

# Memorandum

**TO:** Honorable Mayor &  
City Council Members

**FROM:** Lee Price, MMC  
City Clerk

**SUBJECT:** The Public Record  
April 13-19, 2007

**DATE:** April 20, 2007

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## **ITEMS TRANSMITTED TO THE ADMINISTRATION**

## **ITEMS FILED FOR THE PUBLIC RECORD**

- (a) Memorandum from James Muldavin, Capitol Focus to Lobbyists, Elected Officials, Corporate Officers, and Association Leaders dated April 1, 2007 invitation to California Roast of Senate President Pro Tempore Don Perata – Tuesday, May 29, 2007 in Sacramento.
- (b) Notice of Preparation of a Environmental Impact Report for the Berryessa General Plan Amendment from the Department of Planning, Building and Code Enforcement dated April 3, 2007.
- (c) Notification of application filing by Pacific Gas & Electric Company (PG&E) to State, County and City Officials dated April 12, 2007 for approval of a 2008-2020 Air Conditioning Direct Load Control Program.
- (d) Notice of Intention to Engage in the Sale of Alcoholic Beverages from the Department of Alcoholic Beverage Control to the City of San Jose dated April 12, 2007.

Lee Price, MMC  
City Clerk

LP/np

Distribution: Mayor/Council  
City Manager  
Assistant City Manager  
Assistant to City Manager  
Council Liaison  
Director of Planning  
City Attorney  
City Auditor  
Director of Public Works  
Director of Finance

Public Information Officer  
San José Mercury News  
Library



Non-Partisan Political Awareness Programs  
for Citizens and Youth

RECEIVED  
Dan Jose City Clerk

April 1, 2007

2007 APR -9 P 3:35

## MEMORANDUM

To: LOBBYISTS, ELECTED OFFICIALS, CORPORATE OFFICERS, ASSOCIATION LEADERS *and others who care about California political and budgetary processes!*

From: James Muldavin, Capitol Focus

Re: **INVITATION TO CALIFORNIA ROAST OF SENATE PRESIDENT PRO TEMPORE DON PERATA - TUESDAY, MAY 29, 2007 IN SACRAMENTO....Willie Brown to MC!**  
*Please return flier by mail or fax (916) 443-229, or phone us at (916) 443-2229 to reserve seats.*

Capitol Focus is pleased to announce that Senator DON PERATA has agreed to be our "honored" guest at the CALIFORNIA ROAST on Tuesday, May 29<sup>th</sup>, 2007 at the Radisson Hotel in Sacramento. Senate Republican Leader DICK ACKERMAN, Assembly Speaker FABIAN NUNEZ, State Treasurer BILL LOCKYER, and former Senator JIM BRULTE will help us roast the Senator. Governor Arnold Schwarzenegger and others may also appear. The inimitable WILLIE BROWN will serve as Master of Ceremonies. *This could be one for the record books.* To reserve seats, please call (916) 443-2229 or return the flier by mail or fax (916) 443-2297; or you can reserve seats by sending an e-mail to [muldavin@californiacenter.org](mailto:muldavin@californiacenter.org).

The annual ROAST is one of California's most prestigious and enjoyable political affairs. There is already a "buzz" developing in anticipation of this year's epic event. We expect a crowd of well over 700, including elected officials from both parties; lobbyists and their employers or clients; political consultants and campaign managers; commissioners and other political appointees; candidates for state and local offices and many others. *Be there or be square!* Proceeds benefit Capitol Focus and our non-partisan civic engagement programs for youth.

You can expect a spirited and humorous program as each Roaster takes a crack at Senator Perata and each other. The exchange is guaranteed to provide timely insights about the participants, as well as the history and future of government and politics in California. *You never know what you might hear!* A cocktail reception with a live jazz band begins at 6:00 PM. This reception is one of the loudest and most raucous networking opportunities each year in Sacramento. Dinner is served at 7:30 PM. The Roast program begins at 8:15 PM.

The ROAST is an excellent opportunity to invite elected officials to join your company representatives, association members or customers to cap off meetings in the Capitol earlier in the day. A table for ten is \$2,000. Half tables of five are \$1,000. These options include reserved seats, recognition of your firm or client on a table card and on the event program. Individual tickets for unreserved seating are \$200.

This year, Roast attendees are invited to consider the benefits of becoming a year-round Capitol Focus sponsor which include a very well-placed table for ten, enhanced recognition at the event and on our materials, and scholarships for youth to attend our programs. Our heroic year-round sponsors contribute \$5,000-\$25,000 to support our nationally recognized work engaging youth in policy-making processes. For more details on this option, please call or e-mail Jim Muldavin (916) 443-2229. I hope we'll see you and your friends and clients on May 29th!

The California  
**ROAST**

A Project of the California Center • 1220 H Street, Suite #102, Sacramento, CA 95814  
tel (916) 443-2229 • fax (916) 443-2297

The California **ROAST** SETS THE TABLE for  
**SENATOR DON PERATA**  
CALIFORNIA SENATE PRESIDENT PRO TEMPORE

WITH MASTER OF CEREMONIES  
**WILLIE BROWN**

AND FEATURING ROASTERS

Assembly Speaker  
**FABIAN NUÑEZ**

Senate Republican Leader  
**DICK ACKERMAN**

State Treasurer  
**BILL LOCKYER**

Senator  
**JIM BRULTE**

AND INVITED GUEST (*WILL HE BE BACK?*)  
Governor **ARNOLD SCHWARZENEGGER**

**TUESDAY MAY 29, 2007**

**RADISSON HOTEL SACRAMENTO**

6:00pm:Reception/Jazz Combo ★ 7:30pm:Dinner ★ 8:15pm:Program

**TICKETS** Sponsor: Reserved Table for Ten: \$2,000  
Patron: Reserved Half-Table for Five: \$1,000  
Individual Tickets: Open Seating: \$200

YEAR-ROUND SPONSORSHIP AVAILABLE...  
CALL JIM AT 916 443-2229 FOR DETAILS!

**RESERVATIONS & INFORMATION**

Call Capitol Focus at 916-443-2229  
1220 H Street #102, Sacramento, CA 95814  
muldavin@californiacenter.org

Proceeds from the event benefit CAPITOL FOCUS, a non-profit, non-partisan political awareness program serving a cross-section of California youth. Contributions are tax deductible to full extent allowed by the law. (Federal ID #23 718-2049).



Public Record b

NOTICE OF PREPARATION  
OF A  
ENVIRONMENTAL IMPACT REPORT  
FOR THE

RECEIVED  
San Jose City Clerk

BERRYESSA GENERAL PLAN AMENDMENT 2007 APR -9 P 3: 38

April 2007

**Introduction**

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project that an agency may implement or approve. The EIR process is intended to provide information sufficient to evaluate a project and its significant impacts on the environment; to examine methods of reducing adverse impacts; and to consider alternatives to the project.

The EIR for the proposed project will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. In accordance with the requirements of CEQA, the EIR will include the following:

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

This NOP discusses the resource areas that will be addressed in the EIR as well as those that will be addressed in the Initial Study.

**Project Location**

The proposed project site is located at 1610 – 1650 Berryessa Road, between King Road and the San José Flea Market in the City of San José. (see Figures 1 and 2).

**Project Description**

The project proposes a General Plan Amendment from *Light Industrial* to *Transit Corridor Residential (20+ DU/AC)* on a 13.64-acre site. This land use designation is intended for medium high and high density residential uses within, or very near, Transit-Oriented Development Corridors and BART Station Area Nodes, Housing Initiative Areas, or major bus routes. The project site is bordered on the west by Union Pacific rail line (UPRR), which is proposed as a future BART line. The future Berryessa BART Station is also proposed at this location (adjacent to the project site) within the railway right-of-way. There is no specific development proposal at this time.

**Potential Environmental Impacts of the Project**

The EIR will describe the existing environmental conditions on the project site and identify the significant environmental effects anticipated to result from development of the project as proposed. Where significant environmental impacts are identified, the EIR will discuss mitigation measures intended to avoid or reduce the impact to a less than significant level. The EIR will include the following specific environmental categories as related to the proposed project:

**1. Land Use**

The project site is located between Downtown San José and North San José and is surrounded by high density housing, single-family housing, light industrial businesses, and commercial businesses. The EIR will describe the existing land uses adjacent to and within the project area. Land use impacts which would occur as a result of the proposed General Plan amendment will be described, including the compatibility of the proposed and existing land uses in the project area. Mitigation measures will be identified for significant impacts, as warranted.

## NOTICE OF PREPARATION

### OF A FOCUSED ENVIRONMENTAL IMPACT REPORT FOR THE

### BERRYESSA GENERAL PLAN AMENDMENT

PROJECT APPLICANT: UBS Realty Investors LLC  
PROJECT LOCATION: 1610 – 1650 Berryessa Road  
APN: 254-17-006, 067, 068, 069, 070

FILE NO: GP06-04-05

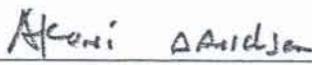
As the Lead Agency, the City of San José will prepare an Environmental Impact Report (EIR) for the above-referenced Project and would like your views regarding the scope and content of the environmental information to be addressed in the EIR. This EIR may be used by your agency when considering approvals for this project.

The project description, location, and probable environmental effects which will be analyzed in the EIR for the project are attached.

According to State law, the deadline for your response is 30 days after receipt of this notice; however, we would appreciate an earlier response, if possible. Please identify a contact person, and send your response to:

City of San José  
Attn: Licia McMorrow  
San Jose City Hall  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San Jose, CA 95113  
Phone: (408) 535-7814  
Email: [licinia.mcmorrow@sanjoseca.gov](mailto:licinia.mcmorrow@sanjoseca.gov)

Joseph Horwedel  
Director of Planning, Building and Code Enforcement

  
Deputy

Date: April 3, 2007

## 2. *Transportation and Circulation*

The project site is located in a highly developed area of San José and, as can be expected, existing roadway volumes in the project area are high. The EIR will examine the existing traffic conditions in the immediate vicinity of the project site. Traffic impacts will be assessed based on estimated project trips from full build out under the proposed land use designation. Mitigation measures will be identified for significant impacts, as warranted.

## 3. *Cultural Resources*

The project site is located in an area of high archaeological and historical sensitivity. The EIR will address known archaeological sites in the project area and the potential for unknown resources to be found during construction. Mitigation measures will be identified for significant impacts, as warranted.

## 4. *Noise and Vibration*

The major noise sources in the project area automobile traffic on Berryessa Road and King Road and the adjacent rail line. The EIR will discuss the potential of future development under the proposed General Plan amendment to be impacted by the existing noise levels on the project site. The EIR will also discuss temporary construction noise and the impact of this noise on adjacent residences. Noise levels will be evaluated for consistency with applicable standards and guidelines in the City of San José. In addition, the potential for ground vibration from the railroad line to affect future development will be evaluated. Mitigation measures will be identified for significant impacts, as warranted.

## 5. *Hazardous Materials*

The project site is currently developed with light industrial land uses. The EIR will summarize known hazardous materials conditions on and adjacent to the project site, and will address the potential for future development under the proposed General Plan amendment to result in a hazardous materials impact, including a Risk Assessment of Hazardous Materials Users in the Project Area. Mitigation measures will be identified for significant impacts, as warranted.

## 6. *Air Quality*

The San Francisco Bay Area is a non-attainment area for carbon monoxide. The EIR will address the regional air quality conditions in the Bay Area, and discuss the proposed General Plan amendments impacts to local and regional air quality. Temporary construction related impacts such as construction vehicle exhaust and air-borne particulates (i.e., dust) will also be discussed. Mitigation measures will be identified for significant impacts, as warranted.

## 7. *Biological Resources*

The project site is currently developed but has numerous landscape trees around the property. In addition, the project site is bordered on the north and east by Penitencia Creek. The EIR will provide a discussion of the trees located on the project site and will evaluate the impacts of the future development on habitat value and listed species. The EIR will also discuss the impact of future development on the riparian corridor. Mitigation measures will be identified for significant impacts, as warranted.

## 8. *Visual Resources*

The project site is surrounded by one- and two-story industrial and commercial buildings, as well as high density and single-family housing and Penitencia Creek. The EIR will describe the existing visual setting of the project area and the visual changes that are anticipated to occur as a result of future development under the proposed General Plan amendment. Mitigation measures will be identified for significant impacts, as warranted.

## 9. *Geology*

The project site is located in Seismic Zone 4, which is the most seismically active region in the United States. The EIR will discuss the possible geological impacts associated with seismic activity and the existing soil conditions on the project site. Mitigation measures will be identified for significant impacts, as warranted.

10. *Hydrology*

The project site is located adjacent to Penitencia Creek. The EIR will address the possible flooding issues from Penitencia Creek as well as the effectiveness of the storm drainage system and the effects of future development under the proposed General Plan amendment on storm water quality. Mitigation measures will be identified for significant impacts, as warranted.

11. *Utilities*

Future development under the proposed General Plan amendment will likely result in an increased demand on utilities and public facilities compared to existing conditions. The EIR will examine the impacts of future development on public services, including utilities such as sanitary and storm drains, water supply, and solid waste management. Mitigation measures will be identified for significant impacts, as warranted.

12. *Availability of Public Services*

Future development under the proposed General Plan amendment will likely result in an increased demand on public services such as police and fire protection, as well as schools, parks, and libraries. The EIR will address the availability of public facilities and service systems, and the possibility of the future development requiring the construction of new facilities. Mitigation measures will be identified for significant impacts, as warranted.

13. *Alternatives*

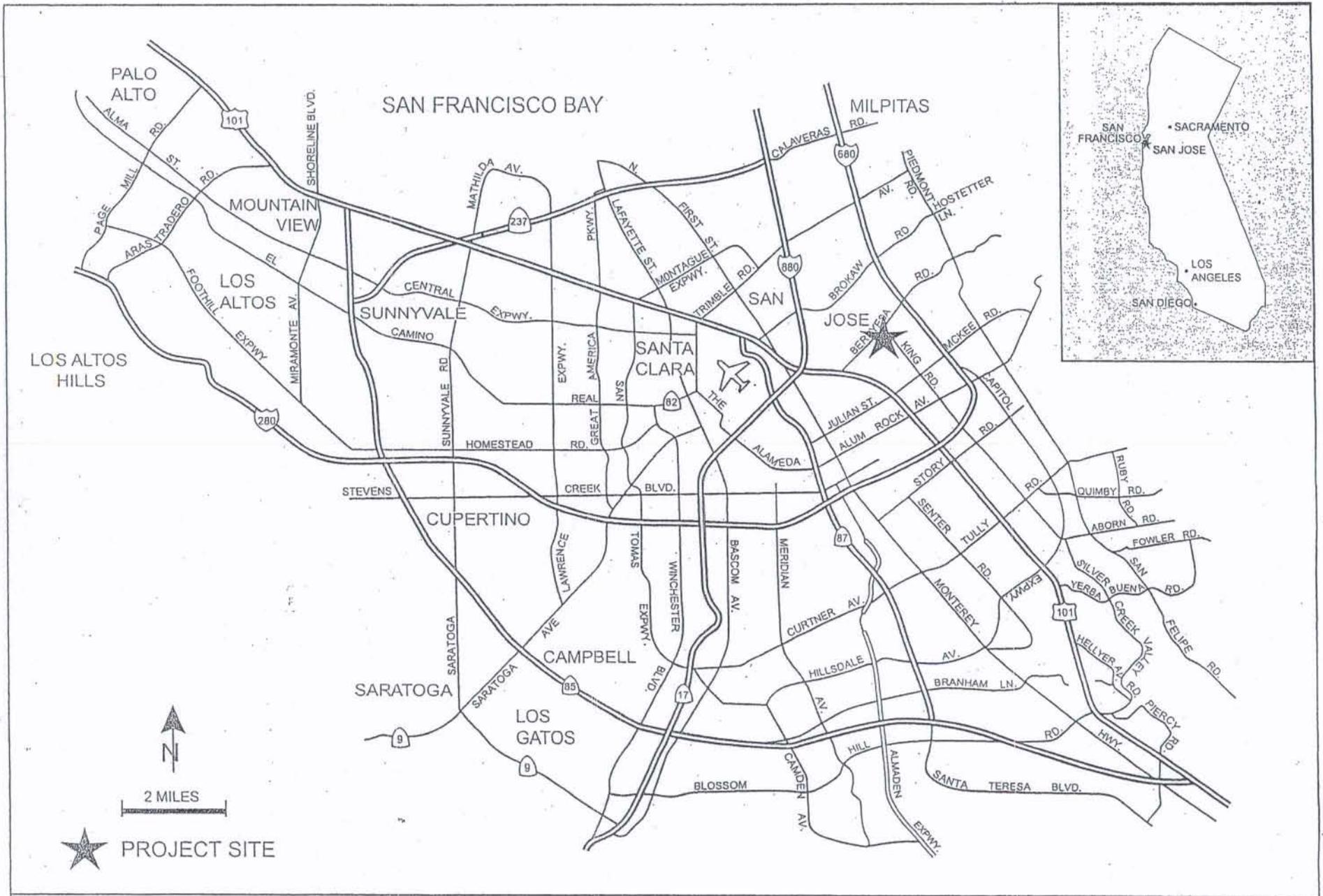
The EIR will examine alternatives to the proposed project including a "No Project" alternative and at least one alternative General Plan amendment scenario. Alternatives discussed will be chosen on their ability to reduce or avoid identified significant impacts of the proposed project while achieving most of the objectives of the project proponent.

14. *Significant Unavoidable Impacts*

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

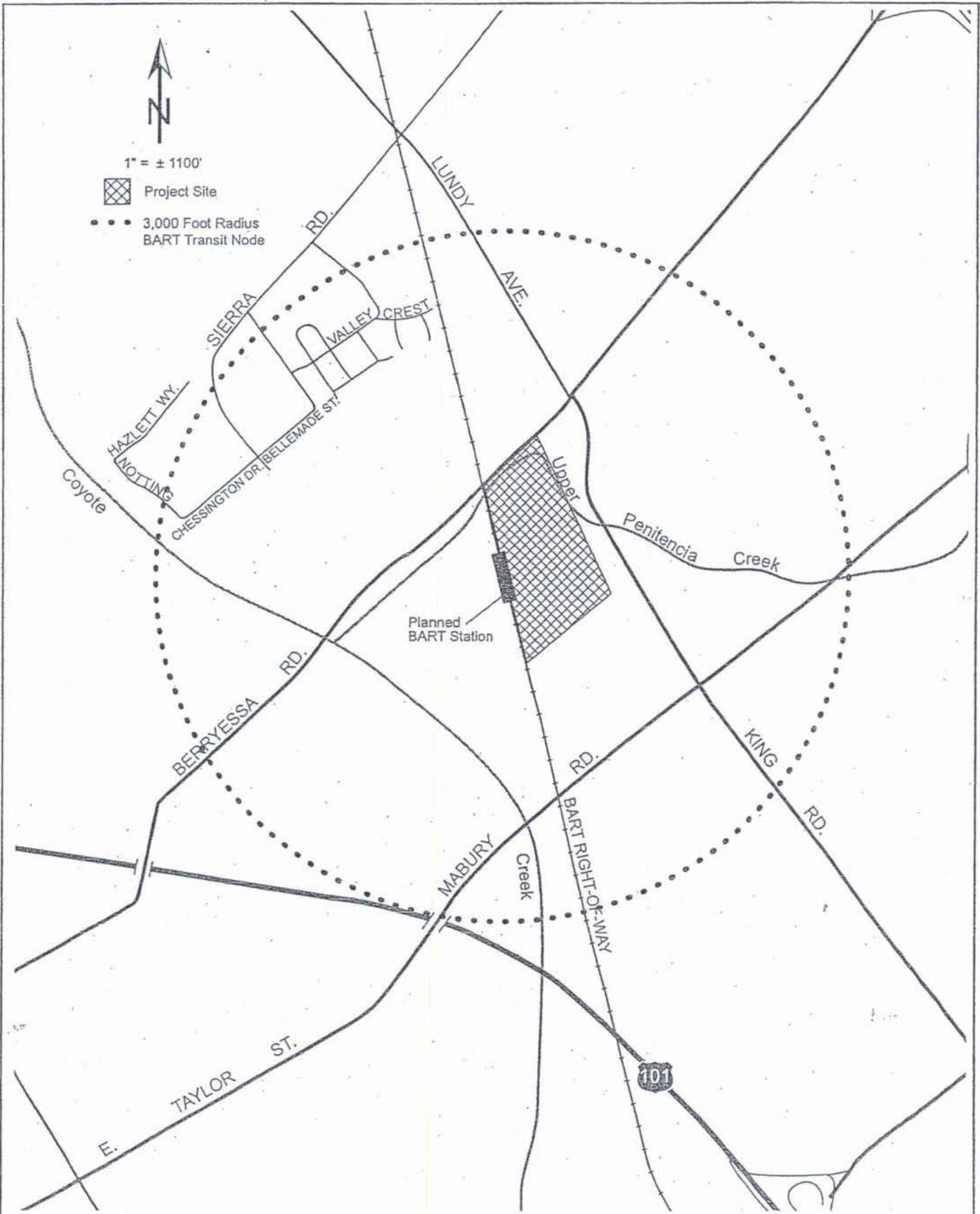
15. *Cumulative Impacts*

The EIR will include a Cumulative Impacts section which will address the significant cumulative impacts of the proposed General Plan amendment when considered with other past, present, and reasonably foreseeable future projects and General Plan amendments in the project area. Cumulative impacts will be discussed qualitatively, unless specific quantitative information on other pending projects is available prior to publication of the EIR.



REGIONAL MAP

FIGURE 1



VICINITY MAP

FIGURE 2

TO: STATE, COUNTY AND CITY  
OFFICIALS  
APRIL 12, 2007

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Sari Jose City Clerk

2007 APR 19 P 2:43

**NOTIFICATION OF APPLICATION FILING BY  
PACIFIC GAS & ELECTRIC COMPANY (PG&E) FOR  
APPROVAL OF A 2008-2020 AIR CONDITIONING  
DIRECT LOAD CONTROL PROGRAM  
(THE SmartAC PROGRAM)**

On April 6, 2007 PG&E filed an application with the California Public Utilities Commission (CPUC), requesting approval of a 2008-2020 Air Conditioning Direct Load Control program (the SmartAC program). The SmartAC program will reduce summer peak demands in PG&E's service territory by adjusting participating customers' air conditioning use during critical system conditions. Under SmartAC, participating customers with central air conditioning units will allow PG&E to install either a programmable communicating thermostat or air conditioning switch at their homes or offices. During system emergencies, PG&E will remotely signal the devices to reduce peak electrical demand. The CPUC previously approved a smaller air conditioning program for PG&E's service territory for summer 2007. In this application, PG&E proposes to expand upon the 2007 air conditioning program eventually enlisting approximately 380,000 PG&E customers. This program will help PG&E reduce electrical demand when most needed and increase grid reliability without constructing new power plants or operating less efficient plants that already exist. This application requests approval to collect \$362 million in rates over the life of the program from 2008-2020.

This program will provide the following benefits to all PG&E electric distribution customers:

- increased system reliability
- insurance against outages during summer peak months
- automatic load reductions for customers participating in the SmartRate program (The SmartRate program is the critical peak pricing program available to customers with an AMI meter currently being rolled out).
- reduced air pollution

**Does this mean electric rates will increase?** Yes, there will be slight increases for all customer classes. If the CPUC approves PG&E's proposal, a typical bundled residential electric customer (a customer who receives electric generation as well as transmission and distribution services) using 550 kWh per month would see an increase in their average monthly bill of 0.2 percent or \$0.18, from \$71.99 to \$72.17 per month. Individual customers' bills may differ.

PG&E will provide an illustrative allocation table of the increases among customer classes under its proposal in a bill insert to be mailed directly to its customers beginning in late April, early May.

**THE CPUC PROCESS**

The CPUC's independent Division of Ratepayer Advocates (DRA) will review this application filing, analyze the proposal, and present an independent analysis and recommendations for the CPUC's consideration. Other parties may also participate.

The CPUC may hold evidentiary hearings where the parties of record present their proposals in testimony and are subject to cross-examination before an Administrative Law Judge. These hearings are open to the public, but only those who are parties of record can present evidence or cross examine witnesses during evidentiary hearings.

After considering all proposals and evidence presented during the hearing process, the CPUC will issue a draft decision. When the CPUC acts on this application, it may adopt all or part of PG&E's request, amend or modify it, or deny the application. The CPUC's final decision may be different from PG&E's proposed application filing.

**FOR FURTHER INFORMATION**

For more details call PG&E at 800.743.5000  
Para más detalles llame 800.660.6789 • 詳情請致電 800.893.9555  
For TDD/TTY (speech-hearing impaired) call 800.652.4712

You may also contact the CPUC's Public Advisor with comments or questions as follows:

Public Advisor's Office	415.703.2074 or 866.849.8390 (toll free)
505 Van Ness Avenue, Room 2103	TTY 415.703.5282, TTY 866.836.7825 (toll free)
San Francisco, CA 94102	E-mail to <a href="mailto:public.advisor@cpuc.ca.gov">public.advisor@cpuc.ca.gov</a>

If you are writing a letter to the Public Advisor's Office, please include the name of the application to which you are referring. All comments will be circulated to the Commissioners, the assigned Administrative Law Judge and the Energy Division staff.

Public Record d

Department of Alcoholic Beverage Control

State of California

**NOTICE OF INTENTION TO ENGAGE IN THE SALE OF ALCOHOLIC BEVERAGES**

ABC-207-E (9/05)

To the Resident or Owner of Real Property Within a 500' Radius:

The applicant(s) for an alcoholic beverage license must mail this notice to every resident of real property within a 500 foot radius of the premises (Section 23985.5 of the Business and Professions Code). The applicant must mail this notice within 15 days of posting the premises. Any protest against the issuance of the license(s) must be received at any office of the Department of Alcoholic Beverage Control (ABC) or Departmental Headquarters within 30 days of the date the premises are posted, or within 30 days of the mailing of this notification, whichever is later. To obtain a copy of the protest form, ABC-510-A, please contact your local ABC office or go online to [www.abc.ca.gov](http://www.abc.ca.gov).

Date of Mailing: 4/14/2007 Date Premises Posted: 4/12/2007

The below-named applicant(s) has applied for a license to sell alcoholic beverages at:

32 S. 3rd St.  
San Jose, CA 95113-2503

Type of license(s) applied for:

"47" On Sale General Eating Place

The name(s) of the applicant(s) is/are:

ORIGAMI ART AND ENTERTAINMENT GROUP, LLC

The dba (doing business as) is (if known):

Reserve Art Gallery & Restaurant, The

Further information regarding this application or filing a protest may be obtained at:

**Department of Alcoholic Beverage Control**  
100 Paseo de San Antonio, Room 119  
San Jose, CA 95113  
277-1200

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San Jose City Clerk  
2007 APR 19 P 2:42

Los residentes o dueños que no hablen inglés por favor vean al reverso para mayor información.

非英語語系的居民或所有人，請參見背面資訊。

영어 구사 불가능 주민/소유주는 내용 확인을 위해 뒤면을 참조하십시오.

Cư dân/sở hữu chủ nào không nói tiếng Anh, xin xem mặt sau để biết chi tiết.

المقيمين/المالكين الذين لا يتكلمون اللغة الإنكليزية، رجاء مراجعة الصفحة الخلفية للحصول على المعلومات.