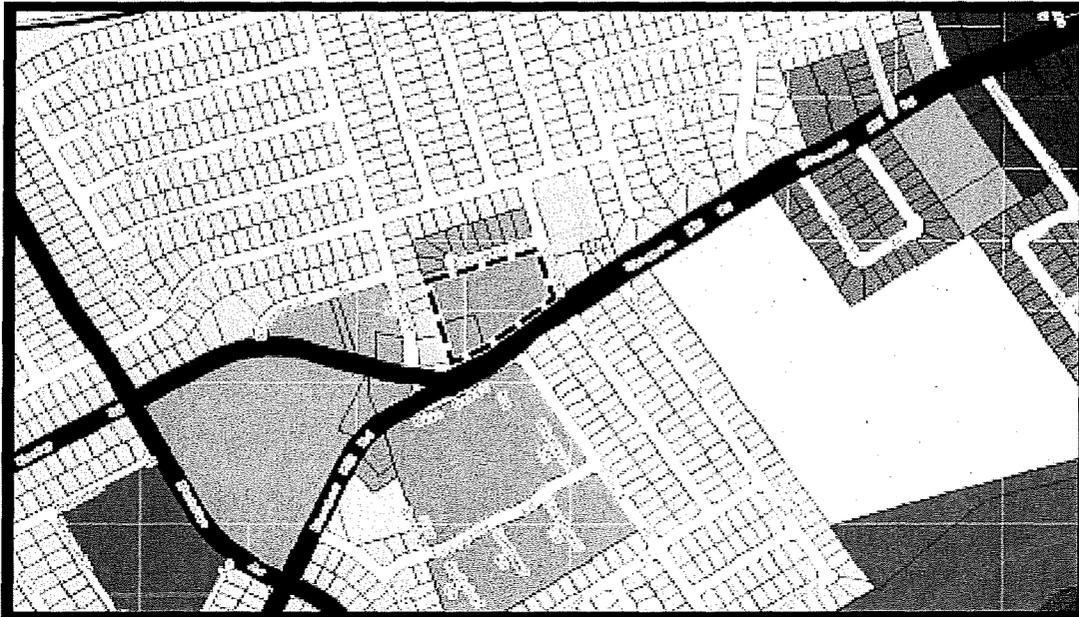
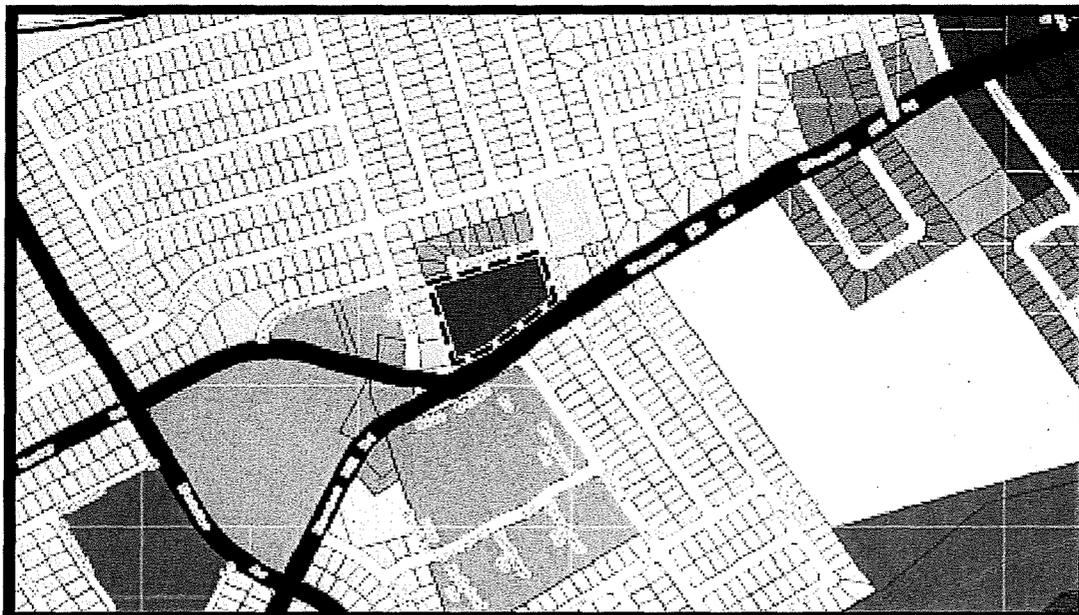


Attachment 1

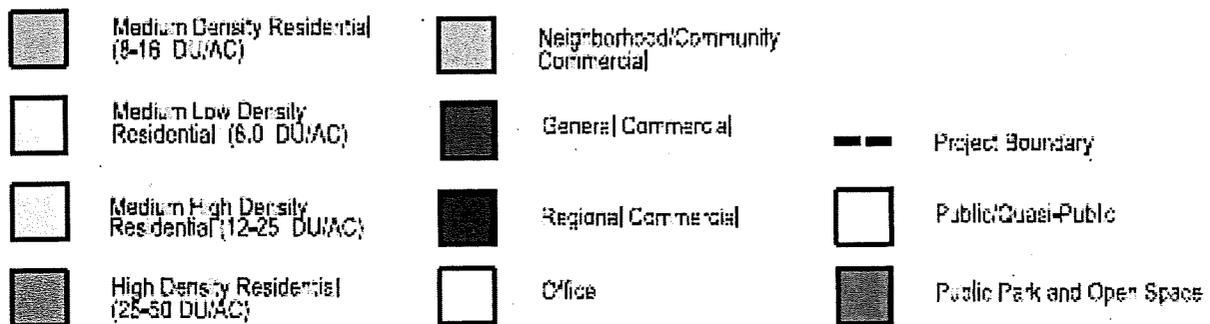
GP08-09-01 – 1345/1349 Blossom Hill Road
Existing and Proposed General Plan Land Use Designations



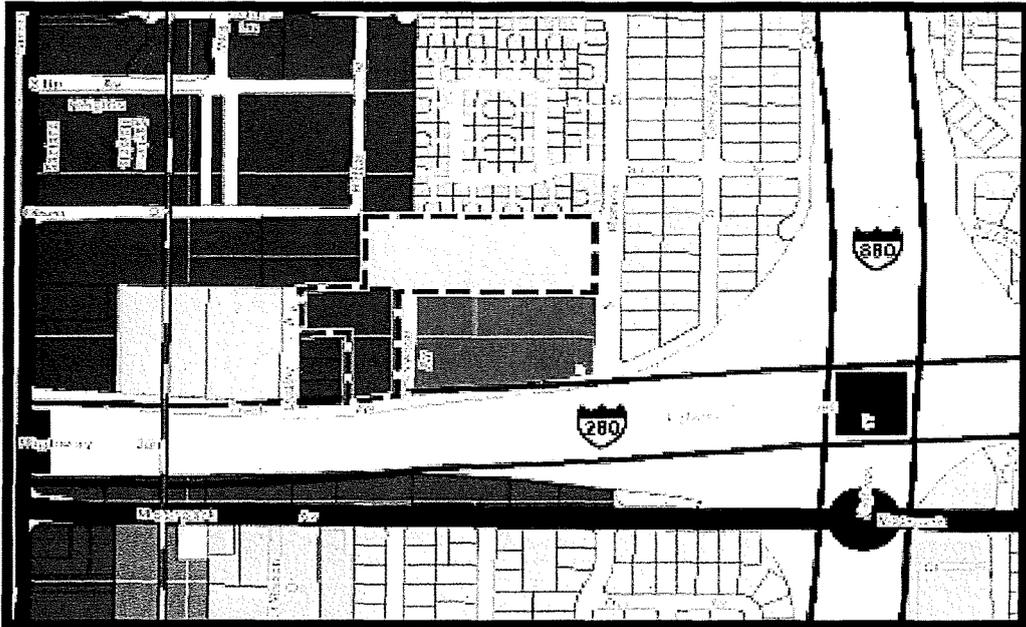
EXISTING



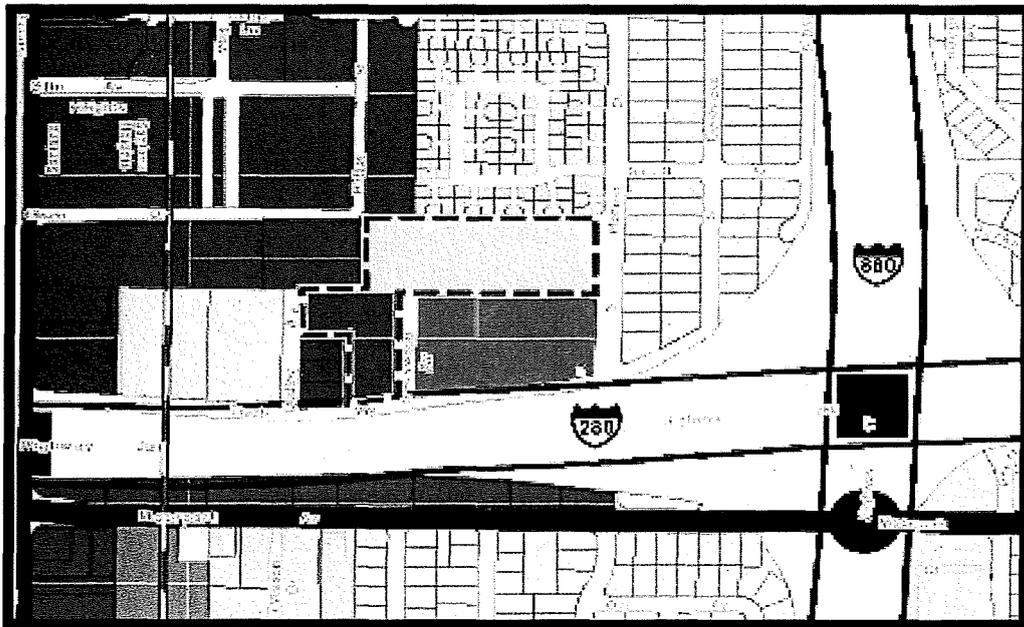
PROPOSED



**GP/GPT07-06-01 – 485 South Monroe Street
Existing and Proposed General Plan Land Use Designations**



EXISTING



PROPOSED

- | | | | | | |
|---|---|---|---------------------|---|----------------------------|
|  | Medium Low Density Residential (6.0 DU/AC) |  | General Commercial | | |
|  | Medium High Density Residential (12-25 DU/AC) |  | Regional Commercial |  | Project Boundary |
|  | High Density Residential (25-50 DU/AC) |  | Office |  | Public Park and Open Space |



ATTACHMENT 2

PROPOSED TEXT AMENDMENT

GPT07-06-01

Description

General Plan text amendment. Amend Chapter IV., Goals and Policies page 75 to add:

Chapter IV., GOALS AND POLICIES

Urban Design

Urban Design Policy No. 10: [Page 75]

• **SPECIFIC SITES AND GEOGRAPHIC AREA EXCEPTIONS:**

- At a site on the east side of Dudley Avenue approximately 280 feet north of Tisch Way, and west of Frank Santana Park, the maximum building height is 90 feet.

ATTACHMENT 3

FRAMEWORK FOR PRESERVATION OF EMPLOYMENT LANDS

Adopted on October 23, 2007

BACKGROUND

2005 Framework

On April 6, 2004, the City Council approved the *Framework, as a Guideline, to Evaluate the Proposed Conversions of Employment Lands to Other Uses* (2005 Framework) to address the cumulative loss of employment lands, and in particular, land designated for industrial uses (industrial lands), through incremental conversions resulting from General Plan amendments. The intent of the 2005 Framework was to identify employment subareas within the City where conversion should be discouraged, and identify other subareas where conversion of industrial land to other uses could be considered on a case-by-case basis depending on consistency with key criteria listed in the Framework. The 2005 Framework was modified on November 15, 2005 (see attachment). Despite these modifications, the 2005 Framework has not been successful in stemming the tide of industrial land conversions. Since 2004, the City has lost approximately 120 acres of industrial land per year through conversion to other uses.

Retail Strategy

In 2004, the City completed the *San José Neighborhood Retail Model Summary Report* (Retail Study) that identified significant retail sales leakage out of San José. In particular, this was due to the lack of retail uses in many areas of the City, especially areas within the Berryessa community and North San José. In response to the conclusions of the Retail Study, the City is proactively identifying sites that have the potential to provide retail opportunities. For these reasons, the *Framework* includes criteria for the preservation of lands designated for industrial or commercial uses, and criteria for converting industrial to commercial land.

Council Direction to Change the 2005 Framework

On March 29, 2007, as part of a presentation to the City Council during a study session on Economic Development and Employment Lands, City staff provided extensive data on the relationship between land use and revenue to the City, demonstrating serious potential fiscal impacts related to the conversion of employment lands to non-employment uses. In this presentation to Council, staff defined employment lands as industrial and commercial lands supporting private sector employment.

Staff suggested that the Council consider an update to the 2005 Framework and identified three possible directions that update might reinforce: 1) prohibiting any further conversions of industrial lands; 2) strengthening the 2005 Framework to limit conversions to projects of "Extraordinary Economic Benefit"; or 3) continuing to use previous policies without modification. Staff recommended that the Framework be strengthened per the second option.

In response to the information presented at the March 29, 2007 study session, the City Council gave direction to staff to conduct public outreach on proposed changes to the 2005 Framework and to return to the City Council with an update to the Framework in advance of the City Council's consideration of the Evergreen*East Hills Vision Strategy (EEHVS) General Plan amendments.

Framework Update

Acting on Council direction, on May 15, 2007, City staff recommended to the City Council that the 2005 Framework be updated and strengthened to limit industrial conversions to projects of "Extraordinary Economic Benefit". In response, Council provided direction to staff to prepare an updated Framework that emphasizes the Preservation of Employment Lands (Preservation Framework), and that incorporates policies to discourage the conversion of employment lands— industrial and commercial lands— to non-employment uses, while maintaining the flexibility to consider special or unique proposals with clear benefit to the City towards the achievement of overall City goals for economic development including retail opportunities and other strategies for increasing revenue to the City's General Fund.

DEFINITION OF EMPLOYMENT LANDS

Employment lands are defined as non-residentially designated lands supporting private sector employment. Sites designated Public/Quasi-Public in the San Jose 2020 General Plan Land Use/Transportation Diagram are not considered employment lands for the purposes of the Preservation Framework.

PURPOSES OF PRESERVATION FRAMEWORK

To maintain a viable economy and provide services to residents at levels consistent with City of San José policies, the City has a strong interest in preserving the City's remaining employment land acreage and building floor area capacity for various business operations. Purposes of preserving and enhancing the City's remaining employment land capacity include:

1. Bringing revenue to the City;
2. Providing jobs to residents;
3. Providing a variety of types and sizes of sites for employment opportunities for the City to remain competitive internationally;
4. Identifying and facilitating the development of sites for retail to serve individual neighborhoods, larger community areas, and the Bay Area region; and
5. Accommodating future demand for land for employment uses through 2020.

As per the Council Memo from Mayor Reed dated May 15, 2007, and adopted by the City Council, the Preservation Framework is intended to achieve the following outcomes:

1. No net loss of total employment capacity as the result of any amendment to the San José 2020 General Plan.
2. No net loss from non-employment land use conversions of Light Industrial or Heavy Industrial acreage or building area square footage on land that has the General Plan land use designation of Light Industrial or Heavy Industrial.
3. Applications for conversions to support public infrastructure may be accepted only after the infrastructure has been designated by the City Council as public infrastructure intended to be supported by increases in non-employment uses.
4. Extraordinary Economic Benefit conversions must meet the above criteria and shall be limited to those instances where there will be an increase or retention of jobs, and a significant increase in revenue to the City, or a significant capital contribution for investments in economic development like the Catalyst fund or the Economic Development Reserve.
5. Changes in areas with mixed use overlays shall not decrease the amount of land available for religious assembly uses.

APPLICABILITY

The Preservation Framework applies to any General Plan amendment that includes:

1. The conversion of any category of employment lands, including industrial or commercial lands, to non-employment uses; or
2. The conversion of employment lands to a mix of uses that includes both employment and non-employment uses.

Examples of conversions include, but are not limited to:

- Land designated for exclusively employment uses changed to land designated for a mix of uses that includes non-employment uses; and
- Land designated for exclusively Light or Heavy Industrial uses changed to land designated for other industrial or non-industrial uses.

The Preservation Framework does not apply to conversions of Light Industrial acreage to Heavy Industrial acreage or vice versa, and does not apply to conversions of commercial land to industrial land.

Strategies for Preservation

In contrast to the 2005 Framework, the Preservation Framework focuses on strategies for preserving employment lands instead of identifying criteria or subareas where conversion can be facilitated. The maintenance of an adequate supply of a variety of employment lands is essential to San José's economic development. Production is increasing again as part of the new industrial economy focused on clean technology, and the City needs to maintain an adequate inventory of Light and Heavy Industrial lands to accommodate the new industrial demands.

The specific measures for the preservation of employment lands are discussed below:

1. Maintain No Net Loss of Light or Heavy Industrial Acreage

Heavy and Light Industrial lands have had the lowest vacancy rates of all employment lands even during the recent economic downturn. It is essential to retain Light and Heavy Industrial lands for production-related jobs, many of which do not require 4-year college degrees. Examples of such businesses include cabinetry, auto repair, home improvement warehouses, garbage and recycling operations, and concrete and asphalt production.

Many Light and Heavy Industrial businesses cannot function in smaller, vertical spaces because their operations require large horizontal spaces and outdoor storage areas. Examples include composting, garbage truck parking, auto wrecking yards, and recycling.

Ideally, existing Light and Heavy Industrial acreage should be preserved. If it is not feasible to preserve the acreage and job capacity of existing Light or Heavy Industrial employment lands, then changing non-employment, or other employment, acreage to Light or Heavy Industrial acreage should offset the impacts of conversion of Light or Heavy Industrial acreage to other uses so that there is no net loss. The challenge is to find viable sites in suitable locations for this type of offset.

By way of example, the area bounded by East Trimble, Zanker, and Brokaw Roads, and Interstate 880 could be a viable location for such offsets. This area is designated Industrial Park on the General Plan, but is zoned LI-Light Industrial or HI-Heavy Industrial and may contain existing LI and HI businesses.

An applicant requesting an offset should demonstrate to City staff the viability of the offset proposal. Based on this information and staff's analysis, staff would make a recommendation to Council. The City Council may approve General Plan amendments to change land use designations on such sites to allow exclusively Light or Heavy Industrial uses, thereby creating acreage for these uses. This new acreage could then offset the loss of other acreage proposed to convert from Light Industrial or Heavy Industrial to other designations.

These re-designations would be most successful in protecting industrial lands, if they met all of the following criteria:

1. The site is adjacent to viable Light or Heavy Industrial designated land.

2. The site is currently zoned to allow Light or Heavy Industrial uses.
3. The site currently contains legal Light or Heavy Industrial businesses.
4. The site is at least five acres in area.

Another way to create Light or Heavy Industrial land capacity is by the removal of an overlay that allows a mix of uses such as a Mixed Industrial Overlay or a Transit/Employment Residential Overlay, on a site with a base land use designation of Light or Heavy Industrial. In situations where an overlay that allows a mix of uses is removed from a site, it should be demonstrated that such a removal does not decrease the amount of land available for religious assembly uses.

A third way to create Light or Heavy Industrial acreage is by changing sites designated Combined Industrial/Commercial to an exclusively Light or Heavy Industrial land use designation.

The project proponent should coordinate with City staff to determine an appropriate area in which to look for a site for an appropriate offsetting conversion to a Light or Heavy Industrial land use designation. The project proponent should then work with the appropriate property owners to obtain their support for such a proposal, and then submit to the Planning Division a privately-initiated General Plan amendment application with environmental clearance and appropriate fees paid.

Land Use Planning to Support Public Infrastructure Projects: In some cases, a special public infrastructure project may warrant land use changes. Specifically, the extension of the BART system to San José requires such a significant investment of public resources that it is appropriate for the City to consider the conversion of employment lands to viable mixed commercial-residential uses, or, where clearly not marketable, even purely residential uses in order to support the project. Such conversions may be supported if they provide the highest possible density of new residential development with adequate incorporation of open space, retail, and other services to support the new residential development. In these situations, it may not be feasible to maintain no net loss of employment capacity; however, no net loss of Light or Heavy Industrial acreage should be maintained through the acquisition and conversion of other lands in the City of San José to Light or Heavy Industrial uses. The “no net loss of Light or Heavy Industrial designated acreage” criterion may not be applicable to publicly owned land used by a public agency for public purposes related to the public infrastructure project.

2. Discourage Conversion to Non-Employment Uses in Key Employment Areas

Conversion of employment lands to non-employment uses are discouraged in key employment areas including Coyote Valley, North San José, the Evergreen industrial area, the Edenvale Redevelopment Project Area, the Monterey Corridor Redevelopment Project Area, and the expanded Downtown Core. Conversion of employment lands to non-employment uses in a key employment area may be supported by the Framework only if there is no net loss of employment capacity in the subject key employment area as a result of the conversion, and if an Extraordinary Economic Benefit accrues to the City as a result of

the conversion. Please refer to the map for these areas that is incorporated into this Framework document.

The North San José Development Policy Area is not eligible for intensification from the transfer of employment square footage from sites outside of the boundaries of the North San José Development Policy Area. This is because such a transfer would result in a net loss of employment square footage to the City. Sites within the North San José Development Policy Area already have the potential for higher density development (greater than a Floor Area Ratio of .35) given the adopted North San José Area Development Policy, so that the square footage in question is lost. A total of 26.7 million square feet is allowed by the North San José Area Development Policy regardless of transfer of square footage from outside the North San José Development Policy Area.

In the recently expanded Downtown Core, the Downtown Strategy 2000 Plan provides for a balance of residential and commercial uses. Nothing in this Framework limits the development of residential uses consistent with the Downtown Strategy 2000 Plan in the Downtown Core.

3. Intensify to Retain Job Capacity on Sites Currently Designated for Industrial Park or Combined Industrial/Commercial

In situations where conversion does not involve Light Industrial or Heavy Industrial land uses, retention of employment capacity on site by intensification of the development's Floor Area Ratio (FAR) may be feasible. Sites located within North San José and the Downtown Core are eligible for intensification on site as a strategy to preserve employment uses if the proposed General Plan amendment involves conversion of one employment land use designation (e.g., Industrial Park) to another employment land use designation (e.g., Combined Industrial/Commercial). For example, a proposal could combine ground floor retail uses with second-story office uses.

Non-employment uses may be added to a site by retaining the existing job capacity through intensification on the remainder of the site for properties located outside of Coyote Valley, North San José, the Monterey Corridor Redevelopment Project Area, and the Evergreen industrial area. Minimum FARs to achieve this should be at least .35. For sites located within 2000 feet of existing or planned Light Rail Transit stations, or within 3000 feet of future BART stations, the minimum FAR for existing employment uses to be maintained prior to intensification with other uses should be .40.

As part of the City's Retail Strategy, the City continues to consider adding potential retail sites to the City's inventory based on specific criteria for a property's size, shape, access to transportation, and connection to neighborhoods. This strategy includes considering sites for retail uses that are currently designated for exclusively industrial employment uses. Vertical intensification of employment uses can accommodate the retention of existing industrial employment capacity on a site while adding new retail employment capacity. This approach works well for Industrial Park/Research and Development types of businesses that can locate in buildings with multiple stories. The Vision 2030 Plan for North San José and the approved

General Plan amendment and zoning changes for the Hitachi site are good examples.

In situations where it is not feasible to add retail capacity to an existing site while maintaining the original industrial employment capacity on the site, the original industrial employment capacity may be forsaken if the project proponent can document to the satisfaction of the City that a net addition of sales tax revenue to the City of San José will result from the conversion.

4. Maintain Employment Lands for Non-Residential Uses

Land designated for a mix of employment uses that was previously designated for exclusively industrial uses should not be converted to allow residential uses. If a conversion is proposed at a later date, any conversion that occurred less than ten (10) years previously to the proposed conversion shall be reviewed and considered as if the land is designated for exclusively industrial uses.

5. Retain Citywide Job Capacity

Sites in areas of the City other than Coyote Valley, North San José, the Monterey Corridor Redevelopment Project Area and the Evergreen industrial area, may be eligible to convert from employment to non-employment uses only if there is no net loss of total job capacity within the City and there is an Extraordinary Economic Benefit (see below for further discussion) provided by the conversion of the site to non-employment uses. When land designated for employment uses is converted to land designated for exclusively non-employment uses, such as residential uses, there should be no net loss of job capacity in the City of San José. Intensifying job capacity on other lands designated for employment uses in the City of San José or concurrently converting equivalent acreage from exclusively non-employment uses to acreage designated for employment uses within the City are possible methods of maintaining the criterion of no net loss of job capacity Citywide.

6. Discourage New Residential Development on Sites Converted from Industrial to Commercial Land Use Designations

The Combined Industrial/Commercial land use designation should be selected to allow commercial and industrial uses on sites converted from exclusively industrial uses. The Combined Industrial/Commercial land use designation excludes residential uses.

Extraordinary Economic Benefit from Conversion

For an Extraordinary Economic Benefit to occur when employment lands are converted to other uses, the City must receive significant off-setting fiscal benefits, such as revenues, beyond those required or expected from a project that does not result in the net conversion of employment land to other uses. Provision of affordable housing, parks, and related infrastructure improvements are an ordinary component of new development and do not qualify as an Extraordinary Economic Benefit.

The Extraordinary Economic Benefit should be defined by a Development Agreement or similar mechanism at the same time as the proposed General Plan amendment is considered so that the Council can evaluate the merits of the actual development project with the proposed General Plan land use designation.

1. Capital Contribution for Investments in Economic Development

Contributions of capital in the City's programs for economic development may provide an Extraordinary Economic Benefit to the City. Proposals will be considered on a case-by-case basis. Examples of programs include the City's Economic Development Catalyst Program and the Economic Development Reserve fund. These two programs are described below:

- Through the City's Economic Development Catalyst Program (EDCP) the City of San José will provide up to \$3 million over the next four years to leverage substantial venture capital investment in private small businesses located in the City of San José. The EDCP leverages City funds at a 6 to 1 ratio. In addition to increasing the direct impact of City funds, the EDCP is anticipated to make equity investments that will enhance job creation, expand the local tax base, and facilitate the integration of other programs and services targeted to the small business community.
- The City Manager has proposed establishing a fund that would be available to provide incentives for extraordinary and unanticipated economic development opportunities to create jobs in San José, such as the recent success of securing CleanTech solar company Nanosolar. The account would only be utilized for unanticipated and extraordinary projects that may require financial incentives to ensure the creation of new jobs in San José and a corresponding increase in City revenues. To determine whether a given economic development opportunity meets the threshold of "unanticipated and extraordinary," the Office of Economic Development will consider the following:
 - a. Does the company meet the City's definition of a driving industry (Computer technology, Bioscience, CleanTech, Nanotech, Informatics, etc)?
 - b. Does the company have the potential to create from 10 to 100 jobs within the next two years?
 - c. Will the company's headquarters be located in San José?
 - d. Does the business activity of the company have the potential to generate significant revenues for the City?
 - e. Does the company have significant location options (regionally, nationally, or internationally) and require assistance to ensure that the site selected is in San José?

2. Mitigation Fee

In the future, the City may propose a mitigation fee program. Such a program should provide a methodology to quantify the economic impact of a proposed conversion and assess a fee that can be used to offset the impact. The Office of Economic Development is working with a consultant to investigate the feasibility of such a program and will further address its implementation if it is determined to be viable.



Memorandum

TO: City Council

 FROM: Mayor Chuck Reed
 Councilmember Madison Nguyen
 Councilmember Nancy Pyle
 Councilmember Forrest Williams

SUBJECT: SEE BELOW

DATE: October 19, 2007

APPROVED: *Forrest Williams*DATE: *10/19/07*
 SUBJECT: PROPOSED FRAMEWORK FOR PRESERVATION OF EMPLOYMENT LANDS
Chuck Reed
Madison P. Nguyen
J. Williams or NP

RECOMMENDATION

Approve staff recommendations with the following clarifications and changes:

1. The following are not employment land conversions and are not governed by the Framework:
 - Rezoning that are consistent with existing General Plan land use designation;
 - Rezoning that are consistent with existing Specific Plan land use designation;
 - Changes from Industrial Park uses to Combined Industrial/Commercial uses;
 - Conditional Use Permits for Emergency Residential Shelters and SRO's per the Zoning Code;
 - Development of sites in the General Plan designations of Commercial in Neighborhood Business Districts under Discretionary Alternative Use Policies as appropriate, with preference for mixed use; and
 - Public Schools.
2. Commercial uses or a combination of industrial and commercial uses should be considered on small or unusually configured remnant industrial designated sites per the proposed Discretionary Alternative Use Policies. Staff is directed to develop specific criteria to allow for some flexibility on such sites. Other uses for small or unusually configured industrial sites will be considered by the General Plan Task Force at the appropriate time.
3. Small, isolated remnant commercial parcels that are degrading neighborhoods and are no longer suitable for commercial uses may be considered for conversion for affordable housing projects which include Extremely Low Income units, and/or schools, assembly uses, and other Public/Quasi-Public uses, secured by a Development Agreement or similar mechanism. Staff is directed to identify such remnant parcels and make the information publicly available.
4. Proposals to designate employment lands for conversion to non-employment uses in support of public infrastructure, such as BART or Light Rail, must be accompanied by a proposal to offset the loss of Light Industrial or Heavy Industrial lands as recommended by City staff. Proposals for conversions to residential use in support of BART or Light Rail should include a significant portion of Extremely Low Income (ELI) units and other Affordable units, secured by a Development Agreement or similar mechanism. It is recommended that staff

coordinate the direction above with discussions that are currently in progress on a proposal for citywide inclusionary housing.

5. There are currently 12 pending General Plan Amendments involving the potential loss of 147 acres of employment lands. These pending applications could generate an estimated 3,600 dwelling units. All pending conversion applications will be processed and evaluated under the Preservation Framework and agendaized for Council consideration at one time, no later than the end of March 2008, if ready.
6. Staff is directed not to pursue a mitigation fee program nor monetary capital contributions for economic development.

BACKGROUND

The Framework to Evaluate Proposed Conversions of Employment Lands to Other Uses was originally approved by the City Council in April 2004. Direction was given to staff at our March 2007 Council Study Session that the Framework be updated. On May 15, 2007, City Council unanimously approved strengthening the employment lands conversion criteria and directed staff to modify the Framework as such. Staff has acted upon this direction and drafted a proposed Framework for Preservation of Employment Lands that is before us now.

City Council actions since 1990 have led to the conversion of over 1,400 acres of prime employment lands, a conversion of 9% of all employment lands. We need to send a message that our commitment to land use, economic development and a fiscally sustainable city is a long-term proposition. We must discourage conversion of employment lands that are based on current market demand and pricing. We need to preserve employment lands to support driving industries, as well as our business-support and people-serving industries, jobs, and tax base. We need to generate more revenue to support residents. We need to eliminate the structural budget deficit.

While we take a stand on preservation of employment lands, let us reiterate that our commitment to leading the South Bay in housing production continues to be strong. Staff estimates a General Plan residential holding capacity of approximately 75,000 dwelling units including allocations in the Greater Downtown Core Area and North San Jose. We must encourage and work with our housing partners to achieve full build-out of the General Plan capacity.

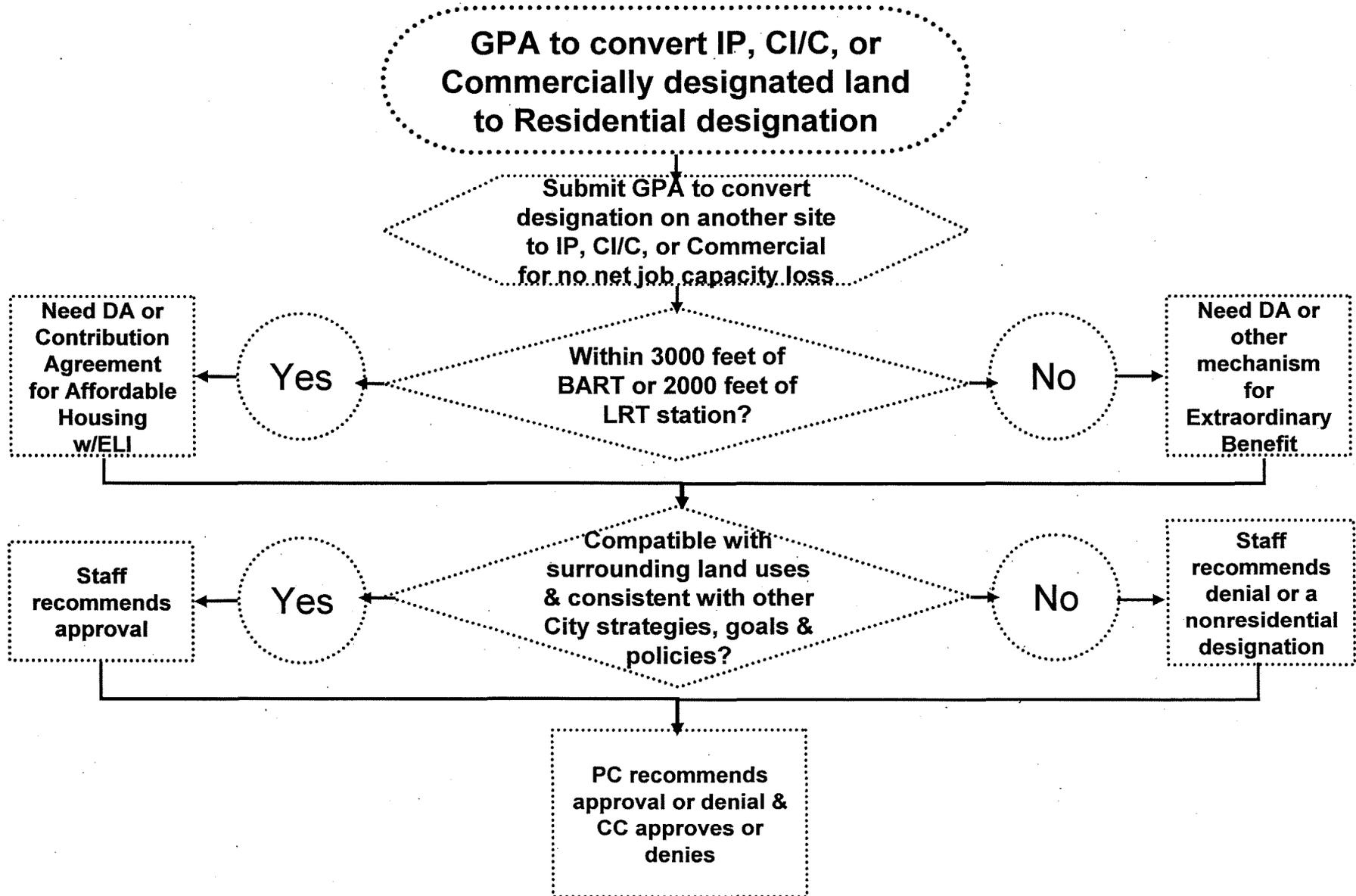
Comparing San Jose data with other Silicon Valley cities provides a grim picture of our current fiscal status. Total revenue per capita is 1.4 times less in San Jose than in Santa Clara and 2.1 times less than in Sunnyvale. San Jose continues to be the County's bedroom community with 0.9 jobs per employed resident, trailing badly behind Santa Clara with 2.1 jobs per employed resident, and Sunnyvale with 1.2 jobs per employed resident.

Approval of the proposed Framework will be our opportunity to intentionally slow down the rate of employment land conversions while the General Plan Update is in development. Our approach is not misguided. Rather it is an opportunity to correct the existing imbalance and create opportunities for jobs and housing.

The San Jose Metro Area is ranked as the 10th Major Manufacturing Center in the US. Other major cities in the country including San Francisco, Los Angeles, Oakland, Boston, Chicago, Cleveland, New York, and Portland, are facing similar pressures on conversion of employment lands, and are similarly engaged in preservation and zoning protection of their industrial lands.

Your support of these recommendations is appreciated.

Framework Conversion Scenario



ATTACHMENT #5

The following is an excerpt of City Council Ordinance No. 24297 regarding regulations pertaining to development agreements, which ordinance became effective on April 2, 1993. This excerpt sets forth the findings required in order to approve a development agreement; more specifically, Section 10.A.4.a below discusses the unusual costs for public benefit element. Subsection 10.B expressly provides that even if a development agreement meets all of required criteria, the City Council may still deny a development agreement request if the Council believes the agreement would not be in the public interest.

ORDINANCE NO. 24297 ~ Excerpt relating to Development Agreement Findings by City Council

10. Decision of the City Council

A. After its public hearing, the City Council shall determine whether or not to approve and authorize the proposed development agreement. The City Council shall not approve the development agreement unless it makes all of the following findings:

1. The proposed development is consistent with the General Plan and all applicable specific or area plans;
2. The proposed development should be encouraged in order to meet important economic, social, environmental or planning goals of the City;
3. The development agreement would facilitate the development of the subject property in the manner proposed;
4. The proposed development meets all of the findings listed for either criteria a. or b. below.
 - a.
 - i. The Developer will incur unusually substantial costs in order to provide public improvements, facilities or services from which the public will benefit, and;
 - ii. The Developer has made commitments to a very high standard of quality and agreed to development limitations beyond that required by existing City zoning code.
 - b. The development will make a substantial contribution to the economic development of the City in that it:

- i. will have as its primary use: research, experimental and engineering laboratories, wholesale sales, manufacturing, repair and servicing of industrial and commercial equipment, printing, or general business offices, consistent with the Industrial Zoning District; and
- ii. is located on a legal parcel of at least five (5) acres; and
- iii. will create or retain at least five hundred (500) jobs in the City; and
- iv. qualifies as a "Special Handling" project as defined in City Council Policy 6-17; and
- v.
 - a. houses a point of sales office that will generate sales tax revenue for the City; or
 - b. will be used as a corporate headquarters by the primary user of the development.

5. The subject development agreement is consistent with this ordinance.

B. Even if all of the findings set forth in subsection A can be made, the City Council, in its sole discretion, may deny the development agreement on the grounds that in its opinion the proposed agreement is not in the best interest of the public.

C. The City Council may add, modify or delete any provision of the proposed development agreement as a condition of approval.



January 8, 2008

Mr. Allen Tai
Planner II
City of San Jose Department of Planning
200 East Santa Clara St., 3rd Floor
San Jose CA 95113

Re: 485 S. Monroe Development Agreement. General Plan File No. GP07-06-01. PD Rezoning File No. PDC07-043

Mr. Tai,

Please prepare a draft of the Development Agreement for 485 S. Monroe.

The Extraordinary Benefit will be as follows:

- 1) Silverstone will demolish the existing Baywood St. for expansion of Santana Park. The cost for this demolition is approximately \$95,000.
- 2) Silverstone will dedicate the 21,575 square feet of land needed for the future Hatton Street extension. The value of this land is \$2,610,575.
- 3) Silverstone will construct the future Hatton Street extension. The engineer's cost estimate for this construction is approximately \$530,000.
- 4) Silverstone will voluntarily sell approximately 35,000 square feet of land to the city of San Jose for the expansion of Santana Park for \$121 per square foot (our cost). This land is above and beyond our park land dedication requirement and would have otherwise been developed by us.
- 5) The approximate total value of items 1, 2 & 3 above is \$3,236,000.

In regard to the timing of the development, Silverstone agrees to guarantee the construction of the office building on parcel 2 in following manner:

- 1) Silverstone agrees to pull a building permit for the office building within five years from the date that the first residential building permit has been issued.
- 2) If a building permit for the office on parcel 2 has not been pulled within said time frame, Silverstone agrees to pay a yet to be agreed upon amount to subsidize the construction of the office building.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Huertas", is written over a horizontal line.

Daniel Huertas
Acquisition Manager
Silverstone Communities, LLC
1733 Woodside Road, Suite 125
Redwood City, CA 94061

-----Original Message-----

From: Erik Schoennauer [mailto:es@stanfordalumni.org]

Sent: Thursday, March 20, 2008 5:29 PM

To: Crabtree, Andrew; Horwedel, Joseph; Tai, Allen

Cc: 'Dan Huertas'; Weerakoon, Ru; Nusbaum, Jenny; Prevetti, Laurel; Gurza, Renee; 'John McMorrow'; denelle.fedor@sanjoseca.gov; gschoennau@aol.com

Subject: Please Complete DA for Monroe Spring 2008 GP Hearing

Good afternoon, Joe, Andrew and Allen.

We request that our PD Zoning (PDC07-043) and Development Agreement (DA08-001) come forward to Commission/City Council at the same time as our General Plan Amendments and in a manner that allows the City Council to approve all of them, if they choose.

We are finding it difficult to understand the City's process. We have done everything the Planning Director and Staff has asked of us in order to comply with the Employment Preservation Framework process and yet the Staff refuses to draft a Development Agreement:

JANUARY 8th - As instructed by Staff, we submitted a letter requesting the preparation of a Development Agreement and detailing our Extraordinary Benefit proposal. (Letter is Attached)

JANUARY 17th - As instructed by Staff, we paid the Development Agreement fee of \$11,171.93, which we assume is meant to cover the staff time to actually prepare a draft Development Agreement document.

Staff has indicated that you will not prepare a Development Agreement for Council's consideration because you believe that our proposal does not constitute "Extraordinary Benefit". It would seem more appropriate that the City Council would decide the appropriateness and the adequacy of the Extraordinary Benefits, and they should be given that opportunity.

We seem to be caught in a circular argument of Staff feedback. Since the City has no written criteria or guidelines, we have continuously asked Staff what specific additional things you believe that the project should offer to become "Extraordinary". The response has been that Staff can't tell us what to do, we just have to make a proposal. We indicate that we did make a proposal in our January 8th letter. And then, Staff says that that proposal doesn't count. When we ask Staff to prepare the Development Agreement, they say that they cannot because they do not have a proposal. To which we respond that we made a propose in our January 8th letter.

Near the end of our last meeting regarding the Development Agreement, Laurel Prevetti revealed that the Staff's expectation is that the Extraordinary Benefit package would need to have a value of \$10 to \$12 million. We were stunned! It is in reaction to this dollar amount that Silverstone stated that further discussions with Staff would probably not be fruitful, because an extra \$10 to \$12 million dollars is way beyond the financial capabilities of this project. (The project is only 104 townhomes.) At that point in the negotiations, our project was stuck and we were put in a no-win situation.

It is our sincerest desire to meet the intent of the Employment Framework, while maintaining a financially feasible project. To that end, we offer below two new elements along with our previous proposed Extraordinary Public Benefits:

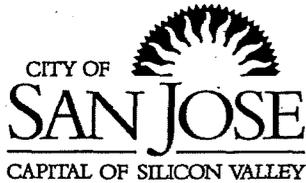
- 1) NEW - A contribution to the City of \$30,000 per year for 30 years for Santana Park maintenance (\$900,000 value)
- 2) NEW - We will voluntarily sell the extra park acreage beyond our dedication to the City at a discount. We will voluntarily agree to the City's appraised value of \$87.56 per sf instead of our Purchase Contract price of \$121 per sf.
(\$1,170,000 value)
- 3) We will dedicate the 21,575 sf of land needed for the Hatton Street extension.* (\$2,610,575 value)
- 4) We will construct the future Hatton Street extension.* (\$530,000 value)
- 5) We will demolish the existing Baywood St. for the expansion of Santana Park. (\$95,000 value)

*Our development does not need the Hatton St. extension. All 104 of our townhomes gain access off of Monroe ONLY. There is simply no nexus. The sole purpose of the Hatton Street extension is for the public to gain access to Santana Row and for the public to gain additional access to the City's park, not our development.

The total value of our proposed Extraordinary Benefit is \$5,305,575. We kindly request that City Staff draft the Development Agreement and bring it forward together with our General Plan Amendments and PD Zoning, so that the City Council can decide the merits of our entire proposal.

Please let us know if there is anything else beyond the above information that you need to complete the draft of the Development Agreement.

Thank you in advance for your time and efforts.
ERIK



Department of Planning, Building and Code Enforcement

JOSEPH HORWEDEL, DIRECTOR

**DRAFT
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: 485 Monroe Street General Plan Amendment and Planned Development Rezoning and 1345/1349 Blossom Hill Road General Plan Amendment

PROJECT FILE NUMBER: A) GP/GPT07-06-01; B) PDC07-043; C) GP08-09-01

PROJECT DESCRIPTION:

- A) GENERAL PLAN AMENDMENT request to: 1) change the Land Use/Transportation Diagram designation from Office to Medium High Density Residential (12-25 DU/AC) on 5.3 acres of a 7.8-acre site at 485 S. Monroe Street and 2) revise the text of the General Plan to allow a maximum building height of up to 90 feet on a 2.5-acre portion of the site between Dudley Avenue and Baywood Ave.
- B) PLANNED DEVELOPMENT REZONING from R-M Multiple Residence and CG Commercial General Zoning Districts to A(PD) Planned Development Zoning District to allow up to 104 single-family attached townhouse residences, a 36,000 square-foot office building, and a 1.61 acre public park on a 7.8 gross-acre site at 485 S. Monroe Street.
- C) GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to General Commercial on a 4.5-acre site located at 1345-1349 Blossom Hill Road.

PROJECT LOCATION & ASSESSORS PARCEL NO.:

A & B: North of I-280 and Tisch Way, west of South Monroe Street and South Baywood Avenue, east of Dudley Avenue (485 Monroe Street); APN: 277-38-002 and 277-38-006

C: Northwesterly corner of Coniston Way and Blossom Hill Road (1345-1349 Blossom Hill Road); APN: 569-06-046 and 569-06-047

COUNCIL DISTRICT: 6, 9

APPLICANT CONTACT INFORMATION: Silverstone Communities, 1733 Woodside Road, Suite 125 Redwood City, CA 94061 (Phone) 650-556-1700 (Fax) 650-556-0017 Attn: John McMorrow, mcmorrow@silverstonecommunities.com

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- I. **AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- II. **AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- III. **AIR QUALITY**

Standard Measures:

AIR-1.1: In conformance with the City's General Plan policies, the project shall implement the measures listed below to reduce vehicle use and vehicle miles traveled to a less-than-significant level:

- Provide bicycle amenities, such as residential bicycle parking, bicycle racks for visitors, and bike lane connections.
- Include easy access and signage to bus stops and roadways that serve the site uses from pedestrian facilities.
- Create and implement a landscape plan that includes shade trees along pedestrian pathways.
- Include traffic calming measures in traffic circulation and roadway connection designs.
- Consider requirements for unbundling a portion of the residential parking spaces.

Mitigation Measures:

MM – AIR 5.1: Implementation of the measures recommended by BAAQMD and listed below would reduce the air quality impacts associated with grading and new construction to a less-than-significant level:

Dust (PM₁₀) Control Measures

- Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences shall be kept damp at all times.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.

- Hydroseed or apply (non-toxic) soil stabilizers to inactivate construction areas (previously graded areas inactive for 10 days or more).
- Enclose, cover, water at least twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
- Limit traffic speed on unpaved roads to 15 miles per hour.
- Replant vegetation in disturbed areas as quickly as possible.
- Suspend construction activities that cause visible dust plumes to extend beyond the construction site.
- During renovation and demolition activities, removal or disturbance of any materials containing asbestos or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations.

Off-Road Equipment Exhaust Control Measures

- Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The project shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately.
- Diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite.
- Where feasible, the project shall require construction contractors to use heavy-duty (> 50 horsepower) off-road vehicles that meet the California Tier II emissions standards. Use of alternative fuels or retrofitted equipment shall be considered for older equipment not meeting the standards.
- Properly tune and maintain equipment for low emissions.

IV. BIOLOGICAL RESOURCES

Standard Measures:

The project proposes to implement the following measures to reduce impacts to raptors:

- If possible, construction should be scheduled between September and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be conducted by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys shall be conducted no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys shall be conducted no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the California Department of Fish and Game, designate a construction-free buffer zone (typically 250 feet) around the nest.

- The applicant shall submit a report to the City's Environmental Principal Planner indicating the results of the survey and any designated buffer zones satisfaction of the City's Environmental Principal Planner prior to the issuance of any grading or building permit.

The project proposes to implement the following avoidance measures to reduce impacts to trees identified for retention on-site and to protect trees located on adjacent sites within close proximity to the site:

- Trees to remain shall be safeguarded before and during construction by a Tree Protection Plan developed by a consulting arborist, including measures such as the storage of oil, gasoline, chemicals, etc. away from trees; grading around trees or root pruning only as approved, and prevention of drying out of exposed soil where cuts are made; any additional tree pruning needed for clearance performed or supervised by an arborist; application of supplemental irrigation as determined by the consulting arborist; no dumping of liquid or solid wastes in the dripline or uphill from any tree; and construction of barricades around the dripline of the trees until all grading and construction is completed, as outlined in the City's Tree Ordinance, that shall be submitted to the Environmental Principal Planner and approved by the Planning Director prior to the issuance of a grading permit.
- To mitigate potential damage to retained trees, trees shall be safeguarded during construction through implementation of the following measures:
 - Prior to the issuance of any approval or permit, all trees on the site shall be inventoried by the owner or contractor as to size, species and location on the lot and the inventory shall be submitted on a topographical map to the Director;
 - Damage to any tree during construction shall be reported by the person causing the damage, the responsible to the Director, and the contractor or owner shall treat the tree for damage in the manner specified by the city arborist.
 - No construction equipment, vehicles or materials shall be stored, parked or standing within the tree dripline; and
 - Drains shall be installed according to city specifications so as to avoid harm to trees due to excess watering; and
 - Wires, signs and other similar items shall not be attached to trees; and
 - Cutting and filling around the base of trees shall be done only after consultation with the city arborist and then only to the extent authorized by the city arborist; and
 - No paint thinner, paint, plaster or other liquid or solid excess or waste construction materials or wastewater shall be dumped on the ground or into any grate between the dripline and the base of the tree or uphill from any tree where certain substances might reach the roots through a leaching process; and
 - Barricades shall be constructed around the trunks of trees as directed by the director so as to prevent injury to trees making them susceptible to disease causing organisms; and
 - Wherever cuts are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots. (SJMC 13.32.130)

Mitigation Measures:

MM – BIO 1.1: The project proposes to implement the following standard measures to mitigate project impacts to trees:

- All trees that are to be removed shall be replaced at the following ratios:

Diameter of Tree to be Removed	Non-Native Replacement Ratio	Minimum Size of Each Replacement Tree
18 inches or greater	4:1	24-inch box
12 - 18 inches	2:1	24-inch box
less than 12 inches	1:1	15-gallon container
<p><i>Notes:</i> <i>X:X = tree replacement to tree loss ratio</i> <i>Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.</i></p>		

- In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building, and Code Enforcement, at the development permit stage:
 - The size of a 15-gallon replacement tree can be increased to 24-inch box and count as two replacement trees.
 - An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjoining properties for screening purposes to the satisfaction of the Director of Planning, Building, and Code Enforcement.
 - A donation of \$300 per mitigation tree to Our City Forest for in-lieu off-site tree planting in the community. These funds shall be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for off-site tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

V. CULTURAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required, however, the project proposes to implement the following standard measures to reduce impacts to prehistoric resources:

Standard Measures:

- Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.
- A final report shall be submitted to the City’s Environmental Principal Planner when mitigation is completed. This report shall contain a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the

disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Environmental Principal Planner.

- In the event that human skeletal remains are encountered during future site redevelopment, the applicant is required by County Ordinance No. B6-18 to immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and the County Coordinator of Indian Affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of State law and the Health and Safety Code. The Director of Planning, Building and Code Enforcement will also be notified immediately if human skeletal remains are found on the site during development.

VI. GEOLOGY AND SOILS – The project will not have a significant impact on this resource, therefore no mitigation is required, however, the project proposes the following standard measures to reduce geologic, soil and seismic-related impacts:

Standard Measures:

- Buildings shall be designated and constructed in accordance with the design-level geotechnical investigation prepared for the site, which identifies the specific design features that will be required for the project, including site preparation, compaction, trench excavations, foundation and subgrade design, drainage and pavement design. The geotechnical investigation shall be reviewed and approved by the City Public Works Department prior to issuance of a building permit for the project.
- The project shall implement standard grading and best management practices to prevent substantial erosion and siltation during development of the site.
- The proposed project shall be designed and constructed in conformance with the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking and seismic-related hazards, including liquefaction, on the site.

VII. HAZARDS AND HAZARDOUS MATERIALS

Mitigation Measures:

MM—HAZ 1.1: Mitigation measures to address the near-surface soil impact by pesticide and arsenic are proposed by the project, including observation of demolition and grading activities by a qualified hazardous materials consultant and development of a soil management plan for soils impacted by arsenic and DDE which will either remove or sequester these soils to prevent future residential exposure. A Tier 2 risk assessment shall be performed after demolition of buildings and pavement and the following mitigation measures be evaluated to address the potential for human health risks under the proposed residential land use. Measures to be considered include the following:

- Implementation of engineering controls such as containment with surface caps of impacted areas.
- Implementation of remedial actions such as limited excavation, in-situ treatment and/or redistribution to reduce or eliminate the potential long-term human health concerns.

- Implementation of institutional controls such as deed restrictions requiring additional testing and remediation if surface caps are removed.

Standard Measures:

The project proposes to implement the following standard measures to reduce impacts related to ACMs and lead-based paint:

- In conformance with state and local laws, a visual inspection/predemolition survey, and possible sampling, shall be completed prior to the demolition of the buildings to determine the presence of asbestos containing materials and/or lead-based paint.
- All potentially friable asbestos-containing materials shall be removed in accordance with the National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines prior to building demolition or renovation that may disturb the materials.
- All demolition activities shall be undertaken in accordance with Cal/OSHA standards, contained in Title 8 of the California Code of Regulations (CCR), Section 1529, to protect workers from exposure to asbestos. Materials containing more than one percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations.
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1, including employee training, employee air monitoring and dust control.
- Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.

The project proposes to implement the following measure to avoid impacts from possible on-site sources of contamination that may be obscured by existing buildings, pavement, or landscaping:

- The project site shall be viewed by a qualified environmental professional during demolition and pre-grading activities to observe areas of the property that may have been obscured by existing structures or pavement for such items as stained soils, septic systems, underground storage tanks, and/or unforeseen buried utilities; and, if found, a mitigation program shall be developed, submitted to the City's Environmental Principal Planner, and implemented with such measures as soil testing, removal and/or offsite disposal at a permitted facility. Any storage tanks, wells, drums, and debris shall be removed under the guidance of a qualified environmental professional and in accordance with the San José Fire Department requirements, and a permit shall be obtained from the San José Fire Department for removal of the above ground fuel tank.

VIII. HYDROLOGY AND WATER QUALITY – The project will not have a significant impact on this resource, therefore no mitigation is required, however, the project proposes to implement the following standard measures to reduce and avoid water quality impacts:

Standard Measures:

Pre-Construction

- Prior to construction of the project, the City shall require the applicant to submit a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI) to the State of California Water Resource Quality Control Board to control the discharge of storm water pollutants

including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook (such as silt fences/straw waddles around the perimeter of the site, regular street cleaning, and inlet protection) for reducing impacts on the City's storm drainage system from construction activities. The SWPPP shall include control measures during the construction period for: Soil stabilization practices, Sediment control practices, Sediment tracking control practices, Wind erosion control practices, and Non-storm water management and waste management and disposal control practices.

- Prior to issuance of a grading permit, the applicant shall be required to submit copies of the NOI and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works. The applicant shall also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.
- Each phase of development shall comply with the City of San José Grading Ordinance, including erosion- and dust-control during site preparation, and with the City of San José Zoning Ordinance requirement for keeping adjacent streets free of dirt and mud during construction.

Post Construction

- The proposed development shall comply with the NPDES permit issued to the City of San José and other co-permittees of the SCVURPPP, and with the provisions of the City's Post-Construction Urban Runoff Management Policy, which require the inclusion in the site design of pollutant source control and stormwater treatment control measures to the maximum extent practicable. At the Planned Development permit stage, the applicant shall submit plans for BMPs and numerically sized TCMs including or such as, but not limited to the following:
 - Vegetated swales and flow-through areas;
 - Bioretention areas or basins;
 - Disconnected downspouts that are directed into landscape areas;
 - Minimization of impervious surfaces and increased use of permeable pavement;
 - Location of all storm drain inlets to be stenciled with, "No Dumping! Flows to Bay;" and
 - Location and design of trash enclosures (all shall be covered) and materials handling areas.
- A maintenance and monitoring program shall be developed at the PD Permit Stage to the satisfaction of the Director of Planning.
- The maintenance and monitoring program shall be implemented to ensure that all stormwater treatment BMPs will be permanently maintained by the Homeowners' Association (HOA) for the life of the development, to the satisfaction of the Director of Planning.
- The project shall comply with Provision C.3 of NPDES permit Number CAS0299718, which provides enhanced performance standards for the management of stormwater for new development.
- The project shall comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29), which establishes general guidelines and minimum BMPs for specific land uses and numerically sized (or hydraulically sized) TCMs.
- Prior to the issuance of a grading permit, the applicant must submit a Notice of Intent to the State Water Resources Control Board and prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity to the satisfaction of the Director of Public Works.

- Future redevelopment of the project site would be required to comply with Provision C.3 of the City's NPDES Permit, the City Council Policy Number 6-29 on Post-Construction Urban Runoff Management, the City Council Policy Number 8-14 on Post-Construction Hydromodification Management and the City's other local policies and ordinances regarding urban runoff and water quality, as applicable at the time of PD Permit stage.

IX. LAND USE AND PLANNING – The project will not have a significant impact on this resource, therefore no mitigation is required, however, the project proposes to implement the following measures to reduce or avoid land use conflicts between future residential development on the site and incompatible land uses:

Standard Measures:

- Residential structures greater than three stories in height are to be set back a minimum of 15 feet from incompatible uses.
- Private open space is to be set back at least 10 feet from incompatible uses.
- Balconies and decks are to be set back a minimum of 20 feet from incompatible uses and 25 feet from single family rear yards.

X. MINERAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

XI. NOISE

Mitigation Measures:

The project proposes to implement the following measures to reduce interior noise levels to 45 dBA DNL or lower and most exterior area noise levels to 65 dBA DNL or lower:

MM NOI – 1.1: The following mitigation measures shall be included in the project to reduce the impact to a less-than-significant level:

Interior Noise Mitigation

- Forced-air mechanical ventilation, satisfactory to the local building official, must be provided for townhomes with façades fronting South Monroe Street and/or the northern or southern project limits of Parcel 1 with east, west, and south facing façades, to allow occupants the option of keeping windows closed to control noise.
- In addition, special building construction techniques may be required for townhomes fronting South Monroe Street. These treatments could include, but are not limited to, sound rated windows and doors. The specification of necessary acoustical treatments shall be conducted by a qualified acoustical consultant during the final design stage. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City, along with the building plans, and approved prior to issuance of a building permit.

Exterior Noise Mitigation

- 42-inch-high solid railings shall be constructed at all patios and elevated decks of units having a direct or side view of Monroe Street and/or Tisch Way.
- All units on Parcel 1 shall have some private open space that is acoustically attenuated to a minimum 65 dBA DNL, to the satisfaction of the Director of Planning.

Short-Term Construction Noise

- The project proposes the following measures to reduce short-term construction noise impacts to a less than significant level:

MM NOI – 2.1: Construction activities shall be limited to the hours between 7:00 a.m. to 7:00 p.m., Monday through Friday for any work within 500 feet of any residential unit.

Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building, and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

MM NOI – 2.2: Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

MM NOI – 2.3: Locate stationary noise generating equipment as far as possible from adjacent residential receivers.

MM NOI – 2.4: Avoid staging of equipment and unnecessary idling of equipment within 200 feet of noise sensitive uses.

MM NOI – 2.5: Acoustically shield stationary equipment located near existing residential receivers.

MM NOI – 2.6: Utilize "quiet" air compressors and other stationary noise sources where technology exists.

MM NOI – 2.7: The contractor shall prepare a construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.

MM NOI – 2.8: Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.

XII. POPULATION AND HOUSING – The project will not have a significant impact on this resource, therefore no mitigation is required.

XIII. PUBLIC SERVICES – The project will not have a significant impact on this resource, therefore no mitigation is required, however, the project proposes to implement the following measures:

Standard Measures:

- In accordance with Government Code 65996, the developer shall pay a school impact fee to offset the increased demands on school facilities caused by the proposed project.
- Conform with the City's Park Impact Ordinance (PIO) and Parkland Dedication Ordinance (PDO).

XIV. RECREATION – The project will not have a significant impact on this resource, therefore no mitigation is required.

XV. TRANSPORTATION / TRAFFIC – The project will not have a significant impact on this resource, therefore no mitigation is required.

XVI. UTILITIES AND SERVICE SYSTEMS – The project will not have a significant impact on this resource, therefore no mitigation is required.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on April 7, 2008, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: March 18, 2008

Alison Sanderson
Deputy

Adopted on: _____

Deputy



Department of Parks, Recreation and Neighborhood Services

PARKS AND RECREATION COMMISSION

April 2, 2008

City of San José Planning Commission
200 East Santa Clara Street, 3rd Floor
San José, California 95113

Subject: Spring 2008 – General Plan Amendments

Dear Planning Commissioners:

The Parks and Recreation Commission (hereinafter “Commission”) reviewed the proposed Spring 2008 General Plan Amendments dealing with future residential projects at the Commission’s regular business meeting on April 2, 2008. This letter transmits the Commission’s comments regarding the following General Plan Amendments to be considered by the Planning Commission and the City Council.

- 1) **GP05-02-02:** The Commission is neutral on the conversion of this land from General Commercial to Residential. However, if this General Plan Amendment request for Medium High Density Residential is approved by the City Council, the proposed housing range is 17 to 36 new dwelling units. A future housing project will be under 50 units and therefore the City can only request the associated park in-lieu fees from this project in CD2. The Commission understands that the City can not request land dedication under this General Plan request for a future housing project. A future housing project will still need to comply with the requirements of the PDO or PIO, depending on housing types.
- 2) **GP06-02-02 & UGB06-001:** The Commission is neutral on both the conversion of this land from Rural Residential to High Density Residential and the change in the Urban Growth Boundary. If this General Plan Amendment request for Medium High Density Residential is approved by the City Council, along with the Urban Growth Boundary change, the proposed housing range is approximately 80 to 160 new dwelling units. A future housing project will be over 50 units and therefore the Commission can recommend land dedication under the Parkland Dedication Ordinance (PDO) or the Park Impact Ordinance (PIO). In this case, the Commission understands that a new neighborhood park is proposed on the property just south of site. Therefore, the Commission is not requesting land dedication from this site as part of a future housing project in CD2. A future housing project will still need to comply with the requirements of the PDO or PIO. Depending on housing types, the project will be required to submit the required park fees in lieu of land dedication.

- 3) **GP07-03-04 & GPT07-03-04:** If this General Plan Amendment request for Mixed Use is approved by the City Council, the proposed housing range is approximately 600 new dwelling units with a three quarter acre park/plaza and a 10,000 to 20,000 square feet performing art center. A future housing project will be over 50 units and therefore the City can recommend land dedication under the PDO or PIO. The Commission is concerned with the size of the proposed park/plaza has not kept pace with the proposed increase in density for this project. The Jackson-Taylor Residential Strategy Plan calls for mix use development on this 5.14 acres site and states: "The residential component must develop to a minimum of 25 du/ac and may be a maximum density of 50 du/ac. For densities above 35 du/ac, projects must exhibit exemplary architectural design that is urban in character and express the essence of the design guidelines contained in the Residential Strategy." Therefore the original range for this property is 110 units at 25 du/ac to 220 units at 50 du/ac. The proposed project would allow 600 units, or approximately 137 du/ac without increasing the size of the proposed park/plaza. The Plan further states: "The amount of parks within the study area is based on the City's population-based parkland objective." This objective per the City's General Plan is 3.5 acres per 1,000 population. The proposed density increase is equal to approximately 382 units, or 2.6 acres of additional parkland is needed within the Jackson-Taylor Residential Strategy Plan Area. The Commission support's Parks, Recreation and Neighborhood Service Department (PRNS) recommendation to request land dedication for a new central located neighborhood park/plaza from the future housing project on this site. The Commission also supports the inclusion of the performing art center as part of this housing project in Japan Town. However, the Commission is concern with the increase in density; the proposed park/plaza will be over crowned and the 2.6 acres of additional parkland will never be achieved within the Plan Area.
- 4) **GP07-03-05 & GPT07-03-05:** If this General Plan Amendment request to lower density to Medium High Density Residential on this property in the Jackson-Taylor Residential Plan Area is approved by the City Council , the proposed housing range is 26 to 55 new dwelling units. A future housing project may be under 50 units and therefore the City can only request the associated park in-lieu fees from this project in CD3. The Commission understands that the City can not request land dedication under this General Plan request for a future housing project. Furthermore, the Jackson-Taylor Residential Plan did not indicate a future public park on this site. Any future housing project will still need to comply with the requirements of the PDO/PIO, depending on housing types. This reduction would also off-set 0.3 acres of future parkland increase from GP07-03-04.
- 5) **GP06-04-05:** The Commission supports the conversion of this land from Light Industrial to Transit Corridor Residential. If this General Plan request is approved by the City Council, the proposed minimum housing range is approximately 270 new dwelling units at 20 units to the acre. A future housing project will be over 50 units and therefore the City can recommend land dedication under the PDO/PIO. PRNS staff has will be requesting land dedication for the Penitencia Creek Trail connection from this future

project. The new trail is a missing link in the Penitencia Creek Trail Alignment from King Road to Berryessa Road in CD4. The Commission is in support of this future trail alignment and the proposed General Plan Amendment which could deliver the proposed trail alignment to the City.

- 6) **GP05-05-03:** If the General Plan Amendment request is approved by the City Council, the proposed minimum housing range is approximately 30 new dwelling units at 20 units per acre. A future housing project may be under 50 units and therefore the City can only recommend the collection of in-lieu fees under the PDO/PIO. PRNS is interested in acquiring the nearby Water District's land and part of the adjacent parcel for a new neighborhood park site along the west side of Silver Creek at the intersection of Alum Rock Road and Sunset in CD5. The Commission is in support of such an endeavor to create a new park at this location.

- 7) **GP07-06-01 & GPT07-06-01:** If approved by the City Council, the proposed housing range is approximately 61 to 127 new dwelling units. A future housing project will be over 50 units and therefore the City can recommend land dedication under the PDO/PIO. PRNS has requested land dedication from this future housing project to expand Frank Santana Park in CD6 with a second sport field. The Commission strongly support this proposed General Plan Amendment by the Developer on the conversion of this land from Regional Commercial to Residential on 5.1 acres, which would provide additional parkland to expand Frank Santana Park through land dedication under the PDO/PIO.

The Parks and Recreation Commission will be glad to answer any questions the Planning Commission may have regarding these recommendations.

Sincerely,



Melanie Richardson
Chair, Parks and Recreation Commission

cc: PRNS
PBCE

Memorandum

TO: Allen Tai

FROM: Russell Chung

DATE: 02/13/08

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

Re: Plan Review Comments

PLANNING NO: GP08-09-01

DESCRIPTION: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to General Commercial on a 4.17-acre site.

LOCATION: northwest corner of Blossom Hill Road and Coniston Way

ADDRESS: northwest corner of Blossom Hill Road and Coniston Way (1345 BLOSSOM HILL RD)

FOLDER #: 08 003811 AO

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

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



Russell Chung
Fire Protection Engineer
Bureau of Fire Prevention
Fire Department
(408) 535-7697



Memorandum

TO: Allen Tai
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

SUBJECT: RESPONSE TO GENERAL PLAN
AMENDMENT APPLICATION

DATE: 02/14/08

PLANNING NO.: GP08-09-01
DESCRIPTION: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to General Commercial on a 4.17-acre site.
LOCATION: northwest corner of Blossom Hill Road and Coniston Way
P.W. NUMBER: 3-00388

Public Works received the subject project on 01/29/08 We have no comments or requirements.

Please contact the Project Engineer, Norman C. Mascarinas at 535-6812 if you have any questions.

EBRAHIM SOHRABI
Senior Civil Engineer
Transportation and Development Services Division

ES:nm



February 12, 2008

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

Attention: Allen Tai

Subject: City File No. GP08-09-01 / Blossom Hill-Coniston Commercial

Dear Mr. Tai:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the General Plan amendment for general commercial on 4.17-acre site at the northwest corner of Blossom Hill Road and Coniston Way. We have no comments at this time.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Molseed", is written over a light blue horizontal line.

Roy Molseed
Senior Environmental Planner

RM:kh

cc: Ebrahim Sohrabi, San Jose Development Services



ALLEN
EUA
LUCIA
RACHEL
BINDER

Memorandum

TO: Jenny Nusbaum
PBCE Dept.

FROM: David J. Mitchell
PRNS Dept.

SUBJECT: General Plan Amendments
Spring 2008

DATE: 2-08-08

The Department of Parks, Recreation and Neighborhood Services has reviewed the following proposed Amendments to the City's General Plan. PRNS comments are attached to this memorandum regarding possible land dedications from future housing associated with the following Amendments:

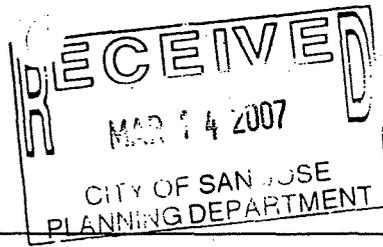
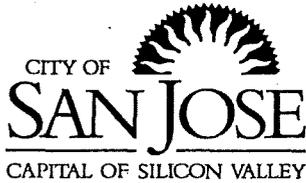
GP05-02-02	GP06-02-02
GP07-03-04	GP07-03-05
GP06-04-05	GP05-05-03
GP07-06-01	

If these amendments are approved by the City and lead to future housing projects, then at the rezoning or site development permit process for such new housing, which every occurs first, will be the phase for which PRNS to actually declare its position regarding future land dedication for public parks and trails. New residential projects over 50 units are subject to land dedication requirements of the Parkland Dedication Ordinance (PDO) and/or Park Impact Ordinance (PIO).

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

DAVID J. MITCHELL
Parks Planning Manager

No.	GPA File No. and Location	Existing Use	Proposed Use	Hearing Schedule	PRNS Recommendation
6	GP05-05-03 South side of Alum Rock Avenue, approximately 250 feet easterly of McCreery Avenue (1.5 acres)	General Commercial on 0.5 acres and Medium High Density Residential (12-25 DU/AC) on 1.0 acre	Transit Corridor Residential (20+ DU/AC) on 1.5 acres.	Spring 2008 Planning Commission April 21, 2008 City Council May 20, 2008	If approved by the City, the proposed Project's minimum housing range is approximately 30 new dwelling units at 20 units to the acre. A future housing project may be over 50 units and therefore PRNS can recommend land dedication under the PDO or PIO. PRNS is interested in acquiring the Water District Land and part of the adjacent site for a new neighborhood park site near the intersection of Alum Rock Road and Sunset in CD5.
7	GP07-06-01 & GPT07-06-01 West side of S. Monroe St, approximately 400 feet north from Tisch Way (7.8 acres)	Regional Commercial (2.7 acres) and Office (5.15 acres)	Medium High Density Residential (12-25 DU/AC) on 5.1 acres. No change to Regional Commercial on 2.7 acres. Text amendment to increase maximum allowable building height to 90 Feet on a 2.7-acre portion of the site between Dudley Ave and South Baywood Ave.	Spring 2008 Planning Commission April 9, 2008 City Council May 6, 2008	If approved by the City, the proposed Project's housing range is approximately 61.2 to 127 new dwelling units. A future housing project will be over 50 units and therefore PRNS can recommend land dedication under the PDO or PIO. PRNS will request land dedication from the future housing project to expand Frank Santana Park in CD6. (Note) GP08-09-01 located on the Northwest corner of Blossom Hill Road and Coniston Way will help to defer any job lost associated with GP-7-06-01 by converting existing Medium Density Residential Land (8-16 DU/AC) to General Commercial on a 4.17 acres in CD9.



Memorandum

TO: Stan Ketchum
Planning, Building
and Code Enforcement

FROM: Manuel Pineda

SUBJECT: TRAFFIC IMPACT ANALYSIS
REQUIREMENTS FOR GPAs
SUBMITTED OCT '06 to Mar '07

DATE: 03-12-07

Approved

Date

We have reviewed the General Plan Amendments (GPAs) on file as of March 12, 2007. Based on the land use data provided, our comments with respect to traffic impact analysis requirements are shown on the attached table.

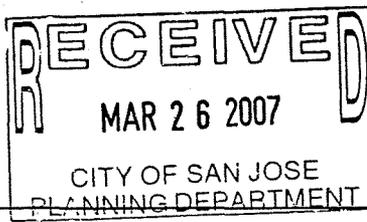
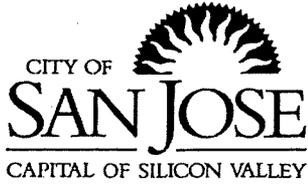
The Department of Transportation will issue a memorandum for each GPA for the Environmental file. For the GPAs that require a model analysis, the memorandum will summarize the findings of the analysis.

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

MANUEL PINEDA
Senior Civil Engineer
Department of Transportation

MP:PM
attachment

cc: Jenny Nusbaum
Licina McMorrow
Allen Tai
Sam Knutson



Memorandum

TO: Jenny Nusbaum
Planning, Building
and Code Enforcement

FROM: P. Paul Ma

SUBJECT: TRAFFIC IMPACT ANALYSIS
FOR GP07-06-01 (Staff Alt.)

DATE: 3-26-07

Approved

Date

File Number: GP07-06-01 (Staff Alt.)
Location: W/o S. Monroe St., approx. 400 ft. N/o Tisch Way
Acreage: 7.4 ac.
Description: Regional Commercial and Office to Medium High Density Res. (12-25 DU/AC)
(Add 140 HH, Delete 393 Jobs)
Outside Special Subarea (Remainder of City)

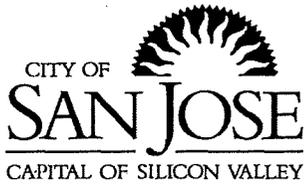
We have reviewed the subject General Plan Amendment (GPA) and submit the following comments. The estimated number of new PM peak hour trips resulting from the proposed land use change is below the exemption threshold established for this area. Therefore, this GPA is exempt from a computer model (CUBE)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

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

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

P. PAUL MA
Transportation Systems Planning Manager
Department of Transportation

PM
cc: Sam Knutson



Memorandum

TO: Sam Knutson
PBCE Dept.

FROM: David J. Mitchell
PRNS Dept.

SUBJECT: GP07-06-01 – APN 277-38-006

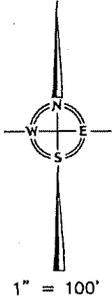
DATE: 1-17-07

The above referenced project is a General Plan Amendment from Regional Commercial and Office to Transit Corridor Residential (20+ DU/AC) on 5 acres and High Density Residential (25-50 DU/AC) on 2.4 acres of a 7.4-acre site located on the west side of Monroe Street, approximately 400 feet north from Tisch Way in CD 6 (APN 277-38-002 and 006)

If the project is approved by the City, the future zoning project must then comply with the requirements of the Parkland Dedication Ordinance (PDO) and/or Park Impact Ordinance (PIO). Due to its size of the proposed housing project may be over 50 units and per the requirements of the PDO/PIO, the City can request 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 west of the existing Frank Santana Park from this proposed housing project. In order to expand the park, Baywood Drive would have to be relocated between the expanded park site and the apartments located on APN's 277-38-003, 004, and 005. The goal is to create a new road to connect into the Santana Row Project and to provide a second softball field, two tennis courts and to light both softball fields at Frank Santana Park. Please see attached APN Map.

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

DAVID J. MITCHELL
Parks Planning Manager



39

40

36

37

STREET VACATED BY
RESOLUTION N° 34168

R.O.S. 90-M-46

DUDLEY AVENUE

MADEAU AVENUE

NEW ROAD LOCATION

FUTURE PARK

So. BAYWOOD AVENUE

MONROE STREET

SOUTH

TISCH

JUNIPERO SERRA

BOOK
282

(INTERSTATE ROUTE 280)

FREEWAY

LAEDERICH PARTITION

CITY OF SAN JOSE
FRANK SANTANA PARK

PACIFIC BELL
S.B.E. 279-43-(03) 27 PCL 7

PTN LOT 5
5.05 AC NET

PTN LOT 5
5.33 AC. NET

PTN LOT 4

14

14

170

154.09

321.43

371.61 (397.60)

12.45

367.64

0.26

787.4

S89°45'30"W

87.25

212.58

53.73

43

784.88

635.91 (639.57)

5.33 AC. NET

PTN LOT 5

PTN LOT 5

404.92

WAY

107.67

83.42

17.24

24.81

46.92

288.30 (283.65)

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

Memorandum

TO: Sam Knutson
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

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

DATE: 01/18/07

PLANNING NO.: GP07-06-01
DESCRIPTION: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Regional Commercial and Office to Transit Corridor Residential (20+ DU/AC) on 5 acres and High Density Residential (25-50 DU/AC) on 2.4 acres on a 7.4-acre site. (PacBell, Owner/SilverStone Communities, Applicant)
LOCATION: west side of S. Monroe St, approximately 400 feet north from Tisch Way
P.W. NUMBER: 3-9849

Public Works received the subject project on 01/08/07 and submits the following comments:

<u>D</u>	Flood Zone
<u>NO</u>	Geological Hazard Zone
<u>NO</u>	State Landslide Zone
<u>NO</u>	State Liquefaction Zone
<u>NO</u>	Inadequate Sanitary capacity
<u>NO</u>	Inadequate Storm capacity
<u>NO</u>	Major Access Constraints
<u>YES</u>	Near-Term Traffic Impact Analysis

Comments:

Sanitary Sewer – This parcel has two sanitary sewer mains available for connection, an 8” VCP on Monroe Street and a 6” VCP on Baywood Avenue. Existing capacity will have to be verified by sanitary sewer flow monitoring at the zoning stage.

Storm Capacity – There are no immediate storm drain inlets on Monroe Street and Tisch Way. Storm mains located on Dudley Avenue and Baywood Avenue could be used for possible storm sewer connection. The project may have to extend storm sewer main. Additional analysis will be required at the zoning stage.

Traffic – A traffic report is required. The traffic report should also include traffic operation and safety analysis along Monroe Street and Tisch Way. This analysis will be required at the zoning stage.

Planning and Building
01/18/07
Subject: GP07-06-001
Page 2 of 2

Please contact the Project Engineer, Norman Mascarinas at 535-6812 if you have any questions.



EBRAHIM SOHRABI
Senior Civil Engineer
Transportation and Development Services Division

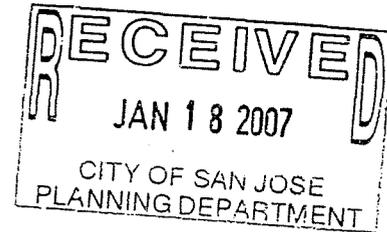
ES:nm

Memorandum

DATE: 01/17/07

TO: Sam Knutson

FROM: Nadia Naum-Stoian



Re: Plan Review Comments

PLANNING NO: GP07-06-01

DESCRIPTION: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Regional Commercial and Office to Transit Corridor Residential (20+ DU/AC) on 5 acres and High Density Residential (25-50 DU/AC) on 2.4 acres on a 7.4-acre site. (PacBell, Owner/SilverStone Communities, Applicant)

LOCATION: west side of S. Monroe St, approximately 400 feet north from Tisch Way
ADDRESS: west side of S. Monroe St, approximately 400 feet north from Tisch Way (485 S MONROE ST)

FOLDER #: 07 001151 AO

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

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

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

Planner to check with Fire Administrative Officer Geoff Cady for response impact.

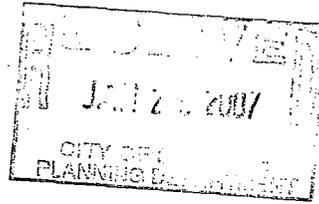
A handwritten signature in black ink, appearing to read "Nadia Naum-Stoian".

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

County of Santa Clara

Roads and Airports Department

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



January 19, 2007

Ms. Jenny Nusbaum
Project Manager
City of San Jose
Department of Planning, Building and Code Enforcement
200 East Santa Clara St.
San Jose, CA 95110

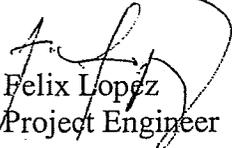
Subj: General Plan Amendment to Change the Land Use/Transportation Diagram from Regional Commercial and Office to Transit Corridor Residential and General Plan Text Amendment Allowing 150 ft Height at Tisch Way and Monroe Avenue
City File No: GP07-06-01 APN 277 38 006

Dear Ms. Nusbaum:

We have received and reviewed your General Plan Amendment and Text Amendment on the subject above, and we have no comments.

Thank you for the opportunity to review and comment on this project. Please call me at (408) 573-2462 for any questions.

Sincerely,


Felix Lopez
Project Engineer

cc: MA, PH, WRL, RN, file



January 19, 2007

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

Attention: Jenny Nusbaum

Subject: City File No. GP07-06-01 / Monroe-Tisch GPA

Dear Ms. Nusbaum:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the General Plan amendment for Transit Corridor Residential (20+ du/ac) on 5 acres and High-Density Residential (25-50 du/ac) on 2.4 acres on the west side of Monroe Street, 400 feet north of Tisch Way. We have no comments at this time.

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

Sincerely,

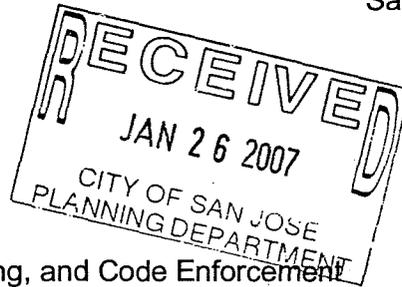
A handwritten signature in black ink that reads "Roy Molseed".

Roy Molseed
Senior Environmental Planner

RM:kh

File: 31396
San Tomas Aquino Creek

January 22, 2007



Ms. Jenny Nusbaum
City of San Jose
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113

Subject: General Plan Amendment, City File No. GPT07-06-01

Dear Ms. Nusbaum:

The Santa Clara Valley Water District (District) has reviewed the subject project documents received on January 9, 2007.

The site is located in the San Tomas Aquino Creek watershed. According to the Federal Emergency Management Agency Flood Insurance Rate Map, the entire site is within Zone D, an area of undetermined but possible flood hazard.

The proposed general plan amendment will not directly impact any District facility; therefore a District permit is not required.

According to the District Ordinance 83-2, any activity or work within 50 feet of a District facility will require a District permit. If site drainage is to be directed into a District facility, detailed plans should be sent for our review and issuance of a permit prior to the start of any construction.

If you have any further questions, my number is (408) 265-2607, extension 3135.

Sincerely,


Wendy Allison, P.E.
Assistant Engineer
Community Projects Review Unit

cc: B. Goldie, S. Tippetts, File (2)

wa:rmn
31396_48672wa01-22



Knutson, Samuel

From: Morris, Erin
Sent: Tuesday, March 06, 2007 6:56 AM
To: Knutson, Samuel
Cc: Lev, Hadasa
Subject: FW: Monroe Neighborhood meeting 2/26
Attachments: Infrastructure 3-5-07.doc; Tisch-Dudley-b.JPG; I880-b.JPG

Sam,

Please add this correspondence to your file.

Erin

-----Original Message-----

From: Al Woodward [mailto:al.woodward@comcast.net]
Sent: Monday, March 05, 2007 8:26 PM
To: manual.pineda@sanjoseca.gov; erin.morris@sanjoseca.gov
Subject: Monroe Neighborhood meeting 2/26

Attached is a Word Doc file with some ideas/comments from the 2/26 neighborhood meeting.

Additionally, the pictures in the document are included loose as JPEG's so that they can more easily be viewed with zoom via your favorite picture editor/viewer.

Al Woodward
417 S Daniel Way
San Jose, Ca 95128

408.246.7492

al.woodward@comcast.net

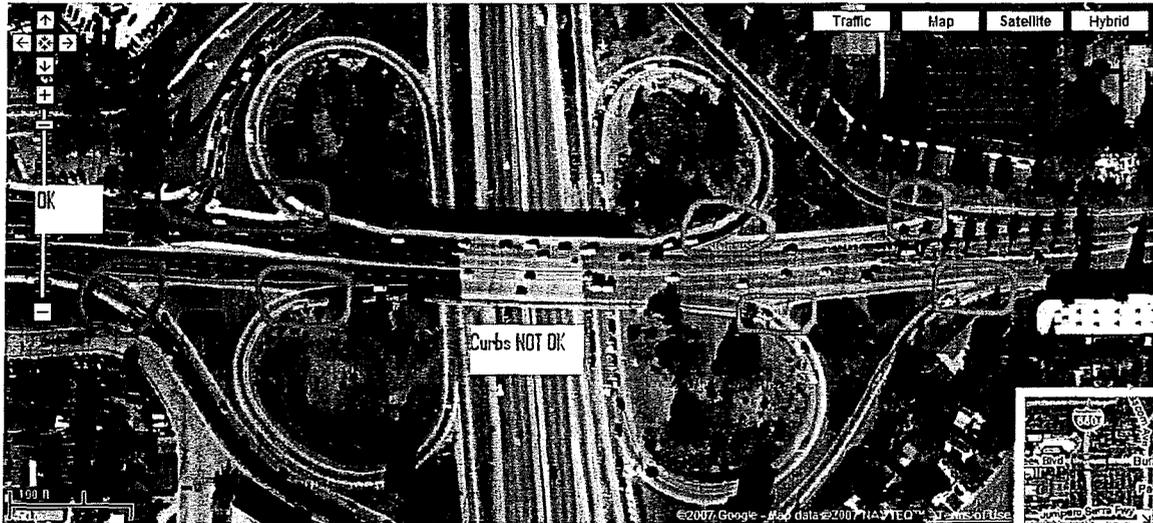
Simple Infrastructure Ideas

Follow-up notes from the 2/26 Neighborhood meeting:

First, I would like to thank Erin Morris and all of the other City Staffers for holding this meeting. It was an excellently prepared meeting.

Simple things that would greatly improve the overall neighborhood seem to always be missed or forgotten. To me, would make sense to require of the developers to assume infrastructure improvements. As both Valley Fair and Santana Row are doing current construction, they could be tapped on to fix these vs. having the city fund them. Most amazing, they are all low \$ items to have done.

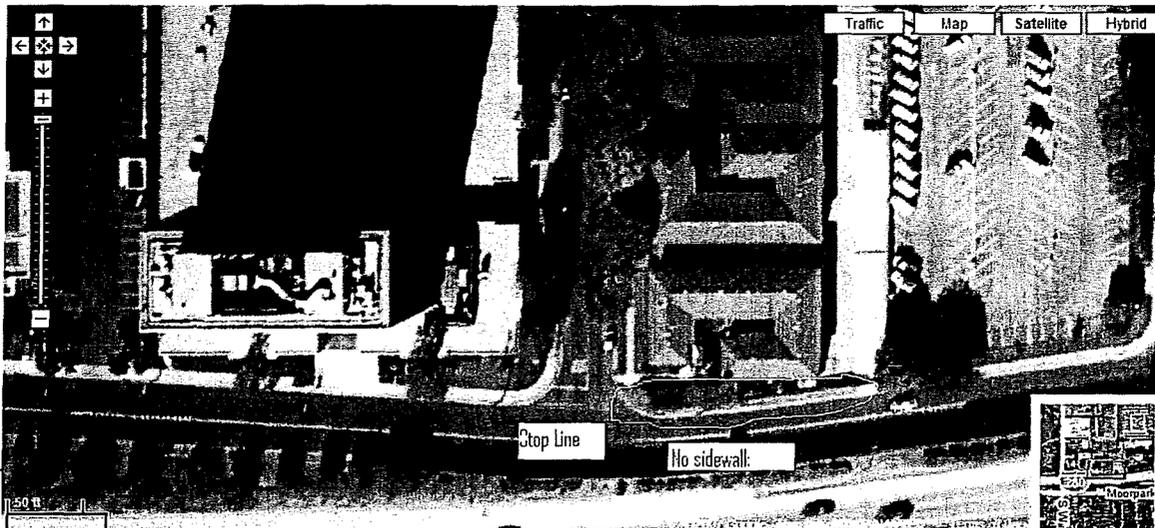
1. The sidewalks along Stevens Creek crossing I-880 do not have cut curbs for wheeled access. To me, it's a pain with bike riding, but it also **forces an ADA wheel chaired person to have to use the traffic lanes**, and that's not a safe thing to for either of us to do along this overpass.



Like it or not, legal or not, functionally the bike traffic uses the south sidewalk from McArthur to Winchester. It's just plain not safe on the street, especially around the overpass. Bike lanes would be nice, but how?

2. There is a section along Tisch between Baywood and Dudley that has no sidewalk. Again, **a wheel chaired person has to use the traffic lane** and the slight curve restricts drivers view.
3. Because Tisch widens at Dudley, the stop sign line on the right side of Dudley is 14' farther back than the curb on the left side. This 14' restricts the visibility to both Dudley and Tisch traffic. Just moving the stop line from it's current position out to the curb line in front of the Tisch Tower Bldg fixes the problem.

-- picture is on the next page --

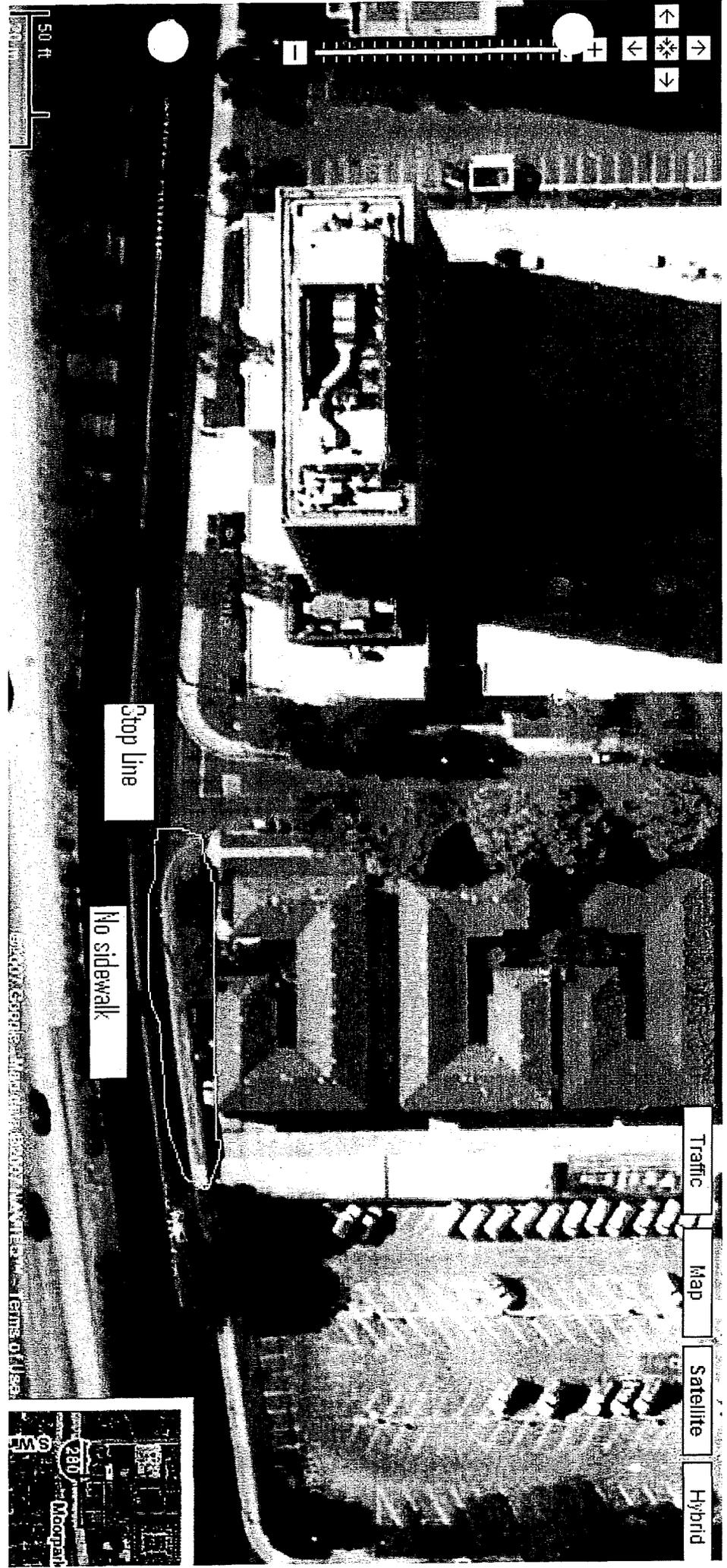


4. There needs to be marked crosswalks at Monroe/Scott and Monroe/Tisch. Scott at Genevieve is the school bus stop for going Lynn Haven Elementary. Many of the kids going to Monroe Middle School cross Monroe at Tisch.
5. In watching the Fire Engine making struggling to make runs through the lights, why can't the lights at Monroe/Stevens Creek and Tisch/Winchester be cycled green for the Fire Engine. Want an ugly feeling in your stomach? Try making the turn from NB Winchester onto Tisch to find the Fire Engine in your lane trying to get around the cars stopped awaiting the light. The fencing weave and landscaping prevents either from seeing the other until the last few feet.
6. Direction signs for I-280 and I-880 need to be placed along Winchester and Stevens Creek that direct the flow away from Tisch and Monroe. An example would be a sign NB Winchester before Tisch directing I-880 straight ahead and another at Stevens Creek indicating turn right. Same idea for NB Stevens Creek before Monroe and at Winchester. May not actually help much, but would make us feel better about it.
7. I think the message came across that the neighborhood is dead against connecting Santana Row to Dudley for vehicle access. However, it would benefit the neighborhood to have pedestrian and wheel chair access.

Al Woodward
417 S Daniel Way
San Jose, Ca 95128
408-246-7493



50 ft



Stop Line

No sidewalk

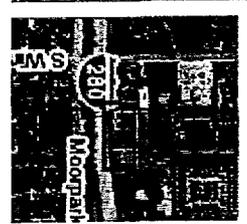
Traffic

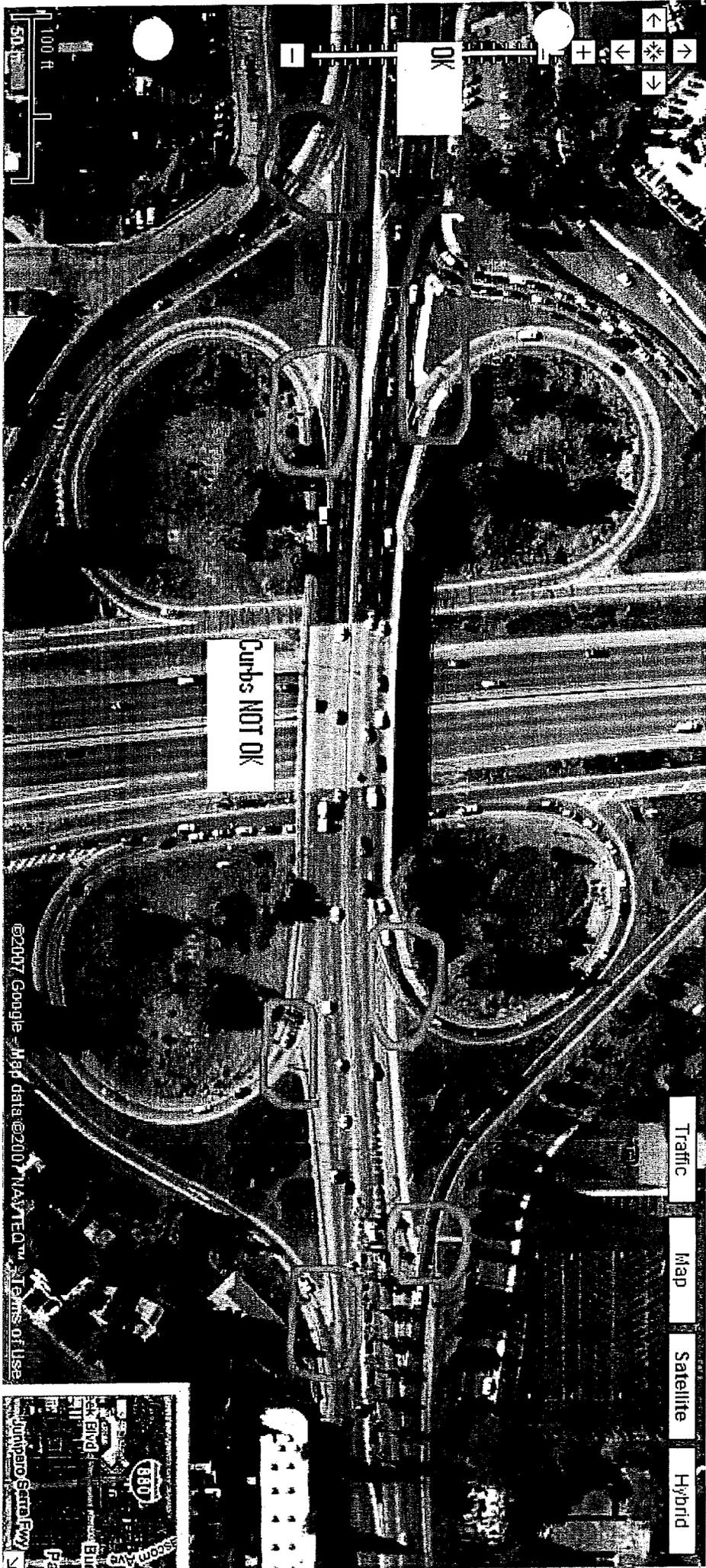
Map

Satellite

Hybrid

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Curbs NOT OK

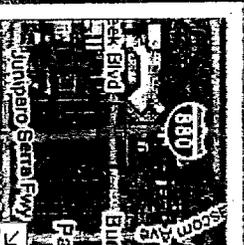
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Traffic

Map

Satellite

Hybrid



Tai, Allen

From: CATHERINE DWYER [catiemary@msn.com]

Sent: Thursday, October 18, 2007 9:19 AM

To: regan@silverstonecommunities.com; allen.tai@sanjoseca.gov; es@stanfordalumni.org

SilverStone Communities AT&T Redevelopment
GP07-09-01; GPT07-06-01: PDC07-043
Neighborhood Meeting October 18, 2007
Cory Elementary School at 6:00 PM

I am unable to attend the meeting tonight, but here is my input

This is to let you know I think this is a good use of redeveloping the AT&T property. The additional land to the existing park will be a welcome addition. Maybe another small play area, some benches, a few more tables and lots of trees could also be included. A fenced area for a dog park would make all the four legged neighbors tail wagging happy (*and keep them out of the rest of the park*).

The only thing to make this development complete would be connecting it with Santana Row and Valley Fair. This can be done by connecting the two sections of So. Baywood Avenue. This would also control the flow of traffic by installing 3 or 4 way stop signs at all adjoining streets from Tisch Way to Stevens Creek.

Please think about my ideas to incorporate into your plans. This is just my opinion but I hope you at least listen and take them into consideration.

Thank you for your time,
Katie Dwyer
383 So. Baywood Ave.

-----Original Message-----

From: Eric Bodtker [mailto:ericbodtker@yahoo.com]

Sent: Monday, March 03, 2008 9:00 PM

To: chuck.reed@sanjoseca.gov; pierluigioliverio@sanjoseca.gov;
joseph.horwedel@sanjoseca.gov; laurel.preveti@sanjoseca.gov

Cc: mcmorrow@silverstonecommunities.com; kconrad@mercurynews.com;
ericbodtker@yahoo.com

Subject: Support Silverstone and Santana Park Expansion

Hello,

As a new resident to S. Genevieve Lane, I wasn't part of the Santana Row development planning. From what I understand, promises were not met to the residents in my neighborhood. And now that the residents here, including me, support the conversion of the AT&T property to residential properties, the city is once again turning it's back on the wishes of it's citizens. You don't know how disappointed I am with what you are doing. Silverstone has a wonderful proposal and are willing to pay for the park expansion which San Jose already has the funds to cover based on the money obtained by Santana Row. It seems like extortion to require them to pay for \$10-\$12 million for traffic improvements.

I completely understand the need to save commercial property for jobs. But, as a Staffing Manager for a major employer, I can ensure you that a better idea would be to put more commercial property in south San Jose where so many new houses have been developed.

The traffic on 101 and 87 is terrible with so many people trying to get to jobs up here and further into the valley. Adding more commercial property where there is already plenty will only hurt traffic.

So, I'm writing you to please reconsider the proposal by Silverstone and accept it as it is today.

Also - Council Person Oliverio, next time you send a representative to a community meeting to represent you, I recommend that you send someone who doesn't work on their Blackberry while heated debates are being made by the residents she said she was there to listen to. Sure didn't seem like she was listening. If it's my tax money that pays for her salary, then I think you should fire her.

Regards,
Eric Bodtker

Be a better friend, newshound, and
know-it-all with Yahoo! Mobile. Try it now.
<http://mobile.yahoo.com/; ylt=Ahu06i62sR8HDtDypao8Wcj9tAcJ>

Tai, Allen

From: Prevetti, Laurel
Sent: Tuesday, March 18, 2008 8:49 AM
To: Tai, Allen
Subject: FW: Please approve Silverstone development project

For the file

From: Rob C. [mailto:colvair@sbcglobal.net]
Sent: Monday, March 17, 2008 8:11 AM
To: laurel.prevetti@sanjoseca.gov
Subject: Please approve Silverstone development project

As a long-time resident of the neighborhood of Scott/Monroe streets, I urge you to support the project Silverstone has proposed for the Santana Park Expansion

I have attended the meetings held on this and understand that the residents around this project unanimously approve of the plans silverstone has laid forth.

Please allow the rezoning Silverstone has requested and the development they wish to undertake.

Please keep me informed of your decision!

Robert Colver
2711 Scott St
San Jose, CA 95128

4/2/2008