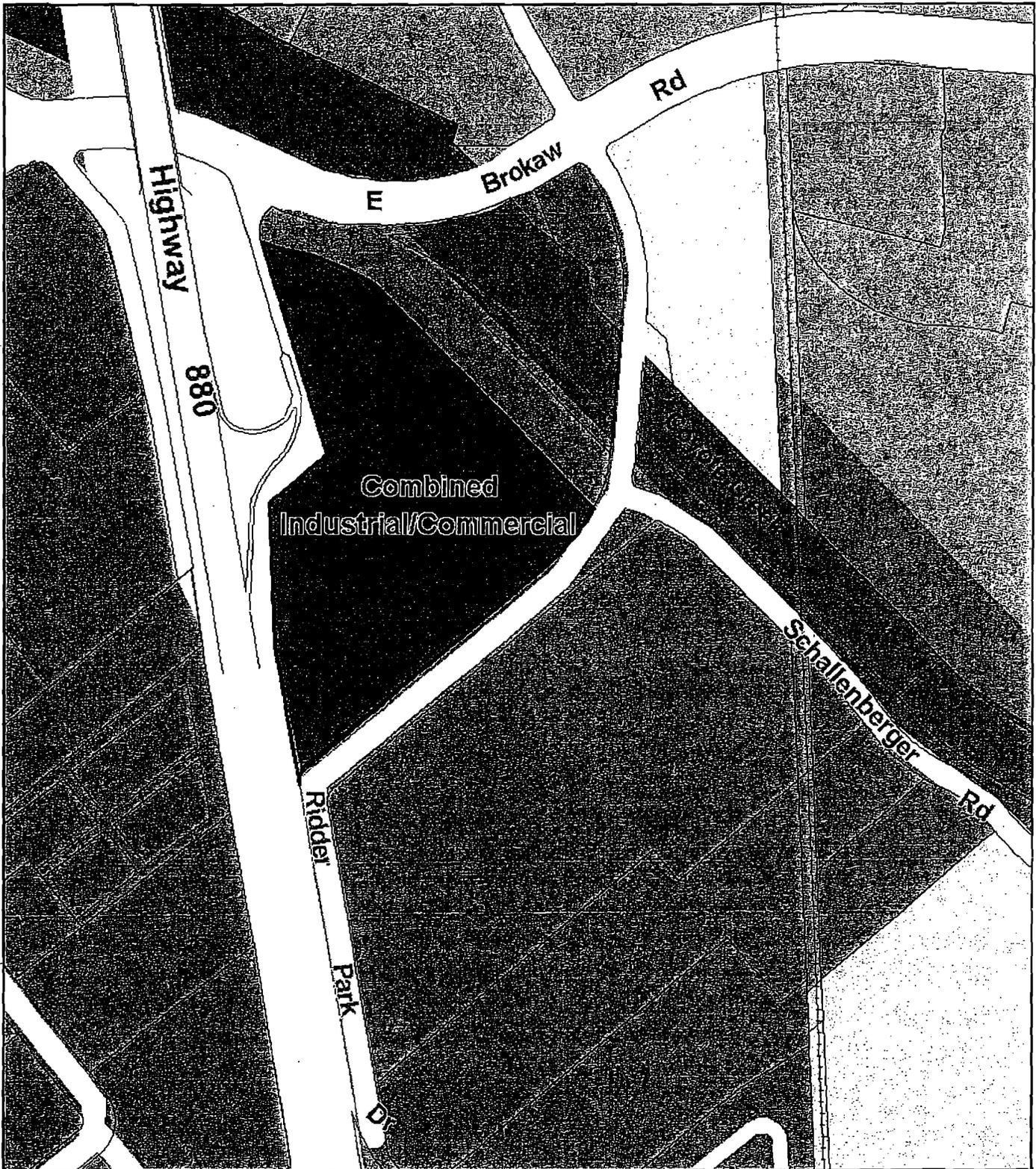


Department of Planning, Building  
and Code Enforcement  
Planning Services Division



No Scale  
Quad: 51

# GP07-04-01 - Proposed General Plan Land Use Designations



  
**CITY OF SAN JOSE**  
CAPITAL OF SILICON VALLEY  
Department of Planning, Building  
and Code Enforcement  
Planning Services Division

 SITE



No Scale  
Quad: 51

## ADDENDUM TO A NEGATIVE DECLARATION

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose has prepared an Addendum to a Negative Declaration (ND) adopted for a previous project. Because minor changes made to the project described below do not raise important new issues about the effects on the environment, this project is adequately covered by this Addendum to the Negative Declaration from the previous project.

### PROJECT DESCRIPTION AND LOCATION

GP07-04-01. GENERAL PLAN AMENDMENT request for a project located at the southeast corner of Highway 880 and East Brokaw Road, northerly of Ridder Park Drive and westerly of Coyote Creek on a 15.6-gross-acre site in the IP – Industrial Park Zoning District to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to Combined Industrial/Commercial.

Council District 4.

County Assessor's Parcel Number 237-05-053

### CERTIFICATION

The environmental impacts of this project were addressed by an Initial Study and documented by a Negative Declaration for a General Plan Amendment, File No. GP99-04-04, and certified as final on September 24, 1999. Specifically, the following impacts were reviewed and found to be adequately considered by the ND:

- |                                                             |                                                            |                                                             |
|-------------------------------------------------------------|------------------------------------------------------------|-------------------------------------------------------------|
| <input checked="" type="checkbox"/> Traffic and Circulation | <input checked="" type="checkbox"/> Soils and Geology      | <input checked="" type="checkbox"/> Noise                   |
| <input checked="" type="checkbox"/> Cultural Resources      | <input checked="" type="checkbox"/> Hazardous Materials    | <input checked="" type="checkbox"/> Land Use                |
| <input checked="" type="checkbox"/> Urban Services          | <input checked="" type="checkbox"/> Biotics                | <input checked="" type="checkbox"/> Air Quality             |
| <input checked="" type="checkbox"/> Aesthetics              | <input checked="" type="checkbox"/> Population and Housing | <input type="checkbox"/> Microclimate                       |
| <input type="checkbox"/> Energy                             | <input type="checkbox"/> Relocation Issues                 | <input type="checkbox"/> Construction Period Impacts        |
| <input checked="" type="checkbox"/> Transportation          | <input type="checkbox"/> Utilities                         | <input checked="" type="checkbox"/> Facilities and Services |
| <input checked="" type="checkbox"/> Water Quality           | <input checked="" type="checkbox"/> Flooding               | <input checked="" type="checkbox"/> Agricultural Resources  |

Allen Tai  
Project Manager

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

3/12/07  
Date

Alani Danielle  
Deputy

## **PURPOSE**

The purpose of this Addendum is to document any environmental impacts associated with the proposed General Plan Amendment to change the Land Use/Transportation Diagram designation of the subject site from Industrial Park with Mixed Industrial Overlay to Combined Industrial/Commercial.

## **PROJECT LOCATION**

The project site is located within the North San José Development Policy Area, the Rincon de los Esteros Redevelopment Project Area, and in the City of San José Berryessa Planning Area.

The subject property is approximately 15.6 acres and is bounded by Highway 880 and the Highway 880 northbound off-ramp to the west, East Brokaw Road to the north, Coyote Creek to the east, and Ridder Park Drive to the south. The surrounding area includes a mix of properties with Industrial Park and Heavy Industrial land use designations.

## **DESCRIPTION OF PREVIOUSLY APPROVED PROJECT**

The previously approved project (File No. GP99-04-04) was a General Plan Amendment to change the Land Use/Transportation Diagram designation from Heavy Industrial with Mixed Industrial Overlay to Industrial Park with Mixed Industrial Overlay.

## **PROPOSED CHANGE TO THE APPROVED PROJECT**

The project proposes a General Plan Amendment to change the land use designation from Industrial Park with Mixed Industrial Overlay to Combined Industrial/Commercial.

Currently there are no applications on file for a specific development proposal on this site.

## **RELATIONSHIP TO NORTH SAN JOSÉ AREA DEVELOPMENT POLICY**

The North San José Area Development Policy established capacity for development of industrial and commercial support uses within the Policy area. Currently the subject site may be developed up to a maximum floor area ratio (FAR) of 0.35. There is no corresponding FAR for commercial uses. Depending on the proposed future use(s), additional project specific traffic analysis may be required to demonstrate conformance with the North San José Area Development Policy.

## **ENVIRONMENTAL IMPACTS OF PROPOSED CHANGE TO THE APPROVED PROJECT**

When comparing the proposal to the previously approved project, no notable environmental impacts would result. The following discussion describes the minor changes in the environmental impacts of the proposed project as it relates to traffic and circulation.

### *Traffic and Circulation*

Based on the City of San José's trip generation rates, the requested change from Industrial Park with Mixed Industrial Overlay to Combined Industrial/Commercial would not result in a significant change in peak hour trips. The proposal results in a net reduction in PM peak hour trips and is below the exemption threshold established for this area. Therefore, the proposed project is exempt from a computer model (CUBE) traffic impact analysis.

## **CONCLUSION**

The proposed Combined Industrial/Commercial land use category is intended for commercial, office, or industrial developments or a compatible mixture of these uses. The City of San José General Plan states that the uses of the Industrial Park land use category are consistent with the Combined Industrial/Commercial category. The Mixed Industrial Overlay designates non-exclusive industrial areas where the addition of non-industrial uses would not compromise the integrity of areas reserved exclusively for industrial uses. The General Plan provides examples of non-industrial uses that include, but are not limited to, primary or secondary schools, hotels and motels, nightclubs, churches, free standing daycare centers, big box retailers, large gymnasiums, sports or arts instruction facilities, and hospitals.

The proposed project would not result in impacts that were not previously reviewed and adequately considered by the Negative Declaration for the previously approved project, in that there is little difference between the current (Industrial Park with Mixed Industrial Overlay) and proposed (Combined Industrial/Commercial) land use designations in terms of allowable uses and intensity and pattern of development. Impacts associated with vehicle trips, i.e., transportation, regional air emissions, and roadway noise, would be reduced under the proposed General Plan designation.

Any future development proposal(s) under the requested or current land use designation would be required to undergo project specific environmental review.

*RP*

**CITY OF SAN JOSÉ, CALIFORNIA  
DEPARTMENT OF CITY PLANNING  
DRAFT  
NEGATIVE DECLARATION**

SEP 24 11 00 AM '99  
 SERENA PAVES  
 CLERK & RECORDS  
 CO. OF SANTA CLARA  
 COUNTY

(ENDORSED)  
 FILED

**FILE NUMBER** GP 99-04-04/GP 99-T-2

**Council District Number** 4

The Initial Study on which this Negative Declaration is based was prepared by the Director of Planning and is on file in the office of the Department of Planning, Building and Code Enforcement, Room 400, 801 North First Street, San José, California.

**PROJECT LOCATION**

**County Assessor's Parcel Number** 237-05-049, 050

North side of Ridder Park Drive at Schallenberger Road

**PROJECT DESCRIPTION**

General Plan Amendment request to change the Land Use Diagram designation from Heavy Industrial with Mixed Industrial Overlay to Industrial Park with Mixed Industrial Overlay on approximately 15.6 acres and to amend the General Plan text to modify the Urban Design Policies to allow building heights of up to 55 feet for the subject site.

**CERTIFICATION**

The Director of Planning, Building and Code Enforcement certifies that the above project will not have a significant effect on the environment. This finding is based on the following considerations:

1. This proposal to amend the General Plan is compatible with the adopted environmental goals and policies of the City. Conformance with General Plan policies and programmed mitigation measures will reduce land use impacts from implementation of the proposed General Plan amendment to a less than significant level.
2. Future development of the site will conform to the City's General Plan noise guidelines.
3. No rare or endangered species of flora or fauna are known to inhabit the site. All significant and ordinance-size trees on the property will be considered for preservation at the time of any subsequent proposals. Landscaping will be required to mitigate the loss of any trees proposed for removal.
4. Long-term traffic capacity is available to serve this proposal. Prior to development, this project will conform to the North San Jose Area Development Policy adopted by the City to ensure adequate traffic capacity for existing and approved development.

- 5. The project is located in an area of potential archaeological and cultural sensitivity. Prior to development, a report will be required to determine potential impacts on archaeological resources and identify appropriate mitigation.
- 6. Conformance with General Plan policies and programmed mitigation measures will reduce flooding, drainage and water quality impacts from implementation of the proposed General Plan amendment to a less than significant level.

**PROTEST OF A NEGATIVE DECLARATION**

The Negative Declaration may be protested in writing by any person prior to 5:00 p.m. on **October 14, 1999**. Such protest shall be filed in the Department of Planning, Building and Code Enforcement, Room 400, 801 North First Street, San José, upon payment of the \$50 filing fee and shall include a statement specifying those anticipated environmental effects which may be significant. A protest of a Negative Declaration will be heard by the Planning Commission at the earliest date.

James R. Derryberry, Director  
Planning, Building and Code Enforcement

Circulated on: September 24, 1999

Susan Walton  
Deputy

Adopted on: October 14, 1999

Susan Walton  
Deputy

c: Knight-Ridder, c/o Alan Filverglatt, 50 W. San Fernando, San Jose, CA 95113  
Tom Armstrong, HMH, Incorporated, 1570 Oakland Road, Ste 200, San Jose, CA 95131

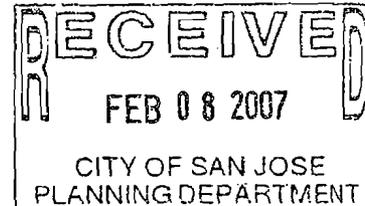
204-0/JC:PL

SEP 24 1999  
POSTED ON \_\_\_\_\_ THROUGH OCT 14 1999  
IN THE OFFICE OF THE COUNTY CLERK-RECORDER  
BRENDA DAVIS, COUNTY CLERK  
BY JACQUELINE TORRES DEPUTY

# Memorandum

**DATE:** 02/07/07

**TO:** Allen Tai  
**FROM:** Nadia Naum-Stoian



Re: Plan Review Comments

**PLANNING NO:** GP07-04-01  
**DESCRIPTION:** GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Private Open Space, Public Park and Open Space, and Industrial Park to Combined Industrial Commercial on a 18-acre site. (Sand Hill Property Company, Owner/Metropolitan Planning Group, Applicant)  
**LOCATION:** southeast corner between Interstate 880 and Brokaw Road  
**ADDRESS:** southeast corner between Interstate 880 and Brokaw Road  
**FOLDER #:** 07 002818 AO

The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.

The application provided does not include adequate information for our review; Fire Department staff will provide further review and comments when additional information is received as part of subsequent permit applications.

Planner to check with Hazardous Materials Division, , Michael Murtiff, for Environmental concerns, and Fire Administrative Officer Geoff Cady for response impact.

Site flow requirement may be as high as 4,500 GPM.

A handwritten signature in black ink, appearing to read "Nadia Naum-Stoian".

Nadia Naum-Stoian  
Fire Protection Engineer  
Bureau of Fire Prevention  
Fire Department  
(408) 535-7699

# Memorandum

**TO:** Jenny Nusbaum  
Planning, Building  
and Code Enforcement

**FROM:** P. Paul Ma

**SUBJECT: TRAFFIC IMPACT ANALYSIS  
FOR GP07-04-01**

**DATE:** 2/14/07

---

Approved

Date

---

File Number: GP07-04-01  
Location: S/E corner between I-880 and Brokaw Rd.  
Acreage: 18.0 ac.  
Description: Industrial Park to Combined Industrial Commercial  
(Delete 533 J)  
Outside Special Subarea (Remainder of City)

We have reviewed the subject General Plan Amendment (GPA) and submit the following comments. The estimated number of new PM peak hour trips resulting from the proposed land use change is below the exemption threshold established for this area. Therefore, this GPA is exempt from a computer model (CUBE) traffic impact analysis.

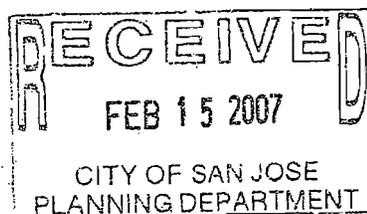
If an Environmental Impact Report (EIR) is required for this GPA for other reasons, the EIR must include a traffic impact analysis report for the project and a cumulative analysis for all GPAs on file this year. Additional traffic data will be provided to the applicant's traffic engineering consultant for the preparation of the report.

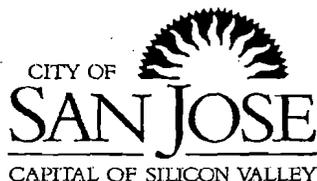
Please contact Paul Ma at 975-3272 if you have any questions.



P. PAUL MA  
Transportation Systems Planning Manager  
Department of Transportation

PM  
cc: Allen Tai





# Memorandum

**TO:** Allen Tai  
Planning and Building

**FROM:** Ebrahim Sohrabi  
Public Works

**SUBJECT: RESPONSE TO GENERAL PLAN  
AMENDMENT APPLICATION**

**DATE:** 02/15/07

---

**PLANNING NO.:** GP07-04-01  
**DESCRIPTION:** GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Private Open Space, Public Park and Open Space, and Industrial Park to Combined Industrial Commercial on a 18-acre site. (Sand Hill Property Company, Owner/Metropolitan Planning Group, Applicant)  
**LOCATION:** southeast corner between Interstate 880 and Brokaw Road  
**P.W. NUMBER:** 3-00743

Public Works received the subject project on 02/01/07 and submits the following comments:

- A6 Flood Zone (Detailed flood comments can be found in the PRE07-025 memo)
- NO Geological Hazard Zone
- NO State Landslide Zone
- YES State Liquefaction Zone
- NO Inadequate Sanitary capacity
- NO Inadequate Storm capacity
- NO Major Access Constraints
- NO Near-Term Traffic Impact Analysis

Please contact the Project Engineer, Amit Mutsuddy at (408) 535-6828 if you have any questions.

EBRAHIM SOHRABI  
Senior Civil Engineer  
Transportation and Development Services Division

ES:AM:rc



# Memorandum

**TO:** Allen Tai  
Planning Department

**FROM:** Tim Town  
Municipal Water System

**SUBJECT:** Muni Water/SBWR Comments  
**DATE:** February 8, 2007  
**On Proposed Development**

San Jose Municipal Water System/South Bay Water Recycling has reviewed the proposed development GP07-04-01 regarding a General Plan Amendment request to change the Land Use/Transportation Diagram designation from Private Open Space, Public Park and Open Space, and Industrial Park to Combined Industrial Commercial on an 18-acre site located on the southeast corner of Interstate 880 and Brokaw Road, and has the following comments:

Recycled water is available adjacent to this site to supply non-potable water needs. This development is of a size that requires it to use recycled water.

This development shall be responsible for the cost of designing and constructing recycled water mains and services within the site and connecting to the existing recycled water main on Ridder Park Drive fronting the site for the purpose of using recycled water for landscape irrigation.

An Engineering & Inspection Fee will be collected by the City of San Jose for the recycled water portion of public improvements.

In addition, this development shall submit landscape plans to Muni Water/SBWR for review and permitting of recycled water use.

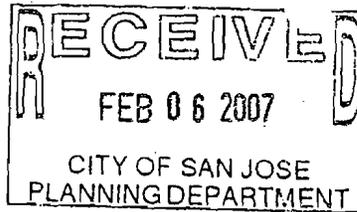
If you have any questions please contact me at 277-3671. Thanks for the opportunity to comment.

*Timothy S. N. Town*  
Timothy S. N. Town  
Associate Civil Engineer  
Municipal Water System

# County of Santa Clara

Roads and Airports Department

101 Skyport Drive  
San Jose, California 95110-1302  
(408) 573-2400



February 2, 2007

Ms. Jenny Nusbaum  
Project Manger  
City of San Jose  
Department of Planning, Building and Code Enforcement  
200 E. Santa Clara  
San Jose, CA 95113-1905

Subject: City File No. GP07-04-01  
General Plan Amendment to change Land Use, Sand Hill Property Company,  
Southeast corner between Interstate 880 and Brokaw Road

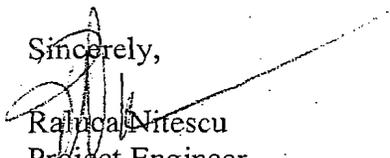
Dear Ms. Nusbaum

Your January 24, 2007 letter along with the attachments for the subject project have been reviewed.

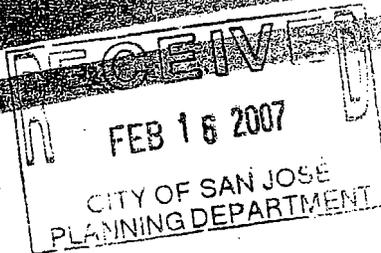
Please include traffic impact to Montague Expressway and possible mitigation in the project.

Thank you for the opportunity to review and comment on this application. If you have any questions, please call me at 573-2464.

Sincerely,

  
Raluca Nitescu  
Project Engineer

CC: MA, WRL, File



5750 ALMADEN EXPWY  
SAN JOSE, CA 95118-3686  
TELEPHONE (408) 265-2600  
FACSIMILE (408) 266-0271  
www.valleywater.org  
AN EQUAL OPPORTUNITY EMPLOYER

File: 26538  
Coyote Creek

February 14, 2007

Mr. Jeff Roche  
Planning Division  
Department of Planning, Building, & Code Enforcement  
City of San Jose  
200 East Santa Clara Street, 3<sup>rd</sup> Floor  
San Jose, CA 95113-1905

Subject: General Plan Amendment (GP07-04-01), Comprehensive Preliminary  
Review (PRE07-025) – Assessor's Parcel No. 237-05-053

Dear Mr. Roche,

The Santa Clara Valley Water District (District) has reviewed the preliminary site plan and General Plan Amendment request to change the land use / transportation diagram designation from Private Open Space, Public Park and Open Space Industrial Park to Combined Industrial Commercial on an 18-acre site located at the southeast corner of Interstate 880 and Brokaw Road.

Changes in land use that create increased impervious surfaces are an ongoing concern to the District with respect to protecting downstream facilities from adverse water quality and quantity impacts. Site design measures should be incorporated in the development to reduce impervious areas and the amount of runoff from developed areas of the site.

Federal Emergency Management Agency (FEMA) maps show that a majority of the site is within Zone A6 and would be subject to flooding to an elevation between 47 and 51 feet in the event of a 1 percent flood. The proposed development must not exacerbate the flooding conditions on adjacent properties nor increase the 100 year water surface elevation upstream or downstream from the site. A floodplain analysis will need to be prepared delineating the post development floodplain depth and lateral extent.

To comply with federal flood insurance regulations, the lowest floor and highest adjacent grade of any building must be above the 1 percent water surface elevation. We recommend the lowest floor be a minimum of 2 feet above the 1 percent water surface elevation.

Mr. Jeff Roche  
Page 2  
February 14, 2007

Currently, the District is working towards developing a comprehensive plan to reduce flooding to the surrounding area along Coyote Creek between Montague Expressway and Interstate 280. Continued coordination between the city, developer, and the District will be essential as the District anticipates the need for additional land rights, within the riparian setback area, to implement flood protection measures.

The development should be designed so that there is no overbank drainage into the creek. Storm water should be dispersed through the sites landscaped areas and directed into the city storm drain system.

To maintain ecological compatibility with the existing riparian forest and ensure genetic specificity, areas within the setback should be landscaped with plant species native to the local water shed. Consistent with the goals of the City of San Jose's Riparian Corridor Policy Study, a minimum 100 foot setback from the riparian edge should be imposed.

The project should be consistent with the 'Guidelines and Standards for Land Use Near Streams' developed by the Water Resource Protection Collaborative. A copy of these guidelines can be found on the District's website at the following:

[http://www.valleywater.org/Water/Watersheds/\\_streams\\_and\\_floods/Taking\\_care\\_of\\_streams/\\_Guidelines\\_&\\_standards/Guidelines\\_&\\_Standards.shtml](http://www.valleywater.org/Water/Watersheds/_streams_and_floods/Taking_care_of_streams/_Guidelines_&_standards/Guidelines_&_Standards.shtml)

To prevent pollutants from construction activity, including sediments, from reaching Coyote Creek, please follow the Santa Clara Urban Runoff Pollution Prevention Program's recommended Best Management Practices for construction activities, as contained in "Blueprint for a Clean Bay," and the "California Storm Water Best Management Practice Handbook for Construction."

Postconstruction water quality mitigation needs to be implemented. The design of the project area should incorporate water quality mitigation measures such as those found in the "Start at the Source-Design Guidance Manual for Stormwater Quality Protection," prepared for the Bay Area Stormwater Management Agencies Association.

Because the site is greater than 1 acre, the developer must file a Notice of Intent to comply with the State's National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activity with the State Water Resources Control Board. The developer must also prepare, implement, and maintain a Storm Water Pollution Prevention Plan and provide measures to minimize or eliminate pollutant discharges from construction activities, the parking lot, and landscaping areas after construction.

Mr. Jeff Roche  
Page 3  
February 14, 2007

In accordance with District Ordinance 90-1, the owner should show any existing well(s) on the site plans. The well(s) should be properly registered with the District and either be maintained or destroyed in accordance with District's standards. Property owners or their representative should call the Wells and Water Production Unit at (408) 265-2607, extension 2660, for information regarding well permits and registration or destruction of any wells.

When available, please send a copy of the zoning plans for our review. If you have any questions or comments, you can contact me at (408) 265-2607, extension 3174 or at [syung@valleywater.org](mailto:syung@valleywater.org).

Sincerely,



Samuel Yung  
Associate Civil Engineer  
Community Projects Review Unit

cc: Mr. Allen Tai  
Planning Division  
Department of Planning, Building, & Code Enforcement  
City of San Jose  
200 East Santa Clara Street, 3<sup>rd</sup> Floor  
San Jose, CA 95113-1905

Ms. Dionne Early  
Planning Division  
Department of Planning, Building, & Code Enforcement  
City of San Jose  
200 East Santa Clara Street, 3<sup>rd</sup> Floor  
San Jose, CA 95113-1905

S. Tippets, S. Yung, T. Hipol, M. Klemencic, S. Katric, G. Fowler, Zhen Shao,  
File (2)

sy:rmn  
26538\_48799SY02-14



February 7, 2007

City of San Jose  
Department of Planning and Building  
200 East Santa Clara Street  
San Jose, CA 95113

Attention: Jenny Nusbaum

Subject: City File No. GP07-04-01 / Brokaw-I880 Industrial-Commercial

Dear Ms. Nusbaum:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the General Plan amendment for Combined Industrial Commercial on 18 acres at the southeast corner of I-880 and Brokaw Road. We have no comments at this time.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Molseed", is written over a large, faint, stylized signature.

Roy Molseed  
Senior Environmental Planner

RM:kh

cc: Ebrahim Sohrabi, San Jose Development Services

Jenny Nusbaum, Project Manager  
Department of Planning  
City of San Jose,  
200 East Santa Clara Street  
San Jose, CA 95113-1905

Dear Jenny Nusbaum,

RE: City File No. GP07-04-01 APN: 23705053

The project requested change in land use designation from Private Open Space, Public Park and Open Space Industrial Park to Combined Industrial Commercial on an 18-acre site (Sand Hill Property Company, Owner/Metropolitan Planning Group, Applicant) located at the southeast corner between Interstate 880 and Brokaw Road was delayed in reaching my desk and therefore an extension of response time was requested.

On viewing the site and reviewing earlier planning considerations for this site I would request that the City of San Jose Planning Department defer decision on this General Plan Amendment request until an evaluation of alternative land use priorities is thoroughly re-assessed.

It is my recollection that this parcel was found to be one of the few remaining opportunities for wetlands and riparian corridor enhancement along Coyote Creek in the City of San Jose. The proximity of a degraded narrow fringe of the Coyote Creek riparian forest and the site's low flood-prone elevation make it an excellent wetlands restoration prospect.

The continuity and depth of riparian corridor is always a concern in this downtown reach of Coyote Creek, and wetlands mitigation capabilities are, at present, almost non-existent for private industry as well as for public works projects.

There are so few wetlands and riparian forest mitigation options remaining along this mid-portion of Coyote Creek that I would imagine the value of this parcel in that context might exceed its development potential in an area that has a considerable degree of commercial vacancies.

Also, the parcel's location, backed up to Highway #880, makes it valuable for a wetlands filter for pollutants from highway stormwater runoff as well as for re-forestation to provide an improvement to air quality in region.

Please do provide your Planning Commission with land use alternatives of sound environmental consideration that probably were the reason for the original open space General Plan designation for this parcel.

I would appreciate being informed when this item will be placed on the Planning Commission's agenda.

Sincerely,



Libby Lucas, Conservation  
Santa Clara Valley Chapter  
California Native Plant Society  
174 Yerba Santa Ave.,  
Los Altos, CA 94022

ph: 650-948-3552

mail: jluccas1099@aol.com