

## Chundur, Dipa

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**From:** Val Lopez <vlopez@amahmutsun.org>  
**Sent:** Friday, February 09, 2018 6:40 AM  
**To:** Chundur, Dipa  
**Subject:** Re: Public Review for the Revised Notice of Preparation: 4300 Stevens Creek Blvd Mixed-Use Project

This project is outside our traditional tribal territory, we have no comment.

Valentin Lopez, Chairman  
Amah Mutsun Tribal Band

On Mon, Jan 22, 2018 at 2:36 PM, Chundur, Dipa <[Dipa.Chundur@sanjoseca.gov](mailto:Dipa.Chundur@sanjoseca.gov)> wrote:

**REVISED JANUARY 2018**  
**NOTICE OF PREPARATION OF A**  
**DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE**  
**[4300 STEVENS CREEK BOULEVARD MIXED-USE PROJECT](#)**

FILE NO: PDC16-036, PD 17-014, PT17-023  
PROJECT APPLICANT: FORTBAY, LLC  
PROJECT LOCATION: [4300-4340 Stevens Creek Blvd.](#)  
APN: 296-38-013, 296-38-014, and 296-40-009

As the Lead Agency, the City of San Jose will prepare an Environmental Impact Report (EIR) for the project referenced above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, this EIR may be used by your agency when considering subsequent approvals related to the project. The project description, location, and a summary of the probable environmental effects that will be analyzed in the EIR for the project can be found on the City's Active EIRs website at: <http://www.sanjoseca.gov/index.aspx?nid=5380>.

According to State law, the deadline for your response is 30 days after receipt of this notice. However, responses earlier than 30 days are always welcome. If you have comments on this Notice of Preparation, please identify a contact person from your organization, and send your response to:

City of San Jose,  
Department of Planning, Building and Code Enforcement  
Attn: Dipa Chundur  
[200 East Santa Clara Street, 3rd Floor](#) Tower,  
San Jose CA 95113-1905  
Phone: [\(408\) 535-7688](tel:(408)535-7688), e-mail: [dipa.chundur@sanjoseca.gov](mailto:dipa.chundur@sanjoseca.gov)

Dipa Chundur, Planner III

Planning Division, PBCE | City of San Jose

[200 E. Santa Clara Street, 3rd floor](#), Tower, San José, CA - 95113

Phone: [408-535-7688](tel:408-535-7688) (direct) | [www.sanjoseca.gov/planning](http://www.sanjoseca.gov/planning)

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## Chundur, Dipa

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**From:** Bob Levy <robertlouislevy@msn.com>  
**Sent:** Friday, February 16, 2018 9:20 AM  
**To:** Chundur, Dipa  
**Cc:** District1  
**Subject:** Response to notice of preparation

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE 4300 STEVENS CREEK BOULEVARD MIXED-USE PROJECT  
FILE NO: PDC16-036, PD 17-014, PT17-023 PROJECT APPLICANT: FORTBAY, LLC PROJECT LOCATION: 4300-4340 Stevens Creek Blvd. APN: 296-38-013, 296-38-014, and 296-40-00

Dear Ms. Chundur,

The following are my comments on the above referenced proposal.

The overall scoping and land use designations of the project appears to be appropriate for the site. There are two specific elements with the proposals that I believe should be modified.

### **Parkland dedication**

The project provides **no** public parkland for the approximately 1,000 new residents. The project should provide a 1 to 1.5 acre turn-key park to fully comply with the PDO-PIO ordinance. Currently there are no public parks easily accessible to the residents of the area. There are no parks located between Lawrence Expressway, Winchester Blvd., Stevens Creek, and 280. One of the key components of the Stevens Creek Urban Village Plan is to remedy this situation.

The project is proposing building heights from 1 to 4 stories. One alternative may be to increase the heights and reduce the footprints of the buildings closest to Stevens Creek Blvd. This could provide additional acreage for the development of a park.

### **Parking**

The project is providing over 2,000 parking spaces. This appears to be far more than required and an inappropriate use of resources. The project also fails to take advantage of the opportunity to place below grade parking underneath building A.

Reducing the overall number of parking spaces and adding parking below building A will allow the development to either reduce the high and visual impact of the parking structure or free-up additional property for parkland.

### **Summary**

The type of development being proposed is in compliance with the specific plan for Stevens Creek with the exception of its dedication to parkland. The specific plan is clear on the need to provide additional parkland in

an area that is not only underserved but devoid of public parks. The project should be redesigned to provide a minimum of 1 to 1.5 acres of public parks. The property needed for the park can be provided by increasing the heights of the buildings along Stevens Creek and modifying the manner in which parking is being provided.

Best regards,  
Bob Levy

## Chundur, Dipa

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**From:** Ara Jauregui <AJauregui@thomaslaw.com>  
**Sent:** Friday, February 09, 2018 3:44 PM  
**To:** Chundur, Dipa  
**Cc:** Tina Thomas; 'Brian Doyle'; Deanna Santana  
**Subject:** 4300 Stevens Creek Boulevard Mixed-Use Project NOP  
**Attachments:** 20180209153521898.pdf

Hi Dipa – On behalf of our client, the City of Santa Clara, please see attached letter regarding the NOP for the 4300 Stevens Creek Boulevard Mixed-Use Project.

Thank you, Ara for Tina Thomas

Aracely Jauregui  
*Assistant to Tina Thomas*  
**THOMAS LAW GROUP**  
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**T|L|G** Thomas Law Group

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# T|L|G Thomas Law Group

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February 9, 2018

City of San José  
Department of Planning, Building and Code Enforcement  
Attn: Dipa Chundur  
200 East Santa Clara Street, 3rd Floor Tower  
San José, CA 95113

**Re: Comments on Revised Notice of Preparation of a Draft Environmental Impact Report for 4300 Stevens Creek Boulevard Mixed Use Project (Project Nos. PDC16-036, PD17-014, PT17-023)**

To Whom It May Concern:

Thank you for the opportunity to comment on the January 2018 Revised Notice of Preparation of a Draft Environmental Impact Report (EIR) for the 4300 Stevens Creek Boulevard Mixed-Use Project on behalf of our client, the City of Santa Clara.

We understand the project involves demolition and removal of the five existing one- and two-story buildings and other improvements currently on the site, to be replaced with four main buildings: an office/retail building of unspecified height with 300,000 square feet of office space and 7,000 square feet of retail, a parking garage building of unspecified height to accommodate approximately 1,238 parking spaces, an eight-story residential building with 289 units and 11,000 – 15,000 square feet of ground floor retail, and a second eight-story residential building with 293 residential units. The project proposes rezoning the site from CG – Commercial General to a Commercial Pedestrian Planned Development Zoning District to allow a mixed use project and subdivision of three existing parcels.

We also understand that the project is located within the Stevens Creek Urban Village area and is subject to the policies and design guidance provided in the Stevens Creek Boulevard Urban Village Plan. Based on our understanding of the project, we offer the following comments on the scope of the environmental analysis.

At the outset, we note that San Jose did not prepare an EIR for its approval of the Urban Village Plans, and instead relied on a consistency determination with the Envision San Jose 2040 General Plan EIR. While Envision San Jose 2040 anticipated development of future Urban Village Plans, it left a substantial number of discretionary decisions relating to the policies and land use decisions included in the Urban Village Plans to the future planning processes associated with developing those Plans. As discussed in our August 8, 2017 comment letter on the Urban Village Plan approval, these discretionary decisions include decisions relating to architecture, building height, massing, street design, use of the public right-of-way, the form and uses of adjoining development, setbacks, locations of public facilities and neighborhood-serving uses, and other issues ensuring an appropriate interface with lower-intensity development in surrounding areas. Because these issues were not analyzed as part of the Urban Village Plan approval process, any potentially significant environmental impacts related to implementing these discretionary decisions as part of this project's approval must be identified and analyzed as part of the project EIR.

#### 1. Aesthetic Impacts

The NOP is unclear about how tall the proposed four buildings will be. On page 6 of the NOP, it states that two buildings (residential/retail Building C and residential Building D) will be eight-stories, with the heights of the other two buildings unspecified. However, on page 9, the NOP states the project buildings will vary in height from one- to four-stories, but that only one building will be eight-stories. The EIR must include an accurate description of the proposed project building heights and analyze aesthetic impacts based on the maximum heights proposed for the project.

Envision San Jose 2040 did not establish allowed heights within the Stevens Creek Urban Village. As such, the EIR prepared for the General Plan did not include an analysis of the aesthetic impacts related to an increase in allowable heights in the area. The Urban Village Plan identifies maximum building heights for the project site of 120 feet tall; however, as stated above, that approval relied on a consistency determination with the EIR prepared for Envision San Jose 2040 and provided no analysis of impacts specific to the Urban Village Plan. As such, the aesthetic impacts of allowing development up to 120 feet in this area has not been analyzed.

The 120-foot height limit allowed under the Urban Village Plan represents a marked contrast with the existing one- and two-story buildings on the site, and the visual impact this proposed development with buildings up to 8-stories in height will have on uses located directly across the street in Santa Clara must be analyzed. The project EIR must provide an analysis of the interface between this new high density development and the lower density existing development in the project vicinity.

In addition, the analysis of aesthetic impacts should be expanded to include consideration of the potential for the project to have shadow impacts, as well as ground level wind impacts, as a result of the proposed building heights.

## 2. Transportation Impacts

The NOP states that the project is located immediately adjacent to Stevens Creek Boulevard and approximately 2 miles west of the I-880/I-280 interchange, and that a traffic impact analysis will be prepared to identify impacts of the project on the existing local and regional transportation system.

As part of the Urban Village approvals, the City of San Jose acknowledged that “many of the streetscape and circulation improvements identified” in the Urban Village Plans require yet-to-be established funding mechanisms for construction and/or maintenance of public infrastructure improvements because “existing funding mechanisms by themselves will not be adequate to implement many of the identified improvements and amenities.” (See Stevens Creek Urban Village Plan, p. 12.) Rather than addressing these funding shortfalls at the time in adopted the Plans, San Jose stated its intention to adopt the Urban Village Plans and then amend the Plans “in near future as the preferred implementation mechanism becomes defined.” (June 27, 2017 Planning Commission Staff Report regarding Urban Village Plans, p. 24.) Specifically, City of San Jose staff had proposed preparing one or more EIRs to address impacts of the Urban Village Plans to: (1) develop funding mechanisms to implement the Urban Village Plans, and (2) evaluate traffic impacts associated with projects developed consistent with the Urban Village Plans.

To date, these analyses of traffic impacts associated with development of uses under the Urban Villages have not been completed. Thus, the EIR conducted for this project will need to focus on project impacts, as well as cumulative traffic impacts of development within the project area. The EIR will also need to identify clear and specific mitigation



obligations with identified funding mechanisms to address environmental impacts affecting not only San Jose, but also its neighbors in Santa Clara.

Further, to the extent the project would have impacts at intersections designated under San Jose's Protected Intersection Policy, we caution that reliance on that Policy to determine that a project with impacts at an intersection operating at below LOS D is nevertheless consistent with the City's General Plan, the Policy does not excuse the City from its duty under CEQA to consider and adopt feasible mitigation measures to address significant transportation impacts at the protected intersection. (CEQA Guidelines, § 15021, subd. (a)(2).) We also request that the EIR specifically identify any offsetting improvements required pursuant to its reliance on the Protected Intersection Policy, and clearly explain how fees under the Protected Intersection Policy will be calculated.

### 3. Air Quality Impacts

The NOP states that the EIR will evaluate the operational and construction air quality impacts of the proposed project on nearby sensitive receptors, in accordance with current BAAQMD CEQA Guidelines and thresholds, and will also address the effects of any toxic air contaminants on future residents of the site consistent with City policy.

We request that the EIR include an analysis of project-specific and cumulative health risk impacts association with both construction and operational toxic air contaminant emissions. Due to the size of the project and likely increased number of daily vehicle trips, the EIR must disclose operational emissions and convert those operational emissions into "cancer risk" or "micrograms per cubic meter" to evaluate the emissions within the context of BAAQMD's criteria for operational TAC emissions impacts.

The project includes a rezone of the site to Commercial Pedestrian Planned Development (CP-PD), which allows numerous commercial uses that are known to generate high levels of TAC emissions, such as dry cleaners. (See San Jose City Code, § 20.40.100 [Table 20-90].) As such, the EIR should include an analysis of the impacts of these potential uses.

### 4. Greenhouse Gas Impacts

The NOP states that the analysis of greenhouse gas emissions will address the project's consistency with the City's Greenhouse Gas Reduction Strategy. The City's current


Greenhouse Gas Reduction Strategy only provides measures to achieve the City's greenhouse gas reduction goals through 2020. To the extent this project will be built out over a number of years, the EIR must analyze the potential for impacts beyond 2020 and consider additional mitigation measures to address these impacts. As the Supreme Court recently affirmed, CEQA analyses must stay in step with evolving scientific knowledge and state regulatory schemes on climate change. (*Cleveland Nat. Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 519.) Thus, projects that will be built after 2020 must analyze consistency with at least the State's 2030 greenhouse gas reduction goals to provide a good-faith CEQA analysis.

Further, while compliance with a regulatory program designed to reduce greenhouse gas emissions is one of the methods the Supreme Court suggested as a "potential option" for lead agencies to evaluate a project's impacts on greenhouse gas emissions, relying on this approach requires substantiation. (*Center for Biological Diversity v. California Department of Fish and Wildlife* (2015) 62 Cal.4th 204, 230.) The EIR must do more than list the Greenhouse Gas Reduction Strategies with which the project will be consistent; it must also explain how implementing the particular requirements in the City's Greenhouse Gas Reduction Strategy ensure that the project's incremental contribution to the cumulative effect of greenhouse gas emissions is not cumulatively considerable.

\* \* \* \* \*

On behalf of the City of Santa Clara, we appreciate the opportunity to comment on the scope of the Draft EIR for 4300 Stevens Creek Boulevard Mixed-Use Project. Santa Clara looks forward to working with San Jose as it examines the project's environmental impacts.

Very truly yours,



For  
Tina A. Thomas

cc: Brian Doyle, City Attorney, City of Santa Clara  
Deanna Santana, City Manager, City of Santa Clara

# EIR Comments Re: NOP for 4300 Stevens Creek Blvd (FILE NO: PDC16-036, PD 17-014, PT17-023), San Jose Stevens Creek Urban Village Project

Howard Huang, Resident <resident.howardh@gmail.com>

Mon 2/19/2018 8:36 PM

To: Chundur, Dipa <Dipa.Chundur@sanjoseca.gov>; Tam, Tracy <tracy.tam@sanjoseca.gov>;

Cc: Curtis Kent <CK247@aol.com>; Marilyn McGraw <drmarilyn@sbcglobal.net>; Ann Heile <ann@heile.org>; Qian Huang <qhuang18@gmail.com>; chbcircle@comcast.net <chbcircle@comcast.net>; Yanping Zhao <yanp.zhao@gmail.com>; Marge Faucher <m.faucher@sbcglobal.net>; Rob Meier <robbymeier@yahoo.com>; Qing Yang <muyiqween@gmail.com>; District1 <district1@sanjoseca.gov>; Mayor and Council <MAYORANDCOUNCIL@SantaClaraCA.gov>;

1 attachments (274 KB)

ktgy press release office space capacity highlighted.pdf;

Dear Ms Chundur,

Please accept these comments regarding the NOP for 4300 Stevens Creek Blvd (FILE NO: PDC16-036, PD 17-014, PT17-023). We would appreciate if you could confirm receipt of this letter.

Link to 4300 Stevens Creek Blvd Project: <http://www.sanjoseca.gov/index.aspx?nid=5380>

NOP for revised project: <http://www.sanjoseca.gov/DocumentCenter/View/74426>

It is noted that, although residents and the city of Santa Clara have previously expressed concerns regarding the project, the applicant has now increased the project size and density, summarized below:

- 1) up to 8 stories (from 7 stories) – this appears out of alignment with the buildings on Santa Clara's side of Stevens Creek Blvd.
- 2) 582 housing units, up from 500 (+16% from the original proposal).
- 3) increase in office to 300,000 sq ft, from 244,000 (+23% from the original proposal). This could potentially bring ~1845 workers.

Please ensure these concerns are addressed in the EIR:

**Parkland** – San Jose PRNA has acknowledged that the area south of Stevens Creek Blvd is parkland deficient; in a Sept 9, 2016 memo PRNS staff stated "There are over 850 underserved households located within 3 miles of the project site." With the proposed increase in residential development at the site, and lack of undeveloped property for a new park nearby, parkland dedication within the site, properly implemented, is critical. PRNS staff recommended that "the development provide a 2.0-acre to 3.5 acre neighborhood serving park *as part of the project.*" (emphasis added)

Also note that San Jose's General Plan states:

*PR-2.6 Locate all new residential developments over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in its project design.*

Yet there do not appear to be any parks, trails, recreational school grounds for public use, or open space within "1/3 of a mile of walking distance" (along designated sidewalks), and the project does not appear to include a designated park. Please address this deficiency in the EIR.

The nearest traditional park is Maywood Park in Santa Clara, which may see increased usage due to this development. If parkland is not provided on-site, then the EIR must contemplate the impacts on neighboring parks, and consider transfer of parkland fees to the City of Santa Clara.

**Sewer capacity** – including identifying and quantifying the impact on sewer lines that join with those in neighboring Santa Clara.

**Public Safety** – The NOP does not include elevation plans. The 8 story structures on top of commercial/retail would likely be close to, or exceed, the standards for high rise structures, thus requiring specialized equipment and training. Please request that the City of Santa Clara fire department have an opportunity to comment on the building design as well, since the building is potentially a high rise and Santa Clara fire may be called upon due to proximity of fire stations to this project.

**Aesthetics** – For example, the project proposes 8 story buildings (which maybe as tall as 85 feet). This represents a marked contrast with the existing one- and two-story buildings along Stevens Creek Boulevard and Albany Dr., and the visual impact this proposed development will have on uses and residents located adjacent and directly across the street in Santa Clara must be analyzed. Alternative, lower building heights should be contemplated as alternatives in the EIR.

**Negative Housing impact** - According to the project architect, KTGy, the original proposal for 244,000 sq ft of office space was to provide space for 1,500 jobs (press announcement dated Aug 15, 2016, attached); therefore the 23% increase in office intensity of the latest proposal would result in 1845 jobs (1500 X 1.23). Note that KTGy has assumed 166 sq ft per employee; recent data indicates that according to CoreNet Global in 2017 the average office space per worker is 151 sq ft due to more efficient and environmentally conscious space utilization trends (<https://www.linkedin.com/pulse/what-average-square-footage-office-space-per-person-kevin-cronin/>), so the number of workers is likely to be even higher. The project includes 582 housing units for 1845 jobs, or a jobs:housing ratio of 3.2:1, and is imbalanced. The EIR should include an analysis of the impacts of this imbalance, and also contemplate an option of lowering the commercial space component.

**Parking** – The developer proposes to have the City of San Jose vacate Lopina Way; a new narrower street, apparently with reduced or no parking will be provided. A study should be conducted, including quantifying the current usage by residents and local businesses, such as car dealerships, and consideration of how such parking capacity will be maintained, to ensure on-street parking in San Jose and in Santa Clara is not negatively affected.

The project applicant proposes 1238 parking spaces for office/retail. However, the increased office space at 300,000 sq ft is to provide 1845 jobs (as explained above). The parking appears to be insufficient for the office component of the project.

**Traffic Impact** – Due to increased intensity at the project site from both residential and office space, and due to limited mass transit in the area, traffic will be impacted. The Settlement Agreement regarding Santana West between the City of Santa Clara and City of San Jose (Superior Court of California, County of Santa Clara, case number 16CV302300) says in Section 6 "San Jose will collect transportation impact funds for all applicable development in the Stevens Creek Corridor." A traffic analysis should be performed and Santa Clara planning staff should have an opportunity to review the assumptions and outcome, to ensure all applicable transportation impact funds are collected. As noted above, the project will have enough office space for at least 1845 employees plus 589 housing units (potentially over 1000 additional residents).

Furthermore, since this development is officially in the "Eisenhower Elementary School" area of the Cupertino Union School District, which is located next to Maywood Park in Santa Clara, but is across a busy corridor, children will likely be driven to school and generate more daily trips. Alternatively, children may be assigned to DeVargas Elementary south of Hwy 280; this will also result in additional traffic on Stevens Creek Blvd and Lawrence Expressway. The middle school is Hyde Elementary and the high school is Cupertino High, both of which are across Lawrence Expressway and Hwy 280, which will also increase congestion. An analysis of impacts on sensitive receptors and mitigation measures should be proposed. Traffic studies should be conducted on various days of the week during the school year, since the start times vary during the week (9:00 AM on Wednesdays, and 7:35 AM on other days).

**School impact** – Consideration should also be given to the capacities of the schools mentioned above (Eisenhower Elementary, Hyde Middle School, and Cupertino High School). It should be noted that Eisenhower has at least 15 portables, an indication of overcrowding. Cupertino High School is the most crowded high school in the Fremont Union High School District. Mitigation measures should be considered, including the potential for voluntary payments to increase school capacity.

Thank you for incorporating our concerns into the EIR.

Regards,

Howard Huang  
Curtis Kent  
Marilyn McGraw  
Robert Cheek  
Ann Heile  
Qian Huang  
Chris Becker  
Yanping Zhao  
Marge Faucher  
Robert Meier  
Qing Yang

## News



### **FortBay Plans Stevens Creek Urban Node**

Connect Media

August 15, 2016

Los Gatos, CA-based FortBay LLC submitted plans to develop 500 apartments and 244,000 square feet of office space on the site of Stevens Creek Executive Center in West San Jose. The 10-acre commercial complex is envisioned as a major urban node with 1,500 jobs.

Conceptual site plans include two, seven-story residential buildings, a six-story office building and a six-level parking garage. FortBay recently acquired the property for \$53 million with capital partner, Colony Capital.

The site must be rezoned to include residential, but aligns with the city's pending urban-village plan for the Stevens Creek area. FortBay is seeking "signature project" status, which expedites projects that provide job growth and high-quality urban designs.

KTGY is handling the residential design, while WRNS Studio is designing the office.

[Visit Link](#)

**Share**

# PDC16-036 EIR

jeanann2@aol.com

Sat 2/17/2018 11:34 PM

To: Chundur, Dipa <Dipa.Chundur@sanjoseca.gov>;

Hello Dipa,

When the EIR is prepared PDC16-036, I look forward to an analysis of the analysis of land use issues related to compatibility with city policies on parks as well as the impact of these new residents on existing park facilities.

I note that the project has a promenade planned as a POPO. Will that be granted parkland credit under the Park Trust Fund PDO/PIO? If so, where in the general plan or existing Greenprint are POPOs considered an acceptable alternative for a public park?

How will this privately owned promenade match the city's park trust fund policies asking for land dedication on large parcels? This is delineated in the PDO ordinance, General Plan, and Greenprint Update.

As I recollect, the Greenprint update from 2009, which was folded into the General Plan, indicated that this area was park deficient. The area was a priority for park acquisition. How will this project address the park deficiencies?

As I recall, the General Plan indicates some policies about park land, including the importance of providing active recreation and access to active recreation. Where will the nearest tot lot and informal sports field be located for these residents? How far will they be expected to travel? What will be their impact on the nearest parkland? It looks like the nearest San Jose park is John Mise park which is already beat-to-death from its rental to Mitty High School in addition to being the only parkland with amenities, e.g. picnic tables, tot lots, b-ball courts, for a large distance. Considering how many residents John Mise Park already serves, how might residents expect that park to further degrade with the addition of these new residents?

I note that the project is closer to City of Santa Clara parkland. Are there agreements between the city about San Jose residents using Santa Clara parks? As I recall, there is a joint agreement with Campbell regarding Marijane Hamann Park on the Campbell/San Jose border. If there is no pre-existing agreement between the City of San Jose and City of Santa Clara regarding usage of Santa Clara's parks, will one be needed to be negotiated to account for the use of Santa Clara's parkland by San Jose residents of this parcel.

Although there is a new Greenprint pending, no draft has been released, so I believe the 2009 version is the current version for the EIR analysis.

Thanks for the opportunity to comment for the NOP.

--Jean Dresden

# Public Comment on NOP for Project: PDC16-036, PD 17-014, PT17-023

kirk vartan <kirk@kvartan.com>

Mon 2/19/2018 12:15 AM

To: Chundur, Dipa <Dipa.Chundur@sanjoseca.gov>;

Cc: Davis, Dev <dev.davis@sanjoseca.gov>; Groen, Mary Anne <maryanne.groen@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Ferguson, Jerad <Jerad.Ferguson@sanjoseca.gov>;

Hello Dipa,

I hope the following will be reviewed and incorporated into the plans. It is great that this project has good density, but if there is a way to make some of the units smaller so you increase the unit count in the development (for workforce housing), that would be better. Look at increasing the density without increasing the need for parking. Here are my comments:

1. Passenger pick-up and drop-off with ride sharing services
2. Community benefits need to be committed to (i.e., gardens, open space, community rooms)
3. Reduce the number of parking spaces
4. Unbundle the parking from all residential, requiring every parking space to be purchased or leased
5. Create significant bike infrastructure, including bike lockers, bike kitchens, a designated "affordable rent" bike repair shop
6. Look at ZipCap service or partner with Enterprise directly across the street so people do not need to own a car. Make it easy to rent.
7. Utilize retail/cafes around all buildings, not just the ones on Stevens Creek. The entire area needs to be activated.
8. Utilize the services of Project for Public Spaces in conjunction with local placemaking operations (like Public Space Authority)
9. How is this development being built to be future-proof with new mobility solutions
10. Wire the garages with electric charging
11. Utilize smaller sized apartments (a blend of studios to 3 bedrooms). Make some apartments 350-450 sqft with microdensity thinking, like the Panorama in San Francisco
12. Create affordable units (not just for moderate, but for low income). Consider making some units designated for worker-cooperative members that are shown to be dedicated to supporting the local economy in the service industry but have no place to live.

Thanks and let's get this project built for the future, not weighed down in policies and requirements of the past. Create parking maximums (not minimums). Create density minimums in Urban Villages, not arbitrary maximums. We need good mixed-use projects built ASAP.

Kind regards,

Kirk Vartan  
Local business owner  
SCAG Co-chair  
President, WNAC  
VP, Cory Neighborhood Association  
Co-founder, Catalyze SV  
SJ District 6 resident

# Comments for PDC16-036, 4300 Stevens Creek Mixed Use Project

Randy Shingai <randyshingai@gmail.com>

Tue 2/20/2018 3:54 PM

To: Chundur, Dipa <Dipa.Chundur@sanjoseca.gov>;

Cc: Tam, Tracy <tracy.tam@sanjoseca.gov>; Ross, Rebekah <rebekah.ross@sanjoseca.gov>; Chung, Theresa <theresa.chung@sanjoseca.gov>; Pressman, Christina <Christina.Pressman@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>;

 1 attachments (858 KB)

Comments for PDC 16-036.pdf;

Hi Ms. Chundur,

Attached are my Notice of Preparation comments for PDC16-036. Please let me know if you have any trouble with the attachment.

Thank you,  
Randy Shingai



**Comments for File No. PDC16-036  
4300 Stevens Creek Blvd. Mixed Use Project.**

**General Plan Requirement for Parkland.**

The text for PR-2.6 in San Jose's General Plan says:

*PR-2.6 Locate all new residential developments over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in its project design.*

1/3 of a mile is 1760 ft. There is no existing or planned park within 1760 ft. walking distance of the proposed, 582 housing unit, development.

Here is a link to San Jose's General Plan:

<http://www.sanjoseca.gov/DocumentCenter/Home/View/474>

A memo from Councilman Jones dated December 2016 stated that there would be a 1 acre park in the planned project.

[http://sanjose.granicus.com/MetaViewer.php?view\\_id=&event\\_id=2662&meta\\_id=607065](http://sanjose.granicus.com/MetaViewer.php?view_id=&event_id=2662&meta_id=607065)

However the Notice of Preparation for the project dated January 11, 2018 does not mention any parkland, trail or open space in the plan.

<http://www.sanjoseca.gov/DocumentCenter/View/74426>

Please make sure this project is in compliance with the General Plan.

**New CEQA Guidelines**

If the project uses any part of the Governor's Office of Planning and Research's "Proposed Updates to the CEQA Guidelines, November 2017", it must follow the document's new guidelines in its entirety. Since this document is described as a "comprehensive package" it is meant to be followed in its entirety. In particular the new guidelines for water supply, energy impacts and greenhouse gas emissions must be followed along with the new transportation guidelines.

The relationships and interdependencies in the new guidelines will be damaged if elements of the new model are blended with elements of the old paradigm.

## Vacation and Relocation of Lopina Way Issues

1. Will the “vacation and relocation” of Lopina Way result in the loss of public land?

The NOP describes the project site as being “approximately 10.0 gross acre”, comprised of “three Assessor’s Parcel numbers (APNs): 296-38-013 (4360 Stevens Creek Boulevard), 296-38-014 (4340 Stevens Creek Boulevard), and 296-40-009 (4300 Stevens Creek Boulevard).”

According to the Santa Clara County Assessor’s maps the parcel sizes are as follows:

<u>Parcel</u>	<u>acres</u>
296-38-013	2.616
296-38-014	2.829
296-40-009	3.786
total acres	<b>9.231</b>

The parcels that comprise the project only total 9.231 acres, yet the project site is characterized as being “approximately 10.0 gross acre.” If an approximate 0.8 acres is expected to be lost to the City of San Jose during the “vacation and relocation” of Lopina Way the transfer should be governed by Chapter 4.20 of the Municipal Code.

Here are the Assessor’s maps referenced:

<https://www.sccassessor.org/apps/ShowMapBook.aspx?apn=29638013>  
<https://www.sccassessor.org/apps/ShowMapBook.aspx?apn=29640009>

2. Lopina Way currently has at least 40 public, on-street parking spaces. Residents and people employed in the area commonly park their vehicles for up to 72 hours and longer on Lopina Way. If the number of public parking spaces is reduced with the relocation of Lopina Way, it would present a hardship to the residents and workers in the area. Please make sure the parking study includes the effect of any loss of public parking spaces.
3. Will the sanitary sewer and storm water sewer lines that are under Lopina Way also to be relocated? There is a 24” storm water line and an 8” wastewater sewer line that run under the current Lopina Way. If the storm water line is not relocated, there is a requirement for an easement for access.
4. The vacation and relocation of Lopina Way should be staged in a way that maintains access from Albany Dr. to Stevens Creek Blvd. during construction.

## **High-Rise Building Determination**

Both residential buildings will have “below grade” parking and each will have 8 “above grade” levels.

The following was taken from the City’s web site:

*A High rise building is defined by the Health and Safety Code Section 13210 as, "every building of any type of construction or occupancy having floors used for human occupancy located more than 75 feet above the lowest floor level having building access."*

<http://www.sanjoseca.gov/index.aspx?NID=2528>

By the above definition, the lowest parking level with outside access must be considered the “lowest floor having building access” for purposes of determining if these buildings must comply with Health and Safety requirements for High-Rise Buildings.

## **Sanitary Sewer Capacity**

There is currently an 8” sanitary sewer line servicing the site. The capacity of the existing 8” sewer line and downstream lines should be evaluated to make sure they have adequate capacity for the 582 new housing units, the additional office space and for infiltration.

Thank you,

Randy Shingai  
District 1, San Jose  
February 20, 2018

# Project File PDC16-036, Address 4360 Stevens Creek Blvd

Robert Meier <robbymeier@yahoo.com>

Wed 2/21/2018 10:10 PM

To: Chundur, Dipa <Dipa.Chundur@sanjoseca.gov>; Tam, Tracy <tracy.tam@sanjoseca.gov>;

1 attachments (588 KB)

2017-08-08 Thomas Law Group Urban Village Letter.pdf;

Dear Ms. Tam,

San Jose published a "Notice of Development Proposal" regarding 4360 Stevens Creek Blvd, project file PDC16-036.

I want to voice serious concerns regarding this project, namely:

## **Parking**

The proposed number of additional parking is completely insufficient. There will be about 1,800 jobs from the additional office space with a large percentage of workers commuting by car. In addition, there are some 580 apartments each requiring about 1.5 cars. Hence, the total amount of parking should be about 2,400, i.e. about twice as much as suggested by the developer.

There must be a requirement to provide these additional parking spaces for all residents, visitors and customer for this development. This requirement must be part of the project without which the project cannot be approved. These parking spaces have to be ADDITIONAL parking spaces, hence cannot be existing parking including street parking. If there is any planned "sharing" with other structures, then the number of required parking spaces for these other developments must be taken into account.

All of this, among other things, is to avoid even more parking in residential areas including the associated noise, pollution, wasted time to find parking, etc.

## **Building Height**

The proposed development is right next to 1-2 story apartments and single family homes on both sides of Stevens Creek. The proposed building height of 8 stories is 4-8(!!!) times taller than the buildings in this area. Besides all the other negative impacts, the visual impact, blocking of views, reduction of home value prices (they probably still increase but become less desirable) due to all the negative impacts, etc. must be taken into account. Most new developments in this area are 3-4 stories high including developments along Stevens Creek, Lawrence, Kiely, San Tomas, El Camino, etc. This is despite the fact that in many of those cases there are no 1-2 story apartments and single family homes close by. Hence, construction along Stevens Creek should be limited to 3 stories.

## **Traffic Impact**

The proposed development will have a very significant traffic impact. Traffic along Stevens Creek is already very high. The same is true for the major roads that cross Stevens Creek and are used by residents and employees working on Stevens Creek. These roads include Lawrence, San Tomas, Kiely, etc. In addition, the highways are already jammed and the roads providing access to those highways are also backlogged. Even 3 story homes all along Stevens Creek will make the situation considerably worse. These roads simply can't accommodate the increased traffic from 5+ story buildings. Ignoring this fact will lead to more noise, pollution, jammed local roads, etc. **Mass transportation like trains are not feasible along Stevens Creek.**

## **Consideration of General Plan**

Often **impact studies are made for an individual project.** The proposed project on 4360 Stevens Creek will have a significant impact even considered as an isolated project. However, fact is that it will set a precedence for new projects all along Stevens Creek. This is actually quite well outlined by the **Stevens Creek Urban Village Plan which includes buildings of 50-160 along Stevens Creek on the San Jose side.** Impact studies must take the overall impact into consideration.

In addition of all of those items, please also include by reference all the concerns that Santa Clara has submitted to San Jose regarding the Stevens Creek Urban Village Plan including the attached letter from Thomas Law Group dated 8/8/17.

Regards,  
Robert

# T|L|G Thomas Law Group

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August 8, 2017

City of San Jose  
Mayor and City Council  
200 E. Santa Clara St.  
San José, CA 95113

Re: Stevens Creek, Santana Row, and Winchester Boulevard Urban Village Plans

Dear Mayor and Councilmembers:

Thank you for the opportunity to comment on the draft Stevens Creek, Santana Row, and Winchester Boulevard Urban Village Plans on behalf of our client, the City of Santa Clara. Santa Clara is understandably concerned with the greatly increased level of planned development within the Urban Villages and how it will impact the residents of Santa Clara. Santa Clara has expressed its desire to work collaboratively with San Jose to ensure that implementation of the Urban Village Plans aligns with the goals and objectives of both communities. Santa Clara appreciates San Jose's stated interest in establishing a multi-city regional working group to discuss key land use and transportation issues affecting the region.

However, we are troubled by the staff recommendation that the City Council rely on the Envision San Jose 2040 Program Environmental Impact Report (PEIR) and Supplemental PEIR, as well as the previously adopted Addendum to the Envision San Jose 2040 PEIR and Supplemental PEIR (collectively "San Jose's Prior Programmatic Environmental Review"), to satisfy its obligations pursuant to the California Environmental Quality Act (CEQA). As discussed in detail below, San Jose's Prior Programmatic Environmental Review does not adequately disclose and analyze the environmental impacts associated with the proposed Urban Village Plans.

The Urban Village Plans (and not the Envision San Jose 2040 Plan) establish localized policies relating to the types, density, and intensity of land uses within the Plan areas. This is the first time such decisions will be made. Thus, environmental review of the City's prior planning documents does not cover these new decisions and the general programmatic conclusions set forth in the Envision San Jose 2040 PEIR are insufficient to assess the potential impacts.

The staff report suggests that analysis of the potential impacts can be part of a post-Plan approval EIR. However, to comply with CEQA and ensure that the public is informed of potential impacts associated with the Urban Villages, the City of San Jose must prepare an EIR *before*

*approving* the Urban Village Plans. The EIR conducted for the Urban Village Plans will need to focus on the cumulative traffic impacts of development within the Plan areas, and identify clear and specific mitigation obligations with identified funding mechanisms to address environmental impacts affecting not only San Jose, but also its neighbors in Santa Clara. And CEQA requires that this be done before San Jose moves forward to adopt the Plans. Therefore, we respectfully request that the City of San Jose City Council continue the hearing on the Urban Village Plans and direct City of San Jose staff to prepare an EIR.

**I. San Jose’s Prior Programmatic Environmental Review Does Not Adequately Analyze Potential Environmental Impacts of the Proposed Urban Village Plans.**

Program EIRs are used for a series of related actions that can be characterized as one large project. “If a program EIR is sufficiently comprehensive, the lead agency may dispense with further environmental review for later activities within the program that are adequately covered in the program EIR.” (*Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156, 1171, citing CEQA Guidelines, § 15168, subd. (c).) “Thus, ‘a program EIR may serve as the EIR for a subsequently proposed project *to the extent it contemplates and adequately analyzes the potential environmental impacts of the project ...* .’” (*Ibid*, quoting *Citizens for Responsible Equitable Environmental Development v. City of San Diego Redevelopment Agency* (2005) 134 Cal.App.4th 598, 615 (emphasis added).)

Envision San Jose 2040 deferred numerous area-specific considerations to the Urban Village planning process. As stated in Envision San Jose 2040, “Urban Village Plans identify appropriate uses, densities, and connections throughout the Urban Village area. They also consider how and where parks, schools, libraries, open space, retail, and other amenities should be incorporated.” (Envision San Jose 2040, Chap. 7, p. 3; see also *id.*, Chap. 5, p. 23 [Urban Village Plans will articulate and evaluate “[s]pecific allowable uses” within their boundaries].) The Urban Village Plans also establish “standards for [] architecture, height, and massing” as well as policies relating to “building scale, relationship to the street, and setbacks...” (Envision San Jose 2040, Policies CD 1.14, CD-7.4.) As discussed further below, these types of land use decisions, addressed for the first time in the Urban Village Plans, have the potential to result in numerous significant environmental impacts that were not contemplated or adequately analyzed in San Jose’s Prior Programmatic Environmental Review. Therefore, the City of San Jose must complete an EIR for the Urban Village Plans prior to approval of the Plans.

**A. The Urban Village Plans have the Potential to Result in Significant Aesthetic Impacts that were not Adequately Analyzed in San Jose’s Prior Programmatic Environmental Review.**

Because Envision San Jose 2040 did not establish allowed heights within the Stevens Creek, Santana Row, and Winchester Boulevard Urban Village Plan areas, the Envision San Jose 2040 PEIR necessarily did not contemplate or adequately analyze the potential aesthetic impacts

associated with the height limits now proposed in the Urban Village Plans. In fact, the Envision San Jose 2040 PEIR and San Jose's Prior Programmatic Environmental Review illustrate that the planning decisions now being made as part of the Urban Village Plans have the potential to result in new significant aesthetic impacts that require review.

For example, the Envision San Jose 2040 PEIR states that I-280 is considered a "scenic route" by the City of San Jose and that portions of Saratoga Avenue (within the Santana Row Urban Village Plan area) and Steven Creek Boulevard (within the Stevens Creek Urban Village Plan area) are considered "gateways." (Envision San Jose 2040 PEIR, p. 717, 723; see also *id.* at p. 722 [defining Stevens Creek Boulevard as a "[k]ey roadway[] with views of hillside areas"].) The Envision San Jose 2040 PEIR also acknowledges that "[w]here tall structures are constructed immediately adjacent to gateways and freeways, there is the possibility that important views could be partially obscured for motorists, bicyclists, and pedestrians." (*Id.* at p. 722.) For these reasons, the Envision San Jose 2040 PEIR states that "development along these throughways and corridors should be designed to preserve and enhance natural and man-made vistas." (*Id.* at p. 717.) As the Urban Village Plans establish allowed height and massing standards that may impact views from scenic routes and gateways, the potential impacts of these new policies must be analyzed in an EIR.

Additionally, the Urban Village Plans are the planning documents creating specific policies concerning the interface between new high density development and the lower density residential neighborhoods. The Envision San Jose 2040 PEIR acknowledges the importance of a sensitive transition at these interfaces "to protect the quality and integrity of the neighborhoods..." (*Id.* at p. 156.) An EIR is required to evaluate whether the proposed Urban Village Plan heights, densities, setbacks, and related policies are sensitive to the need to protect the quality and integrity of adjacent neighborhoods. For example, the Stevens Creek Urban Village Plan identifies maximum building heights along Stevens Creek Boulevard of up to 150 feet at the intersection of Stevens Creek Boulevard and Saratoga Avenue, with most other buildings along the corridor ranging from 120 to 85 feet tall. This represents a marked contrast with the existing one- and two-story buildings along Stevens Creek Boulevard, and the visual impact this proposed development will have on uses located directly across the street in Santa Clara must be analyzed.

Lastly, Mayor Sam Liccardo and Councilmembers Chappie Jones and Dev Davis have recommended that the Plans "should allow for increased heights *above the approved village heights* if a project provides substantial additional urban village amenities." (June 23, 2017 Memoranda, p. 2 (emphasis added).) To the extent this recommendation is considered for approval by the City of San Jose City Council, an EIR must evaluate potential aesthetic impacts associated with permitting unlimited height exceedances based on undefined "substantial urban village amenities."

**B. The Urban Village Plans have the Potential to Result in Significant Transportation and Circulation Impacts that were not Adequately Analyzed in San Jose's Prior Programmatic Environmental Review.**

The Envision San Jose 2040 PEIR properly acknowledges that impacts related to vehicle miles traveled (VMT) directly relate to the City of San Jose's decisions concerning "land use types, density/intensity, and development patterns" (Envision San Jose 2040 PEIR, p. 258.) As discussed above, the Urban Village Plans, and not the City of San Jose's Envision San Jose 2040 Plan, establish localized policies relating to types, density, and intensive of land uses within the Plan areas. Furthermore, the Urban Village Plan areas include a wide variety of street types from residential streets to grand boulevards. (See Envision San Jose 2040, Chap. 5, pp. 29-31 [defining street types within the City of San Jose].) Localized traffic impacts of potential projects necessarily vary depending on the types of streets immediately surrounding the project sites. (See, e.g., Envision San Jose 2040 PEIR, p. 269.) Thus, the City of San Jose's decisions relating to where to promote various land uses and densities within the Urban Villages will directly affect localized traffic impacts associated with the Plans.

The Envision San Jose 2040 PEIR does not attempt to analyze these localized traffic impacts. As explained in the Addendum to the Envision San Jose 2040 PEIR, "[t]he City's TDF model is intended for use as a 'macro analysis tool' to project probable future conditions. Therefore, the TDF model is best used when comparing alternative future scenarios, and is *not designed to answer "micro analysis level" operational questions* typically addressed in detailed transportation impact analyses (TIAs)." (Envision San Jose 2040 PEIR Addendum, p. 79 (emphasis added).) The Urban Village Plans provide localized planning concepts that can and should be analyzed at a more detailed level than the "macro" analysis included in the Envision San Jose 2040 PEIR.

Moreover, the Urban Village Plans further refine the types of uses that are allowed and anticipated within the Plan areas. For example, within the Stevens Creek Urban Village, the City of San Jose proposes to define "commercial uses" to include hotels. Virtually every land use category within the Stevens Creek Urban Village authorizes "commercial uses." Thus, the City of San Jose appears to be authorizing hotels to be constructed anywhere within the Stevens Creek Urban Village. While Envision San Jose 2040 contemplated hotels as an allowed use within the Urban Village Commercial designation, it did not contemplate hotels within other land use designations included within the Stevens Creek Urban Village Plan area. Traffic patterns associated with hotel projects differ significantly from other types of commercial development. For this reason, potential traffic impacts associated with authorizing hotel projects within every



land use designation included in the Stevens Creek Urban Village Plan area should be evaluated in an EIR prior to approval of the Plan.

Additionally, the Urban Village Plans contemplate changes to the roadway network. As explained in the June 5, 2017 Planning Commission Staff Report on the Winchester Boulevard and Santana Row Urban Village Plans, the “Urban Village Plans contain conceptual road configurations *that will require traffic analysis before solidifying a final street design.*” (June 5, 2017 Planning Commission Staff Report, p. 4.) The staff report suggests this traffic analysis can be part of a post-Plan approval EIR. (*Ibid.*) However, to comply with CEQA, it is critical that the City of San Jose consider potential traffic impacts associated with the “conceptual road configurations” prior to approving these configurations as part of the Urban Village Plans. (See, *infra*, Section II for further discussion of timing of CEQA review and improper piecemealing.)

Finally, the Envision San Jose 2040 PEIR concludes that implementation of the General Plan will result in significant and unavoidable impacts on congested roadways. The EIR notes that increasing roadway capacity may be considered “logical mitigation” but states that the City of San Jose does “not envision continually widening streets and expanding intersections to the detriment of neighborhoods and other transportation modes.” (Envision San Jose 2040 PEIR, p. 302.) Thus, at the programmatic level, the Envision San Jose 2040 PEIR rejects capacity increasing mitigation as generally not environmentally preferable or “economically or physically feasible.” (*Ibid.*) The City of Santa Clara agrees that capacity increasing mitigation measures are not always appropriate. However, a specific evaluation of whether *any* capacity increasing mitigation measures are appropriate and feasible within the Urban Village Plan areas should be undertaken as part of an EIR for the Plans. General programmatic conclusions set forth in the Envision San Jose 2040 PEIR are insufficient to conclude that mitigation measures, including potentially feasible capacity increasing measures, are not appropriate and feasible to mitigate congestion-related impacts within the Urban Villages.

As previously stated, the EIR conducted for the Urban Village Plans will need to focus on the cumulative traffic impacts of development within the Plan areas, and identify clear and specific mitigation obligations with identified funding mechanisms to address environmental impacts affecting not only San Jose, but also its neighbors in Santa Clara.

**C. The City of San Jose Must Analyze Whether the Urban Village Plans will Result in Any Other Significant Environmental Impacts Associated with the Area-Specific Land Use Designations and Policies included in the Plans.**

The City of Santa Clara is particularly concerned with aesthetic and traffic impacts of the Urban Village Plans because these impacts are likely to affect the City of Santa Clara and its residents most directly. However, the Urban Villages are likely to have additional impacts that must be considered.

For example, proximity to sensitive receptors is a critical factor in evaluating air quality impacts. Because Envision San Jose 2040 did not identify the land use designations, heights or densities within the Urban Village Plan areas, the General Plan EIR necessarily did not consider potential localized impacts associated with proximity between existing sensitive receptors and the Urban Village Plans' proposed land use designations. Before approving specific levels of density and intensity within the Urban Village Plan areas, the City of San Jose should evaluate potential air quality impacts associated with site-specific land use designations included in the Plans. Without undertaking this analysis, neither the City of San Jose City Council nor the public will fully understand potential health risks associated with the land use policies included within the Plans.

The EIR prepared for the Urban Village Plans should consider all potential impacts of the Urban Villages to ensure that the City of San Jose, neighboring jurisdictions, and the public are fully informed about the potential environmental risks and benefits associated with the Plans.

## **II. Proceeding with Approval of the Urban Village Plans prior to Completion of Environmental Review Would Constitute Improper “Piecemealing” Under CEQA.**

City of San Jose staff proposes preparing one or more EIRs addressing the impacts of the Urban Village Plans *after* the Plans are approved, evidencing an understanding that the Plans will in fact have impacts that were not previously considered. Specifically, City of San Jose staff has suggested that an EIR (or EIRs) will be prepared in the future as part of the City of San Jose's process to (1) develop funding mechanisms to implement the Urban Village Plans, and (2) evaluate traffic impacts associated with projects developed consistent with the Urban Village Plans. Post hoc environmental analysis of the Urban Village Plans as part of these future planning actions violates the requirements of CEQA. (CEQA Guidelines, § 15003, subd. (h) [“The lead agency must consider the whole of an action, not simply its constituent parts, when determining whether it will have a significant environmental effect.”].)

The requirement to complete CEQA review *prior to approving* a land use plan is particularly critical in the context of these Urban Village Plans. For example, the City of San Jose has repeatedly acknowledged that “many of the streetscape and circulation improvements identified” in the Plans require yet-to-be established funding mechanisms for construction and/or maintenance of public infrastructure improvements because “existing funding mechanisms by themselves will not be adequate to implement many of the identified improvements and amenities.” (See, e.g., Santana Row Urban Village Plan, p. 5; Stevens Creek Urban Village Plan, p. 12.) Rather than addressing these funding shortfalls now, the City of San Jose intends to adopt the Urban Village Plans and then amend the Plans “in near future as the preferred implementation mechanism becomes defined.” (June 27, 2017 Planning Commission Staff Report regarding the Winchester Boulevard and Santana Row Urban Village Plans, p. 24.)

Deferring preparation of funding mechanisms required to implement the Urban Village Plans has significant potential environmental consequences because the City of San Jose's “residential pool policy” allows qualifying development projects within the Urban Village Plan areas to be

developed immediately after the Plans are adopted. (*Id.* at pp. 2-3.) As a result, by approving the Urban Village Plans in advance of developing required funding mechanisms, the City of San Jose may allow residential and mixed-use development projects including up to 5,000 new residential units within these areas *before* the City of San Jose has determined the fair share funding requirements that should be imposed on such projects to fully fund improvements and amenities proposed within the Urban Village Plans. (*Ibid.*)

Additionally, Mayor Liccardo has stated that an “areawide ‘Transportation Demand Management Plan’” is necessary within the Urban Village Plan areas in order to “decrease the number of added car trips” associated with new development. (June 23, 2017 Memoranda, p. 6.) City of San Jose staff has recommended that the City of San Jose analyze the traffic impacts of the Urban Village Plans and prepare the Transportation Demand Management Plan “*after* the approval of the Urban Village Plan.” (June 27, 2017 Planning Commission Staff Report regarding the Winchester Boulevard and Santana Row Urban Village Plans, pp. 5-6.) City of San Jose staff seems to suggest that developing these funding and transportation plans after approval will not violate the requirements of CEQA because the Urban Villages are included in Plan Horizon 3. (*Ibid.*) However, as explained above, qualifying residential and mixed-use projects can move forward immediately after Plan approval under the City’s residential pool policy. Thus, deferring development of traffic mitigation may allow some projects to move forward before the localized traffic impacts of the Urban Village Plans are properly analyzed and mitigated pursuant to CEQA.

The fact that project-specific CEQA review may be required for projects developed within the Urban Village Plan areas does not support the conclusions the Urban Village Plans do not require further CEQA review before they are adopted. (See *Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 383 [adoption of airport land use plan held to be a project even though it directly authorized no new development]; *Fullerton Joint Union High School Dist. v. State Bd. of Education* (1982) 32 Cal.3d 779, 795 [adoption of school district succession plan held to be a project even though “further decisions must be made before schools are actually constructed ...”]; *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 279, 282 [regional agency’s approval of annexation by city held to be a project even though further approvals, including zoning changes, would be needed for property development to occur].) Moreover, the City of San Jose has previously stated that development projects consistent with the General Plan and Urban Village Plans are anticipated to “tier from [the Envision San Jose 2040] PEIR, allowing the process to move forward more efficiently.” (Envision San Jose 2040 PEIR, p. 156.) Thus, there is no assurance that any further CEQA review will be conducted before, at least some, residential and mixed-use projects are approved under the Urban Village Plans.

Finally, the need for environmental review of the Urban Village Plans is set forth in numerous policies in Envision San Jose 2040. These policies directing the preparation of Urban Village

Plans are the equivalent of mitigation measures; Envision San Jose 2040 “incorporates policies and actions to implement the identified mitigation and avoidance measures for future projects that are consistent with the General Plan.” (Envision San Jose 2040, p. 134.) For example, in analyzing potential land use impacts associated with Envision San Jose 2040, the Envision San Jose 2040 PEIR identifies a series of policies relating to creation of Urban Village Plans that “[r]educe or avoid possible impacts from high intensity development” including but not limited to the following:

- Policy IP-5.4: Prepare and implement Urban Village Plans carefully, with sensitivity to concerns of the surrounding community, and property owners and developers who propose redevelopment of properties within the Urban Village areas.
- Policy CD-1.14: Use the Urban Village planning process to establish standards for their architecture, height, and massing.
- Policy CD-1.15: Consider the relationship between street design, use of the public right-of-way, and the form and uses of adjoining development. Address this relationship in the Urban Village Planning process.
- Policy CD-4.8: Include development standards in Urban Village Plans that establish streetscape consistency in terms of street sections, street-level massing, setbacks, building facades, and building heights.
- Policy CD-7.1: Support intensive development and uses within Urban Villages and Corridors, while ensuring an appropriate interface with lower-intensity development in surrounding areas and the protection of appropriate historic resources.
- Policy CD-7.4: Identify a vision for urban design character consistent with development standards, including but not limited to building scale, relationship to the street, and setbacks, as part of the Urban Village planning process.
- Policy CD-7.6: Consider retail, parks, school, libraries, day care, entertainment, plazas, public gathering space, private community gathering facilities, and other neighborhood-serving uses as part of the Urban Village planning process.

Because Envision San Jose 2040 treats the Urban Village Plans as a form of mitigation to address potential impacts addressed by the above policies, the Urban Village Plans are similar to

the oak woodland management plan addressed in *Center for Sierra Nevada Conservation, supra*, 202 Cal.App.4th 1156. In that case, the County of El Dorado prepared a program EIR for its general plan. The general plan anticipated preparation of an oak woodland management plan to mitigate tree impacts of future projects developed consistent with the general plan. The county ultimately adopted an oak woodland management plan based, in part, on the conclusion that preparation of the plan was anticipated in the general plan and, therefore, covered by the general plan program EIR. The Third District Court of Appeal disagreed. The court explained that “[a]lthough the 2004 program EIR did anticipate the development of an oak woodland management plan and fee program, it did not provide the County with guidance in making the discretionary choices that served as the basis for the plan or fee program. Specifically, the program EIR did not set the fee rate, how the acreage subject to the Option B fee rate should be measured, or how the offsite oak woodland losses would be mitigated by the fees. Thus, the County could not rely on the 2004 program EIR for its conclusion that the adoption of the oak woodland management plan and fee program will have no greater adverse environmental effect than that already anticipated in the 2004 program EIR...” (*Id.* at p. 1162.)

The same conclusion applies here. While Envision San Jose 2040 anticipated development of future Urban Village Plans, it left a substantial number of discretionary decisions relating to the policies and land use decisions included in the Plans to the future planning processes associated with developing the Plans. As discussed throughout this letter, these discretionary decisions include decisions relating to architecture, height, massing, street design, use of the public right-of-way, the form and uses of adjoining development, setbacks, locations of public facilities and neighborhood-serving uses, and other issues ensuring an appropriate interface with lower-intensity development in surrounding areas. Thus, as in *Center for Sierra Nevada Conservation*, the City of San Jose cannot rely on San Jose’s Prior Programmatic Environmental Review to avoid preparation of an EIR (or EIRs) evaluating potentially significant environmental impacts that may result from implementing the Urban Village Plans.

The First Amendment to the Draft PEIR (First Amendment) stated that “[t]he Urban Village planning process will allow the adjoining community to participate in creation of *appropriate standards* for that specific Urban Village regarding heights, setbacks, and the types of allowed uses.” (First Amendment, p. 200 (emphasis added); see also Stevens Creek Urban Village Plan Staff Report (May 24, 2017), p. 7 [“[h]igher FAR’s and building heights were designated in specific areas that were identified as optimal for new commercial development”] (emphasis added).) Only after the environmental impacts of the Urban Village Plans are fully analyzed and publicly disclosed will it be possible to make informed decisions concerning the “appropriate” or “optimal” standards to apply to these areas. (CEQA Guidelines, § 15003, subd. (d) [Preparing an EIR will “demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.”].)

\* \* \* \* \*

Envision San Jose 2040 contemplates that the Urban Village Plans would require CEQA review. For example, Policy IP-5.2 states that “completion of an Urban Village Plan will be followed by completion of environmental review as *required for adoption of the Plan.*” (Envision San Jose 2040, Chap. 7, p. 16 (emphasis added).) Moreover, the First Amendment reiterates that “[t]he impacts of the proposed development or redevelopment will be assessed during the development of the Urban Village Plan, during the legally required CEQA process, and through the project approval.” (First Amendment, pp. 70, 253.) City of San Jose staff’s current recommendation to adopt the Stevens Creek, Santana Row, and Winchester Boulevard Urban Village Plans without undergoing further CEQA review is, therefore not only inconsistent with CEQA, but also the City’s own General Plan.

For all of the above reasons, we request that the City of San Jose prepare an EIR to properly analyze the environmental impacts of the proposed Urban Village Plans. We look forward to the opportunity to review and comment on the EIR for the Urban Village Plans.

Sincerely,



Tina A. Thomas

cc: Brian Doyle, Santa Clara City Attorney

# EIR Comments Re: NOP for 4300 Stevens Creek Blvd (FILE NO: PDC16-036, PD 17-014, PT17-023), San Jose Stevens Creek Urban Village Project

Ron Canario <ron.canario@aol.com>

Sun 2/25/2018 10:55 AM

To: Chundur, Dipa <Dipa.Chundur@sanjoseca.gov>;

Cc: Tam, Tracy <tracy.tam@sanjoseca.gov>; District1 <district1@sanjoseca.gov>;

Dear Ms Chundur,

Recently this email was sent to you, and I unfortunately was not able to add my name to the list of signees, so I would like to add my name now.

Thank you,  
Ron Canario

Please accept these comments regarding the NOP for [4300 Stevens Creek Blvd](#) (FILE NO: PDC16-036, PD 17-014, PT17-023).

Link to [4300 Stevens Creek Blvd](#) Project: <http://www.sanjoseca.gov/index.aspx?nid=5380>  
NOP for revised project: <http://www.sanjoseca.gov/DocumentCenter/View/74426>

It is noted that, although residents and the city of Santa Clara have previously expressed concerns regarding the project, the applicant has now increased the project size and density, summarized below:

- 1) up to 8 stories (from 7 stories) – this appears out of alignment with the buildings on Santa Clara’s side of Stevens Creek Blvd.
- 2) 582 housing units, up from 500 (+16% from the original proposal).
- 3) increase in office to 300,000 sq ft, from 244,000 (+23% from the original proposal). This could potentially bring ~1845 workers.

Please ensure these concerns are addressed in the EIR:

**Parkland** – San Jose PRNA has acknowledged that the area south of Stevens Creek Blvd is parkland deficient; in a Sept 9, 2016 memo PRNS staff stated “There are over 850 underserved households located within 3 miles of the project site.” With the proposed increase in residential development at the site, and lack of undeveloped property for a new park nearby, parkland dedication within the site, properly implemented, is critical. PRNS staff recommended that “the development provide a 2.0-acre to 3.5 acre neighborhood serving park *as part of the project.*” (emphasis added)

Also note that San Jose’s General Plan states:

*PR-2.6 Locate all new residential developments over 200 units in size within 1/3 of a mile walking distance of an existing or new park, trail, open space or recreational school grounds open to the public after normal school hours or shall include one or more of these elements in its project design.*

Yet there do not appear to be any parks, trails, recreational school grounds for public use, or open space within “1/3 of a mile of walking distance” (along designated sidewalks), and the project does not appear to include a designated park. Please address this deficiency in the EIR.

The nearest traditional park is Maywood Park in Santa Clara, which may see increased usage due to this development. If parkland is not provided on-site, then the EIR must contemplate the impacts on neighboring parks, and consider transfer of parkland fees to the City of Santa Clara.

**Sewer capacity** – including identifying and quantifying the impact on sewer lines that join with those in neighboring Santa Clara. Public Safety – The NOP does not include elevation plans. The 8 story structures on top of commercial/retail would likely be close to, or exceed, the standards for high rise structures, thus requiring specialized equipment and training. Please request that the City of Santa Clara fire department have an opportunity to comment on the building design as well, since the building is potentially a high rise and Santa Clara fire may be called upon due to proximity of fire stations to this project.

**Aesthetics** - For example, the project proposes 8 story buildings (which maybe as tall as 85 feet). This represents a marked contrast with the existing one- and two-story buildings along Stevens Creek Boulevard and Albany Dr., and the visual impact this proposed development will have on uses and residents located adjacent and directly across the street in Santa Clara must be analyzed. Alternative, lower building heights should be contemplated as alternatives in the EIR.

**Negative Housing impact** - According to the project architect, KTG, the original proposal for 244,000 sq ft of office space was to provide space for 1,500 jobs (press announcement dated Aug 15, 2016, attached); therefore the 23% increase in office intensity of the latest proposal would result in 1845 jobs (1500 X 1.23). Note that KTG has assumed 166 sq ft per employee; recent data indicates that according to CoreNet Global in 2017 the average office space per worker is 151 sq ft due to more efficient and environmentally conscious space utilization trends (<https://www.linkedin.com/pulse/what-average-square-footage-office-space-per-person-kevin-cronin/>), so the number of workers is likely to be even higher. The project includes 582 housing units for 1845 jobs, or a jobs:housing ratio of 3.2:1, and is imbalanced. The EIR should include an analysis of the impacts of this imbalance, and also contemplate an option of lowering the commercial space component.

**Parking** – The developer proposes to have the City of San Jose vacate Lopina Way; a new narrower street, apparently with reduced or no parking will be provided. A study should be conducted, including quantifying the current usage by residents and local businesses, such as car dealerships, and consideration of how such parking capacity will be maintained, to ensure on-street parking in San Jose and in Santa Clara is not negatively affected.

The project applicant proposes 1238 parking spaces for office/retail. However, the increased office space at 300,000 sq ft is to provide 1845 jobs (as explained above). The parking appears to be insufficient for the office component of the project.

**Traffic Impact** – Due to increased intensity at the project site from both residential and office space, and due to limited mass transit in the area, traffic will be impacted. The Settlement Agreement regarding Santana West between the City of Santa Clara and City of San Jose (Superior Court of California, County of Santa Clara, case number 16CV302300) says in Section 6 “San Jose will collect transportation impact funds for all applicable development in the Stevens Creek Corridor.” A traffic analysis should be performed and Santa Clara planning staff should have an opportunity to review the assumptions and outcome, to ensure all applicable transportation impact funds are collected. As noted above, the project will have enough office space for at least 1845 employees plus 589 housing units (potentially over 1000 additional residents).

Furthermore, since this development is officially in the “Eisenhower Elementary School” area of the Cupertino Union School District, which is located next to Maywood Park in Santa Clara, but is across a busy corridor, children will likely be driven to school and generate more daily trips. Alternatively, children may be assigned to DeVargas Elementary south of Hwy 280; this will also result in additional traffic on Stevens Creek Blvd and Lawrence Expressway. The middle school is Hyde Elementary and the high school is Cupertino High, both of which are across Lawrence Expressway and Hwy 280, which will also increase congestion. An analysis of impacts on sensitive receptors and mitigation measures should be proposed. Traffic studies should be conducted on various days of the week during the school year, since the start times vary during the week (9:00 AM on Wednesdays, and 7:35 AM on other days).

**School impact** – Consideration should also be given to the capacities of the schools mentioned above (Eisenhower Elementary, Hyde Middle School, and Cupertino High School). It should be noted that Eisenhower has at least 15 portables, an indication of overcrowding. Cupertino High School is the most crowded high school in the Fremont Union High School District. Mitigation measures should be considered, including the potential for voluntary payments to increase school capacity.

Thank you for incorporating our concerns into the EIR.

Regards,

Howard Huang  
Curtis Kent  
Marilyn McGraw  
Robert Cheek  
Ann Heile  
Qian Huang  
Chris Becker  
Yanping Zhao  
Marge Faucher  
Robert Meier  
Qing Yang



RE: EIR Comments Re: NOP for 4300 Stevens Creek Blvd (FILE NO: PDC16-036, PD 17-014, PT17-023),  
San Jose Stevens Creek Urban Village Project

Mayor and Council <MAYORANDCOUNCIL@SantaClaraCA.gov>

Wed 2/21/2018 4:30 PM

To: Howard Huang, Resident <resident.howardh@gmail.com>; Chundur, Dipa <Dipa.Chundur@sanjoseca.gov>; Tam, Tracy <tracy.tam@sanjoseca.gov>;

Cc: Curtis Kent <CK247@aol.com>; Marilyn McGraw <drmarilyn@sbcglobal.net>; Ann Heile <ann@heile.org>; Qian Huang <qhuang18@gmail.com>; chbcircle@comcast.net <chbcircle@comcast.net>; Yanping Zhao <yanp.zhao@gmail.com>; Marge Faucher <m.faugher@sbcglobal.net>; Rob Meier <robbymeier@yahoo.com>; Qing Yang <muyiqueen@gmail.com>; District1 <district1@sanjoseca.gov>;

Hello,

Thank you for copying the Mayor and Council office on your correspondence. Your email with attachment has been forwarded to the full City Council for their reference.

Kind regards,

Lynn Garcia | Mayor and Council Office

1500 Warburton Ave. | Santa Clara, CA 95050

(D) 1.408.615.2250 | (F) 1.408.241.6771

[lgarcia@santaclaraca.gov](mailto:lgarcia@santaclaraca.gov) | [www.santaclaraca.gov](http://www.santaclaraca.gov)



**From:** Howard Huang, Resident [mailto:resident.howardh@gmail.com]

**Sent:** Monday, February 19, 2018 8:36 PM

**To:** dipa.chundur@sanjoseca.gov; tracy.tam@sanjoseca.gov

**Cc:** Curtis Kent; Marilyn McGraw; Ann Heile; Qian Huang; chbcircle@comcast.net; Yanping Zhao; Marge Faucher; Rob Meier; Qing Yang; District1@sanjoseca.gov; Mayor and Council

**Subject:** EIR Comments Re: NOP for 4300 Stevens Creek Blvd (FILE NO: PDC16-036, PD 17-014, PT17-023), San Jose Stevens Creek Urban Village Project

Dear Ms Chundur,

*Please accept these comments regarding the NOP for 4300 Stevens Creek Blvd (FILE NO: PDC16-036, PD 17-014, PT17-023). We would appreciate if you could confirm receipt of this letter.*

Link to 4300 Stevens Creek Blvd Project: <http://www.sanjoseca.gov/index.aspx?nid=5380>

NOP for revised project: <http://www.sanjoseca.gov/DocumentCenter/View/74426>

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Thank you for incorporating our concerns into the EIR.

Regards,

Howard Huang  
Curtis Kent  
Marilyn McGraw  
Robert Cheek  
Ann Heile  
Qian Huang  
Chris Becker  
Yanping Zhao  
Marge Faucher  
Robert Meier  
Qing Yang



February 21, 2018

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

Attention: Dipa Chundur

Subject: City File No. PDC16-036 / 4300 Stevens Creek Boulevard

Dear Ms. Chundur:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the NOP for 582 residential units, 22,000 square feet of ground floor retail, and 300,000 square feet of office use on 9.9 acres at 4300 Stevens Creek Boulevard. We have the following comments.

#### Land Use

VTA supports the proposed land use intensification on this site, strategically located along the Stevens Creek Boulevard corridor, served by VTA Local Bus Line 23 and Limited Line 323 along. The site enjoys immediate access to the eastbound Local Line 23 located along the Stevens Creek Boulevard frontage; the Limited Line 323 is located within walking distance of the site at Stevens Creek Boulevard and Kiely Boulevard. VTA is also planning to upgrade the Limited Line 323 to Rapid 523 enhanced bus service along Stevens Creek Boulevard as part of the Next Network transit system redesign. The closest planned Rapid 523 stop is at the same location as the Limited 323 stop. Additionally, the mix of housing, office, and retail uses within the Project raises the pedestrian-friendliness of the area and should result in an incremental reduction in driving trips and vehicle-miles traveled per capita generated by the project.

Stevens Creek Boulevard is identified as a Corridor in VTA's Community Design & Transportation (CDT) Program Cores, Corridors and Station Areas framework, which shows VTA and local jurisdiction priorities for supporting concentrated development in the County. The CDT Program was developed through an extensive community outreach strategy in partnership with VTA Member Agencies, and was endorsed by all 15 Santa Clara County cities and the county.

#### Transportation Impact Analysis (TIA) Report

The October 2014 version of the VTA TIA Guidelines, which can be found at <http://www.vta.org/cmp/tia-guidelines>, include updated procedures for documenting auto trip reductions, analyzing non-auto modes, and evaluating mitigation measures and improvements to address project impacts and effects on the transportation system. For any questions about the

updated TIA Guidelines, please contact Robert Swierk of the VTA Planning and Program Development Division at 408-321-5949 or [Robert.Swierk@vta.org](mailto:Robert.Swierk@vta.org).

#### Pedestrian and Bicycle Accommodations

VTA requests that the DEIR/TIA analysis of Pedestrian and Bicycle Accommodations consider the completeness of the pedestrian and bicycle network on roadways and intersections adjacent to and nearby the project site. VTA also recommends that the City require bicycle parking consistent with City of San José bicycle parking standards, as a Condition of Approval for the project. VTA supports bicycling as an important transportation mode and thus recommends inclusion of conveniently located bicycle parking for the project. Bicycle parking facilities can include bicycle lockers or secure indoor parking for all-day storage and bicycle racks for short-term parking. VTA's Bicycle Technical Guidelines provide guidance for estimating supply, siting and design for bicycle parking facilities. This document may be downloaded from [www.vta.org/bikeprogram](http://www.vta.org/bikeprogram).

The existing project frontages, Stevens Creek Boulevard and Albany Drive, contain attached sidewalks with no street trees between pedestrians and automobiles. The Landscape Illustrative Plan provided to VTA (dated August 10, 2016) shows detached sidewalks with consistent buffers of street trees at regular intervals between pedestrians and automobiles. VTA commends the City and the developer for proposing an exemplary upgrade of the pedestrian accommodations on all three project street frontages, which will encourage greater trips by walking, and improve access to transit; VTA recommends that the City include these improvements as Conditions of Approval.

#### Congestion Impacts on Transit Travel Times

The Transportation analyses in the DEIR/TIA should address any potential impacts that increased motor vehicle traffic and congestion associated with the project may have on transit travel times on the Stevens Creek Boulevard corridor. VTA recommends that the DEIR/TIA include a cumulative analysis of the impacts of vehicle traffic congestion, which takes into account the effects of the proposed Project, and other approved and pending projects in the vicinity, such as the Garden City Mixed Use development, Valley Fair Expansion, Santana Row Expansion, and Santana West.

While VTA is supportive of increasing development densities along this corridor, increased congestion could degrade the schedule reliability of transit and increase travel times, making transit a less attractive option for travelers in the corridor. If increased transit delay is found, transit priority measures, such as dedicated transit lanes, queue jump lanes, transit priority signal timing, and/or improvements to transit stops and passenger amenities, would constitute appropriate offsetting measures.

#### Roadway Connectivity

VTA encourages new projects to improve access and connectivity with surrounding areas. The NOP's site plan (Figure 3) shows that the proposed relocation of Lopina Way would provide north-south connectivity between Stevens Creek Boulevard and Albany Drive. VTA supports this improved connectivity and recommends including this feature as a Condition of Approval.

#### Transportation Demand Management (TDM) and Trip Reduction

In order to reduce the number of single occupant vehicle trips generated by the project, VTA recommends that the City and project sponsor consider a comprehensive Transportation Demand Management (TDM) program for the residential and office portions of this project. VTA notes that such programs can be more effective when they include a vehicle trip reduction target, third-party monitoring of trip generation upon project completion and a Lead Agency enforcement/penalty structure.

Effective TDM programs that may be applicable to the project include:

- \* Parking pricing and parking cash-out programs
- \* Transit fare incentives such as free or discounted transit passes on a continuing basis
- \* Bicycle lockers and bicycle racks
- \* Showers and clothes lockers for bicycle commuters
- \* Preferentially located carpool parking
- \* Employee carpool matching services
- \* Parking for car-sharing vehicles

#### Intersection and Freeway Analysis & Mitigation Measures

Based on the project's location, there may be impacts to one or more intersections and/or freeway segments. If the intersection and freeway analyses indicates significant impacts based on Congestion Management Program (CMP) criteria, VTA suggests early coordination with the appropriate agencies in identifying potential mitigation measures and opportunities for voluntary contributions to regional transportation improvements in or near the impacted facility in the latest Valley Transportation Plan (VTP).

City of San Jose  
February 21, 2018  
Page 4

Bus Service

In order to provide convenient access to transit, VTA recommends the project include the following bus stop improvements.

**Eastbound Stevens Creek Boulevard & Lopina Way**

VTA recommends the existing bus stop adjacent to the project site be relocated. To improve bus stop spacing for Line 23, VTA recommends the bus stop be relocated approximately 20 feet west of the proposed relocation of Lopina Way. The new bus stop should include:

- A passenger & shelter pad to VTA specifications
- A 12'x55' bus pad to VTA specifications
- A new bus shelter to VTA specifications

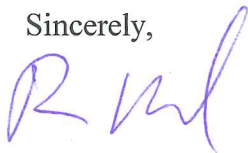
VTA would like the opportunity to review any revisions to the site plans to ensure the placement of driveways, landscaping and any other features do not conflict with bus operations

VTA's Transit Passenger Environment Plan provides design guidelines for bus stops. VTA's Bus Stop & Passenger Facilities Standards provides bus stop specifications. Both documents can be downloaded at <http://www.vta.org/tpep>.

VTA has a Bus Stop Placement, Closures and Relocations Policy. Prior to any construction or bus stop impact, please contact [bus.stop@vta.org](mailto:bus.stop@vta.org).

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

Sincerely,



Roy Molseed  
Senior Environmental Planner

cc: Michael Liw, San Jose Development Services  
Patricia Maurice, Caltrans  
Brian Ashurst, Caltrans

# Proposed Mixed Use Project at 4300-4360 Stevens Creek Boulevard, Community Meeting, PDC16-036, PD17-014, PT17-023 For [www.sanjoseca.gov](http://www.sanjoseca.gov)

CHRIS BECKER <[chbcircle@comcast.net](mailto:chbcircle@comcast.net)>

Fri 3/9/2018 12:47 PM

To: Tam, Tracy <[tracy.tam@sanjoseca.gov](mailto:tracy.tam@sanjoseca.gov)>; Chundur, Dipa <[Dipa.Chundur@sanjoseca.gov](mailto:Dipa.Chundur@sanjoseca.gov)>;

Cc: UC4SD working group <[UC4SD-working@googlegroups.com](mailto:UC4SD-working@googlegroups.com)>;

Dear Ms. Tam et al.,

I echo Rob's concerns about this **grossly over-sized** 4300-4360 Stevens Creek plan. His email is copied below. In addition to the topics he wrote about, I also expect there would be serious negative impact on availability of park space, and concern for fire fighting and schools.

We already have a parking problem on Woodhams Road.

Chris Becker

Cameron Way, Santa Clara

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

From: 'Rob' via UC4SD-working <[uc4sd-working@googlegroups.com](mailto:uc4sd-working@googlegroups.com)>

To: [uc4sd-working@googlegroups.com](mailto:uc4sd-working@googlegroups.com), 'Kathy Smith' <[kathalyn\\_jean@yahoo.com](mailto:kathalyn_jean@yahoo.com)>, [contactkirby@sbcglobal.net](mailto:contactkirby@sbcglobal.net), [randyshingai@gmail.com](mailto:randyshingai@gmail.com)

Date: March 7, 2018 at 9:02 PM

Subject: RE: [uc4sd-working] Fwd: New Event Proposed Mixed Use Project at 4300-4360 Stevens Creek Boulevard, Community Meeting, PDC16-036, PD17-014, PT17-023 For [www.sanjoseca.gov](http://www.sanjoseca.gov)

Dear Ms. Tam,

San Jose published a “Notice of Development Proposal” regarding 4360 Stevens Creek Blvd, project file PDC16-036.

I want to voice serious concerns regarding this project, namely:

## **Parking**

The proposed number of additional parking is completely insufficient. There will be about 1,800 jobs from the additional office space with a large percentage of workers commuting by car. In addition, there are some 580 apartments each requiring about 1.5 cars. Hence, the total amount of parking should be about 2,400, i.e. about twice as much as suggested by the developer.

There must be a requirement to provide these additional parking spaces for all residents, visitors and customer for this development. This requirement must be part of the project without which the project cannot be approved. These parking spaces have to be ADDITIONAL parking spaces, hence cannot be existing parking including street parking. If there is any planned “sharing” with other structures, then the number of required parking spaces for these other developments must be taken into account.

All of this, among other things, is to avoid even more parking in residential areas including the associated noise, pollution, wasted time to find parking, etc.

## **Building Height**

The proposed development is right next to 1-2 story apartments and single family homes on both sides of Stevens Creek. The proposed building height of 8 stories is 4-8(!!!) times taller than



the buildings in this area. Besides all the other negative impacts, the visual impact, blocking of views, reduction of home value prices (they probably still increase but become less desirable) due to all the negative impacts, etc. must be taken into account. Most new developments in this area are 3-4 stories high including developments along Stevens Creek, Lawrence, Kiely, San Tomas, El Camino, etc. This is despite the fact that in many of those cases there are no 1-2 story apartments and single family homes close by. Hence, construction along Stevens Creek should be limited to 3 stories.

## **Traffic Impact**

The proposed development will have a very significant traffic impact. Traffic along Stevens Creek is already very high. The same is true for the major roads that cross Stevens Creek and are used by residents and employees working on Stevens Creek. These roads include Lawrence, San Tomas, Kiely, etc. In addition, the highways are already jammed and the roads providing access to those highways are also backlogged. Even 3 story homes all along Stevens Creek will make the situation considerably worse. These roads simply can't accommodate the increased traffic from 5+ story buildings. Ignoring this fact will lead to more noise, pollution, jammed local roads, etc. **Mass transportation like trains are not feasible along Stevens Creek.**

## **Consideration of General Plan**

Often **impact studies are made for an individual project.** The proposed project on 4360 Stevens Creek will have a significant impact even considered as an isolated project. However, fact is that it will set a precedence for new projects all along Stevens Creek. This is actually quite well outlined by the **Stevens Creek Urban Village Plan which includes buildings of 50-160 along Stevens Creek on the San Jose side.** Impact studies must take the overall impact into consideration.

In addition of all of those items, please also include by reference all the concerns that Santa Clara has submitted to San Jose regarding the Stevens Creek Urban Village Plan including the attached letter from Thomas Law Group dated 8/8/17.

Regards,

Robert

---

**From:** 'Kathy Smith' via UC4SD-working [mailto:uc4sd-working@googlegroups.com]  
**Sent:** Wednesday, March 7, 2018 9:47 AM  
**To:** contactkirby@sbcglobal.net; randyshingai@gmail.com  
**Cc:** Ron Canario' via UC4SD-working <UC4SD-working@googlegroups.com>  
**Subject:** Re: [uc4sd-working] Fwd: New Event Proposed Mixed Use Project at 4300-4360 Stevens Creek Boulevard, Community Meeting, PDC16-036, PD17-014, PT17-023 For [www.sanjoseca.gov](http://www.sanjoseca.gov)

EVERYONE needs to let the Mayor and City Council know if they are against this and all the rest of the nonsense they are proposing for the "Urban Villages"- it WILL destroy San Jose in my humble opinion. We will look like SF and NY without the charm/interest, tourists, etc.

Kathy

--

United Communities for Sensible Development Working Group

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You received this message because you are subscribed to the Google Groups "UC4SD-working" group.

To unsubscribe from this group and stop receiving emails from it, send an email to [uc4sd-working+unsubscribe@googlegroups.com](mailto:uc4sd-working+unsubscribe@googlegroups.com).

To post to this group, send email to [uc4sd-working@googlegroups.com](mailto:uc4sd-working@googlegroups.com).

For more options, visit <https://groups.google.com/d/optout>.

Chris Schuetz <schuetz.chris@gene.com>

Fri 3/9/2018 5:25 PM

To: Tam, Tracy <tracy.tam@sanjoseca.gov>; Chundur, Dipa <Dipa.Chundur@sanjoseca.gov>;  
perry@fortbay.com <perry@fortbay.com>;

I have just received the Planning Division notification for the proposed development at 4300-4360 Stevens Creek Blvd. and wish to express my significant concerns as to the size of this proposed development. This project is going to back up against the residential Albany Dr. and the low rise, suburban neighborhoods behind it. I believe the addition of 582 residential units plus commercial usage is going to have a significant negative impact on our neighborhood in terms of traffic, street parking (already very difficult), and general road/pedestrian safety. Besides the extreme volume of new units going in, the 6 and 8 story proposed structures are too huge to fit in a neighborhood where the majority of the buildings are only 2-3 stories tall. High rise residential structures belong in urban neighborhoods, not the suburbs where we have chosen to live. While I understand the need to create additional housing in this area, the scope of this project is well beyond what this neighborhood should be forced to support. I strongly urge the city to reject this development plan and require that it be downsized in both unit numbers and height to something that is appropriate for our area.

--

Chris Schuetz

410 Auburn Way #31

San Jose, CA 95129

[cds@gene.com](mailto:cds@gene.com)

[schuetz.chris@gene.com](mailto:schuetz.chris@gene.com)