



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: August 1, 2007

COUNCIL DISTRICT: 4
SNI AREA: N/A

SUBJECT: PDC06-038. PLANNED DEVELOPMENT REZONING FROM (IP) INDUSTRIAL PARK TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 1,900 SINGLE-FAMILY ATTACHED RESIDENTIAL UNITS, UP TO 15,000 SQ. FT. OF RETAIL COMMERCIAL USES, UP TO 16,360 SQ. FT. OF LEASING OFFICE AND RESIDENT CLUBHOUSE USES, AND A 5-ACRE PUBLIC PARK, AT THE SOUTHEAST CORNER OF ZANKER ROAD AND RIVER OAKS PARKWAY ON A 38.7 GROSS ACRE SITE.

RECOMMENDATION

The Planning Commission voted 5-1-1 (Kamkar opposed, Jensen absent) to recommend that the City Council defer consideration of the proposed project until the completion of a "master plan" for the North San José area to identify the location of schools, parks and the needs for other essential services, including fire and police protection. The Planning Director recommends approval of the proposed Planned Development Zoning.

OUTCOME

Should the City Council approve the Planned Development Rezoning, up to 1,900 Single-family attached residential units, up to 15,000 sq. ft. of retail commercial uses, up to 16,360 sq. ft. of leasing office and resident clubhouse uses, and a 5-acre public park would be allowed on the site subject to the approval of Planned Development Permits by the Director of Planning, Building and Code Enforcement.

BACKGROUND

On June 27, 2007, the Planning Commission held a public hearing to consider the proposed Planned Development Rezoning. The Director of Planning, Building and Code Enforcement recommended approval of the proposed rezoning. The item had been deferred from the May 30, 2007 Planning

August 1, 2007

Subject: PDC06-038

Page 2

Commission hearing to allow for the election of a councilmember for District 4 to occur prior to the Planning Commission's consideration of the rezoning.

Subsequent to the Planning Commission meeting, the City of San Jose has begun to organize a twenty-one member Task Force composed of North San José residents, business owners and property owners to assist with planning for the development of new neighborhoods and neighborhood services as part of the implementation of the City's North San José Area Development Policy. The first Task Force meeting was held on Wednesday, July 25, 2007. The Task Force will provide input on various policy tools that will serve to implement the adopted policy.

Staff Presentation

Planning Staff made a presentation on the proposed project including information on the North San José Area Development Policy. The project is part of phase 1 of the policy that provides for the development of up to 8,000 of the total of 32,000 new residential dwelling unit proposed by the policy. In total, the policy includes the potential conversion of up to 285 acres of existing industrial lands to residential use at minimum densities of either 55 DU/AC (up to 200 acres) or 90 DU/AC (up to 85 acres). The City Council has approved three rezonings for high-density residential development within the North San José Policy Area totaling 717 units on 12.7 acres in area. Staff indicated that the primary intent of the policy was to allow housing in support of future economic development in North San José. Housing in close proximity to jobs has both regional and local traffic benefits by reducing commute lengths and internalizing trips. Staff emphasized that the project is in conformance with adopted City policy and that adequate public outreach had been conducted in order for the Planning Commission to consider the project at this time.

Applicant Presentation

Richard Lamprecht, a representative of the applicant, Irvine Apartment Communities, discussed how the project was consistent with the North San José Area Development Policy and that they were committed to the success of North San José. They indicated that they had done extensive community outreach and that the project had been modified to address neighborhood concerns. These modifications included: 1) reducing the height of a majority of the buildings on Technology Parkway from 4 to 3 stories, 2) minimizing the number of access points to River Oaks Parkway, 3) increasing set back areas in order to preserve existing mature trees on the project site, 4) and relocating the proposed park to a more central location. He indicated their desire to be actively involved in future North San José planning efforts. He described the Neighborhood Park "Master" Plan that was developed with staff and shared with the community at two separate meetings.

Public Hearing

Roger Barnes, Business Administrator for the Santa Clara Unified School District (SCUSD), spoke at the Public Hearing and asked that the Planning Commission not take action on the project until the City and the District reach agreement on the number of students (and resultant number of schools) that would be generated from all of the planned residential development in North San José. He indicated that the District was not opposed to this project or the development allowed under the North San José Policy but was concerned about the impact of not having completed the planning for schools in advance of the proposed new development projects. He cited the results of a new draft

Student Generation Report that indicates that without build-out of the new North San Jose residential areas, there could eventually be 3,500 to 4,700 new students within the boundaries of the Santa Clara Unified School district, resulting in the need for the District to build 5 to 7 additional schools. The report assumes that half (16,000) of the 32,000 new residential units planned in North San José will be built within the current boundaries of the school district. He estimated that the proposed rezoning could be expected to yield up to 500 students (using the 0.25 student generation rate from the draft Student Generation Report) in spite of the fact that the approximately 2,300 units at Irvine's nearby Northpark development currently generate only 18 school children. He indicated that the demand for higher income units (such as those at Northpark) would not continue and that the remaining units in North San José will consequently be developed as affordable and family-oriented units with higher student generation rates. He was concerned that if the City did not act now to provide for the funding of more schools, the District will have inadequate facilities to serve the number of students when these affordable units are eventually built. He also indicated that time was needed to coordinate with all potential developers to come up with a mutually agreed upon approach for the funding of schools.

Staff responded by reiterating that the City has adopted clear policy direction regarding the timing for development of a schools strategy, incorporating direction provided by the Council at the time of the policy's adoption as well as the terms negotiated as part of the legal settlement entered into by the City with the City of Santa Clara, the County of Santa Clara, and the City of Milpitas. Per the adopted North San José Area Development Policy, the City is obligated to plan for a school site (or pursue other strategies) prior to the addition of 50 students within North San José. As it will be two years or more before any of the new residential units are complete in North San Jose, staff stated that development of a school strategy any time during the next two years would clearly be consistent with the specific direction given in the policy. Therefore it is not necessary for the City to delay rezoning requests deemed in compliance with the policy, as there is adequate time to meet the policy requirement on the School Planning issues well in advance of the occupancy of the proposed units.

Numerous individuals (primarily residents of the adjoining River Oaks neighborhood) spoke in opposition to the proposed project. The most commonly cited concerns given during the public hearing from neighborhood residents were as follows:

- The project should not proceed in advance of the "master planning" requirement specified in the North San José Area Development Policy. The public repeatedly referenced language in the North San José Policy which states that "*Master planning to identify sites for parks, schools and other public facilities as necessary must be completed within each of the seven new residential areas prior to any proposed conversion within that area.*"
- The proposed park should be larger and located closer to the existing River Oaks neighborhood at the eastern end of the subject site.
- The neighborhood residents had not been sufficiently involved in the preparation of the proposed plan.
- The proposed project is too dense to be compatible with the adjacent neighborhood and will cause a significant impact upon existing traffic conditions.

A representative of the River Oaks Neighborhood Association indicated that if the Planning Commission decides to recommend approval of the project, that it include direction to the City Council that: 1) the maximum allowed density be reduced to 55 du/ac; 2) the park be relocated to the corner of River Oaks Parkway and Technology Drive; and 3) staff be directed to prepare a Master Plan in conjunction with a neighborhood task force prior to the issuance of permits for the development. Possible Council action to implement each of these options is discussed in the Analysis and Policy Alternatives section below.

Staff indicated in response that the City should not delay projects that are found to be substantially consistent with currently adopted City policies. Staff recommended that the Planning Commission recommend approval of the project, because the applicant has worked with staff through the permit entitlement process to address all of the issues raised by the community in conformance with the adopted policy.

In response to the community request for deferral of the project to allow for preparation of a "master plan", staff indicated that the intent was not to require that Specific Plans be developed for each of the north San José area neighborhoods. The policy requires master planning to be done as a part of the City staff's review of individual development proposals, in coordination with the community through community meetings and other forms of public outreach included within the development review process. The policy, as noted above, sets specific timeframes for planning for schools and other services, providing staff with a clear framework to follow in decisions regarding the readiness of a project for hearing.

Accordingly, staff reviews projects for consistency with the North San José Policy, which requires that projects conform to the Parkland Dedication Ordinance in a manner that results in the creation of a park of a minimum of 5 acres in each neighborhood. The policy also states "*Staff will determine the most suitable site for a new park within the contiguous overlay area with the intent of identifying a centrally located and accessible park site.*" In this case, staff and the applicant prepared a neighborhood master plan for the overlay area including the subject site. This master plan includes the proposed 5-acre park and depicts how it might be expanded to 6 to 7 acres in size through the relocation of River Oaks Parkway as additional residential projects move forward. The relocation of River Oaks Parkway is desirable to reduce potential non-residential traffic through the River Oaks neighborhood and allow a larger park spread over the surrounding parcels. This proposal was presented at two community meetings for the project specifically as well as at community meeting to discuss the proposed North San José Area Design Guidelines. Staff has also concluded that the project includes an appropriate amount of retail space to provide services to local residents. Staff has determined based upon direction included within the policy that the project site is not viable for a school and that planning for other facilities is not "necessary" at this time.

Concerns were expressed by both the Planning Commission and the public regarding the usability of a park with the proposed "half-moon" shape and the difficulty of including sports fields in this configuration. Parks Planning staff indicated that the size of the proposed park would allow for the development of active and passive uses consistent with the park uses requested by the local community.

In making their recommendation, members of the Planning Commission expressed agreement with the community members who advocated for a citizen-based (task force) master planning effort to be

completed prior to approval of the proposed project. One member of the Commission suggested that deferral until completion of the school strategy or school needs assessment would be adequate, but overall the Commission recommended completion of the task force process prior to project approval. Members of the Planning Commission also advocated for use of “green building” techniques in the construction of this project, as well as all future projects within San Jose. While some Commissioners indicated a desire to reduce the project density or to change the park size and configuration, no specific comments on the project design were included in the motion. The Commission recommended that the Council defer the item because the Commission was not able to defer it past the August City Council hearing date.

ANALYSIS

Approval of the proposed project will further the goals of the Vision North San Jose project, is consistent with the adopted North San Jose Area Development Policy and is generally consistent with the key elements of the design guidelines under preparation. The issues raised at the public hearing (e.g. “master planning”, school needs, public process, provision of retail and other residential supporting services) have all been thoroughly discussed in the original staff report (previously distributed) prepared for the May 30th Planning Commission hearing.

Per the Planning Commission’s recommendation, the City Council could defer consideration of the project until completion of the pending planning efforts, including planning for schools and parks, within North San José. This planning effort is anticipated to require 6 to 12 months. The Commission and various members of the public stated that “master planning” of the North San José area should occur before this project proceeds further and that it is a requirement of the adopted Policy. Staff however recommends that the City Council approve this project while the Task Force planning process is ongoing, because the project conforms with all existing policies and the “master planning” process has been met per the intent of the Policy. This issue is extensively discussed in the prior staff report and summarized above. The issues raised by the community (school planning, retail, etc.) were all discussed during the development and adoption of the NSJ Policy and the Policy incorporates specific direction on how to address them, allowing the City to move forward with project approvals. Furthermore, the development of a school strategy and other policy implementation planning efforts underway will be completed before units are constructed as part of this project approval. Waiting for the Task Force to complete its efforts would cause an undue delay and economic impact for the project developer of a project that has been found in conformance with the North San José Policy and other City policies. Deferral of this project would also suggest the need to delay the ongoing review of other projects in North San José should the Council determine that the “master planning” effort must be completed prior to decisions on those other projects.

A minority opinion of the Planning Commission was that the City should defer consideration of the project until further study of the demand for schools is completed. Discussion of a school strategy will likely be an early agenda item for the new Task Force. Student generation rates and resulting school needs, based upon data provided from the respective school districts, were included and analyzed in the EIR for the approved policy. As mentioned above, a new analysis of student generation rates, paid for by the City of San Jose, is underway as one of the elements of the legal settlement for the policy. City staff are in the process of commenting on the first draft of this study, but staff’s initial assessment is that the study will need to be significantly revised in order to provide

useful analysis and projections for North San Jose. The first draft of the study is based upon data collected at low density residential projects and unsubstantiated presumptions about future economic and demographic trends. City staff will be asking for revisions to the study, including reference to other residential projects that meet the 55 dwelling units per acre minimum as a source of data for student generation rates. As noted above, the study suggests a significantly higher student generation rate than has historically been documented for high-density projects. The Commission and various members of the public expressed concern that appropriate student generation rates should be resolved and potential school locations should be identified prior to approval of this project. Staff recommends that the Council approve this project since occupancy of the units to be created by this project is two years away, and the remaining school issues can be resolved before then. Waiting for the resolution of school generation rates and potential school locations would delay a project that has been found in conformance with the North San José Policy and other City policies. Regardless of the outcome of the school needs assessment, staff does not recommend nor consider it feasible to extract land dedication from the subject site for a school. Development of a school strategy is a broad effort and should not be tied to a particular project.

The City Council could approve the project with revisions to address concerns regarding the location, size and/or configuration of the proposed park. Staff supports the proposed park size and location as consistent with the adopted policy, appropriate within the neighborhood context and consistent with a reasonable level of obligation to be placed upon the project developer under the City's Parkland Dedication Ordinance. The proposed park size fulfills the policy requirement to locate a 5-acre park within the project overlay area. The proposed location will result in a park located centrally within the new Transit Employment Residential overlay neighborhood area and maximize the number of units fronting the park. The proposed park shape will act as a formal urban design element to organize the new residential development and meet the expressed community program preferences for passive activities.

The City Council could deny or recommend revisions to the proposed project to address concerns regarding the proposed density of the development, since the project would result in a net density of up to 78 dwelling units per acre. The General Plan designation for the site requires a minimum density of 55 dwelling units per acre. The policy supports development at higher densities where appropriate in order to minimize the amount of land conversion needed to deliver the 24,700 new residential units provided for within the policy. Staff considers the proposed density to be appropriate and compatible in this case because: 1) the nearby River Oaks neighborhood ranges in density between 18 and 50 dwelling units per acre with the most dense areas being in proximity to the project site; 2) the proposed project decreases in density and height (predominantly 3-story) along the edge closest to River Oaks; 3) the two residential developments are separated by a public street with adequate setbacks; and 4) such transitions in density have been successfully implemented throughout the City. Comparable densities are anticipated for other new residential development on adjacent properties within the same overlay area.

As noted above, the incorporation of "green building" techniques was also discussed at the Planning Commission hearing. The North San Jose Policy contains the following language:

"Sustainable development practices and use of "green" building techniques are critical to the long-term success of the North San José area. North San José should be a showcase of sustainable building practices, consistent with the area's role as a technology leader.

- *New industrial and residential development should incorporate site design and green building architectural design treatments that reduce energy use, promote water conservation and otherwise reduce impacts environmental impacts. Participation in City resource conservation programs is strongly encouraged*
- *New development should utilize recycled water to the extent feasible, particularly to irrigate landscape areas. Landscaping materials with low irrigation needs should be used in areas without access to recycled water.”*

Because green building technologies and related policies are rapidly evolving, the Policy is intended to provide the basis for the City to require projects to make use of the best, practicable measures available. Staff anticipates that the City will adopt Leadership in Energy and Environmental Design (LEED) green building standards as a requirement for private development sometime within the next couple of years. LEED standards for multi-family housing were not yet established when the Policy was adopted, but are now available. If this project is approved by the Council, it is anticipated that the first phase of development would be issued Building Permits prior to the City's potential adoption of the LEED standards. However, subsequent phases of development would likely occur after the Council has taken action. Staff recommends that the project approval be conditioned to require phases 2 and 3 to be constructed according to the City's LEED green building standards in place at the time of development of those phases.

EVALUATION AND FOLLOW-UP

This is the first time that this item is presented to the City Council. If approved by the City Council, this project will be brought back to the City Council for a second reading within two to four weeks from this hearing date.

POLICY ALTERNATIVES

As stated earlier in this memo, staff recommends approval of the proposed zoning with the addition of a requirement to incorporate LEED standards in phases 2 and 3. Community and Planning Commission members discussed additional possible modifications to the project that the City Council may want to consider.

Alternative #:1 Defer consideration of project until completion of NSJ Task Force Work Plan per Planning Commission recommendation

Pros: Satisfies community request for deferral to allow more opportunity for community input.

Cons: Delay causes significant cost increase to the project developer who has developed a project consistent with existing policies and ordinances.

Reason for not recommending: As discussed above, the current policies adequately address these issues to allow approval of development projects. The project conforms to the adopted policies. Deferral of the project will cause an undue cost to the project developer without providing any clear benefit towards the furtherance of the City goals and vision for North San Jose.

Alternative #:2 Defer consideration of project until completion of the school needs assessment

Pros: Partially satisfies community desire for deferral; less delay than Alternative #1

Cons: Delay causes significant cost increase to the project developer who has developed a project consistent with existing policies and ordinances. Results of school needs assessment will not have any impact upon the proposed project design.

Reason for not recommending: Deferral of the project will cause an undue delay and financial cost to the project. Regardless of the outcome of the school needs assessment, staff does not recommend nor consider it feasible to extract land dedication from the subject site for a school. Development of a school strategy is a broad effort and should not be tied to a particular project.

Alternative #:3 Approve project with revisions to the proposed park size and location

Pros: Would provide for a greater community amenity (larger park) and satisfy residents of the River Oaks neighborhood who would like a park located in close proximity to their homes.

Relocation could also provide an increased buffer between the new and existing housing.

Cons: Increasing the size of the park would likely decrease the number of units and increase cost to the developer. Relocation of the park would decrease the number of new units with park frontage and likely eliminate the potential for expansion of the park in the future.

Reason for not recommending: Staff concludes that the project applicant has made a sufficient effort to address community concerns by relocating the park to the center of the project site and by providing a wide, landscaped walkway trail along the northern edge of the project site connecting the park to the existing neighborhood. The proposed park configuration facilitates preservation of the existing trees along River Oaks Parkway, would be central to the new residential area, and would be roughly equidistant between the existing Moitozo park and a park planned for the property to the southeast of the River Oaks neighborhood. The park size and shape are appropriate in terms of meeting the project developer's obligation under the City's Parkland Dedication Ordinance.

Alternative #:4 Approve project with reduction in density to 55 DU/AC

Pros: Partially satisfies community concern over traffic impacts and compatibility of the new development with existing development densities.

Cons: Reduces the number of units, potentially leading to more conversion of industrial lands and may impact project feasibility.

Reason for not recommending: Higher density residential development is consistent with the goals of the North San Jose Area Development Policy. Reducing the unit count on this site would create more development potential for other sites within the residential overlay and thereby contribute toward additional conversions. The proposed interface provides more than adequate transition between densities and otherwise meets all applicable City policies.

PUBLIC OUTREACH/INTEREST



Criteria 1: Requires Council action on the use of public funds equal to \$1 million or greater. (Required: Website Posting)

August 1, 2007

Subject: PDC06-038

Page 9

- 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)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30; Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

COORDINATION

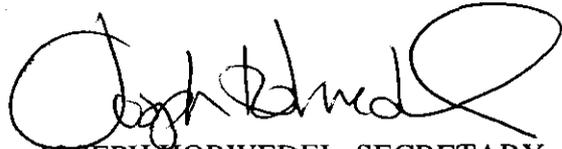
This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department and the City Attorney.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

CEQA

CEQA: North San José Policy Update EIR certified June 21, 2005 per City Council Resolution No 72768.



JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Andrew Crabtree at 408-535-7800.



Memorandum

TO: City Council

FROM: Mayor Chuck Reed

SUBJECT: Rezoning of Property at Zanker Road and River Oaks Drive

DATE: June 4, 2007

Approved

Chuck Reed

Date

6/4/07

RECOMMENDATION

Request the Planning Commission hold a special hearing on or before June 18, 2007 to make recommendations to the City Council regarding the rezoning of property at Zanker Road and River Oaks Drive.

Direct the City Clerk to forward this request to the Planning Commission.

Place this rezoning on the City Council agenda for a hearing on June 19, 2007, with a second reading on June 26, 2007.

BACKGROUND

This matter was set for a hearing by the Planning Commission on May 30, 2007 but the Commission deferred hearing it until June 27, 2007 so that it could not be considered by the City Council until after the special election for District 4. The delay means it cannot be considered by the Council until August.

The plan includes a new park, which could be expanded if the developer is able to acquire property next to the project. The uncertainty and additional cost to the project of this two month delay threatens an opportunity for the developer to acquire adjacent property to expand the proposed park and to build more affordable housing.

The community supports having a larger park and the larger park allows for a better neighborhood design.

Since the Planning Commission did not hold a hearing on this matter before making the decision to defer it, the Commission was not made aware of the impacts of the delay to the developer.

Prompt action is necessary to allow the City Council to timely consider the application by the Irvine Apartment Communities to proceed with the development of 1,900 single-family attached homes on the former Sony site at a total estimated cost of \$450 million. About \$34 million in city fees will be paid by the developer and approximately 1000 jobs are expected to be generated during project construction.



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: May 23, 2007

TRANSMITTAL MEMO

COUNCIL DISTRICT: 4
SNI: N/A

SUBJECT: PDC06-038. LOCATED ON THE 3300 ZANKER ROAD, AT THE SOUTHEAST CORNER OF ZANKER ROAD AND RIVER OAKS PARKWAY.

The Planning Commission will hear this project on May 30, 2007. The memorandum with Planning Commission recommendations will be submitted under different cover. We hope the submittal of this staff report is of assistance in your review of this project.

 
JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Susan Walton at (408) 535-7800.

CITY OF SAN JOSE, CALIFORNIA
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, Third Floor
San Jose, California 95113

Hearing Date/Agenda Number
P.C. 5-30-07 Item # 4.c.
C.C. 6-05-07

File Number PDC06-038

Application Type
Planned Development Rezoning

Council District: 4

Planning Area North San Jose

Assessor's Parcel Number(s)
097-33-094 and 097-33-095

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Andrew Crabtree, Richard Buikema, and
Rodrigo Orduña

Location: 3300 Zanker Road, at the Southeast corner of Zanker Road and River Oaks Parkway

Gross Acreage: 38.70 AC Net Acreage: 25.45 AC Net Density: at least 55 DU/AC,
and up to 78 DU/AC

Existing Zoning: IP-Industrial Park Existing Use: Vacant Building

Proposed Zoning: A (PD) Planned
Development Proposed Use: Up to 1,900 Single-family attached residential units, up to 15,000 sq.
ft. of commercial, up to 16,360 sq. ft. of leasing office and resident clubhouse
uses, and a 5-acre public park

GENERAL PLAN

Completed by: RO

Land Use/Transportation Diagram Designation
Industrial Park w/ Transit Employment Residential Overlay

Project Conformance:
 Yes No
 See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: RO

North: Light Industrial IP – Industrial Park

East: Multi-family Residential A (PD) – PDC88-034 at 18-50 DU/AC

South: Light Industrial IP – Industrial Park

West: Fire Station and Light Industrial IP – Industrial Park

ENVIRONMENTAL STATUS

Completed by: RO

Environmental Impact Report found complete (North San Jose Policy
Update EIR certified June 21, 2005 per City Council Resolution No 72768 – State
Clearinghouse #2004102067)
 Negative Declaration circulated on
 Negative Declaration adopted on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: RO

Annexation Title: Orchard No. 85

Date: 2/1/1979

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Denial
 Uphold Director's Decision

Date *May 23, 2007*

Approved by: *Susan Walton*
 Action
 Recommendation

APPLICANT/OWNER/DEVELOPER

The Irvine Apartment Communities
690 North McCarthy Boulevard
Milpitas, CA 95035

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: RO

Department of Public Works

See attached memorandum dated 5/23/07

Other Departments and Agencies

See attached memoranda from the Department of Parks, Recreation, and Neighborhood Services (02/02/07), City Arborist (01/25/07), Environmental Services Department (05/18/06), and the Fire Department (05/17/06).

GENERAL CORRESPONDENCE

Five letters and one petition with 197 signatures expressing concern over the proposed development were received from the public. The issues of concern include traffic and access impacts, lack of schools in the area, lack of parks in the area, proposed density and building massing, tree preservation, insufficient retail in the area, and lack of comprehensive planning for the broader area. (See the attached letters and petition.)

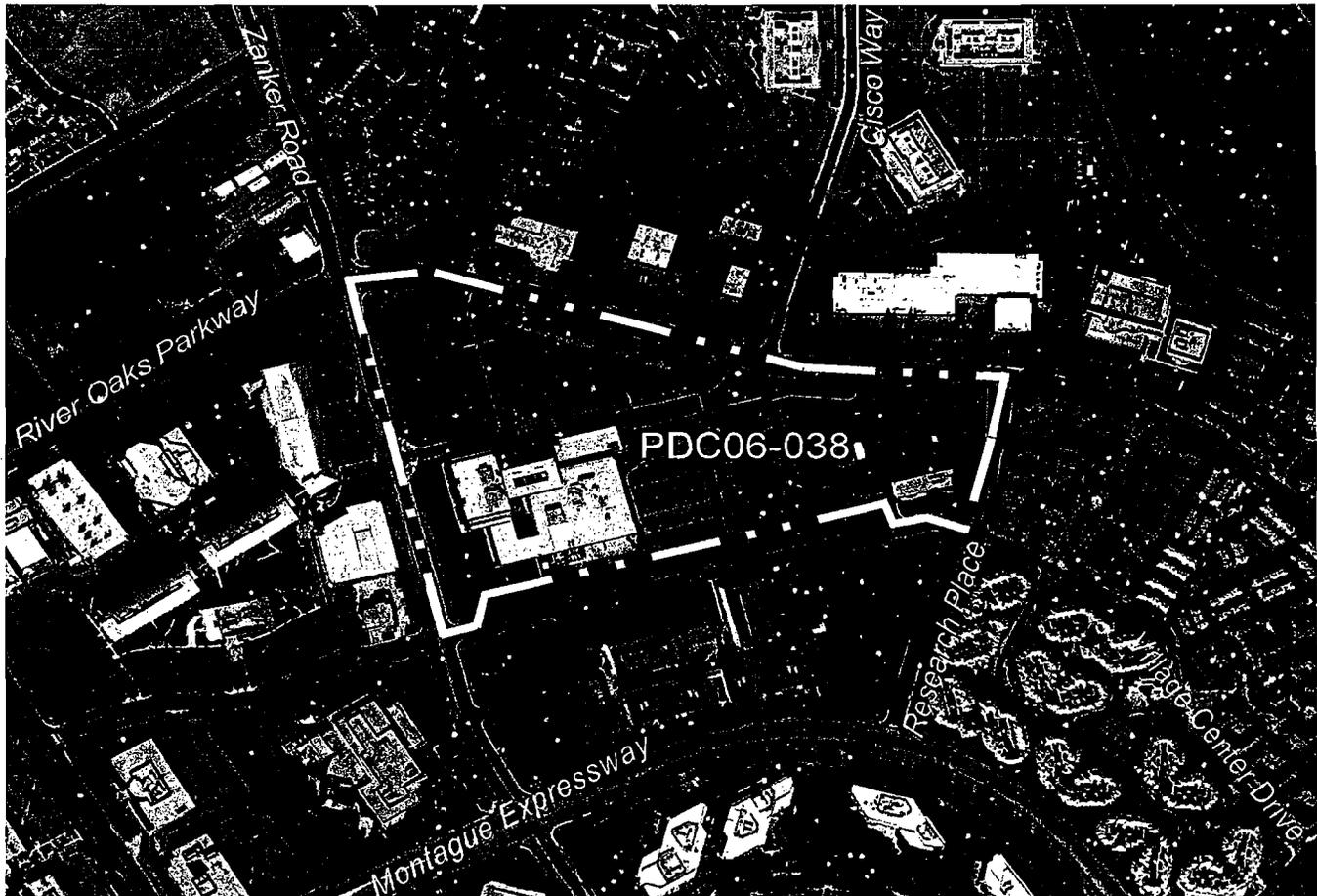
ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Irvine Apartment Communities, is requesting to rezone the subject site from IP – Industrial Park Zoning District to A (PD) Planned Development Zoning District to allow up to 1,900 multi-family attached residential units on a 38.71 acre site (approximately 78 dwelling units per acre on the net site area after dedication for public streets and public park). A corresponding Planned Development Permit for the project (File No. PD07-006) and a Tentative Map (File No. PT07-004) are currently on file and under review. The Planned Development Zoning application was filed on May 5, 2006.

The 38.71 acre project site is bounded by public streets on three sides and by a private drive to the south. The western boundary is Zanker Road, a four-lane arterial that is planned to be the major north-south vehicle route in North San Jose. River Oaks Parkway provides the northern boundary and Research Place the eastern boundary of the site. Both streets currently provide local access to industrial and residential uses. River Oaks Parkway extends eastward through the center of the River Oaks neighborhood. Henry Ford Drive, located to the south of the site, is used as a private driveway to support the existing industrial development on the adjacent property and provides limited access to the project site.

Surrounding land uses include industrial park (Altera) to the west, industrial park (Cisco and various others) and the Agnews Developmental Center to the north, the River Oaks residential neighborhood to the east and industrial park (Lockheed Martin) to the south. Residential density in the adjacent River Oaks neighborhood ranges from 18 to 50 dwelling units per acre.



Aerial View of Site and Surrounding Context

Project Description

The proposed planned development rezoning allows for the development of up to 1,900 attached residential units, up to 30,000 square feet of commercial use and a 5 acre public park. The new park will be located at the center of the northern side of the project site and have a semi-circular shape. A new public street is provided along the southern side of the park with two additional new streets connecting to Zanker Road to the west and to Henry Ford Drive to the south. Additionally, the zoning provides for the conversion of Henry Ford Drive to a public street in the future if the adjacent property is redeveloped. Two greenways (paseos) are proposed to provide additional public access through the project site. The new streets and paseos together roughly approximate a grid street system that defines five development parcels. The total portion of site area to be dedicated for new streets is approximately 9.25 acres. With dedication of a 5 acre park, the net developable site area is 22.45 acres.

A density range is proposed for each development parcel of between 55 DU/AC to 77/78 DU/AC. Development at the low end of the density range would yield 1,342 units, while development at the high end for each parcel would result in a total of 1,900 units. A maximum of 7,500 square feet of commercial may be developed on both Parcel 1 and on Parcel 2, the two parcels that front on Zanker Road. An additional 15,000 square feet of commercial use, intended for a leasing center, is allowed on Parcel 3 which fronts on to the proposed park.

The maximum proposed building height is 80 feet. Additional development standards which address setbacks, building design and other project details are included in the draft General Development Plan Standards (attached) and discussed as appropriate below.



Looking east on River Oaks Parkway



Looking northeast on Research Place



Looking at poplar trees along Zanker Road

ENVIRONMENTAL REVIEW

The project site is located within the boundaries of the *North San Jose Area Development Policy*. The Final Environmental Impact Report (EIR) for the North San Jose Area Development Policies Update was certified and the project approved by the City Council in June 2005. Santa Clara County and the Cities of Milpitas and Santa Clara subsequently legally challenged the EIR. In December 2006, the Santa Clara County Superior Court approved a settlement over all legal challenges and deemed the EIR adequate.

An Initial Study was prepared in accordance with an addendum to the Final EIR. The Initial Study evaluated impacts related to air quality, noise, cultural resources, geology, hydrology and hazardous materials. Based on the analysis in the Initial Study, it has been concluded that the North San Jose Area Development Policies Update Final EIR adequately addresses the environmental effects of the proposed project, and project would not result in significant environmental effects that are not already identified in the Final EIR. The project, therefore, meets the eligibility requirements for preparation of an addendum and does not require a supplemental EIR or Negative Declaration.

GENERAL PLAN CONFORMANCE

The project site is designated Industrial Park, with the Transit Employment Residential overlay and Floating Park designation on the *San Jose 2020 General Plan Land Use/Transportation Diagram*. The Transit Employment Residential overlay allows residential development at a minimum average density of 55 units per acre as an alternate use to the underlying Industrial Park designation. The designation also allows commercial uses on the first two floors of a mixed-use residential development. The proposed project is consistent with this General Plan designation.

PUBLIC OUTREACH

Two community meetings, with public notification of 1,000-foot radius, were held to discuss this application on Thursday, February 8, 2007 and on Tuesday, May 22, 2007. Approximately 150 community members, primarily from the River Oaks neighborhood, attended the first meeting and approximately 25 community members attended the second meeting. City staff conducted a series of general community meetings related to implementation of the Council adopted North San Jose Area Development Policy. Approximately 150 members of the public attended the first, held on December 19, 2006. Subsequently staff held community meeting / workshops on Saturday April 21, 2007 and Monday April 23, 2007. Approximately 40 community members attended at least one of the three workshop sessions. These workshops provided extensive opportunity for discussion and input from the community to guide the ongoing implementation of the Vision North San Jose project and the development of parks and recreational facilities plan for North San Jose. Staff also presented the North San Jose Area Development Policy at a River Oaks Neighborhood Association meeting. Information related to these meetings, including an ongoing FAQ, full notes from the community meetings and a summary of community issues is provided on the Vision North San Jose website at: <http://www.sanjoseca.gov/planning/nsj/>. Key points from these meetings are discussed in the Analysis section above.

Notices for the Planning Commission and City Council public hearings were distributed to the owners and tenants of all properties located within 1,000 feet of the project site. An on-site sign was placed on the site to provide information on the pending proposal. The Planning Department website contains information regarding the North San José area, including the Policy, development applications, staff reports, and hearing schedules. This website is available with the most current information regarding the status of the rezoning applications. Staff has also been available to discuss the project with members of the public.

ANALYSIS

The primary issues for this project are consistency with the *North San Jose Area Development Policy*, the *Draft North San José Design Guidelines* and the concerns raised by residents in the surrounding area.

Consistency with the North San Jose Area Development Policy (Policy)

The *North San Jose Area Development Policy* provides for the development of up to 32,000 new residential dwelling units within North San Jose, including the potential conversion of up to 285 acres of existing industrial lands to residential use at minimum densities of either 55 DU/AC (up to 200 acres) or 90 DU/AC (up to 85 acres). The Policy states that proposed conversions should be evaluated through the zoning process for conformance with City policies, and according to the following specific criteria:

Limits on Conversion

1. *A maximum of 285 acres of land may be converted to residential use within the areas designated as Transit/Employment Residential District on the City's General Plan Land Use / Transportation Diagram.*
2. *New residential density must have a minimum net density of 90 DU/AC on at least 85 of those acres. The remainder must have a minimum net density of 55 DU/AC.*

The City Council has approved three rezonings for high-density residential development within the North San José Policy Area totaling 717 units on 12.7 acres in area. The project located at 4th St. and Gish Road (File No. PDC06-022), exceeded the minimum density of 90 DU/AC. Two projects (File No. PDC05-099 & PDC06-085) were approved with densities within the range of between 55 DU/AC and 90 DU/AC.

The proposed project will result in the conversion of an additional 38.71 acres of land. The Policy states however, that land dedicated for public park uses does not count toward the maximum of 285 acres. If approved, the subject rezoning will result in the conversion of a cumulative total of 46.6 acres of the 285 provided for in the Policy. The proposed rezoning will meet or exceed the 55 DU/AC density requirement, but does not provide for conversion at 90 DU/AC.

Compatibility with Industrial Uses

1. *The site must not contain an existing important vital or 'driving' industrial use.*
2. *The site must not be adjacent to an industrial use that would be significantly adversely impacted by the residential conversion.*
3. *The site must not be in proximity to an industrial or hazardous use that would create hazardous conditions for the proposed residential development (e.g., an adequate buffer must be provided for new residential uses from existing industrial uses) in order to protect all occupants of the sites and enhance preservation of land use compatibility among sites within the Policy area. A risk assessment may be required to address compatibility issues for any proposed industrial to residential conversions.*

A portion of the subject site is currently occupied by a vacant industrial building. The building was built for and formally occupied by Sony Corporation. When the City Council was considering the boundaries for the Transit Employment Residential overlay, representatives of Sony indicated to the City that the building was obsolete and that they would like to relocate to a more appropriate facility. The subject site was then incorporated into the overlay area and the Sony offices were relocated earlier this year to an existing office building in the Rincon South area.

A risk assessment completed as part of the Initial Study for the project concluded that surrounding businesses do not appear to represent a credible threat to the project, assuming worst-case release of hazardous materials.

Services and Amenities, Including Parks

1. *New parks, schools, community facilities and other supporting uses should be built within the Transit/Employment Residential District overlay area to the extent feasible, but location of public facilities on land outside of the overlay area may be allowable to comply with other laws, policies and regulations. Suitable locations for these uses should be identified and included within a project when appropriate.*
2. *The site should be within 1,000 feet of an existing neighborhood or community park (at least 3 acres in size) or the proposed development through participation in the provisions of the City's Parkland Dedication Ordinance or voluntary donation would establish or contribute toward the establishment of a new park (at least 3 acres in size) within 1,000 feet of the project site. Staff will determine the most suitable site for a new park within the contiguous overlay area with the intent of identifying a centrally located and accessible park site. In some cases the most suitable site to provide a centrally located park site or to support a joint school-park use within a particular overlay area may be more than 1,000 feet from some properties within that overlay area. All residential projects are subject to the Parkland Dedication Ordinance and land dedication requirements will be consistent with the Ordinance in addition to the proximity requirement established here.*
3. *Master planning to identify sites for parks, schools and other public facilities as necessary must be completed within each of the seven new residential areas prior to any proposed conversion within that area.*

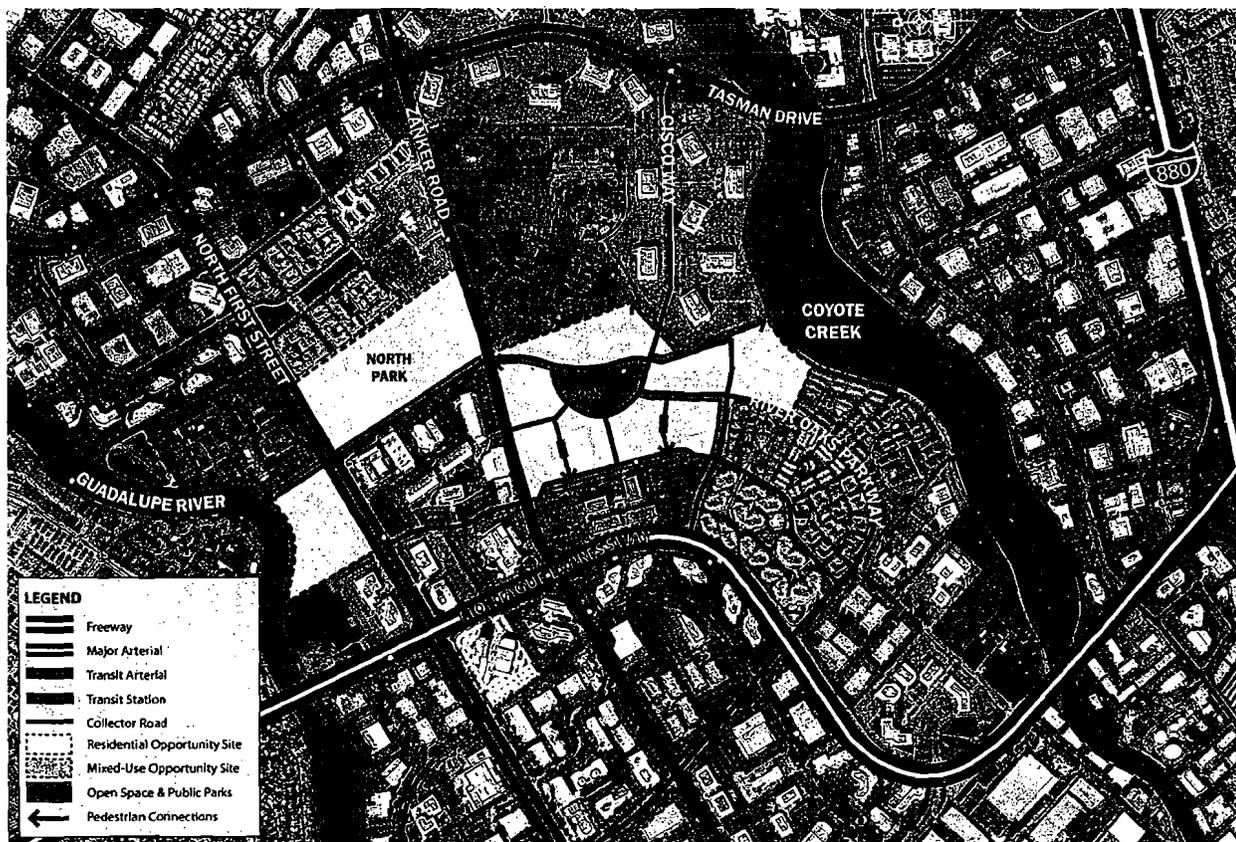
Park size and configuration

The NSJ Policy requires that a feasible site or sites for a minimum of 5 acres of new neighborhood parklands be identified within each overlay area prior to approval of any project within that overlay. While in many cases development will come forward on individual properties too small to independently fulfill the full 5-acre need, in this particular case the project proposes a 5-acre park site that will meet this requirement. This park site could be expanded as additional properties are redeveloped within the same overlay area and which must also fulfill the City's Parkland Dedication Ordinance (PDO) and/or Park Impact Ordinance (PIO) requirements.

Under the City's PDO/PIO requirements, the proposed amount of development has a raw parkland obligation of roughly 11 acres. Because the project will receive credit toward this obligation for private recreational amenities included within its common open space areas and for the financial contribution it will make toward improving the parkland area proposed for dedication, a 5-acre park dedication is consistent with the standard implementation of the PDO/PIO.

At the request of staff, the applicant prepared a neighborhood master plan for the overlay area including the subject site. This master plan includes the proposed 5 acre park and depicts how it might be expanded to 6-7 acres in size through relocation of River Oaks Parkway. Staff believes the relocation of River Oaks Parkway is desirable to reduce potential non-residential traffic through the River Oaks neighborhood and allow a larger park spread over the surrounding parcels.

The park shape and configuration was determined, along with the proposed new street network, through this planning exercise conducted by the applicant and City staff and involving community input.



Potential Neighborhood Connectivity

Community meetings have been held on several occasions at which park size, location, and design have been discussed. The proposed configuration is a compromise between the interests of the project developer and those of the community. The community has requested that the project include a 7-acre park to be located at the eastern side of the property and roughly square in shape. Locating the park at eastern end of the subject site would bring it in close proximity to the existing River Oaks neighborhood. The applicant initially proposed an elongated 3.5 acre park, located on the western side of the site. The park size was expanded to 5 acres, moved to a central location and surrounded by new public streets at staff's requests to be consistent with City Policy for public accessibility to parks. These changes help to address the community concerns.

The applicant has proposed a semi-circular park shape. This shape allows for an interim street network and a long-term street network, per the neighborhood master plan, that meet City design standards. The semi-circular park also provides a formal park frontage for three of the proposed residential buildings and a radial spoke and wheel pattern for the new streets. The trade-off is that the semi-circular shape is somewhat more challenging to program for park uses.

The proposed zoning development standards include a provision that would allow the park site to be reduced to 4 acres provided that an additional acre (or more) can be provided on an adjacent parcel. This relocation is consistent with the neighborhood master plan goal of relocating River Oaks and ultimately developing a park of 6-7 acres in size.

School Needs

Following a lawsuit with the City of Santa Clara, the City of Milpitas and the Santa Clara County, San Jose entered into a legal settlement agreement with those entities that included a modification to the text of the North San Jose Area Development Policy and an agreement to fund a school needs assessment study. Accordingly, the following text was added into the adopted Policy:

“Planning for a new school site and/or development of other strategies to address the need for expanded school capacity should be completed prior to the addition of 50 elementary, junior high or high school students within the new residential overlay areas.”

The Santa Clara Unified School District (SCUSD) hired a consultant and the City of San Jose provided funding to begin the school needs assessment in February of this year with stipulated completion in early April. The consultant has recently informed SCUSD that a first draft of the assessment will not be available until May 31st at the earliest. The assessment is intended to provide a projection of the likely near-term and long-term student generation rates for new residential development in North San Jose within the SCUSD area, including the subject project. The assessment will also address likely revenue to the school district associated with developer fees and tax increment increases.

Staff recognizes the importance of schools and other facilities (parks and recreational facilities, retail, etc.) to support the new residential development in North San Jose. While the outcome of the assessment is pending, it is anticipated that at least one new school will be needed over the time frame of the Policy. The City is obligated, per the terms of the settlement incorporated into the Policy, to plan for a school site (or pursue other strategies) prior to the addition of 50 students. As it will likely be two years or more before any of the new residential units are complete in North San Jose, the City has adequate time to complete this work in advance of the Policy requirement. Staff intends to incorporate a school strategy into a package of Vision North San Jose implementation policies to be brought to the City Council later this calendar year.

A central component of the strategy preparation will be exploration of possible funding sources. SCUSD will receive a significant amount of money through school impact fees assessed to new construction within their District's boundaries and has been collecting such funds for several years. The State typically raises the amount a District may collect in school impact fees each year, although the District may choose not to implement the increase. Currently SCUSD collects \$0.36 per square foot for all new commercial construction. The other school districts located within North San Jose (Orchard and San Jose Unified) each collect \$0.42 per square foot. The fees for residential development are \$2.24 for SCUSD, and \$2.63 for both Orchard and San José Unified School District. The State also provides a process whereby a single School District can further raise the school impact fees within their district to offset school overcrowding. Within the vicinity, Morgan Hill has approximately doubled their fees through this process (\$4.95 per square foot for residential development). At this point representatives of SCUSD have indicated they are not interested increasing the school impact fees within their district as it would affect the entire district area including new construction in Santa Clara.

Additionally, SCUSD will receive a portion of tax increment revenue as property values increase through redevelopment. Because SCUSD is a basic aid district, it enjoys funding level higher than other districts but does not receive per-student funding from the State. The City may need to consider an additional requirement for private developers to address school needs. The issue of providing adequate school facilities is a citywide concern and any exploration of the latter approach should be investigated in that context, potentially through the comprehensive update to the General Plan.

The NSJ Policy provides an opportunity to plan at the neighborhood scale as each project is evaluated, but as noted above does not require that a new school site be identified prior to approval of any particular project. The development of a residential project on the subject site will not preclude future identification of appropriate school sites. This particular 38.7-acre site is contributing 5 acres for parkland and 9.25 acres for new streets to meet the neighborhood planning needs established in the Policy. Development of a new school will likely require 5 to 10 acres of land. The City does not have the ability to require this particular development to resolve a citywide issue. Because the school needs are not yet well defined and the subject zoning is making a significant contribution toward the provision of community facilities by including a 5-acre park site, it is staff's judgment that it is appropriate to proceed with a hearing for the project.

Consistency with the interim NSJ Design Guidelines

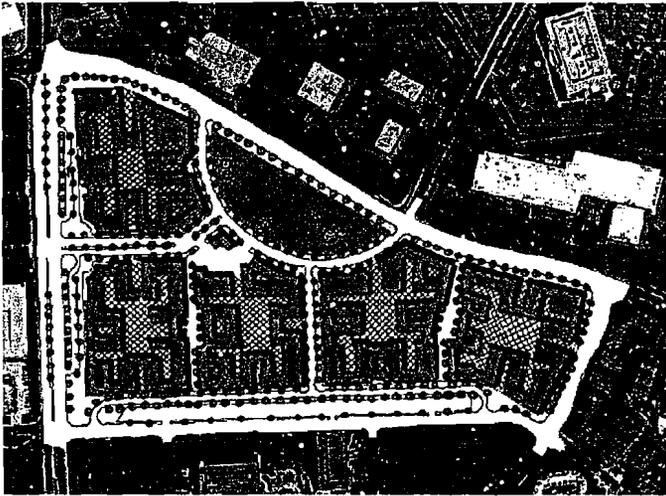
The City has hired a consultant to prepare guidelines for use in review of development proposals in North San Jose to further the goals of the Vision NSJ policies. The City Council approved a contract that included an accelerated schedule for preparation of "interim design guidelines" with the express intention that those guidelines be used for the review of pipeline projects. These guidelines have been presented to the community at a workshop held on April 21st. Community members expressed support for the principles set forth in the guidelines and strongly requested that staff adhere to the guidelines for the review of pipeline projects. Because the guidelines are still in a preliminary draft format and were not available early in the review process for this project, the following evaluation is based on consistency with the most important principles set forth in the guidelines, emphasizing those that had also been addressed in staff's initial comments to the applicant.

Grid Streets & Paseo Widths

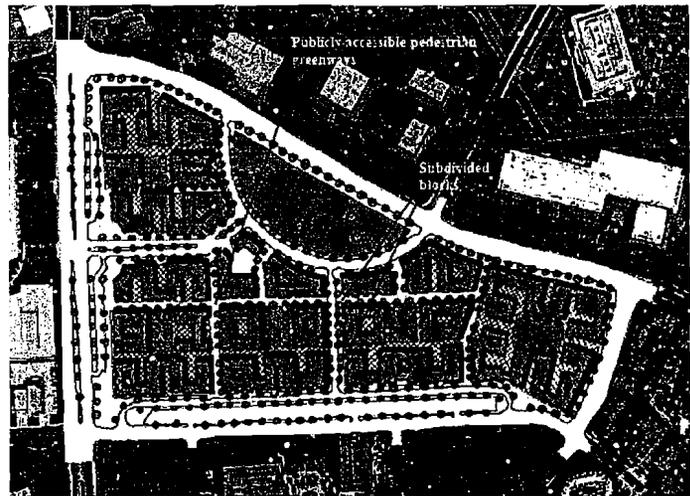
Consistent with the vision established within the adopted NSJ Policy, staff gave direction to the applicant at the beginning of this process to incorporate a new street grid system similar to what had been established at their Northpark project, with the intent of establishing a more walkable and urban residential neighborhood pattern.

The applicant responded however that because of the particular conditions of this site they would not be able to provide as many new streets as requested by staff and still have adequate space for a parking structure sized to meet their desired amount of parking. Staff agreed, as a compromise, to allow substitution of publicly-accessible paseos as an alternative to new streets, provided that the paseos are designed to closely emulate public street conditions.

The consultant drafting the North San Jose design standards has now recommended an average block perimeter of 1,500 linear feet. Other recently approved projects within North San Jose are consistent with this standard. Specific to this project, the consultant has recommended that the paseos may be used to establish this grid system. The consultant has also recommended that additional public paseos be added to the project to further break up the massing of the buildings. The applicant has agreed that this can be explored through the Planned Development Permit process. The following diagram illustrates the applicant's proposed site plan and the consultant's proposed site plan for the project.

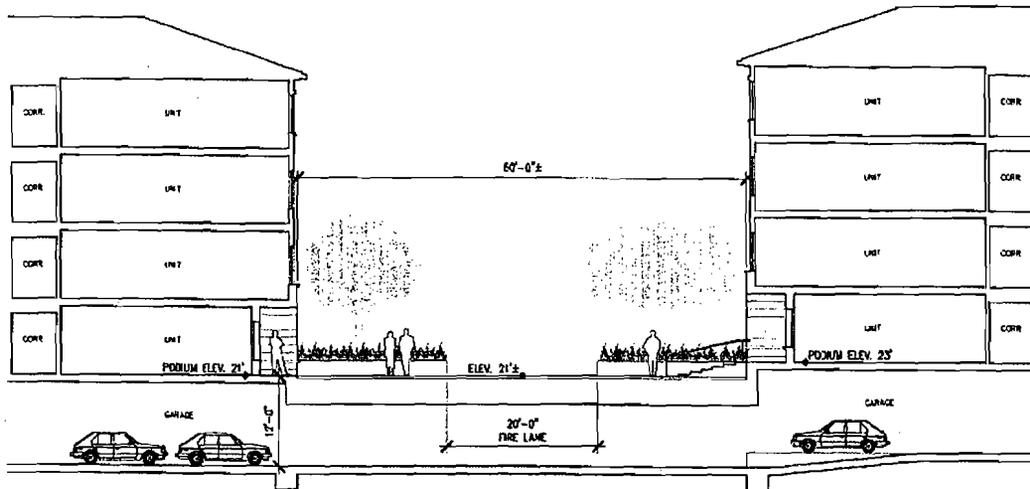


Development Proposal



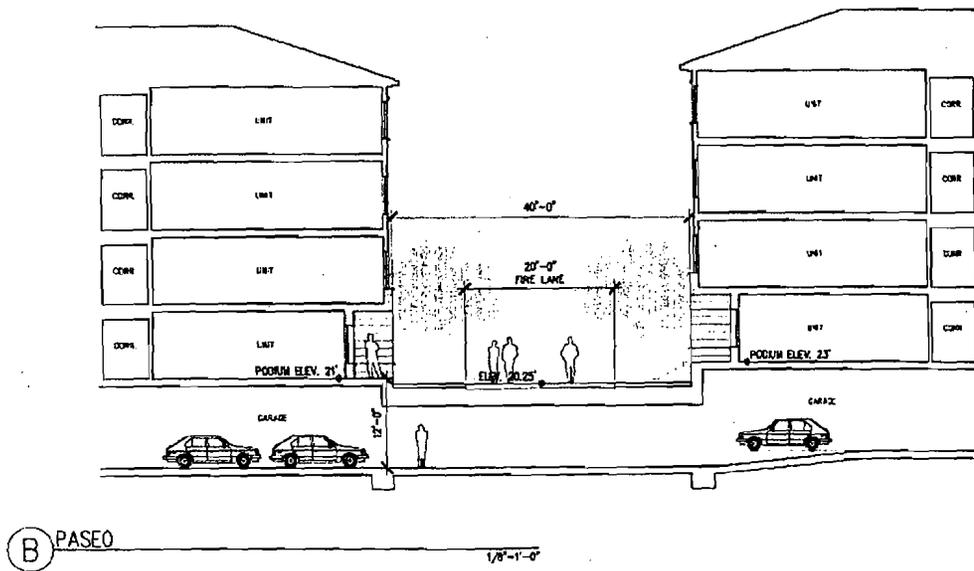
Guideline Recommendation

After further negotiation, staff has determined that the minimum appropriate width for a paseo intended to emulate a public street is 60 feet. (In the case of a public street, the minimum right-of-way of 56 feet plus the recommended minimum 10 foot building setback would result in at least 76 feet of building separation, often more). The applicant is proposing paseos with a minimum width of 40 feet. Staff is concerned that reducing the width by 36 feet (nearly half) from the minimum public street dimension, will undermine the intention of providing an urban character and publicly-accessible pedestrian walkways through the project site. Staff recommends that the General Development Plan Standards require that the two central paseos be at least 60 feet in width.



A PASEO

Proposed 60-foot paseo width at paseo entrances



Proposed 40-foot paseo width at paseo interior

Street Design for River Oaks Parkway and Henry Ford Drive

The NSJ design guidelines under preparation, consistent with the adopted Area Development Policy, recommend that all non-arterial residential and industrial streets include on-street parking as a part of the urban character being promoted in the NSJ area. Where possible, existing streets should also be retrofitted to include on-street parking. On-street parking provides a buffer between sidewalks and street traffic that promotes pedestrian comfort and will also help to support more ground level retail uses. Having a consistent treatment of streetscapes throughout North San Jose is also one of the key goals of the guidelines.

As part of the project, staff considered modifying River Oaks Parkway to include on-street parking. Community members identified preservation of the existing redwood trees along River Oaks Parkway as an important community goal. Staff concluded that preservation of this existing amenity was a worthwhile goal, and accordingly, that River Oaks Parkway could be treated as a more 'suburban' type of street without on-street parking. The applicant and Boston Properties, the adjoining property owner, have also requested that Henry Ford Drive be developed without on-street parking. Their desire for no on-street parking is based on the plan for Henry Ford Drive to become the main entry for the large office development that is undergoing preliminary planning for a large expansion. The site design proposed by the applicant includes a combination of right-of-way and setback area adequate to accommodate the addition of on-street parking along Henry Ford Drive at some point in the future without any change to the building footprint or setbacks.

Garage Screening

The draft NSJ design guidelines require that parking included within a residential podium project be either depressed halfway below grade with landscape screening or, if built at grade, be fully screened behind commercial uses or residential units located at grade. The project design is consistent with this standard, depressing the garage halfway for most of the site and using ground-level residential units as screening on the eastern edge where the natural grade level drops. The proposed retail areas will also be at grade, screening the parking areas behind.

Streetscape Design

Consistent with the draft NSJ design guidelines, staff has recommended that residential units have “front doors” (stoops) along all public street facades that have on-street parking. Individual unit entries or multiple building entries promote pedestrian activity, establish an attractive residential streetscape, and suggest a more urban character. Individual unit entries are not proposed on the less-desirable frontages such as Zanker Road without on-street parking, or on the suburban River Oaks and Henry Ford Drive frontages.

Project Architecture

The NSJ Policy and draft design guidelines strongly encourage the incorporation of green building techniques and the use of innovative architectural styles consistent with the focus on technology, industry and innovation for the North San Jose area. The conceptual architecture submitted by the applicant depicts a variety of traditional or classical residential styles associated with Mediterranean architectural styles. Staff will work with the applicant at the Planned Development Permit stage to find a compromise with a more modern character, particularly for the Zanker Road facades, but does not anticipate that the applicant will agree to a significant change from the conceptual architecture.

Neighborhood/Community Concerns

At a variety of community meetings, staff has received a significant amount of input related to the proposed rezoning and the North San Jose Area Development Policy in general. Because project specific issues and general concerns about intensification within North San Jose are interconnected for the community, both are discussed here.

Members of the River Oaks neighborhood in particular have expressed a significant level of concern related to the proposed project and the implementation of the North San Jose Area Development Policy. Residents of the condominium development formed a Home Owner’s association last year and approximately 150 members of this community have participated in one or more community meetings. The initial meetings had the highest attendance and the highest level of community expression. Attendance has been lower at the more recent meetings and discussion has shifted toward details of the Policy’s implementation.

In general, community members have expressed concern over impacts associated with the proposed intensification within North San Jose, including increased traffic levels, availability of schools, retail, parks, and other services to support new development, and the City’s commitment to an inclusive public planning process. Specific to the subject project, neighborhood residents have requested an increase in park size and relocation of the park to the eastern edge of the site, a decrease in density, changes to the circulation pattern, and a delay of the project until after the ongoing design guideline preparation and school needs assessment are completed. Community members are concerned about the large number of rental units proposed and have indicated a preference for ownership type development. Specifically, the community requests include:

- Delay the project hearing until the North San Jose design guidelines and neighborhood planning efforts are complete and to allow more time for community input.
- Relocate of the park to the eastern side of the site and increase its size to 7 acres.
- Decrease the overall project density to 55 DU/AC, with a concentration of units on the western edge of the property.
- Include a mix of ownership units.
- Provide storefront space for a community library.
- Make use of recycled water and incorporate green building techniques.

- Provide community rooms for use of public.
- Identify a new school site.
- Provide a traffic signal on River Oaks Drive.
- Expansion of VTA shuttle service to be subsidized by the project (as was done at River Oaks).

As discussed above, the project has been modified to address some of the community concerns, including expansion of the park site, relocation of the park to the center of the subject site, the addition of public streets, preservation of existing trees, tapering building heights down on the eastern side of the site and minor modification to the podium garage entrances. Additional concerns specific to the project can continue to be addressed through the Planned Development Permit process. The applicant has developed a complete project largely consistent with the City's policies in place at this time, including the neighborhood planning provisions included within the adopted Policy, and it is appropriate for this project to now be considered by the Planning Commission and City Council. Furthermore, approval of the subject project will not prevent the City from addressing school location or other needs and, by establishing a positive pattern of development, will help to establish the context for ongoing planning efforts.

Conclusion

Approval of the proposed project will further the goals of the Vision North San Jose project, is consistent with the adopted North San Jose Area Development Policy and is generally consistent with the key elements of the design guidelines under preparation. Developing a finer street grid pattern is a key goal component of the Vision and staff recommends accordingly that the project approval include a requirement that the two primary north-south paseos have a minimum dimension of 60 feet.

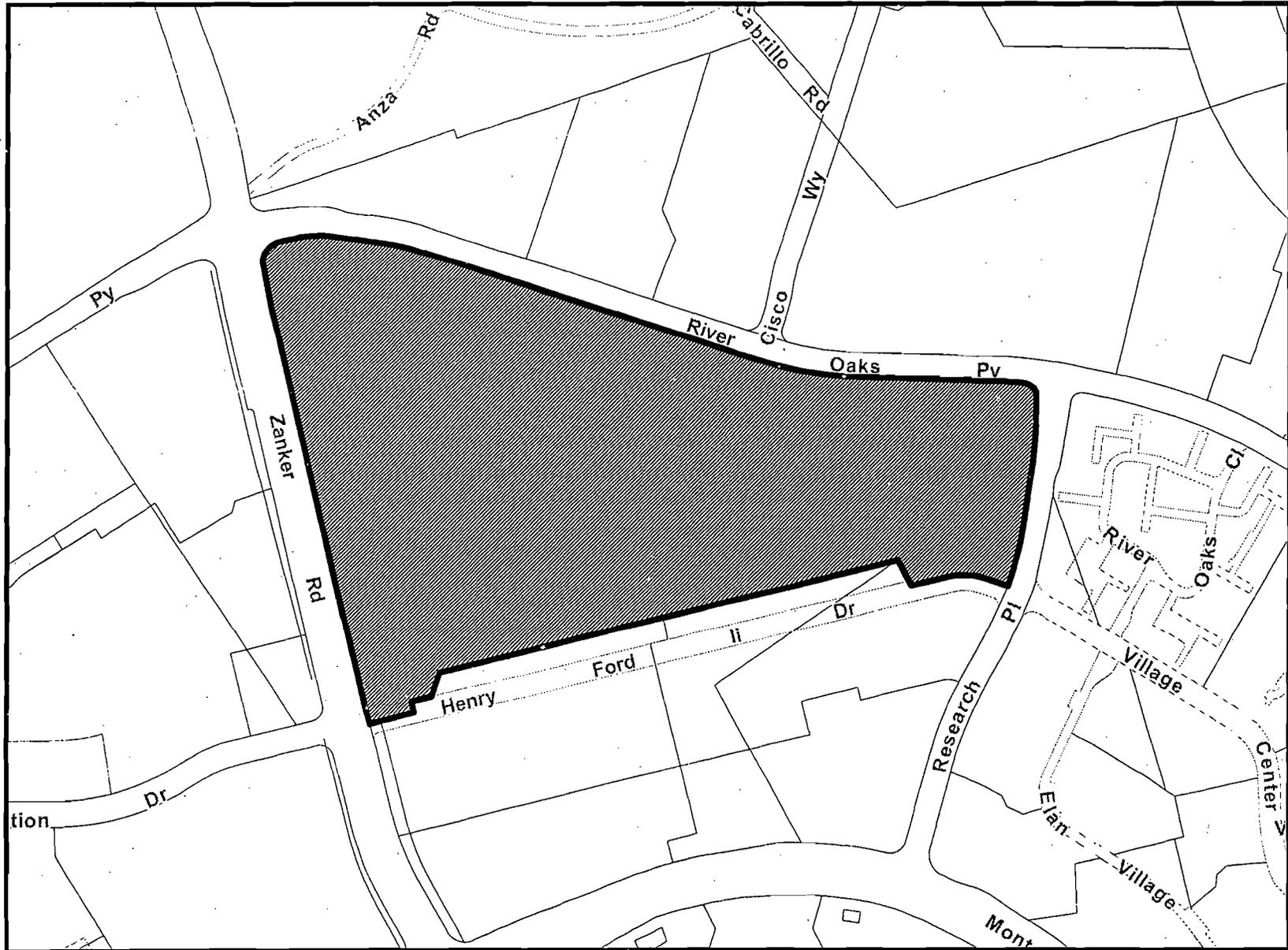
RECOMMENDATION

Planning staff recommends that the City Council adopt an ordinance approving the proposed Planned Development Rezoning for the following reasons:

1. The project conforms to the General Plan Land Use/Transportation Diagram designation Transit/Employment Residential District Overlay (55+DU/A).
2. The project is consistent with the *North San Jose Area Development Policy*
3. The project is consistent with the compatibility, parking, and open space guidelines in the Residential Design Guidelines.
4. The project is compatible with existing and planned uses in the surrounding neighborhood.

Attachments:

Location Map
Addendum to the North San Jose Development Policies Update EIR (Resolution # 72768)
Development Standards
Letters from other departments and agencies
Letters of public concern
Plan set



Scale: 1"= 400'
Noticing Radius: 500 feet

Map Created On:
05/10/2006

File No: PDC06-038

District: 4

Quad No: 35

**ADDENDUM TO AN EIR
USE OF A FINAL EIR PREPARED FOR A PREVIOUS PROJECT**

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose has prepared an Addendum to an Environmental Impact Report (EIR) because minor changes made to the project that are described below do not raise important new issues about the significant impacts on the environment.

PROJECT DESCRIPTION AND LOCATION

PDC06-038. Planned Development Rezoning to allow development of up to 1,900 Single-family attached residential units, and up to 25,000 sq. ft. of commercial uses for a project located at 3300 Zanker Road, southeast corner with River Oaks Parkway on a 38.70-gross-acre site from the Industrial Park (IP) Zoning District to the Planned Development A(PD) Zoning District. Council District 4. County Assessor's Parcel Numbers 097-33-094 and 097-33-095

The environmental impacts of this project were addressed by a Final EIR entitled, "North San Jose Development Policies Update EIR," and findings were adopted by City Council Resolution No. 72768 on June 21, 2005. Specifically, the following impacts were reviewed and found to be adequately considered by the EIR:

- | | | |
|---|--|---|
| <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"/> Airport Considerations | <input checked="" type="checkbox"/> Microclimate |
| <input checked="" type="checkbox"/> Energy | <input checked="" type="checkbox"/> Relocation Issues | <input checked="" type="checkbox"/> Construction Period Impacts |
| <input checked="" type="checkbox"/> Transportation | <input checked="" type="checkbox"/> Utilities | <input checked="" type="checkbox"/> Facilities and Services |
| <input checked="" type="checkbox"/> Water Quality | <input type="checkbox"/> _____ | |

ANALYSIS

See Attached Initial Study for the SONY Project, File Nos. PDC06-038 and PD07-006, May 2007.

Rodrigo Orduña, AICP
Project Manager

Joseph Horwedel, Director
Planning, Building and Code Enforcement

5/22/07
Date

Afoni Amickan
Deputy

The following Development Standards are to be placed on the Land Use Plan for this Planned Development Zoning once the Zoning is approved by the City Council. Where these standards conflict with the information on the plan set, these development standards take precedence.

EXHIBIT C: LAND USE PLAN AND DEVELOPMENT STANDARDS

PLANNED DEVELOPMENT ZONING PDC06-038

A. RESIDENTIAL/MIXED-USE PARCELS 1, 2, 3, 4 & 5

1. *USES*

Multiple dwelling units and ancillary uses including resident-serving support uses such as offices, club houses, fitness rooms, meeting rooms, and other residential amenities are permitted. Special and Conditional uses in listed in the R-M (Multiple Residence) Zoning District of the San José Zoning Ordinance, as amended, shall require issuance of a Planned Development Permit. The use of these amenities shall be restricted to the residents and their guests, unless otherwise allowed through a Planned Development Permit or a Planned Development Permit Amendment. Home occupations in conformance with the Zoning Ordinance, as amended, are permitted by right. Extended stay / corporate lodging units are permitted and shall be considered as residential units.

Minimum net residential density: 55 dwelling units per acre

Maximum of 30,000 square feet of commercial uses within Parcel 1 and/or Parcel 2 only, and only as a vertically mixed-use with residential; commercial uses as permitted within the Pedestrian Commercial (CP) Zoning District, as amended. Special and Conditional uses in the CP Commercial Zoning District shall require issuance of a Planned Development Permit.

2. *PERFORMANCE STANDARDS*

Per Zoning Ordinance, as amended

3. *PHYSICAL DEVELOPMENT STANDARDS*

DESIGN

The building and site design shall comply with the design guidelines listed in the *Residential Design Guidelines*, as amended, and the *North San José area Development Policy*, as amended, to the satisfaction of the City Council and the Director of Planning, Building, and Code Enforcement. The Director of Planning, Building, and Code Enforcement maintains the discretion to approve and implement minor changes to the City Council approved land use plan and development standards with respect to heights, building locations, setbacks, open space, and parking through issuance of Planned Development Permit.

PROMENADES, PASEOS AND TRAILS

A network of promenades, paseos and trails connecting to the sidewalks along internal and perimeter streets shall be provided to promote a viable pedestrian environment throughout the planned community. To create visual interest, the paseos will be a minimum of 60 feet wide, with width variation to increased dimensions. The new public pedestrian access easements / paseos shall not be gated. Gates may be provided at the entrances to the parking garages to the

satisfaction of the Director of Planning, Building, and Code Enforcement prior to Planned Development Permit approval. Detailed design of the network including edge landscaping, pavement variation and accents, entry treatments, etc. shall be provided at the Planned Development Permit/Amendment stage.

GROUND LEVEL ORIENTATION AND TREATMENT

Stoops will be encouraged along Research Place, all new public and private streets, and the pedestrian public paseos. Commercial uses will be permitted along the new public street off of Zanker Road, and along Zanker Road.

Parking garages providing parking for residents will be permitted along public street frontages and along internal project streets provided that:

- 1) The elevation of the exposed portion of the garage is architecturally integrated within the overall vocabulary of the building facade with the use of grilles, screens and other architectural devices; and
- 2) Public views into the garage are screened with shrubbery, ground cover and other landscape treatments

SETBACKS

Residential buildings shall generally be oriented parallel to the public streets of the planned community with the following setbacks:

- 1) Along River Oaks Parkway, buildings shall be set back from the face of the existing curb by a minimum of 34 feet.
- 2) Along Research Place, buildings shall be set back from the face of the new curb by a minimum of 20 feet.
- 3) Along Zanker Road, buildings shall be set back from the face of the new curb by at least 60 feet to respect the existing utility easement.
- 4) Along the new, private service road and emergency vehicle access off of Henry Ford II Drive, buildings shall be set back from the property line by a minimum of 34 feet.
- 5) Along new public streets, buildings shall be set back from the face of the curb by at least by at least 22 feet.
- 6) Along new public pedestrian access easements / paseos, buildings shall be setback a minimum of 30 feet from the centerline

SETBACK EXCEPTIONS

- 1) Porches and stoops may extend into any setback area by a maximum of seven feet.
- 2) Minor architectural projections such as fireplaces, bay windows and balconies may project into any setback by up to four feet for a length not to exceed 10 feet or 20 percent of the building elevation length.

HEIGHT

The predominant height of all development on the Residential/ Mixed-Use Parcels shall be four and one-half stories (including the portion of any parking structures above grade) or 50 feet, except as follows:

HEIGHT EXCEPTIONS

Height variation is encouraged along public streets and public pedestrian access easements / paseos to break down the scale of the building mass. In the interest of creating diverse building frontages, portions of the building will be permitted to extend to 70 feet in height and lower building sections of three stories will be encouraged. Along Research Place, the building height will vary between 3 and 4 stories, stepping down to 3 stories at the corners of the project site. Taller building sections will be focused on the Zanker frontage and the interior of the project. Non-habitable architectural projections and special treatments (e.g., chimneys, weather vanes, cupolas, pediments, etc.) shall be permitted to project above the maximum height limits. Non-habitable mechanical and equipment rooms shall also be permitted to exceed the height limit provided that such equipment is screened from predominant public view or architecturally integrated within the building. Such projections shall not exceed 15 feet in height above and beyond the maximum height allowed for habitable space.

RESIDENTIAL PARKING

Vehicular Parking

<u>Residential Unit Size</u>	<u>Parking Requirement</u>
Studio	1.5 spaces per unit
1 Bedroom	1.5 spaces per unit
2 Bedroom	1.8 spaces per unit
3 Bedroom	2.0 spaces per unit

10% of the residential parking shall be designated for visitors.

Tandem parking is permitted within garage open parking configuration to satisfy the total required parking for residential uses.

Guest Parking

Per Zoning Ordinance, as amended

Bicycle Parking

Per Zoning Ordinance, as amended

Motorcycle Parking

Motorcycle parking shall not be required in addition to vehicular parking requirements.

COMMERCIAL PARKING

Incidental Convenience Commercial uses shall not be required to provide any off-street parking provided that individual businesses are primarily local-serving and do not exceed 5,000 gross

square feet in area each. Commercial businesses in excess of 5,000 gross square feet shall provide off-street parking per the Zoning Ordinance, as amended.

PROJECT OPEN SPACE

A combination of common and private open space at a ratio of at least 160 square feet per unit

RESIDENTIAL SIGNAGE

All signage for residential uses shall comply with the Sign Ordinance standards for signage within the Multiple Residence (R-M) Zoning District, as amended.

COMMERCIAL SIGNAGE

All signage for commercial uses shall comply with the Sign Ordinance standards for signage within the Pedestrian Commercial (CP) Zoning District, as amended.

PUBLIC PARK

The applicant shall comply with the requirements of the Park Impact Ordinance (PIO), pursuant to Ordinance 24172 (Chapter 14.25 of Title 14 of the San Jose, Municipal Code, as amended) and the project shall comply with the Parkland Dedication Ordinance (PDO).

Prior to issuance of a Final Map, an irrevocable offer of dedication shall be offered to the City for 5-acres of land for use as public parkland, either as 5 acres on-site, or as 4 acres on-site plus 1 acre to be located adjacent to the project site.

Prior to issuance of occupancy permits for the 1,001st residential unit, 5-acres of land shall be fully developed as a public park, either as 5 acres on-site, or as 4 acres on-site plus 1 acre to be located adjacent to the project site, to the satisfaction of the Director of Parks, Recreation, and Neighborhood Services.

INCLUSIONARY HOUSING

The City shall consider and provide pursuant to California Government Code Section 65915 and local requirements those density bonuses and incentives required under such State and local laws, as applicable.

Applicant shall comply with the City of San Jose Policy on Implementation of the Inclusionary Housing Requirement of Health and Safety Code Section 33413 (b) (2), as amended in connection with any and all portions of the Project involving the construction or substantial rehabilitation of residential units that will be located in a redevelopment project area to the satisfaction of the Director of Planning, Building and Code Enforcement.

HOMEOWNERS' ASSOCIATION

A Home Owners' Association shall be established for all owners of all ownership residential units. The Association will be responsible for maintenance of all common areas including but not limited to parking, vehicular and pedestrian circulation, and all common landscaping.

EASEMENTS

To the satisfaction of the Director of Public Works, the applicant shall record all easements and/or covenant of easements for the benefits of Parcels 1, 2, 3, 4 and 5 for public uses, utilities, trails, paseos, etc., including along River Oaks Parkway.

PRIVATE INFRASTRUCTURE STANDARDS

All private streets and infrastructure shall comply with common interest Development Standards to the satisfaction of the Director of Public Works.

PUBLIC OFF-SITE IMPROVEMENTS

All public off-site improvements shall be implemented to the satisfaction of the Director of Public Works. Prior to the issuance of building permit(s), the applicant shall be required to obtain a Public Works clearance. Said clearance will require the execution of a Construction Agreement that guarantees the completion of the public improvements.

Prior to the issuance of a Public Works Clearance for any development, the developer shall implement the following to the satisfaction of the Director of Public Works:

- 1) Dedicate Zanker to its ultimate width along the frontage of Parcel 1 and 2.
- 2) Dedicate Research Place to its ultimate width along the project frontage.
- 3) Dedicate Henry Ford II Drive to its ultimate width.

STREET TREES

The Public right-of-way shall be planted with street trees as directed by the City Arborist.

TREE PRESERVATION AND REMOVAL

Trees proposed for removal shall be mitigated as follows:

- A. Ordinance size trees shall be replaced at a 4:1 ratio with 24-inch box trees.
- B. 12" – 17" diameter trees shall be replaced at a 2:1 ratio with 24-inch box trees.
- C. Less than 12" diameter trees shall be replaced at a 1:1 ratio with 15-gallon trees.

NORTH SAN JOSE TRAFFIC IMPACT FEE

This project is located in the North San Jose Area Development Policy Area, and is subject to the North San Jose Traffic Impact Fee to be assessed on all new residential and industrial development within the Policy Area, as modified by credits for existing development rights.

WATER POLLUTION CONTROL PLANT NOTICE

Pursuant to part 2.75 of chapter 15.12 of the San José Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager makes a determination that the cumulative sewage treatment demand on the San José – Santa Clara water plant will cause the total sewage treatment

demand to meet or exceed the capacity of the San José – Santa Clara water pollution control plant to treat such sewage adequately and within the discharge standards imposed on the city by the State of California Regional Water Quality Control Board for the San Francisco Bay region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

POST-CONSTRUCTION STORM WATER TREATMENT CONTROLS

The City's National Pollutant Discharge System (NPDES) Permit compliance requires this project to incorporate post-construction mitigation measures to control the discharge of pollutants into the storm drainage system to the maximum extent practical. Planned Development Permit plans for this project shall include design details of all post construction storm water treatment controls proposed for the project to the satisfaction of the Director of Planning, Building, and Code Enforcement.

4. ENVIRONMENTAL MITIGATION

MITIGATION MEASURES

Environmental mitigation shall be included in the project at the Planned Development Permit stage. A full list of the project mitigation is included in the findings adopted for the project in City Council Resolution Number _____. The Mitigation Measures are required as part of the "SONY Project – PDC06-038 and PD07-006" Initial Study and Addendum for the subject rezoning project. Alternative mitigation that achieves an equivalent reduction in the potentially significant impact may be approved by the Director of Planning through a Planned Development Permit.

Memorandum

TO: Rodrigo Orduna
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

DATE: 05/23/07

PLANNING NO.: PDC06-038
DESCRIPTION: Planned Development Rezoning from the IP Industrial Park Zoning District to the A (PD) Planned Development Zoning District to allow up to 1,900 single-family attached residences and 31,360 square feet for retail commercial, leasing office, and clubhouse uses on a 38.25 gross acre site
LOCATION: southeast Corner of Zanker and River Oaks Pkwy
P.W. NUMBER: 3-05723

Public Works received the subject project on 05/16/07 and submits the following comments and requirements.

Project Conditions:

Public Works Clearance for Building Permit(s) or Map Approval: Prior to the approval of the Tract or Parcel Map (if applicable) by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to comply with all of the following conditions to the satisfaction of the Director of Public Works. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

1. **Construction Agreement:** The public improvements conditioned as part of this permit require the execution of a Construction Agreement that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This agreement includes privately engineered plans, bonds, insurance, a completion deposit, and engineering and inspection fees.
2. **Transportation:**
 - a) The project is within the boundaries of the North San Jose Area Development Policy and must participate in the payment of the Traffic Impact Fee. Current fee is \$7,463 per single-family residential unit and \$5,971 per multi-family residential unit. Fees are subject to future inflation adjustment and increases.
 - b) Per the traffic operational analysis, the proposed garage gates along Zanker Road shall be installed at a minimum 60 feet from the face-of-curb.
 - c) It is recommended that on-street parking be provided along Henry Ford Drive due to the proposed land use.

3. **Sanitary:**

- a) Submit a sanitary sewer study with flow-monitoring data of the existing system at the PD permit stage. The project will be required to upgrade/rehabilitate the surrounding sanitary sewer system to serve the site. Additionally, as part of the sanitary sewer improvements, the project may be required to upgrade the existing system to serve potential development in the area.
- b) No new direct connections to the Zanker Road interceptor system will be allowed.

4. **Storm:**

- a) Based on the draft flood blockage study, the project site is in an ineffective flow area (100% blockage allowed).
- b) Submit a storm study to evaluate the existing capacity in the vicinity of the project. The study should analyze the time of concentration for pre-development and post-development flow and the project's impact to the peak flow.

5. **Grading/Geology:**

- a) A grading permit is required prior to the issuance of a Public Works Clearance.
- b) If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
- c) Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
- d) The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.

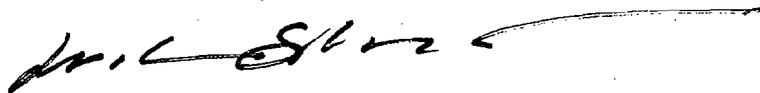
6. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29.

- a) The project's preliminary Stormwater Control Plan and numeric sizing calculations have been reviewed. At PD stage, submit the final Stormwater Control Plan and numeric sizing calculations.

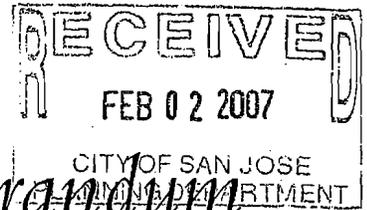
- b) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
 - c) A post construction Final Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the installation of the BMPs and stating the all post construction storm water pollution control BMPs have been installed as indicated in the approved plans and all significant changes have been reviewed and approved in advance by the Department of Public Works.
7. **Flood - Zone X:** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone X is an area of moderate or minimal flood hazard. Zone X is used on new and revised maps in place of Zones B and C. There are no City floodplain requirements for Zone X.
8. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
9. **Municipal Water:** In accordance with City Ordinance #23975, Major Water Facilities Fee is due and payable. Contact Tim Town at (408) 277-3671 for further information.
10. **Parks:** In accordance with the Parkland Dedication and Park Impact Ordinances (SJMC 19.38/14.25), the park impact fee will be due for any additional living units that are built.
11. **Undergrounding:** If overhead low-voltage facilities exit on Zanker Road, the In Lieu Undergrounding Fee shall be paid to the City for all frontage adjacent to Zanker Road prior to issuance of a Public Works clearance. One hundred percent (100%) of the base fee in place at the time of payment will be due. (Currently, the base fee is \$224 per linear foot of frontage.)
12. **Assessments:** This project is located within the boundaries of Maintenance District 19 which is a fee for service to maintain the enhanced street island landscaping and special street pavers within the boundaries of the district. The 2005-06 assessment for APN 097-33-094 is \$8,329.28, which is calculated between \$189 to \$241/acre and is adjusted annually by the Consumer Price Index. A change in land use to residential may change the assessment amounts. Currently, the assessment on single family homes is \$14.64 per unit. Future assessments will be apportioned based on the new parcel configuration and land use and will continue to be collected through the County property tax bills.
13. **Street Improvements:**
- a) Construct curb, gutter, sidewalk, and pavement section for the proposed public street. Provide sidewalk width on all existing and proposed streets to City and ADA standards.
 - b) Widen Zanker Road to the ultimate width with three northbound lanes, which is 46' from median island face to face-of-curb. This widening along project frontage will require traffic signal modifications at Zanker/Entry Road, Zanker/River Oaks and Zanker/Henry Ford and re-striping.

- c) A stop or traffic signal control will be required at the intersection of River Oaks Parkway and Cisco Drive. The appropriate intersection control measure will be determined at the implementation stage.
 - d) The proposed enhanced landscape median island along the Project Entry Road will need to be incorporated into the existing Maintenance District and appropriate fee for maintenance service will be assessed to the property owner(s).
 - e) Close unused driveway cuts.
 - f) Dedication and improvement of the public streets shall be to the satisfaction of the Director of Public Works.
 - g) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans. (To assist the Applicant in better understanding the potential cost implications resulting from these requirements, existing pavement conditions can be evaluated during the Planning permit review stage. The Applicant will be required to submit a plan and the applicable fees to the PW Project Engineer for processing. The plan should show all project frontages and property lines. Evaluation will require approximately 20 working days.)
14. **Complexity Surcharge (In-Fill):** This project has been identified as an in-fill project. Based on established criteria, the public improvements associated with this project have been rated medium complexity. An additional surcharge of 25% will be added to the Engineering & Inspection (E&I) fee collected at the street improvement stage.
15. **Electrical:** Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.
16. **Street Trees:** Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Obtain a DOT street tree planting permit for any proposed street tree plantings. Contact the City Arborist at (408) 277-2756 for the designated street tree.

Please contact the Project Engineer, Ryan Do, at (408) 535-6897 if you have any questions.



Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division



Memorandum

TO: Rodrigo Orduna
PBCE Dept.

FROM: David J. Mitchell
PRNS Dept.

SUBJECT: PDC06-038 – APN 097-33-094

DATE: 2-2-07

The above referenced project is a General Plan Amendment from (IP) Industrial Park Zoning to A(PD) Planned Development Zoning District to allow up to 1,900 multi-family + 5 units, 31,360 square feet of retail commercial, leasing office, and clubhouse uses and a 4 acre public park site on a 38.25 gross acre site at the southeast corner of Zanker and River Oaks Parkway in CD4. (APN 097-33-094)

As required under the Parkland Dedication Ordinance (PDO) and/or Park Impact Ordinance (PIO), the City must make its intention know regarding parkland dedication being required from a project. Due to its size of the proposed housing project is over 50 units and per the requirements of the PDO/PIO, the City can require the Developer to dedicate land associated with the number of housing units created by the Developer's project. The Parks, Recreation, and Neighborhood Services Department would be looking for land dedication of five acres from this project.

If you have any questions, please give me a call at 408-793-5528.

DAVID J. MITCHELL
Parks Planning Manager

January 25, 2007

The Irvine Company
690 N. McCarthy Blvd., Ste. 100
Milpitas CA 95035

Attn: Fred Kriebel

Re: Official notification of dead/dying trees along Research Place adjacent to the former Sony Building site at 3300 Zanker Road in San José, California

Adjacent to the street, Research Place, which is on the east side of the property, there is a row of Lombardy Poplars located on your private property but in close proximity to this public right of way. Within the row of trees, there are thirty-four (34) trees that appear to be dead or dying and pose a significant risk to the public passing by on the sidewalk or driving on the street.

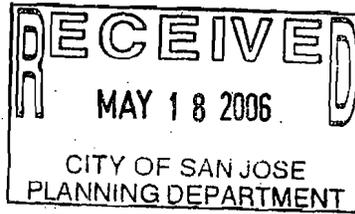
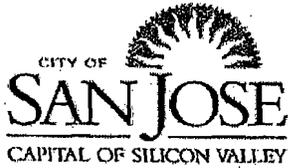
It has been reported to us that several of these similar trees in the row have fallen into the street. Because of the condition of the trees, there is a strong likelihood that additional failures will occur. Since these trees are on your property, but endanger the public, we have the responsibility to notify you of this concern. Section 12.28.200 of the San José Municipal Code states:

“When any tree, shrub, hedge or any part thereof appears to be dead, is liable to fall, is dangerous, or is an obstruction to public pedestrian or vehicular travel, whether or not the tree, shrub or hedge is on any private property and overhangs or projects into any street or is in any street, the director of streets and traffic [now Department of Transportation] may, by notice in writing, notify the owner or person in possession of the property to cut down, trim or remove the tree, shrub or hedge. No permit to cut down, trim, or remove such tree, shrub, or hedge shall be required.”

This notification is the official directive to remove the dead and dying trees. The last sentence in the section exempts you from having to obtain a permit from the Planning, Building and Code Enforcement Department (408-535-3555) to remove the trees. However, we will notify Rodrigo Orduna and Rich Buikema of Planning that we are granting this emergency removal, so you will need to work with them to see that the trees are replaced with an appropriate species and quantity as directed by Planning.

If these removals are not completed within thirty (30) days, the City of San José shall perform such work, the cost of which, plus inspection time, shall be a lien on the property. Please contact me if you have any questions at 408-277-2756 or by e-mail at ralph.mize@sanjoseca.gov.

Ralph L. Mize
City Arborist



Memorandum

ENVIRONMENTAL SERVICES DEPARTMENT (ESD)

TO: Jeff Roche
 Department of Planning,
 Building, & Code Enforcement

FROM: Geoff Blair
 Environmental Services Department

SUBJECT: Response to Development
 Application

DATE: Staff Review Agenda
 May 18, 2006

APPROVED: *Geoff Blair* **DATE:** 5-18-06

PLANNING NO. :	PDC06-038
LOCATION:	3300 Zanker Road. Southeast corner of Zanker and River Oaks Parkway.
DESCRIPTION:	Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 1,900 single-family attached residences and 31,360 square feet for retail commercial, leasing office, and clubhouse uses on a 38.25 gross acre site.
APN:	09733094

ESD received the subject project and is submitting the following conditions and comments. Questions regarding these comments may be directed to the program contact given or to me at (408) 277-3828.

Stormwater Runoff	Riparian Setback	Source Control	South Bay Water Recycling (SBWR)	Green Building	Integrated Waste Management (IWM)	Water Efficiency
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>				

Stormwater Runoff

Please consider using landscaped based treatment Best Management Practices (BMPs).

Source Control

Commercial

The proposed development must conform to the City of San Jose (City) industrial waste discharge regulations¹. Any non-domestic wastewater discharge into the sanitary sewer system will require Source Control staff to review and approve the final plans. An Industrial Wastewater Discharge Permit may also be required. Implementation of Best Management Practices (BMPs) adopted by the City for specific commercial groups may also be required.

¹ In accordance with the San Jose Municipal Code, Chapter 15.14 - Industrial Waste Discharge Regulations

The inclusion of any of the following commercial uses requires Source Control staff to review and approve the final plans:

- Restaurant
- Dry Cleaner
- Laundry
- Photoprocessor
- Analytical Lab
- Dentist
- Medical Clinic
- x-ray Clinic
- Pathological Lab

Contact Source Control staff at (408) 945-3000, if you have questions.

South Bay Water Recycling (SBWR)

Landscape Irrigation

The development has been identified as a recycled water customer and is required to comply with Chapters 15.10 and 15.11 of the San Jose Municipal Code. This states that all new and rehabilitated landscaping for projects requiring a development permit from the City, and containing over 10,000 ft² of landscaped area, must design and construct their facilities to receive recycled water.

The design and construction of the irrigation system must conform to SBWR Rules and Regulations and must be submitted to and approved by SBWR. Standard Details, Specifications and Notes are available to assist with the design and are available by calling (408) 277-3671. Questions regarding recycled water use or the approval process should be directed to SBWR staff at the above number.

Green Building

The developer is encouraged to incorporate Build It Green's residential green building checklist into project design. Contact ESD's Green Building staff at (408) 975-2601 for more information

New residences developed on the site should be designed and constructed to meet the requirements of the Energy Star™ program for new homes. Such residences improve energy efficiency by a minimum of 15% as compared to residences that simply meet the Title 24 requirements. The additional efficiency is typically accomplished through the use of tight construction, energy-saving windows, improved insulation, and super-efficient heating/cooling systems.

Build It Green's Residential Green Building Check List

These Guidelines are designed for the residential building industry. They offer:

- Cost-effective suggestions to minimize construction-related waste, create healthier and more durable homes, reduce operating costs for homeowners and support local manufacturers and suppliers of resource-efficient building materials.
- Methods to reduce the impacts of building in San Jose; including solid waste management, water conservation, energy efficiency and resource conservation.

The practices contained in these Guidelines were selected for their viability in today's market and their ability to promote sustainable building. Builders using this booklet will differentiate themselves in the marketplace while protecting our environment.

These Guidelines were developed through a partnership among local developers, architects, builders, contractors, green building experts and staff of the Alameda County Waste Management Authority and Recycling Board.

Integrated Waste Management (IWM)

Single Family Residential

1. Collection vehicle access (vertical clearance, street width and turnaround space) and street parking are common issues pertaining to new developments. All residential projects must be designed² such that they will accommodate garbage and recycling collection vehicles and program setout guidelines. If vehicle access is limited due to clearance issues, street parking, or inaccessible private streets, some services (such as street sweeping or yard trimmings collection) may not be performed, or the property owner may be subject to additional charges. These additional charges may include monthly charges for on-premise (backyard) collection or yard trimmings cart collection. For questions regarding garbage and recycling collection issues, contact the Recycle Plus Program at (408) 535-3515.
2. It is recommended that scrap construction and demolition debris be recycled instead of disposing of it in a landfill. An infrastructure exists within San Jose to accommodate such recycling efforts. Integrated Waste Management staff can provide assistance on how to recycle construction and demolition debris from the project, including information on where to conveniently recycle the material. For further information, contact the Commercial Solid Waste Program at (408) 535-3515.

Water Efficiency

Residential

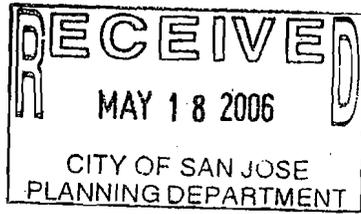
The proposed development should consider installation of the following water efficient equipment as applicable:

- **High Efficiency Toilets** (1.0 gal/flush) and/or **Dual Flush Toilets** (0.8-1.1 gal/flush for liquids, 1.6 gal/flush for solids) maximize water efficiency. High Efficiency Toilets use at least 20% less water than standard Ultra-Low Flush Toilets (1.6 gal/flush) and Dual Flush Toilets save water by offering two separate flush settings.
- **Water Conserving Dishwashers** can save several gallons of water per load over conventional dishwashers and typically also save energy.
- **High Efficiency Clothes Washers** are more water-and energy-efficient, using from 35 to 50 percent less water and saving up to 50 percent in energy costs over conventional clothes washers.

Financial incentives may be available for installing various types of residential, commercial, industrial or institutional water efficient appliances or equipment. Contact the Santa Clara Valley Water District for more information and availability.

Call the Santa Clara Valley Water District Water Conservation Hotline at (408) 265-2607 ext 2554 or visit www.valleywater.org

² In accordance with the San Jose *Residential Design Guidelines*



Memorandum

DATE: 05/17/06

TO: Jeff Roche

FROM: Nadia Naum-Stoian

Re: Plan Review Comments

PLANNING NO: PDC06-038

DESCRIPTION: Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow up to 1,900 single-family attached residences and 31,360 square feet for retail commercial, leasing office, and clubhouse uses on a 38.25 gross acre site.

LOCATION: southeast Corner of Zanker and River Oaks Pkwy

ADDRESS: southeast Corner of Zanker and River Oaks Pkwy (3300 ZANKER RD)

FOLDER #: 06 013927 ZN

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.

- These comments are based on the following information from drawings dated 5/5/06 by The Irvine Co.

Largest building: >500,000 sq. ft.

Construction Type: V 1HR

Occupancy Group: R1/B/S3/M

Number of stories: 4 over podium garage

1. The project plans as submitted, do not comply with the Fire Code. The following are discrepancies noted:

- a) Fire apparatus access roads are not in accordance with the requirements of the SJFC. Not every portion of the buildings exterior walls is within 150 feet of an access road.
- b) The plans do not indicate that the required fire flow of 4500GPM will be available at the project site. Please ask the applicant to immediately contact Tim Town of San Jose Municipal Water Service at 408- 277-3671 to get the water flow information.
- c) The plans do not show location of all hydrants. The required fire flow shall be provided through 4 most remote on-site hydrants.

2. Please advise the applicant to submit plans to the Fire Department that provide the following information:

- a) Width, length, and grade of the fire apparatus access roads, streets, avenues, and the like. Every portion of all building exterior walls shall be within 150 feet of an access road. The fire access shall:
- be at least 20 feet wide;
 - have an unobstructed vertical clearance of not less than 14 feet;
 - be designed and maintained to support the loads of fire apparatus of at least 69,000 pounds;
 - have a minimum inside turning radius of 30 feet and an outside turning radius of 50 feet;
 - be designed with approved provisions for turning around of fire apparatus if it dead ends and is in excess of 150 feet;
 - **Curbs are required to be painted red and marked as "Fire Lane - No Parking" under the following conditions: (show exact locations on plan)**
 - i) **Roads, streets, avenues, and the like that are 20 to less than 26 feet wide measured from face-of-curb to face-of-curb shall have curbs on both sides of the road painted and marked**
 - ii) **Roads, streets, avenues, and the like that are 26 to less than 32 feet wide measured from face-of-curb to face-of-curb shall have one curb painted and marked**
- b) Location of fire hydrants- existing and proposed. The average distance between hydrants shall not exceed 250 feet.
All fire department connections shall be located within 100 feet from a standard public fire hydrant. The public fire hydrant(s) shall be located on the same frontage as all fire service connections. There shall be multiple fire department connections –for both sprinkler system(s) and stand pipe system(s)-on opposite ends of the building subject to the approval of the San Jose Fire Department.
- c) Available fire flow. Provide a copy of the letter from San Jose Municipal Water Service that indicates the water flow available.

- d) Every sleeping room below the fourth story shall have at least one operable window or door approved for emergency escape or rescue that shall open directly into a public street, public alley, yard, or exit court. Such windows or doors shall be in accordance with the adopted Building Code, and accessible for Fire Dept. laddering operation. The maximum angle for laddering is 70deg. from horizontal. Show all pertaining details including landscaping and pavers in relation to rescue window operation.
- e) Provide Fire Department personnel route of travel for the interior podium for access to all interior rescue windows. The Fire Department requires all exterior stairways to have direct egress to all interior court(s) without obstructions for equipment (i.e., ladders, etc.) used by this Department for rescue as well as suppression. All exterior stairways to interior podium shall be 6 feet wide for the fire personnel for reasons as noted.

Note: The plans shall be submitted to the Fire Department *by appointment only* (call Nadia Naum-Stoian) as soon as possible.



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

Orduna, Rodrigo

From: Vassil A. Spasov [spasov@yahoo.com]
Sent: Tuesday, May 22, 2007 8:05 AM
To: rich.buikema@sanjoseca.gov
Cc: northsanjose@yahoogroups.com; rodrigo.orduna@sanjoseca.gov
Subject: SONY site hearings

Two questions:

1. There is no detailed master plan for North San Jose. Example: SONY building is going to be demolished and schools build later somewhere on taxpayers expense. SONY building potentially is a good home of a school.

How do you explain this waste of ~\$10M tax money?

2. The first park in North San Jose happened to be in the middle of Northpark apartments. The second park is planned to be in the middle of another Irvine property. **Is this a coincidence?**

regards,

Vassil

Orduna, Rodrigo

From: Jürgen Failenschmid [jfai@anycpu.com]

Sent: Monday, May 14, 2007 1:48 PM

To: Rodrigo.Orduna@sanjoseca.gov

Subject: Re: Planning commission public hearing for PDC06-038 (SONY) on May 30, 2007

Dear Mr. Orduna,

The choice of May 30 for this important public hearing is very poor. Many of my neighbors and I will be on Memorial Day vacation and unable to attend although this meeting is extremely important for our neighborhood future.

I would like you to consider delaying this hearing.

Best regards,

5/14/2007

Orduna, Rodrigo

From: Jean Marlowe [Jean@JeanMarlowe.com]
Sent: Monday, May 14, 2007 10:37 AM
To: Orduna, Rodrigo
Subject: Re: NSJ - Community Workshop Sign-In sheets

Thank You,

I was wondering if you could hold off with the Irvine project coming before the planning commission until the new Council person has been seated in District 4. The voting will be June 4th and it is important to have the seat filled and someone to represent us. I know they did that in District 6. we would like the same consideration. The voting is about two week away.

Jean

Jean Marlowe, Broker
jean@jeanmarlowe.com
Cell: 408-315-6599
Fax: 408-577-0917

Orduna, Rodrigo wrote:

Per your request.

Rodrigo Orduña, AICP
City Planner II
Planning Services Division

tel (408) 535-7890
fax (408) 292-6055
rodrigo.orduna@sanjoseca.gov

Department of Planning, Building, & Code Enforcement
City of San José
200 East Santa Clara Street, Third Floor
San José, CA 95113-1905
<http://www.sanjoseca.gov/planning>

From: Arun Saha [arunksaha@yahoo.com]
Sent: Saturday, February 24, 2007 12:26 PM
To: rodrigo.orduna@sanjoseca.gov
Subject: Planning Department

Public Comments
Folder Number: 2006 013927 ZN
Project Manager: Rodrigo Orduna

I am resident of this locality. As far as I know, many people including me, use the quiet area for jogging/walking, there are many trees in the area which makes it extremely pleasant, people get to see clear sky. This area is already full of apartments and townhouses (Avalon, ELan, Galleria etc), they need space to walk and breathe, yet another apartment in this area will make the area clumsy and congested.

Name: Arun Saha
Email: arunksaha@yahoo.com
Telephone Number:

Web Server: www.sjpermits.org
Client Information: Mozilla/5.0 (Windows; U; Windows NT 5.1; en-US; rv:1.8.0.9) Gecko/20061206 Firefox/1.5.0.9

Orduna, Rodrigo

From: Michael Haneline [michaelhaneline@aol.com]
Sent: Saturday, February 03, 2007 4:24 PM
To: rodrigo.orduna@sanjoseca.gov
Subject: Planning Department

Public Comments
Folder Number: 2006 013927 ZN
Project Manager: Rodrigo Orduna

PDC06-038

I am concerned about the number of units planned for this project because there are already too many high density projects in the area. As you probably know, there is another project being planned at the other end of River Oaks. I live in the middle of all this development (Mill River Lane). Already the retail is overtaxed in the area (try to find a parking place in the Rivermark shopping area at 12:30 PM) and there are many units still under construction nearby. Another problem I see is the distance from the light rail . . . it's too far to walk and I see very few people in this area taking the shuttle. They would have to wait for the shuttle, then wait for the next train which is too time consuming. These people will just drive to work. For this reason, I think these kinds of developments should be right on First or Tasman. Also, retail should be in very close proximity to high density complexes. We've got to seriously start thinking of the environment! Please make these developers radically alter their plans and keep this community no more congested than it already is.

Name: Michael Haneline
Email: michaelhaneline@aol.com
Telephone Number: 408-383-9818

Web Server: www.sjpermits.org
Client Information: Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; SV1; .NET CLR 1.0.3705; .NET CLR 1.1.4322; Media Center PC 4.0)

Roche, Jeff

From: Bertram, Michael C [mailto:michael.c.bertram@lmco.com]
Sent: Thursday, December 07, 2006 3:48 PM
To: Armando.Gomez@ci.sj.ca.us
Subject: E-mail from River Oaks Community of Jeff Roche in Planning

Jeff,

Thanks for contacting me. Residents of the River Oaks communities are concerned about the developments planned for our immediate area.

12/11/2006

Many of us have gotten together to develop a list of specific concerns, which have been captured in a petition. Through door-to-door and online efforts, we have gathered over 200 signatures supporting the petition. The petition was provided to the Planning Office last Friday. In case you have not seen it yet, I will attach a copy to this e-mail.

I spoke with Rich Buikema on Wednesday and he was able to answer some of our questions, but many remain. We appreciate your time in bringing us up to speed with recent planning developments, providing answers to our questions, and helping us through this process to get our concerns addressed.

Parks

The existing River Oaks community is significantly underserved by parks. We have around 2000 units and no parks. There was a 20-acre park planned for this community, but it was never provided. As a result, the community has a need for the parkland planned as part of the new developments to be as large as possible. We would like to see the developers provide as much parkland as possible. Additionally, we would like any fees collected in lieu of land be used to purchase additional property adjacent to the new developments for use as additional parkland. We suggest that fees which were paid during the development of the existing community also be used to purchase additional adjacent parkland.

We note that there is a memo in the project folder for the Cadence site (PDC06-067) indicating that the parkland obligation is 6 acres, but that the developer's plan for 2.4 acres is acceptable to the city. The City has a stated service level objective of 3.5 acres per 1000 residents. We would like to understand why the developer's 2.4 acres is acceptable? Is there a plan to take the rest of the money generated and use it for other adjacent parkland?

We note in the project folder for the Sony site (PDC06-038) that the developer has been told that the current plan for 3 acres is insufficient given an obligation of 13 acres. Do you have any thought on how much more space the Sony developers might add to their plan? Assuming they don't implement the entire 13 acres, is there a plan for what to do with the fees collected in lieu of land?

The North San Jose Area Development Policy requires that master planning to identify parks be completed within each of the seven new residential areas prior to any proposed conversion within the area. Has that planning been completed? If so, is it available for viewing? If not, at what point in the process will it be performed?

Traffic

We are very concerned about traffic on River Oaks and associated intersections. A number of our concerns have already been expressed in an e-mail that was sent to you on Monday. Those same concerns were posted to the Cadence project planning website.

There is a Project Q&A document on the North San Jose Planning site that states that one of the goals of the Smart Growth Policy is to protect existing neighborhoods by limiting the amount of traffic traveling through these residential areas.

What is being done at the Cadence and Sony sites to limit the traffic onto River Oaks Parkway?

Has the Traffic Calming analysis been performed for the impact of the new developments on River Oaks Parkway? If so, is it available for viewing? If not, at what point in the process will it be performed?

Schools

The community is concerned about the large increase in population with no current plan for new schools. The EIR indicated the need for new schools was likely. We note the letter in the Cadence project folder from the Santa Clara School District stating they would not approve the development without resolution of the education issues. We also understand that there is ongoing litigation.

What is the status of negotiations with the Santa Clara Unified School District?

The North San Jose Area Development Policy requires that master planning to identify schools be completed within each of the seven new residential areas prior to any proposed conversion within the area. Has that planning been completed? If so, is it available for viewing? If not, at what point in the process will it be performed?

Density

There are comments in multiple planning documents talking about the need for blending new developments into the existing neighborhoods. The Residential Land Use Policy calls for building scale not to overwhelm the neighborhood. The Residential Design Guidelines call for transitions between new and existing projects of differing densities to be gradual. Additionally, there are significant setback requirements in the Residential Design Guidelines for single-family residences greater than 2 stories.

We note the current plan for the Cadence site is to have a nine-story building adjacent to two story Crescendo buildings. This appears to go against the guidance listed above. How does the Planning Office plan to implement the above guidance for projects

adjacent to the existing neighborhoods and, specifically, what is the planning offices position on the proposed six and nine story buildings adjacent to Crescendo? What is being done to implement a gradual transition between Crescendo and the Cadence site?

We note comments in the Cadence site planning folder expressing concern for privacy and shade/shadow issues. What has been the response from the developer? Has a formal analysis of the privacy, shade/shadow situation been requested?

There had been a very preliminary plan to put three eleven-story buildings on the River Oaks Parkway site adjacent to Parkside. When talking with Rich Buikema on Wednesday, he mentioned that this proposal had been "nixed". Can you confirm that? Will the developer be providing a new proposal? If not, is there any other plan in the works for that site. Is that site a candidate for a park purchased with fees collected under the Park Ordinance?

Services

What are the current plans for a grocery stores and restaurants serving the expanded community?

What are the current plans for Libraries serving the community?

What are the current plans for Community centers serving the community?

What are the current plans for Urgent Care serving the community?

Community Outreach

The Application Completeness Memos in the Cadence and Sony planning files have directed the developers to conduct community outreach meetings. Do you have any idea when these meetings are scheduled to happen?

General

What litigation is currently open against the North San Jose Development Plan? Can you tell us briefly what the status of that litigation is? Which of those litigations directly gate the approval of proposed projects?

What litigation has been resolved? How can we see what was agreed to as a part of those resolutions?

What is the current status of the lots north of River Oaks Parkway, west of 405 River Oaks Parkway?

Thanks again for your time,

12/11/2006

Mike Bertram
-Parkside

Concerns Regarding the North San Jose Development Plan

As residents of North San Jose, we are concerned regarding the plans to redevelop the area into high-density commercial and residential. We feel that certain key components of highly-desirable communities are not addressed by the ad-hoc planning currently occurring, and that the long-term viability of North San Jose is at risk before development has even begun.

Traffic and Access

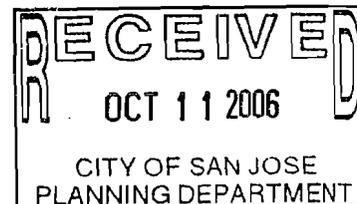
- ✗ The proposed 3,900 new units translates to approx. 24,000 more daily trips on our roads.
- ✗ San Jose has lowered the acceptable Level Of Service standard to E/F (failing) for nearby intersections. This is lower than their normal standards allow!
- ✓ Traffic must be limited on side streets like River Oaks Parkway.
- ✓ An updated comprehensive Environmental Impact Report is necessary to guarantee future needs are met.

Education

- ✗ Thousands of residents currently living in the North San Jose area have no local access to a school. This forces many young families to move out as their children grow up.
- ✗ The projected increase in population is 50,000 but San Jose currently has no plans to add additional schools. This is unacceptable.
- ✓ We demand adequate local schools for the projected population.

Parks and Open Space

- ✗ The current parkland (none) is insufficient for current population, but 20 acres of parkland was promised when River Oaks Village was built.
- ✗ Any new development will require additional parkland.
- ✓ 20 new acres are required now for the current residents.
- ✓ New allocations are required for any future developments.



Height and Density Buffers

- ✗ The interface between existing developments and new structures needs to take into account the existing community aesthetic. Would you want to live next to an 11 story building?
- ✓ Density and height buffers need to be placed around the lower density communities.

Trees and Beautification

- ✗ Trees unify our neighborhood visually and promotes a highly walkable public pedestrian route.
- ✓ San Jose strongly prohibits removal of existing trees. Any new developments should preserve these trees as part of our community heritage

Retail Opportunities

- ✗ The few existing commercial strips are insufficient for the current population.
- ✓ A large increase in population demands a well thought out retail development plan.

In Closing

The current proposals are poorly planned, and not designed for the long term sustainability of the area. Ad-hoc hodgepodge development can ruin our wonderful community!

To join our email list and for more information: <http://groups.yahoo.com/group/northsanjose>

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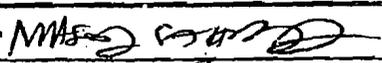
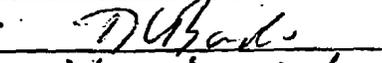
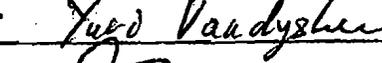
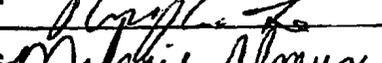
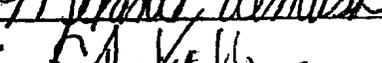
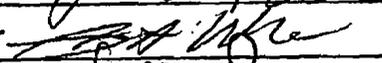
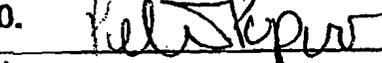
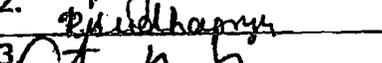
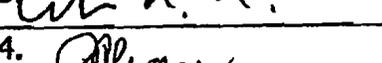
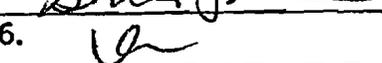
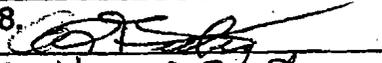
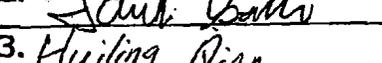
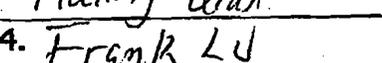
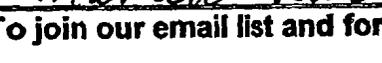
	Signature	Date MO/DAY/YR	Printed Name	Residence Address
1.	<i>Nitina</i>	9/9/06	NITIN KHANNA	410 MILAN DR #109
2.	<i>Jean Marlowe</i>	9/9/06	JEAN MARLOWE	435 MILAN DR #101
3.	<i>Vishnu Ganduru</i>	9/9/06	VISHNU GANDURU	410 MILAN DR #115
4.	<i>Mirko Randic</i>	9/9/06	MIRKO RANDIC	410 MILAN DR #117
5.	<i>Tai-Yun Wynyard</i>	9/9/06	Tai-Yun Wynyard	410 Milan Dr #107
6.	<i>Ralph Wynyard</i>	9/9/06	Ralph Wynyard	410 Milan Dr #107
7.	<i>Ruzbeh Shariff</i>	9/9/06	Ruzbeh Shariff	410 MILAN DR #122
8.	<i>Winston Li</i>	9/9/06	Winston Li	1120 Milan Dr. #111
9.	<i>Tim Yoshikawa</i>	9/9/06	Tim Yoshikawa	420 MILAN DR #109 d/110
10.	<i>R MORACA</i>	9-9-06	R MORACA	420 MILAN DR #106
11.	<i>Bill Hoff</i>	9-9-06	BILL HOFF	120 MILAN DR
12.	<i>D Polejcek</i>	9-9-06	D Polejcek	435 Milan Dr #115
13.	<i>ASMA SHAH</i>	9-9-06	ASMA SHAH	435 MILAN DR #120
14.	<i>David Nguyen</i>	9-9-06	David Nguyen	445 Milan Dr #112
15.	<i>Hyunjung Kim</i>	9-9-06	Hyunjung Kim	445 " #107
16.	<i>Rebecca Allen</i>	9-9-06	Rebecca Allen	445 " #116
17.	<i>Karin Bootsma</i>	9/9/06	Karin Bootsma	445 Milan Dr. #108
18.	<i>Chris Franchuk</i>	9/9/06	Chris Franchuk	445 Milan Dr #201
19.	<i>Trudy Farnsey</i>	9/9/06	Trudy Farnsey	475 Milan Dr #202
20.	<i>David Maiden</i>	9/9/06	David Maiden	475 Milan Dr #101
21.	<i>STEVEN KHANNA</i>	9/9/06	STEVEN KHANNA	485 MILAN DR #122
22.	<i>Alane Rennie</i>	9/10/06	Alane Rennie	450 Navaro #101
23.	<i>JAMES FRANCHUK</i>	9/10/06	JAMES FRANCHUK	450 NAVARO #107
24.	<i>Mike Smithback</i>	9/10/06	Mike Smithback	450 Navaro #109
25.	<i>ERIE LEE</i>	9/10/06	ERIE LEE	450 Navaro Way #108

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Signature	Date MO/DAY/YR	Printed Name	Residence Address
1. 	9/10/06	Masoud Sahraian	450 Navajo #116
2. 	9/10/06	DAVID BARAK	450 NAVARO #221
3. 	9/10/06	Yusef Vandysh	460 Navajo #120
4. 	9/10/06	CURVE SADA	460 NAVARO #200
5. 	9/10/06	Shawn Lyle	460 Navajo #121
6. 	9/10/06	Melanie Almusa	460 NAVARO Way #108
7. 	9/10/06	Colleen Kelly	460 Navarro Way #111
8. 	9/10/06	John Park	470 NAVARO Way #202
9. 	9/10/06	Peter White	470 Navarro Way #111
10. 	9/13/06	Peter Popov	435 Milan Dr 106
11. 	9/13/06	Mary Anne Velard	435 MILAN DR #121
12. 	9/13/06	sudha vijay	435 MILAN DR #107
13. 	9-13-06	Augustine m. Lopez	445 milan dr #100
14. 	9-13-06	Jocelyn Chan	445 Milan #111
15. 	9-13-06	Shideh Darman	445 Milan #102
16. 	9-14-06	Kwok c Yur	435 Milan #202
17. 	9-14-06	Jyoti SRIVASTAVA	390 Elan Village Ln, #126
18. 	9/14/06	GARY BOSTER	445 NAVARO Way #109
19. 	9/14/06	Marisa Kornfeld	455 Navajo Way #108 SJ
20. 	9-14-06	John Buechler	435 Milan Dr #117 SJ
21. 	9-14-06	David Buechler	435 Milan Dr #118 SJ
22. 	9-14-06	Tarik Isani	435 Milan Dr. #222
23. 	9-14-06	Huiling Qian	435 Milan Dr. #222
24. 	9-14-06	Frank LU	470 Navajo Way #108
25. 	9-17-06	Marcelle Kube	435 Milan Dr #101

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Signature	Date MO/DAY/YR	Printed Name	Residence Address
	9/9/06	Adrian Lane	440 Navaro Pl. #102 San Jose CA
	9/9/06	CHERRY LEW	440 NAVARO PL #116 S.J. CA 95128
	9/9/06	G. BAILEY	440 NAVARO #120
	9/9/06	ALAN KAM	440 NAVARO PL #111
	9/9/06	SARPA MAHIK	440 NAVARO 107
	9/9/06	Yin Chiu Tse	440 NAVARO 107
	9/9/06	RITU AROPA	440 NAVARO 202
	9/9/06	Nancy Pinarde	425 NAVARO #120
	9/9/06	Vivian Lin	425 NAVARO #221
	9.9.06	DAVID SAMBRANO	425 NAVARO #121
	9-9-06	Michael Crowell	425 Navaro # 117
	9.9.06	SEANG SOURIN HO	425 Navaro #108
	9.9.06	Kohsuke Kawaguchi	425 NAVARO WAY #109
	9/9/06	Chieko Honma	425 Navaro Way #202
	9/9/06	VINCENT FROELICH	440 NAVARO WAY #105
	9/9/06	BALAJI	465 NAVARO WAY #116
B. S. N. Srivalli	9/9/06	SRIVALLI B	465 NAVARO WAY, # 116
A. Chandiraman	9/9/06	A. CHANDIRAMAN	655 " # 111
	9/9/06	WINNIE LOI	455 Navaro Way #109
	9/9/06	POXI SOTEL	455 NAVARO WAY #109
	9/9	Danny Ho	440 Navaro Pl., #117
	9/9/06	Greg White	440 Navaro Pl. #103
	9/9/06	Jay Zaveri	425 Navaro Way #119
	9/9/06	AVANI TOLIA	SAME AS ABOVE
	9/9/06	Nelly Bracken	425 Navaro Way #122

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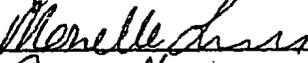
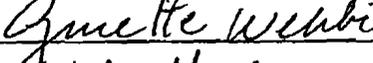
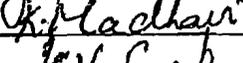
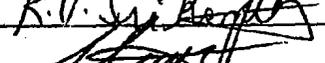
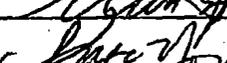
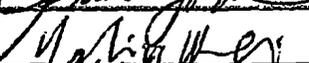
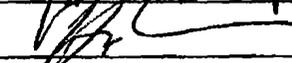
	Signature	Date MO/DAY/YR	Printed Name	Residence Address
1.		9/6/06	GUILLAUME BRASSARD	411 CAMILLE CIRCLE #13
2.		9/6/06	RUPALI SHAH	411 CAMILLE C #12
3.		9/9/06	Miriam Chen	409-11 Camille Cir.
4.		09/09/06	MAMATHA VYTILA	409-14 CAMILLE CIR
5.		9/9/06	M. Taheri	450-111 NOVACONWAY
6.		9/9/06	Steffen Vulpius	407 Camille Cir #16
7.		9/9/06	Jays Balcer	407 Camille Cir #14
8.		9/9/06	PURVI PATEL	405-11 Camille Cir
9.		9/9/06	W.J. Shikh Unruh	405-13 Camille Cir
10.		9/9/06	PADMA ARELLA	401-12 Camille Cir
11.		9/9/06	JIM FORAN	403-12 CAMILLE CIR.
12.		9/9/06	VEN VENKUM	403-15 CAMILLE CIR
13.		9-9-06	ELLEN SILVER	403-17 Camille Circle
14.		9-9-06	Stephen Hoefl	403-17 Camille Circle
15.		9-9-06	Samson Collins	420-13 Camille Cir.
16.		9/9/06	Lauren Feinstein	433-15 Camille Cir.
17.		9/9/06	SCOTT TRUESDALL	439-11 CAMILLE CIR
18.		9/9/06	Greg Wardle	439-14 CAMILLE CIR
19.		9/9/06	Julian Saramillo	439-16 Camille Circle
20.		9/9/06	Bridhar Talbani	444-14 Camille Cir
21.		9/9/06	RON MINHAS	434-13 CAMILLE CIR.
22.		9/20/06	Laura Carns	417-16 Camille Cir
23.		9/20/06	Michael Carns	417-16 Camille Cir
24.				
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Signature	Date MO/DAY/YR	Printed Name	Residence Address
1. 	09/09/06	KE WU	415-17 CAMILLE CIR.
2. 	09/09/06	Monelle Lewis	415-16 Camille Cir
3. 	9/09/06	GINETTE WEHAI	415-COAMILLE CIR.
4. 	9/09/06	Madhavi Kilaru	415-11 CAMILLE CIR
5. 	9/09/06	SRIKANTH KILARU	415-11 CAMILLE CIR
6. 	9/9/06	MATT YORK	419-13 Camille Cir
7. 	9/9/06	Kate York	419-13 Camille Cir
8. 	9/9/06	Yalin Wei	419-14 - Camille Cir.
9. 	9/9/06	HISHAM ABDELHAMID	423-12 CAMILLE CIR/11
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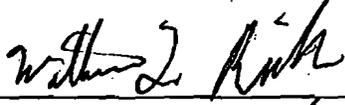
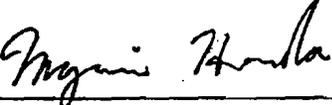
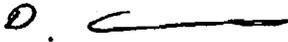
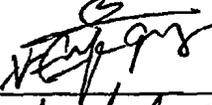
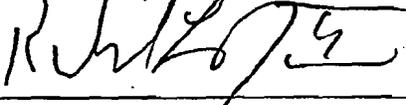
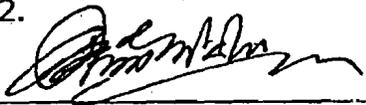
<http://groups.yahoo.com/group/northsanjose/files/concerns.pdf>

Signature	Date MO/DAY/YR	Printed Name	Residence Address
1. <i>Raj Mohan Sarma</i>	09/09/06	RAJY SARMMA	421-14 CAMILLE CIR
2. <i>Ying-ying Chang</i>	09/09/06	Ying-Ying CHANG	452 Camille Cir #11
3. <i>Michele Hirai</i>	09/09/06	MICHELE HIRAI	425-15 CAMILLE CIR #15
4. <i>Michael Khait</i>	09/09/06	Michael Khait	429-16 camille cir
5. <i>Camille Grabowski</i>	9/9/06	CAMILLE GRABOWSKI	429-17 Camille CIR.
6. <i>Yan Wen</i>	9/9/06	YAN WEN	427-15 Camille Cir.
7. <i>John Zeppezauer</i>	9/9/06	John Zeppezauer	427 #12 Camille Cir.
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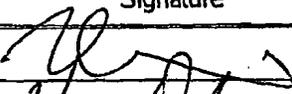
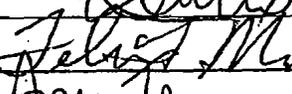
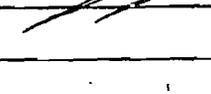
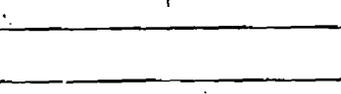
Signature	Date MO/DAY/YR	Printed Name	Residence Address
1. 	9/9/06	William Rickett	414 Galleria Dr #7 San Jose, CA 95134
2. 	9/9/06	Mayumi Honda	"
3. 	9/9/06	Derek Cunningham	414 Galleria Dr #3 SAN JOSE, CA 95134
4. 	9/9/06	LIAM CUNNINGHAM	"
5. 	9/9/06	Frank Fleck	414 Galleria Dr #2 San Jose CA 95134
6. 	9/9/06	J. Aurelia Nelson	414 Galleria Dr. #2 San Jose, CA 95134
7. 	9/9/06	Ken TAN	414 Galleria Dr #6 San Jose CA 95134
8. 	9/9/06	Mandy Cheng	414 Galleria Dr #6 San Jose CA 95134
9. 	9/9/06	Richard Jones	414-8 Galleria Dr.
10. 	9/9/06	Beshara Elmehd	418 Galleria Dr #2 San Jose, CA 95134
11. 	9/9/06	ANSHU NARULA	418-10 GALLERIA DRIVE SAN JOSE
12. 	9/9/06	AMIR WALIA	418-12, Galleria Drive San Jose, CA 95134

13.	<u>Vial</u>	9/9/06	Christophe Vial	418-9 Galleria Dr. San Jose, CA 95134
14.	<u>Rajiv Pillay</u>	9/9/06	RAJIV PILLAY	418-10 GALLERIA DR SAN JOSE, CA 95134
15.	<u>Bertha Birton</u>	9/9/06	Bertha Birton	418-8 Galleria Dr San Jose CA 95134
16.	<u>Bill Overstone</u>	9/9/06	Bill Overstone	418 GALLERIA DR #3 SJ 95134
17.	<u>Jyoti Kapoor</u>	9/9/06	JYOTI KAPOOR	419-2 GALLERIA DR SAN JOSE CA 95134
18.	<u>Sandra Wolford</u>	9/9/06	SANDRA WOLFORD	419-6 GALLERIA DR SAN JOSE 95134
19.	<u>Rumma Reddy</u>	9/9/06	RUMMA REDDY	419-8 GALLERIA DR SAN JOSE 95134
20.	<u>Isabelle Reddy</u>	9/9/06	ISABELLE REDDY	419-8 Galleria dr. SAN JOSE 95134
21.	<u>Laura Y. Chu</u>	9/11/06	Laura Y. Chu	418-8 Galleria Dr. San Jose, CA 95134
22.	<u>YIT LEE</u>	9/11/06	YIT LEE	435 MILAN #117 SAN JOSE, CA 95134
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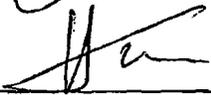
	Signature	Date MO/DAY/YR	Printed Name	Residence Address
1.		9/11/06	N.P. SPICER	422-2 Galleria
2.		9/11/06	Harry Dole	422-12 "
3.		9/11/06	ARTOR DUKO	422-7 "
4.		9/11/06	Felix Mantuanas	418-7 "
5.		9/11/06	Anne Le	418-1 "
6.		9-11-06	M. CARTER	422-10 "
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1. <i>MAWNSON</i>	9/9/06	MIKE ARONSON	440-4 Galleria Dr SAN JOSE CA 95134
2. <i>Sridhar Kandaswamy</i>	9/9/06	SRIDHAR KANDASWAMY	402-2 Galleria Drive SAN JOSE CA 95134
3. <i>Jill Bunnay</i>	9/9/06	JILL BUNNEY	402-4 GALLERIA DRIVE SAN JOSE, CA 95134
4. <i>John Gialdini</i>	9/9/06	John Gialdini	402-10 Galleria Dr San Jose, CA 95134
5. <i>Nancy Gialdini</i>	9/9/06	NANCY Gialdini	402-10 Galleria San Jose
6. <i>Chuanhua Wang</i>	9/9/06	Chuanhua Wang	402-3 Galleria Dr, San Jose, CA 95134
7. <i>Andrew Kuo</i>	9/9/06	Andrew Kuo	402-3 Galleria San Jose, CA
8. <i>Nelly Hassanain</i>	9/9/06	Nelly Hassanain	402-11 Galleria Dr San Jose CA 95134
9. <i>Subhadarshi Mishra</i>	9/9/06	SUBHADARSHI MISHRA	440-11 Galleria Dr San Jose, CA, 95134
10. <i>Namrata Misra</i>	9/9/06	NAMRATA MISRA	440-11 Galleria Dr San Jose, CA - 95134
11. <i>Rafael Goldfarb</i>	9/9/06	Rafael Goldfarb	440-7 Galleria Dr San Jose, CA 95134
12. <i>Sonia Goldfarb</i>	9/9/06	SONIA GOLDFARB	440-7 Galleria Dr San Jose, CA 95134

	Us/le	Printed Name	Address
13.	Grabovae A	ALEKSANDAR GRABOVAC	440 GALLERIA DR SAN JOSE, CA, 95134
14.	McWatson	McGregor Watson	440 Galleria Dr #1 San Jose CA 95134
15.	Heather Li	Heather Liu	..
16.		SYLVIA GRIFIN	440 # 8, Galleria Drive San Jose CA 95134
17.		George Horvath	402-8 Galleria Dr SJ 95134
18.	Girell Horvath	Girella Horvath	..
19.		Chris Holman	402-5 Galleria Dr. SJ 95134
20.		Eric Holman	402-5 Galleria Dr. SJ 95134
21.	Carol Lee	Carol Lee	402-9 Galleria Dr San Jose 95134
22.		Edwin Chan	440-09 Galleria Dr. S.J., CA 95134
23.		Cynthia Chen	440-09 Galleria Dr San Jose CA 95134
24.	Grabovae	Marijama Grabovae	440-05 Galleria Dr San Jose CA 95134
25.			

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	Signature	Date MO/DAY/YR	Printed Name	Residence Address
1.		9/9/06	BOK LUN JOE	434 GALLERIA DR # 3
2.		9/9/06	BEN RAHARDJA	434 GALLERIA DR # 3
3.		9/9/06	MANOHAR SHETTY	430 GALLERIA DR # 4
4.		9/9/06	RAMYA SHETTY	430 GALLERIA DR # 4
5.		9/9/06	MURALIKRISHNA MESTHARAM	434 Galleria Dr. #9
6.		9/9/06	CHARLES GOUSHA	434 Galleria Dr. #2
7.		9/9/07	Lynda L. Fudole	434 Galleria Dr #2
8.		9/9/07	Margaret McDonald	434-4 Galleria Dr.
9.		09/09/06	LATHA MOHAN	434-8 Galleria Dr.
10.	MARK CHOU	9/9/06	Mark Chou	434-10 Galleria Dr.
11.	Wang N. Lie	9/9/06	LIANG-NIO LIE	434-12 Galleria Dr.
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