

**LAW OFFICES OF
A. ALAN BERGER
95 South Market Street
Suite 545
San Jose, CA 95113
Telephone: 408-536-0500
Facsimile: 408-536-0504**

June 26, 2017

City Clerk- Agenda Desk
City of San Jose
14th Floor
200 E. Santa Clara Street
San Jose, CA 95113

Via Hand Delivery

Re: Santana Row/Valley Fair (SRVF) Urban Village Plan and Staff Report
City Council Agenda Item 10.5; June 27, 2017

Gentlepersons;

Please consider the following comments to **San Jose City Council Agenda Item 10.5, June 27, 2017**. Our comments and objections are directed to the General Plan Amendment: Stevens Creek Urban Village Plan, as recommended by the City of San Jose Planning Commission on June 14, 2017, (hereinafter referred to as "the Plan"). We understand that the hearing is currently set for June 27, 2017 before the City of San Jose City Council. We understand that the proposed plan considers both the Winchester Boulevard (Winchester) Urban Village and the Santana Row/Valley Fair Urban Village. Although the entities and persons for whom these comments are delivered are extremely interested in the future planning of the entire area, including the Winchester plans, these comments are directly specifically toward the Santana Row/Valley Fair plan.

These comments are submitted on behalf of and for The Villas at Santana Park Homeowners Association (hereinafter referred to as "the Villas" or "the Association" or "the HOA") and its individual residents and owners. The Villas at Santana Park Homeowners Association is a non-profit, common interest California corporation in good standing. It is a housing development consisting of 124 single-family homes bordering South Monroe Street and Hemlock Avenue and surrounding Villa Centre Way in the City of San Jose. As one can see from the drawing entitled Santana Row/Valley Fair Urban Village, Proposed Land Use, page 7 of 26 of the staff report, the HOA has been carefully carved out from the Easterly border of the proposed Urban Village.

However, the Association is bordered by the Urban Village on three sides on the eastern boundary of the village. As such the HOA and its residents are directly affected

by virtually all of the decisions suggested in the proposed plan. The homes bordering Hemlock are particularly directly affected by the proposals of the plan. As you are no doubt aware, the HOA has already protested the current development of the areas owned by Federal Real Estate Investment Trust identified as Lot 9, bordering Olsen and Hatton Streets (within the Urban Village) and the area identified as Lot 12 located between Hatton and the westerly border of the HOA. In fact the approval of the permit for Lot 12 by the City Council is currently under appeal in the Superior Court in and for the County of Santa Clara in a case identified as Villas at Santana Park Homeowners Association v. City of San Jose, action no. 16CV299964. That case is set for hearing on October 6, 2017. The HOA anticipates and predicts that the decision of the Court on October 6, 2017 will directly affect several of the proposals of the plan as currently presented and will, in fact, make those plans outside the Order of the Court. The comments contained in this letter hereby incorporate by reference all of the issues and objections contained in that appeal and the underlying issues and objections raised in the prior hearings of Lot 9 and Lot 12 issues before the San Jose City Council as if set forth at length herein.

The draft plan is very confusing and therefore objectionable. On page 8 of 26 the drawing shows the area starting on Hemlock, directly to the north of the HOA property, as being a potential park or plaza. Obviously the HOA would have no objection to this use and would, in fact, endorse such a use. However, on page 11 of 26, in a category "Proposed Height Limits" the same area is shown as potentially containing structures of 85 feet or 6-7 stories. This seems incongruous with the prior designation as a potential park. Could the park designation be just a ruse to lull the adjacent owners into a sense of security when the true intentions would be to allow large structures which would completely disturb the sight lines and the reasonable enjoyments of the owners of all the homes in the area but in particular the HOA homes located on Hemlock? This is to say nothing of the increased vehicular traffic that such a use would create on Hemlock and, as a resultant cause, on the intersection of South Monroe and Stevens Creek Boulevard. As alleged in the HOA's opposition to both Lot 9 and Lot 12 permits earlier and herein incorporated by reference, the city callously disregards any consideration of traffic congestion by simply designating said intersection as protected. This is city-speak for the situation is intolerable and likely to get much worse but we don't want to or can't do anything about it. The HOA has steadfastly complained of and continues to object to the lack of alternate considerations on the part of the City to resolve the issues of traffic within this intersection (such as planned flyovers, underground routings, etc.). Simply relying on the ill-named "protected" designation is a ruse and completely ignores the rights of the HOA residents who depend on that intersection for their only reasonable entrance and exit to their homes. It is the HOA's contention that such a disregard for the very real traffic conditions is also a clear violation of the CEQA requirements applicable to future development.

The draft plan on page 2 of 26 discusses the increase in allowed building heights throughout the plan area. Buildings fronting Stevens Creek Boulevard and Winchester Boulevard may be as high as 150 feet while other buildings in the area may be as high as 85 feet. The HOA opposes all of these new height limits. As stated above the HOA has already opposed the height of the apartments within Lot 12 that the City has approved

and is in litigation with the City. Furthermore, areas on the westerly side of Lot 12, west of Hatton are proposed to allow heights of 120 feet or 10-12 stories. Heights of this dimension would be incredibly disruptive to the residents of the Villas. The Villas has long maintained, and the City is aware of same, that Federal Realty Investment Trust and the City are contractually bound to protect the agreed-upon sight lines and traffic patterns of the HOA residents. This contractual obligation arose from negotiations between Federal Realty Investment Trust, the HOA and the City during the initial development of Santana Row. In exchange for the cooperation of the HOA in achieving rezoning and the permitting of construction within Santana Row, which as it currently stands is within the boundaries of the SRVF Urban Village, the HOA did not object to and orally and in writing supported the rezoning and permitting of the original Santana Row development. This contractual agreement resulted in plan and street changes, as well as written agreements dated September 22, 2000, again in December 2006, and are supported by other writings and oral agreements between Federal Realty Investment Trust, the City and the HOA over the ensuing years. The Planning Commission, the City Council, and the City Attorneys Office have all been previously provided with copies of this written agreement and subsequent writings. If you would like an additional copy, same will be provided.

Unfortunately, Federal Realty Investment Trust, the owners of Santana Row, and the City have breached this contract a number of times over the years, most recently in the permitting of the Lot 12 development which is the subject of the above-referred to petition and appeal. The HOA contends that the height limits to be allowed in the proposed plan would constitute further and additional breaches of the same contractual agreements, positions that the HOA is determined to test in court should the proposed plan be approved. Furthermore any attempts in the proposed plan to change traffic patterns on existing streets in the vicinity of the HOA, including but not limited to, the closing, opening or changing the direction of traffic on existing streets would constitute further violations of those contractual agreements.

On page 3 of 26 of the plan, staff states that: "Currently, new developments within the Winchester and SRVF Urban Villages are required to prepare traffic analysis on a project by project basis to comply with City Council Transportation Impact Policy (Policy 5-3) and the I-280/Winchester Boulevard Transportation Development Policy (280/Winchester Transportation Development Policy (TDP) in conformance with the California Environmental Quality Act (CEQA)." The section continues to state that the City is currently developing a West San Jose Development Policy that would include the subject areas. This report would allegedly provide CEQA clearance for the projects to be proposed. The HOA reserves the right to object to any and all of the terms and conclusions of this policy that would attempt to whitewash the clear traffic, noise and other environmental issues that the proposed Urban Village plan would create in the SRVF project area. As staff does not anticipate this necessary report being developed until June 2018, it would be irresponsible to approve the proposed plan until the results of such study are concluded and distributed for comment and/or objection.

In summary, the proposed plan states in part on page 5 of 26 as follows:

“A primary objective of these Urban Village Plans is to retain the existing amount of commercial space within the boundaries of the Urban Villages and increase the commercial activity and employment opportunities. The Plans support commercial uses that are small or mid-sized in scale, and that serve the immediate surrounding neighborhoods, as well as larger office development that could serve a larger area. Both Plans support medium to high-density residential uses in areas identified on the land use diagram for each Urban Village.”

The Villas of Santana Park HOA generally supports these lofty ideals. But not at the risk of the destruction of the safe and peaceful enjoyment of their existing homes and not in breach of the contractual terms upon which they have so long relied. It is very disheartening to see the staff, the Planning Commission and, therefore, the City, state the future goals of the Urban Village without making comment on or taking into account the rights, both legal, moral and ethical of the residents and owners who have already committed their likely largest financial investment to the homes in question. Don't these owners deserve some consideration? Don't they deserve equal representation from City Staff, from the Planning Commission and from the City Council? We fully appreciate the need for the City leaders to continually plan for jobs and housing, but said planning should not be on the backs of existing owners and taxpayers. We urge the City Council to return this proposed plan back to staff for further consideration of the issues raised herein and to vote against the Amendment that would allow this flawed and illegal plan to become law.

Very truly yours,


A Alan Berger /

Attorney for Villas of Santana Park Homeowners Association

AAB/ceb

From: United Communities for Sensible Development < >

Sent: Monday, June 26, 2017 9:55 PM

To: City Clerk; The Office of Mayor Sam Liccardo; District1; District2; District3; District4; District5; District 6; District7; District8; District9; District 10; Jones, Chappie; Pressman, Christina; Ferguson, Jerad

Cc: MayorAndCouncil@santaclaraca.gov; citycouncil@cupertino.org

Subject: Petition regarding June 26, 2017 San Jose city council agenda, items 10.5 and 10.6, 650+ residents Oppose Urban Village Plans

To San Jose City Clerk: Please include this correspondence as part of the public record for the June 26, 2017 San Jose city council agenda, items 10.5 General Plan Amendment: Winchester and Santana Row/Valley Fair Urban Village Plans and 10.6 General Plan Amendment: Stevens Creek Urban Village Plan.

Confirmation of receipt and distribution to the San Jose city council is kindly requested.

Submitted June 26, 2017 at 9:51 PM

Dear Mayor Liccardo and San Jose City Council Members,

We respectfully submit the attached petition, signed by over 654 supporters, opposing the current urban village plans being voted on as part of the June 26, 2017. Link to petition: <https://www.change.org/p/stevens-creek-de-anza-saratoga-winchester-neighbors-say-no-to-high-density-urban-villages>

The text of the attached petition letter is included below. The over 650 Petition signers are listed in the attachment, and include residents of San Jose, Santa Clara, and Cupertino. The success of any plan will depend on the support of the local community and neighboring cities.

Dear District 1 Council Member Chappie Jones, San Jose Planning Commissioners and City Council Members:

As residents and voters, we appeal to you to listen to community members, not developer or lobbyist voices. The Stevens Creek Urban Village (SCUV) and nearby Urban Villages are located in West San Jose, where there is no existing or planned mass transit. The area is mostly assorted retail and commercial with buildings 1- to 2-stories tall. The SCUV is located within close proximity to single family homes and borders many established suburban neighborhoods in Santa Clara, Cupertino, Saratoga and Campbell. And, new development in the area must be compatible with existing neighborhoods.

We request that the maximum building height of most areas of the SCUV to be no more than 65 feet, which is already 2 to 3 times the existing building heights.

The 4-Year Review of Envision 2040 General Plan recommends greater-than-or-equal-to 25% below-market-rate (BMR) housing for new development. In the West Valley, high-rise, luxury

apartments do not provide any affordable housing. The SCUUV Plan offers zero (0) affordable housing. We request that the City of San Jose hold firm on its commitment to build AT MINIMUM greater-than-or-equal-to 25% below-market-rate (BMR) housing, offered on-site and at all unit sizes, for new development in Urban Villages and within Signature Projects.

The Stevens Creek Advisory Group (SCAG) has failed to represent the community as it was chartered to do. Recommendations from City Staff not only ignore the majority voice of the SCAG, but also ignore the voices of the wider community SCAG was intended to represent.

At the SCAG open house on April 13, 2017, overwhelming community response opposed building heights of 85 to 120 feet. Yet, in the next SCAG meeting, some members of the SCAG pushed to raise maximum building heights from 85 feet to 120 feet and from 120 feet to 150 feet, as if they had never heard the community's concerns on April 13. And, when the SCAG rejected the motion to raise building heights to 150 feet on May 12, 2017, the City Planner ignored the SCAG vote and recommended to the Planning Commission that they APPROVE the contentious, SCAG and community-rejected maximum building height of 150 feet!

The Winchester Urban Village (WUV) maintains a 65-foot maximum building height throughout most of its proposed development area. There is no justification to raise the maximum building height in the SCUUV to 2 to 3 times the maximum building height proposed for the WUV, especially when we acknowledge that Stevens Creek Blvd has neither existing nor planned transit infrastructure. No closed-path subway. Not even open-path light rail.

On May 12, 2017, the SCAG voted to maintain the 45-degree setback requirement. Yet, the City Planner neutered the SCAG vote by changing the setback "standard" (a required threshold) to an unenforceable setback "guideline" (a desired characteristic).

The economic benefits from redevelopment in Urban Villages are important, but benefits cannot come at the cost of ignoring community input and trampling the democratic process. The current housing crisis is a result of poor regional planning. The West Valley region offers far more jobs than housing. With the exception of a light rail line that connects to downtown Campbell, the West Valley offers no public transit beyond a few bus routes. San Jose cannot solve its jobs-to-housing deficit in the West Valley. Furthermore, the EIR for the Envision 2040 General Plan was completed in 2011, but the traffic congestion today has degraded significantly from what it was six (6) years ago. Any Urban Village or Signature Project plan considered for approval today, and including significant height increases, must include an amendment to the EIR with current traffic data.

In summary, we require:

- 65-foot maximum building height. Other approved Urban Villages near mass transit, such as BART or Caltrain, have a maximum height of 65 to 85 feet, except one Urban Village, where one site has a maximum height of 120 feet. The maximum height of 65 feet is reasonable for an area with only bus lines in order to be sustainable by our roads and infrastructure.

- Significant, on-site, BMR housing for each residential site. For any exception on building height given to Urban Villages or Signature Projects, require a percentage of on-site, below-market-rate (BMR) housing. Require at minimum 25% BMR housing for every residential area and require an additional 5% for every five (5) feet in height above 65 feet.

- Firm setback standard. Maintain the 1:1 or 45-degree setback requirement, without exception.

- EIR amended with current traffic data. The environmental impact review (EIR) for Envision 2040 General Plan was done in 2011, 6 years ago, while the traffic worsened considerably. The impact on fire prevention, police and emergency services have to be re-evaluated, especially for areas with significant height increase.

- Ground-level, public-access parks. Require ground-level parks or open public space (flat and level for play) with each project, meeting or exceeding the standards of our existing public parks.

Respectfully submitted,
United Communities for Sensible Development – *UC4SD*

CC: Santa Clara City Council, Cupertino City Council

Attachment: Urban Village Plans need to change - Petition Signatures.pdf

Recipient: Councilmember Chappie Jones, San Jose City Council and Planning Commissioners

Letter: Greetings,

Dear District 1 Council Member Chappie Jones, San Jose Planning Commissioners and City Council Members:

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recommended to the Planning Commission that they APPROVE the contentious, SCAG and community-rejected maximum building height of 150 feet!

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- EIR amended with current traffic data. The environmental impact review (EIR) for Envision 2040 General Plan was done in 2011, 6 years ago, while the traffic worsened considerably. The impact on fire prevention, police and emergency services have to be re-evaluated, especially for areas with significant height increase.

- Ground-level, public-access parks. Require ground-level parks or open public space (flat and level for play) with each project, meeting or exceeding the standards of our existing public parks.

Signatures

Name	Location	Date
West Valley Community Members	, United States	2017-06-06
randy shingai	Edison, CA, United States	2017-06-09
Murali Gandluru	Saratoga, CA, United States	2017-06-09
Wesley Mukoyama	Santa Clara, CA, United States	2017-06-09
Marilynn Ferguson	Santa Clara, CA, United States	2017-06-09
Gina Wiltshire	Santa Clara, CA, United States	2017-06-09
Diane Kunis	Santa Clara, CA, United States	2017-06-09
Wenguang Wang	Milpitas, CA, United States	2017-06-09
Catherine Moore	Cupertino, CA, United States	2017-06-09
concerned parents of cusd Cupertino Union School District	Sacramento, CA, United States	2017-06-09
Carole Camarlinghi	San Jose, CA, United States	2017-06-09
Caryl Gorska	Cupertino, CA, United States	2017-06-09
Hopkins Lee	San Jose, CA, United States	2017-06-09
Lisa Warren	San Jose, CA, United States	2017-06-09
marilyn mcgraw	Santa Clara, CA, United States	2017-06-09
Naomi Makihara	Edison, NJ, United States	2017-06-09
Connor Shingai	San Jose, CA, United States	2017-06-09
Roger Creedon	Santa Clara, CA, United States	2017-06-09
Chris Becker	Saratoga, CA, United States	2017-06-09
Mike A Charon	Cupertino, CA, United States	2017-06-10
Ron Canario	San Jose, CA, United States	2017-06-10
Luke Lang	Oakland, CA, United States	2017-06-10
Hsiao-Ping Tsai	San Jose, CA, United States	2017-06-10
Jennifer Winters	San Jose, CA, United States	2017-06-10
Mette Christensen	Cupertino, CA, United States	2017-06-10
Yuwen Su	Cupertino, CA, United States	2017-06-10
Helen L. Cole Trust	San Jose, CA, United States	2017-06-10
Natalie Cannon	Santa Clara, CA, United States	2017-06-10
Howard Huang	Santa Clara, CA, United States	2017-06-10

Name	Location	Date
Brent Jacobs	San Jose, CA, United States	2017-06-10
Qinghua Huang	Sunnyvale, CA, United States	2017-06-10
Jane Dong	Milpitas, CA, United States	2017-06-10
Yin zhang	Cupertino, CA, United States	2017-06-10
Sylvia Jin	Sunnyvale, CA, United States	2017-06-10
Ping GAO	Cupertino, CA, United States	2017-06-10
qin pan	Union City, CA, United States	2017-06-10
Roger Qing	San Francisco, CA, United States	2017-06-10
Carrie Huang	San Jose, CA, United States	2017-06-10
Yanping Zhao	Milpitas, CA, United States	2017-06-10
Linfeng Guo	Cupertino, CA, United States	2017-06-10
Qing Yang	Milpitas, CA, United States	2017-06-10
Clara Xiong	Santa Clara, CA, United States	2017-06-10
Lihui Wang	Cupertino, CA, United States	2017-06-10
Rong He	San Jose, CA, United States	2017-06-10
li nong huang	San Jose, CA, United States	2017-06-10
Alexey Dmitriev	Cupertino, CA, United States	2017-06-10
Lidan Jiang	San Jose, CA, United States	2017-06-10
Zhaohui Meng	Cupertino, CA, United States	2017-06-10
Zhuozhuo Yang	Cupertino, CA, United States	2017-06-10
Li Li	Alamo, CA, United States	2017-06-10
Wenyong Du	Union City, CA, United States	2017-06-10
Hong Huang	San Jose, CA, United States	2017-06-10
Dongming Yao	Cupertino, CA, United States	2017-06-10
Shuyu Zou	San Jose, CA, United States	2017-06-10
Tracy Lu	San Jose, CA, United States	2017-06-10
Shenzhi Qiu	Milpitas, CA, United States	2017-06-10
Jinghui Guo	San Jose, CA, United States	2017-06-10
Hongfei Xu	Cupertino, CA, United States	2017-06-10
Jackie Yu	San Jose, CA, United States	2017-06-10
tong zheng	Saratoga, CA, United States	2017-06-10
Huiqiong Yang	San Jose, CA, United States	2017-06-10

Name	Location	Date
Qi Xu	Santa Clara, CA, United States	2017-06-10
Yujuan Cheng	Union City, CA, United States	2017-06-10
Sharon Yang	Saratoga, CA, United States	2017-06-10
Patrcia Chen	San Jose, CA, United States	2017-06-10
Ying Liang	San Jose, CA, United States	2017-06-10
Shu Yan	San Jose, CA, United States	2017-06-10
Xianzhen Cheng	Sacramento, CA, United States	2017-06-10
Qingfeng Huang	San Jose, CA, United States	2017-06-10
Jason Cui	sunnyvale, CA, United States	2017-06-10
Shirley Wu	Saratoga, CA, United States	2017-06-10
Y Cai	San Jose, CA, United States	2017-06-10
Zack Chen	San Jose, CA, United States	2017-06-10
Wei Sun	Saratoga, CA, United States	2017-06-10
Seismic li	San Jose, CA, United States	2017-06-10
Hong Yu	Cupertino, CA, United States	2017-06-10
Esther Lu	Cupertino, CA, United States	2017-06-10
Xiaotong He	Cupertino, CA, United States	2017-06-10
Xin Guo	Mountain View, CA, United States	2017-06-10
Jinhong Tong	Santa Clara, CA, United States	2017-06-10
Rui Xu	Cupertino, CA, United States	2017-06-10
Ying Tian	San Jose, CA, United States	2017-06-10
Wendy Li	San Jose, CA, United States	2017-06-10
Ling Zhang	Milpitas, CA, United States	2017-06-10
Weihua Lii	San Jose, CA, United States	2017-06-10
Pingping Xia	Cupertino, CA, United States	2017-06-10
Cindy Guo	Oakland, CA, United States	2017-06-10
Hong Liu	San Jose, CA, United States	2017-06-10
Ping Chen	Cupertino, CA, United States	2017-06-10
Jiafeng zhang	San Jose, CA, United States	2017-06-10
Chaohui Zhang	Cupertino, CA, United States	2017-06-10
lisa zeng	Cupertino, CA, United States	2017-06-10
Jing Shen	San Jose, CA, United States	2017-06-10

Name	Location	Date
Jessie Ma	Milpitas, CA, United States	2017-06-10
Shang Chang	Saratoga, CA, United States	2017-06-10
Li Wen	San Jose, CA, United States	2017-06-10
Yulissa L	Alamo, CA, United States	2017-06-10
Ying Yu	Santa Clara, CA, United States	2017-06-10
ka man ko	San Jose, CA, United States	2017-06-10
Yue zhuo	San Jose, CA, United States	2017-06-10
Sira Sudhindranath	San Jose, CA, United States	2017-06-10
Wenhai Zheng	Cupertino, CA, United States	2017-06-10
Nichole Ji	San Mateo, CA, United States	2017-06-10
Xiaohan Zhu	San Jose, CA, United States	2017-06-10
Minyu Cheng	Cupertino, CA, United States	2017-06-10
Lily wang	Oakland, CA, United States	2017-06-10
Wei Sun	Santa Clara, CA, United States	2017-06-10
Jing Hu	Fremont, CA, United States	2017-06-10
Dong-Hwi Lee	San Jose, CA, United States	2017-06-10
Yang Yang	San Jose, CA, United States	2017-06-10
Shi Chen	Cupertino, CA, United States	2017-06-10
Hong Yu	Los Altos, CA, United States	2017-06-10
Katherine Song	Stone Mountain, CA, United States	2017-06-10
XIUZHEN GAO	Cupertino, CA, United States	2017-06-11
Jane Zhao	San Jose, CA, United States	2017-06-11
Shiow wen lee	Cupertino, CA, United States	2017-06-11
Sherry Li	Cupertino, CA, United States	2017-06-11
jun ma	Cupertino, CA, United States	2017-06-11
Liren Du	Santa Clara, CA, United States	2017-06-11
Dan Li	San Jose, CA, United States	2017-06-11
Jenny Tai	San Jose, CA, United States	2017-06-11
Candice Tang	San Jose, CA, United States	2017-06-11
Jeff Law	Huntington Beach, CA, United States	2017-06-11
Lihong Pei	San Jose, CA, United States	2017-06-11
Ke Wei	Hayward, CA, United States	2017-06-11

Name	Location	Date
Wanchi So	Cupertino, CA, United States	2017-06-11
Nora Lang	Cupertino, CA, United States	2017-06-11
Joyce wang	Cupertino, CA, United States	2017-06-11
Haiying Ji	Hayward, CA, United States	2017-06-11
Guangjun Xu	Cupertino, CA, United States	2017-06-11
Hao Ji	Cupertino, CA, United States	2017-06-11
A Chang	Cupertino, CA, United States	2017-06-11
Cheng Yi Wang	Alamo, CA, United States	2017-06-11
Weiwan Liu	Santa Clara, CA, United States	2017-06-11
Qing Huang	Palo Alto, CA, United States	2017-06-11
Linda Liu	Santa Clara, CA, United States	2017-06-11
Kailing Zheng	San Jose, CA, United States	2017-06-11
lucy lu	Santa Clara, CA, United States	2017-06-11
Yunqing ma	San Jose, CA, United States	2017-06-11
Chanshu Lu	Santa Clara, CA, United States	2017-06-11
Jie Lin	Santa Clara, CA, United States	2017-06-11
Jun Yang	Cupertino, CA, United States	2017-06-11
sandeep akinaPELLI	Cupertino, CA, United States	2017-06-11
Yan Chen	Oakland, CA, United States	2017-06-11
Yan Han	Santa Clara, CA, United States	2017-06-11
liz Zhang	Cupertino, CA, United States	2017-06-11
Silvia Lopez	Santa Clara, CA, United States	2017-06-11
Julia Yang	San Jose, CA, United States	2017-06-11
Takahide Nishio	San Jose, CA, United States	2017-06-11
Kevin Nguyen	San Jose, CA, United States	2017-06-11
Sam Sun	San Jose, CA, United States	2017-06-11
Julianna Tu	Santa Clara, CA, United States	2017-06-11
Michael Zhang	Cupertino, CA, United States	2017-06-11
Ying Yan	Santa Clara, CA, United States	2017-06-11
Muni Madhhipatla	Santa Clara, CA, United States	2017-06-11
Miao Liu	Santa Clara, CA, United States	2017-06-11
Vijay Potluri	Santa Clara, CA, United States	2017-06-11

Name	Location	Date
Lily Yao	Hayward, CA, United States	2017-06-11
chun liu	San Jose, CA, United States	2017-06-11
Ming Sze	San Jose, CA, United States	2017-06-11
Christine Cheng	Cupertino, CA, United States	2017-06-11
Janice Carey	San Jose, CA, United States	2017-06-11
mark gray	San Jose, CA, United States	2017-06-11
Yigang Zhang	Santa Clara, CA, United States	2017-06-11
lin da zhao	San Jose, CA, United States	2017-06-11
Juan Li	San Jose, CA, United States	2017-06-11
Lu Zhang	San Jose, CA, United States	2017-06-11
yufen cheng	Campbell, CA, United States	2017-06-11
James Jan	San Jose, CA, United States	2017-06-11
Kristina Sablan	Cupertino, CA, United States	2017-06-11
Harry Zhao	San Jose, CA, United States	2017-06-11
Vinay Ponnaganti	San Jose, CA, United States	2017-06-11
Georgia Han	Cupertino, CA, United States	2017-06-11
Sheela Ponnaganti	San Jose, CA, United States	2017-06-11
Alan Penn	Cupertino, CA, United States	2017-06-11
Prasad Ponnaganti	San Jose, CA, United States	2017-06-11
Weidong Zhang	San Jose, CA, United States	2017-06-11
Weifang Xie	San Jose, CA, United States	2017-06-11
Yuxiang Zeng	Hinton, CA, United States	2017-06-11
bruni sablan	San Jose, CA, United States	2017-06-11
Kay Hsu	San Jose, CA, United States	2017-06-11
Xuan chen	San Jose, CA, United States	2017-06-11
Greg Sasaki	Santa Clara, CA, United States	2017-06-11
Huiling Liao	Cupertino, CA, United States	2017-06-11
Helen Hsu	San Jose, CA, United States	2017-06-11
Fanny Zhang	Cupertino, CA, United States	2017-06-11
Yashan Sun	San Jose, CA, United States	2017-06-11
kelvin le	Milpitas, CA, United States	2017-06-11
Annie Chiu	San Jose, CA, United States	2017-06-11

Name	Location	Date
Kannan Chellappa	San Jose, CA, United States	2017-06-11
xuemei lou	Cupertino, CA, United States	2017-06-11
Saisai Huang	Campbell, CA, United States	2017-06-11
Karen Clayton	San Jose, CA, United States	2017-06-11
Li Xu	Cupertino, CA, United States	2017-06-11
Dale Porter	San Jose, CA, United States	2017-06-11
Cheng Yi	圣克拉拉, CA, United States	2017-06-11
Cynthia Huang	San Jose, CA, United States	2017-06-11
maria yang	Sunnyvale, CA, United States	2017-06-11
Xixuan Wu	圣荷西, CA, United States	2017-06-11
Aishu Parsuram	San Jose, CA, United States	2017-06-11
Suresh Parsuram	Santa Clara, CA, United States	2017-06-11
Arihant Parsuram	San Jose, CA, United States	2017-06-11
Lilibeth Peterson	San Jose, CA, United States	2017-06-11
Madhav Asok	San Jose, CA, United States	2017-06-11
Siqing Wang	Sunnyvale, CA, United States	2017-06-11
Carolyn Bowman	Saratoga, CA, United States	2017-06-11
Hebatallah Saadeldeen	San Jose, CA, United States	2017-06-11
Hassan Wassel	San Jose, CA, United States	2017-06-11
Brian Yang	San Jose, CA, United States	2017-06-11
Tammy Mongelli	Sunnyvale, CA, United States	2017-06-11
David Fang	San Jose, CA, United States	2017-06-11
JERRY XU	Cupertino, CA, United States	2017-06-11
Sushma Shirish	Cupertino, CA, United States	2017-06-11
William Phillipson	San Jose, CA, United States	2017-06-11
Suzanne a'Becket	Cupertino, CA, United States	2017-06-11
steven shapiro	San Jose, CA, United States	2017-06-11
Kevin Huang	Cupertino, CA, United States	2017-06-11
Greg S.	Cupertino, CA, United States	2017-06-11
JUNGHAE LEE	San Jose, CA, United States	2017-06-11
Srinivasa Murthy	Cupertino, CA, United States	2017-06-11
yu ying	Plano, CA, United States	2017-06-11

Name	Location	Date
TIANXI ZHANG	Cupertino, CA, United States	2017-06-11
Alfred Yeung	San Leandro, CA, United States	2017-06-11
Di Mao	Santa Clara, CA, United States	2017-06-11
Dan Ramsauer	Cupertino, CA, United States	2017-06-11
Robert Meier	Santa Clara, CA, United States	2017-06-11
Pamela Hershey	Livermore, CA, United States	2017-06-11
Wayne Chin	Cupertino, CA, United States	2017-06-11
Y. Yu	Cupertino, CA, United States	2017-06-11
sandra yeaton	San Jose, CA, United States	2017-06-11
John Paul	Cupertino, CA, United States	2017-06-11
Joel Adam	Cupertino, CA, United States	2017-06-11
Yuan Lin	Santa Clara, CA, United States	2017-06-11
Lenora Heuchert	San Francisco, CA, United States	2017-06-11
Cathy Helgerson	Cupertino, CA, United States	2017-06-11
Keying Bi	Santa Clara, CA, United States	2017-06-11
Pravin Fulay	Sunnyvale, CA, United States	2017-06-11
Jessica Mao	Cupertino, CA, United States	2017-06-11
Aashika Jain	Visakhapatnam, , India	2017-06-11
carolyn massey	Quincy, IL, United States	2017-06-11
Shawn Streeby	San Jose, CA, United States	2017-06-11
Eric Smoker	San Jose, CA, United States	2017-06-11
Lin Tsai	San Jose, CA, United States	2017-06-11
yilei li	Cupertino, CA, United States	2017-06-11
Jackson Ding	San Jose, CA, United States	2017-06-11
Stan Soles	San Jose, CA, United States	2017-06-11
benjamin reed	San Jose, CA, United States	2017-06-11
Kathy Smith	San Jose, CA, United States	2017-06-11
Margaret Lund	San Francisco, CA, United States	2017-06-11
Kelly Wang	Grand Prairie, CA, United States	2017-06-11
bing tian	Dublin, CA, United States	2017-06-11
Karen Yee	Saratoga, CA, United States	2017-06-11
Nicole Woon	Cupertino, CA, United States	2017-06-11

Name	Location	Date
Nancy Algas	Campbell, CA, United States	2017-06-12
Mary Raby	Cupertino, CA, United States	2017-06-12
yue wang	Cupertino, CA, United States	2017-06-12
Feng Xu	San Jose, CA, United States	2017-06-12
John Ho	Santa Clara, CA, United States	2017-06-12
Naresh Ambati	Cupertino, CA, United States	2017-06-12
yh wang	San Jose, CA, United States	2017-06-12
Norton Cai	Santa Clara, CA, United States	2017-06-12
Tanupa Thaker	Santa Clara, CA, United States	2017-06-12
Jennifer Strohfus	Santa Clara, CA, United States	2017-06-12
HongLing Jin	Cupertino, CA, United States	2017-06-12
Marjorie Faucher	Menlo Park, CA, United States	2017-06-12
Kathleen Heinkel	San Jose, CA, United States	2017-06-12
Yongmei Xue	Cupertino, CA, United States	2017-06-12
Yuquan Tian	Santa Clara, CA, United States	2017-06-12
Fred Brumand	Cupertino, CA, United States	2017-06-12
Ou Yang	Santa Clara, CA, United States	2017-06-12
Mina Benchorin	Cupertino, CA, United States	2017-06-12
Joan Ow	Cupertino, CA, United States	2017-06-12
Heidi Wong	Oakland, CA, United States	2017-06-12
Qiaolin Zhang	Sunnyvale, CA, United States	2017-06-12
Dongping Wu	San Jose, CA, United States	2017-06-12
Vincent Wang	Santa Clara, CA, United States	2017-06-12
Nicholas Algas-Sasaki	Fremont, CA, United States	2017-06-12
Shannon McGinnis	San Jose, CA, United States	2017-06-12
Sherilyn Swan	Campbell, CA, United States	2017-06-12
Linda Hu	San Jose, CA, United States	2017-06-12
Yuechuan She	Sunnyvale, CA, United States	2017-06-12
Di Xie	Cupertino, CA, United States	2017-06-12
Yufei Zhu	圣克拉拉, CA, United States	2017-06-12
Jing Wang	Fremont, CA, United States	2017-06-12
Wei Zhang	San Francisco, CA, United States	2017-06-12

Name	Location	Date
Tsunglun Yu	Cupertino, CA, United States	2017-06-12
Vidya Gundurao	Cupertino, CA, United States	2017-06-12
Johnlee Fan	Cupertino, CA, United States	2017-06-12
Lefan Zhong	San Jose, CA, United States	2017-06-12
Shalini Balaramagupta	Cupertino, CA, United States	2017-06-12
Jiao Yu	Santa Clara, CA, United States	2017-06-12
pushpa khatod	Cupertino, CA, United States	2017-06-12
Michael Chaba	San Jose, CA, United States	2017-06-12
Sowmya Subramaniam	Milpitas, CA, United States	2017-06-12
Urs Mader	Cupertino, CA, United States	2017-06-12
Ming Guo	Cupertino, CA, United States	2017-06-12
Peiyong Huang	San Jose, CA, United States	2017-06-12
Elaine chang	Saratoga, CA, United States	2017-06-12
Rui Wang	San Jose, CA, United States	2017-06-12
Lu Wang	Cupertino, CA, United States	2017-06-12
Aseem vaid	Saratoga, CA, United States	2017-06-12
Ritesh Biltheria	Santa Clara, CA, United States	2017-06-12
david wang	Saratoga, CA, United States	2017-06-12
Cathy Xu	San Jose, CA, United States	2017-06-12
Poonam Pandey	San Jose, CA, United States	2017-06-12
Jin Song	Saratoga, CA, United States	2017-06-12
Thomas Posey	Santa Clara, CA, United States	2017-06-12
Leah Rich	San Jose, CA, United States	2017-06-12
Bo Yu	San Jose, CA, United States	2017-06-12
Wei Chen	San Jose, CA, United States	2017-06-12
H Huang	Saratoga, CA, United States	2017-06-12
ping ding	Cupertino, CA, United States	2017-06-12
Cathy Walsh	San Jose, CA, United States	2017-06-12
Bin Chen	Oakland, CA, United States	2017-06-12
Shantanu Patwardhan	Cupertino, CA, United States	2017-06-12
Usha Jay	Santa Clara, CA, United States	2017-06-12
Xiang Zhao	San Jose, CA, United States	2017-06-12

Name	Location	Date
Ping Li	San Jose, CA, United States	2017-06-12
Qian Huang	Milpitas, CA, United States	2017-06-12
Tanya Blodget	Santa Clara, CA, United States	2017-06-12
Christine Jin	Cupertino, CA, United States	2017-06-12
Yan Meng	Cupertino, CA, United States	2017-06-12
Sandra Cardoza	Stockton, CA, United States	2017-06-12
Jamie Zahraie	Santa Clara, CA, United States	2017-06-12
Jun Tong	San Jose, CA, United States	2017-06-12
Kira Nickel	Saratoga, CA, United States	2017-06-12
Ling Liu	Sunnyvale, CA, United States	2017-06-12
Xinhua Wang	Cupertino, CA, United States	2017-06-12
Shirish Seetharam	Cupertino, CA, United States	2017-06-12
Leana Wen	San Jose, CA, United States	2017-06-12
Yao pu	Santa Clara, CA, United States	2017-06-12
Qian Ma	San Jose, CA, United States	2017-06-12
Shih yu liu	Cupertino, CA, United States	2017-06-12
Jane Wang	Cupertino, CA, United States	2017-06-12
Hairong Kuang	Sunnyvale, CA, United States	2017-06-12
Patricia Burke	Santa Clara, CA, United States	2017-06-12
Howard Myers	Santa Clara, CA, United States	2017-06-12
steve johnson	Santa Clara, CA, United States	2017-06-12
Eav Kor	San Jose, CA, United States	2017-06-12
Raman M.	San Jose, CA, United States	2017-06-12
Jodi Martinez	Santa Clara, CA, United States	2017-06-12
Yong Qin	San Jose, CA, United States	2017-06-12
Lori Ventura	Santa Clara, CA, United States	2017-06-12
Xiangquan Li	San Jose, CA, United States	2017-06-12
Glenn Yamaguchi	Santa Clara, CA, United States	2017-06-12
Lily chen	Oakland, CA, United States	2017-06-12
Murayama Hiromi	Los Gatos, CA, United States	2017-06-12
Anders Hudson	Campbell, CA, United States	2017-06-12
pingli huang	San Diego, CA, United States	2017-06-12

Name	Location	Date
savita chari	San Francisco, CA, United States	2017-06-12
shuqing Ma	San Jose, CA, United States	2017-06-12
John Cutinha	San Jose, CA, United States	2017-06-12
Rasesh Mugatwala	San Jose, CA, United States	2017-06-12
Katharine Shiimoto	Santa Clara, CA, United States	2017-06-12
Gina Dinh	Santa Clara, CA, United States	2017-06-12
Zhiping Liu	Mountain View, CA, United States	2017-06-12
Lori Castro	Cupertino, CA, United States	2017-06-12
ellyn scarcella	Edgewater, FL, United States	2017-06-12
padmini angajala	Santa Clara, CA, United States	2017-06-12
X Yang	Mountain View, CA, United States	2017-06-12
Nancy Roberts	Denver, CA, United States	2017-06-12
ying Huang	Santa Clara, CA, United States	2017-06-12
Virginia Tamblyn	Saratoga, CA, United States	2017-06-12
Joshua Scott	Campbell, CA, United States	2017-06-12
Milan Karangutkar	Milpitas, CA, United States	2017-06-12
John Moore	Cupertino, CA, United States	2017-06-12
David Moore	Cupertino, CA, United States	2017-06-12
Trevor Moore	Cupertino, CA, United States	2017-06-12
Jing Sun	Sunnyvale, CA, United States	2017-06-12
Bingxi Wood	San Jose, CA, United States	2017-06-12
Greg Kopczynski	Palo Alto, CA, United States	2017-06-12
Brian Darby	Alamo, CA, United States	2017-06-12
Faye Guercio	San Jose, CA, United States	2017-06-12
Linda Wang	Sunnyvale, CA, United States	2017-06-12
Emilie Kriech	Pleasanton, CA, United States	2017-06-12
Stephanie Franco	San Jose, CA, United States	2017-06-12
Ronaele Long-Fijak	San Jose, CA, United States	2017-06-12
Ann Heile	Santa Clara, CA, United States	2017-06-12
Muzhou Shao	San Jose, CA, United States	2017-06-12
Tingting Zeng	Cupertino, CA, United States	2017-06-12
Ann Miller	San Jose, CA, United States	2017-06-13

Name	Location	Date
william pursell	San Jose, CA, United States	2017-06-13
Art Collins	San Jose, CA, United States	2017-06-13
Debbie danluck	San Jose, CA, United States	2017-06-13
Eri Baker	Santa Clara, CA, United States	2017-06-13
Lisa Helmonds	San Jose, CA, United States	2017-06-13
R R	El Dorado County, CA, United States	2017-06-13
Eleanor Feng	Cupertino, CA, United States	2017-06-13
Jon Willey	Cupertino, CA, United States	2017-06-13
Elaine Becker	Roanoke, VA, United States	2017-06-13
Graciela Huth	Los Angeles, CA, United States	2017-06-13
June Lange	Campbell, CA, United States	2017-06-13
Jeanine Peek	Santa Clara, CA, United States	2017-06-13
Liana Crabtree	Turlock, CA, United States	2017-06-13
Lily Huang	Santa Clara, CA, United States	2017-06-13
Brett Klynn	San Jose, CA, United States	2017-06-13
Yujung Chang	Cupertino, CA, United States	2017-06-13
Ta-Ko Chuang	San Jose, CA, United States	2017-06-13
Seth Emerson	San Jose, CA, United States	2017-06-13
Edwin Kang	Cupertino, CA, United States	2017-06-13
Xiping Huo	San Jose, CA, United States	2017-06-13
Ed Chan	San Jose, CA, United States	2017-06-13
Anna Maria Kawuryan	Falls Church, VA, United States	2017-06-13
Chris Scholl	Asbury Park, NJ, United States	2017-06-13
larry wooding	South Bend, IN, United States	2017-06-13
Rattehalli Sudesh	Cupertino, CA, United States	2017-06-13
Valerie Low	San Jose, CA, United States	2017-06-13
Debra Pursell	San Jose, CA, United States	2017-06-13
Kang Mihwa	Cupertino, CA, United States	2017-06-13
Elizabeth Stannard	Santa Clara, CA, United States	2017-06-13
Barbara Kastner	Santa Clara, CA, United States	2017-06-13
Anita Virshup	Cupertino, CA, United States	2017-06-13
Thomas Helmonds	San Jose, CA, United States	2017-06-13

Name	Location	Date
Kathy Cheng	San Jose, CA, United States	2017-06-13
akshay thota	San Diego, CA, United States	2017-06-13
Dana Radman	Dallas, TX, United States	2017-06-13
Gordon Perry	San Jose, CA, United States	2017-06-13
Tony Clark	San Jose, CA, United States	2017-06-13
Bob Balsley	San Jose, CA, United States	2017-06-13
Louis Helmonds	Milpitas, CA, United States	2017-06-13
Changdee Wang	Cupertino, CA, United States	2017-06-13
Preetha Sheshadri	Santa Clara, CA, United States	2017-06-13
Ranjit Kumar	San Jose, CA, United States	2017-06-13
KUMAR PRABHAT	San Jose, CA, United States	2017-06-13
Ruogu Liu	森尼 " ", CA, United States	2017-06-13
James Clark	San Jose, CA, United States	2017-06-13
Deborah Clark	San Jose, CA, United States	2017-06-13
melanie ingler	San Jose, CA, United States	2017-06-13
Agnes Fu	San Jose, CA, United States	2017-06-13
Hank Vanderhulst	San Jose, CA, United States	2017-06-13
Steven Wien	San Jose, CA, United States	2017-06-13
Hope Samuel	Santa Clara, CA, United States	2017-06-13
Edward Atlas	Chico, CA, United States	2017-06-13
Matthew Bien	San Jose, CA, United States	2017-06-13
Balaji Seshachalam	San Jose, CA, United States	2017-06-13
Gerald Kozina	Cupertino, CA, United States	2017-06-13
Grahame Cooney	Cupertino, CA, United States	2017-06-13
Gregory Atlas	Santa Clara, CA, United States	2017-06-13
Jingjun Shu	San Jose, CA, United States	2017-06-13
Mike Hunt	Somerset, NJ, United States	2017-06-14
Greg Gerson	San Jose, CA, United States	2017-06-14
eileen flynn	Las Vegas, NV, United States	2017-06-14
Grace Amarante	San Jose, CA, United States	2017-06-14
Uma Gouru	Cupertino, CA, United States	2017-06-14
Brian Wang	Fremont, CA, United States	2017-06-14

Name	Location	Date
Anne Burris	San Leandro, CA, United States	2017-06-14
Murugesan Guruswamy	San Jose, CA, United States	2017-06-14
yuanyuan sun	Cupertino, CA, United States	2017-06-14
Nancy Andersen	Saratoga, CA, United States	2017-06-14
David Kiang	San Jose, CA, United States	2017-06-14
Sindhu Anand	San Jose, CA, United States	2017-06-14
Sen Dharmadas	San Jose, CA, United States	2017-06-14
Frank Grasso	San Jose, CA, United States	2017-06-14
Smita Joshi	Saratoga, CA, United States	2017-06-14
Randy Helmonds	San Jose, CA, United States	2017-06-14
Deanna Forsythe	San Mateo, CA, United States	2017-06-14
Jessica Mateja	Santa Clara, CA, United States	2017-06-14
Joan Yuan	Cupertino, CA, United States	2017-06-14
Sigrid Wehner	Cupertino, CA, United States	2017-06-14
Cathy Gast Feroe	San Anselmo, CA, United States	2017-06-14
Maria Streeby	San Jose, CA, United States	2017-06-14
Michael Vargas	San Jose, CA, United States	2017-06-14
Hang Li	San Jose, CA, United States	2017-06-14
Mary Ellen Chell	Cupertino, CA, United States	2017-06-14
Reginald Holloway	Buffalo, NY, United States	2017-06-14
mike Perry	San Jose, CA, United States	2017-06-14
RaeAnn Moldenhauer	Cupertino, CA, United States	2017-06-14
Sandra Lee	Cupertino, CA, United States	2017-06-15
Patrica Carlin	Campbell, CA, United States	2017-06-15
sada hebbal	San Jose, CA, United States	2017-06-15
Olga Fedorova	Sunnyvale, CA, United States	2017-06-15
CHINGYAO LIU	San Jose, CA, United States	2017-06-15
Win Ma	San Jose, CA, United States	2017-06-15
Arvind Kumar	San Jose, CA, United States	2017-06-15
robert colver	San Jose, CA, United States	2017-06-15
Pengyue Wen	San Jose, CA, United States	2017-06-15
Debra Sparks	Santa Clara, CA, United States	2017-06-15

Name	Location	Date
Emily LaScola	Saratoga, CA, United States	2017-06-15
Stan Young	Santa Clara, CA, United States	2017-06-15
Shelly Monfort	Saratoga, CA, United States	2017-06-15
Sandra Vaurs	San Leandro, CA, United States	2017-06-15
Ravi Vemuri	Houston, TX, United States	2017-06-15
Sudha Sundaresh	Cupertino, CA, United States	2017-06-15
Martha Gregory	San Jose, CA, United States	2017-06-16
Wayne Wu	Cupertino, CA, United States	2017-06-16
Elena Gurzhi	Cupertino, CA, United States	2017-06-16
Tim Coad	Cupertino, CA, United States	2017-06-16
Carol Puckett	Cupertino, CA, United States	2017-06-16
ramamurthy kumar	Cupertino, CA, United States	2017-06-16
Wende Li	San Jose, CA, United States	2017-06-16
Xiang Zhou	San Mateo, CA, United States	2017-06-16
Ed Luna	San Jose, CA, United States	2017-06-16
Linda Darnall	Santa Clara, CA, United States	2017-06-16
julie joyce	Cupertino, CA, United States	2017-06-16
Victoria Lau	Cupertino, CA, United States	2017-06-16
Arlene Kupitz	Mountain View, CA, United States	2017-06-16
Amit Raikar	Campbell, CA, United States	2017-06-16
T Wu	San Jose, CA, United States	2017-06-16
Beena Cherian	Cupertino, CA, United States	2017-06-16
jia dong	Santa Clara, CA, United States	2017-06-16
Sue Fung	Cupertino, CA, United States	2017-06-16
Marsha Trask	Cupertino, CA, United States	2017-06-16
Delia Cannon	Santa Clara, CA, United States	2017-06-16
Suzanne Carlos	San Jose, CA, United States	2017-06-16
Sun Lee	Cupertino, CA, United States	2017-06-16
Margaret Keenan	San Jose, CA, United States	2017-06-16
Tina Ling	San Francisco, CA, United States	2017-06-16
Lili Li	San Francisco, PA, United States	2017-06-16
Veronica Zea	Milpitas, CA, United States	2017-06-16

Name	Location	Date
Lisa Riland	Santa Clara, CA, United States	2017-06-16
Paula Cacciola	San Jose, FL, United States Minor Outlying Islands	2017-06-16
W. Zuo	Colchester, CA, United States	2017-06-17
Jie He	San Jose, CA, United States	2017-06-17
Richard Hofman	San Jose, CA, United States	2017-06-17
Sheryl LaClair	San Jose, CA, United States	2017-06-17
Katelyn Coburn	San Francisco, CA, United States	2017-06-17
Tom Blazek	Santa Clara, CA, United States	2017-06-17
Andreana Leung	Cupertino, CA, United States	2017-06-17
Joan Chin	Cupertino, CA, United States	2017-06-17
Michael Cooper	Seattle, WA, United States	2017-06-17
Don Duc	Oakland, CA, United States	2017-06-17
Wei Li	San Jose, CA, United States	2017-06-17
Elizabeth White	San Jose, CA, United States	2017-06-17
Xiaomei Guan	San Jose, CA, United States	2017-06-17
Heather Rose	Campbell, CA, United States	2017-06-17
Maureen Connolly	San Jose, CA, United States	2017-06-17
John Steele	Sunnyvale, CA, United States	2017-06-17
Lloyd Bass	San Jose, CA, United States	2017-06-17
david peters	San Jose, CA, United States	2017-06-17
XU DAI	Alamo, CA, United States	2017-06-17
Sandi Strouse	San Jose, CA, United States	2017-06-17
R Tragni	San Jose, CA, United States	2017-06-17
Darlene Brannen	San Jose, CA, United States	2017-06-17
Tom McQuillen	Sunnyvale, CA, United States	2017-06-17
Lucy Logan	San Jose, CA, United States	2017-06-17
Bette Linderman	San Jose, CA, United States	2017-06-17
Lisa Beam	San Jose, CA, United States	2017-06-17
Patricia Ruiz	San Jose, CA, United States	2017-06-17
Cathy Kawakami	San Jose, CA, United States	2017-06-18
Colleen Howell	San Jose, CA, United States	2017-06-18

Name	Location	Date
Joan Meade	San Jose, CA, United States	2017-06-18
Alison Riseley	San Jose, CA, United States	2017-06-18
Hubert Yu	San Jose, CA, United States	2017-06-18
Yolanda Reynolds	San Jose, CA, United States	2017-06-18
Linda McGreevy	Santa Clara, CA, United States	2017-06-18
Christin Montross	Saratoga, CA, United States	2017-06-18
Rocco Souza	San Jose, CA, United States	2017-06-18
Marcie Soderquist	Pico Rivera, CA, United States	2017-06-18
Doreen villemaire	San Jose, CA, United States	2017-06-18
Denise Perez	Santa Clara, CA, United States	2017-06-18
Roselynn Sevilla-Golshan	Saratoga, CA, United States	2017-06-18
Wendy Penunuri	San Jose, CA, United States	2017-06-18
Melanie Earhart	Pomona, CA, United States	2017-06-18
Caroline Marley	San Jose, CA, United States	2017-06-18
Maria Frank	San Jose, CA, United States	2017-06-18
syeda iqbal	Paramount, CA, United States	2017-06-18
Robert Sevilla	San Jose, CA, United States	2017-06-18
Steven Fisher	Norristown, PA, United States	2017-06-18
Shirlene Foydl	Vallejo, CA, United States	2017-06-18
Diana Adams	San Jose, CA, United States	2017-06-18
STACY GRENIER	Massapequa, NY, United States	2017-06-18
Rita Benton	Saratoga, CA, United States	2017-06-18
Motoko Toba	San Jose, CA, United States	2017-06-18
Chris Huber	San Jose, CA, United States	2017-06-19
Kay Lau	Cupertino, CA, United States	2017-06-19
Abdelwahab Bourai	Pittsburgh, PA, United States	2017-06-19
Qi Yang	Cupertino, CA, United States	2017-06-19
Jenifer Jurasek	San Jose, CA, United States	2017-06-19
Robert Donnan	Oakland, CA, United States	2017-06-19
Karen Scoffone	San Jose, CA, United States	2017-06-19
Jenny Chiu	San Leandro, CA, United States	2017-06-19
Liana Bekakos	San Jose, CA, United States	2017-06-19

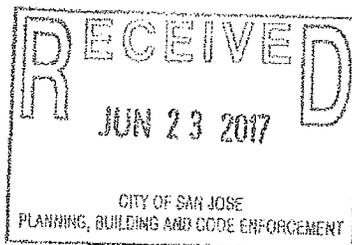
Name	Location	Date
Bello Frank	San Jose, CA, United States	2017-06-19
J Zertuche	Stanford, CA, United States	2017-06-19
Arthur Kulakow	San Jose, CA, United States	2017-06-19
Diana Wai	Santa Clara, CA, United States	2017-06-20
Alex Mayers	Cupertino, CA, United States	2017-06-20
Leslie Krause	Campbell, CA, United States	2017-06-20
Frances Lim	San Jose, CA, United States	2017-06-20
m h	El Paso, TX, United States	2017-06-20
Bill Zahrt	San Jose, CA, United States	2017-06-20
Jo Ann Vanni-McArdle	Cupertino, CA, United States	2017-06-20
Feng Wen	San Jose, CA, United States	2017-06-21
Julie Martin	North Prairie, WI, United States	2017-06-21
Lynette Agueda	Ceres, CA, United States	2017-06-21
Steve Dakota	Sacramento, CA, United States	2017-06-21
Diana Dong	Santa Clara, CA, United States	2017-06-21
Zhuo Zhang	San Jose, CA, United States	2017-06-21
Lawrence Siders	Cupertino, CA, United States	2017-06-21
janet tepolt	Warwick, RI, United States	2017-06-21
Daisy Sheikh	College Station, TX, United States	2017-06-21
Brian Still	San Jose, CA, United States	2017-06-21
Ekaterina Gurzhi	Cupertino, CA, United States	2017-06-22
william liu	cupertino, CA, United States	2017-06-22
Annie Boyle	Daly City, CA, United States	2017-06-22
Stephanie Brannon	Davis, CA, United States	2017-06-22
Dean Bourdens	San Jose, CA, United States	2017-06-22
Seraphina Lam	Cupertino, CA, United States	2017-06-22
Ellia La	Sunnyvale, CA, United States	2017-06-22
Jonathan Lin	Cupertino, CA, United States	2017-06-22
Mitchell Dang	Alamo, CA, United States	2017-06-22
Mingchu Wu	San Jose, CA, United States	2017-06-22
Romina Shafikhani	Oakland, CA, United States	2017-06-22
david taggart	Woodbridge, VA, United States	2017-06-22

Name	Location	Date
Michael Rosito	San Jose, CA, United States	2017-06-22
Eleanor Traeg	San Jose, CA, United States	2017-06-22
Prashant Tomar	Cupertino, CA, United States	2017-06-22
Jaynee Lee	Cupertino, CA, United States	2017-06-22
Yong Teng	Santa Clara, CA, United States	2017-06-22
Linda Zazzara	Milpitas, CA, United States	2017-06-22
Frederick Patton	San Jose, CA, United States	2017-06-23
Deborah Vanni	Sunnyvale, CA, United States	2017-06-23
Lin Zhou	San Jose, CA, United States	2017-06-23
Mike M.	Brooklyn, NY, United States	2017-06-23
Hana Blazek	Santa Clara, CA, United States	2017-06-23
C B	Santa Cruz, CA, United States	2017-06-23
Govind Tatachari	Cupertino, CA, United States	2017-06-23
Tom Vanni	Mountain View, CA, United States	2017-06-23
JHS Meier	Santa Clara, CA, United States	2017-06-23
Shelby Owensby	Rancho Cordova, CA, United States	2017-06-23
Tom Chavez	Sunnyvale, CA, United States	2017-06-23
tara roosta	Santa Clara, CA, United States	2017-06-23
Sharon Repenning	Santa Clara, CA, United States	2017-06-23
Albert Hwang	Cupertino, CA, United States	2017-06-23
sheng tseng	Cupertino, CA, United States	2017-06-24
Naichuan Nadkarni	Cupertino, CA, United States	2017-06-24
Boris Zanvel	Santa Clara, CA, United States	2017-06-24
Anusha Nalluri	Cupertino, CA, United States	2017-06-24
Elaine Nozolino	Kill Devil Hills, NC, United States	2017-06-24
Kalyan Pudukollu	Santa Clara, CA, United States	2017-06-24
Amy Van Hook	Santa Clara, CA, United States	2017-06-24
ANJANA RATHNAKARAN	Cupertino, CA, United States	2017-06-24
Susan Horvath	Santa Clara, CA, United States	2017-06-24
David McWalters	Santa Clara, CA, United States	2017-06-24
Rick Challman	Cupertino, CA, United States	2017-06-24
PEI-TING CHUNG	Cupertino, CA, United States	2017-06-25

Name	Location	Date
Ron Garcia	San Jose, CA, United States	2017-06-25
Martin Won	Cupertino, CA, United States	2017-06-25
Karen Gentile	Milpitas, CA, United States	2017-06-25
Cynthia Graham	San Jose, CA, United States	2017-06-25
Gary Virshup	Cupertino, CA, United States	2017-06-25

Robert Pesich
1468 Mallard Way
Sunnyvale, CA 94087
robert.pesich@gmail.com

Department of Planning
Building and Code Enforcement
Att. Leila Hakimzadeh
200 East Santa Clara Street
3rd Floor
San Jose, CA 95113



Dear Leila Hakimzadeh,

I write this letter in response to The Winchester and SRVF Urban Village Plan (GP17-008) as property owner for 1360 Essex Way, San Jose, 95117, assessor's parcel number 305-07-011.

I have not received any documentation describing whether or not properties on Essex Way and the immediate environment will be subject to imminent domain action by the City of San Jose to advance the proposals described in GP17-008. Nor can I find any information regarding this subject in the pages at the following address: <http://www.sanjoseca.gov/index.aspx?NID=3795>. Other addresses yield no clues on the subject. Therefore, I reject GP17-008.

Please note that the residents (four families) at the aforementioned location enjoy below-market rent, my effort to provide affordable housing in a very expensive market. Our concern is the City of San Jose will claim the properties, forcing everyone to move and likely experience greater economic hardships.

If you have additional information on this matter, please email me at robert.pesich@gmail.com or you can call 408.464.2836.

Thank you for your time and effort.



Robert Pesich

Challenge & Objection regarding Winchester & SRVF Urban Village Plans

Sasha Pesic <spesic@gmail.com>

Tue 6/27/2017 2:18 PM

To: Hakimizadeh, Leila <Leila.Hakimizadeh@sanjoseca.gov>;

Cc: Alex and Jenny Pesic <jennypesic@gmail.com>;

To:

Leila Hakimizadeh
Planning Division Manager
City of San Jose

Re: File Number GP17-008 and the property located at:
1396 Essex Way
San Jose, CA 95117

Dear Ms. Hakimizadeh,

My wife and I are the owners of the 4-Plex located at 1396 Essex Way, which is in our trust. My wife and I are the trustees (Alexander and Jagoda J Pesic, listed in city records as "Pesic, Alexander and Jagoda J Trustee"). I am 88 years old. My wife is 74 years old. We are both retired and our rental property is the source of our income.

Our understanding is that the Urban Village Plan referenced above contemplates the demolition of our property, which will have a devastating impact on our livelihood.

We challenge the Urban Village Plan on the following grounds:

- (1) As the owner of the property, we were not provided any notice by the Planning Commission or the City Council or any other agency regarding the Urban Village Plan and its impact on our property. We only learned about it from other residents on Essex Way.
- (2) Without proper notice, we have been denied our due process rights to contest the Urban Village Plan. We have no intention of selling our property and have not been informed of any process to contest it other than a one-page flier that states: "If you choose to challenge these changes to the General Plan decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing."
- (3) Even this above-quoted notice is deficient as it doesn't state to whom the written correspondence should be addressed or what form the written correspondence should be in.

As you are the only person identified on the flier and the only address for you is an email address, I am sending you this email as our formal notice that we challenge the Urban Village Plan as to 1396 Essex Way. This is a timely notice as I am sending it to you prior to the City Council Hearing scheduled for this evening at 6:00 pm at City Hall.

Sincerely,

Alexander Pesic



June 20, 2017

Councilmember Chappie Jones
San Jose City Hall
200 E. Santa Clara Street, 18th Floor
San Jose, California 95113

RE: 741 South Winchester Land Use Designation

Dear Councilmember Jones:

As you know, I have been attending many of the monthly meetings that the Winchester Advisory Group has held over the past 2 years. I have consistently stated in person and via letters to your office and the Advisory Group that the parcel we own at 741 S. Winchester should have a land use designation that allows for the development of multifamily residential.

Under the currently proposed Urban Village Plan our site would be restricted from developing residential uses. In fact, it would essentially only allow for development of office use. Having that amount of office space next to a low-rise single family neighborhood does not make practical sense. The fact that there is very little public transportation to the site means that office development would have a *greater impact on traffic than multifamily residential*. The recent revelation that Google is planning to develop a massive campus at Diridon Station in downtown San Jose, which is close to public transportation, is a much better alternative.

The Winchester Corridor Advisory Group spent two years and countless hours developing a feasible plan for the area. Their recommendation is that our site and the site to our south maintain some sizable residential development component. I urge you to follow their recommendation and propose and approve a rezoning plan that allows substantial residential component on our property.

Residential use at this site will assist in supporting the existing and future retail/commercial in the area including Santana Row, creating a truly cohesive and well-functioning urban village.

Thanks for your tireless efforts these many months initiating the study group. I hope that you are able to incorporate my comments into your recommendation for residential development as an allowed land use at 741 S. Winchester.

Sincerely,

A handwritten signature in black ink, appearing to read 'Glen Ceridono', written in a cursive style.

Glen Ceridono
SVP SyRES Properties LLC

CC: Leila Hakimaizadeh, SJ Planning

6/6/2017

Mail - Leila.Hakimizadeh@sanjoseca.gov

Winchester Urban Village

Natalie Heling <natalie.heling@gmail.com>

Wed 5/31/2017 2:00 PM

To: Hakimizadeh, Leila <Leila.Hakimizadeh@sanjoseca.gov>;

Hello Ms. Hakimizadeh,

I live on the corner of Lindenoaks Drive and Eden Ave. (849 Eden Ave. on the west side of the street) in San Jose. As I see from one of your maps, the boundary for the Winchester Urban Village development goes right down Eden Ave. and would impact properties directly across the street from me.

Does this mean that properties within those boundaries would eventually be taken by Eminent Domain? What is the time frame for this development?

I have also heard that the boundary has been expanded to include both sides of Eden Ave. or more. Is that correct? I am also wondering why most of Riddle Rd. and most of the properties on Moorpark between Eden and Winchester are not included.

I did attend the March 30th meeting at the ICC, but due to a vision problem was not able to see the exact boundaries.

I have left a message on your answering machine as well. I would appreciate very much your getting back to me at your earliest convenience.

Thank you.

Natalie Heling,
Member, Lynhaven Neighborhood Association

Good evening, Mayor Liccardo, Vice Mayor Carrasco and Councilmembers.

My name is Laura Tolkoff and I am the San Jose Policy Director for SPUR. SPUR authored a white paper about mobility in the Santana Row/ Valley Fair Urban Village Area with participation from Federal Realty and Westfield in 2015, worked extensively with staff and community leaders on the development of the plan, and provided detailed comments to Planning Commission in May.

We understand that the plans cannot be adopted tonight. In the next month, we think it is important to:

Continue strengthening the implementation framework for urban village plans in a way that allows for balanced growth of both housing and jobs. This includes:

- Adopting the zoning for both commercial and mixed-use development for the entire plan area, which would remove a key barrier to timely housing production.
- Analyzing the feasibility of the overall set of fees that projects are subject to on a regular basis and phasing them in in such a way that promotes growth in the central San Jose area and near transit. Now more than ever, it is particularly important to increase housing production in the areas that are within a short walk, bike ride or transit trip to Diridon and downtown.
- Provide greater specificity about the amenities that would be negotiated upon condition of approval, and about who is responsible for key implementation tasks.

In addition, we are a strong supporter of affordable housing and take a multi-pronged approach to our housing supply problem.

We appreciate that the Council directed staff to take an inventory and estimate how many units are needed to meet the 25% goal. We think that this is a strong goal is appropriate and caution that this should not be made a requirement. If the requirement is set too high and a development is deemed to be infeasible, then neither market-rate nor affordable housing will be created. If supply is not significantly increased, there is a risk that housing prices in San Jose will continue to rise. We need both market-rate and affordable housing in order to bring housing costs down.

Thank you for your consideration and we look forward to working with you.



LAW FOUNDATION of Silicon Valley

Law Foundation of Silicon Valley

152 North Third Street, 3rd Floor

San Jose, California 95112

Fax (408) 293-0106 • Telephone (408) 280-2435 • TDD (408) 294-5667

June 27, 2017

SENT VIA ELECTRONIC MAIL:

Via Electronic Mail

San José City Council

San José City Hall

200 East Santa Clara Street

San José, CA 95113

**Re: City Council Meeting, June 27, 2017
Agenda Items 10.5 and 10.6, Winchester and Santana Row/Valley Fair/Stevens Creek
Urban Village Plans**

Dear Mayor, Vice Mayor, and Council Members:

The Law Foundation appreciates this opportunity to comment on the proposed urban village plans before Council this evening. We are grateful to staff's considerable work and the community's input in developing these plans. However, we are concerned that, without amendment, the current plans will not achieve the 25% percent housing affordability goals in urban villages and that development pressures will continue to displace lower-income residents from their homes.

We urge the Council to reaffirm its goal of 25% affordable housing production in these urban villages and require higher inclusionary percentages for future developments. The Housing Department estimates that to achieve this 25% production goal, in Winchester, for example, over 30% inclusionary will be required for the remaining developments and 35% inclusionary will be required for Santana Row/Valley Fair. (See Supplemental Memorandum from Jacky Morales-Ferrand to Mayor and Council, Winchester and Santana Row/Valley Fair Urban Village Plan Baseline Affordable Housing Stock Analysis, June 26, 2017, "Planned Housing," pp. 4 and 8.)

We continue to be concerned that the City is not adequately addressing the displacement pressures that residents face in urban villages and citywide. We, again, urge the Council to adopt the most robust anti-displacement policies to promote equity, stability and diversity in our neighborhoods.

Thank you for considering the Law Foundation's comments. Please contact me at 408-280-2448 or dianac@lawfoundation.org if you have questions regarding our comments.

Sincerely,

/s/

Diana E. Castillo

Senior Attorney



**City of
Santa Clara**
The Center of What's Possible

City Manager's Office

Norberto Dueñas
City Manager
City of San Jose
200 E. Santa Clara St, 3rd Floor Tower
San Jose, CA 95113

June 27, 2017

Re: Stevens Creek and Winchester Urban Village Plans

Dear Mr. Dueñas:

The City of Santa Clara appreciates the opportunity to work collaboratively with the City of San Jose in planning for both long-range and near-term land uses along our cities' borders. We also appreciate the opportunities that you have provided for us to participate in the community outreach process you have conducted for the Stevens Creek and Winchester Urban Village Plans.

However, as San Jose moves forward with the implementation of its Urban Village strategy for both corridors, it is necessary to establish a higher level of coordination and cooperation between our two cities in order to insure that future land use and development activity are consistent with the goals and policies of both cities. Given that the City of Santa Clara is located directly across Stevens Creek Boulevard from the proposed Urban Villages, and both the Stevens Creek and Winchester Boulevard corridors are important transportation corridors within Santa Clara, we are understandably concerned with the greatly increased level of planned development within the Urban Villages and how it will impact Santa Clara's residents, particularly in terms of traffic impacts.

We previously submitted comments to the City of San Jose prior to the Planning Commission hearing for the two Urban Village plans and understand that those comments were not addressed as part of the Planning Commission's recommendations. We ask that the City of San Jose City Council commit to working cooperatively with the City of Santa Clara on the preparation of a corridor transportation plan for Stevens Creek Boulevard.

As stated in the Stevens Creek Urban Village Plan, the Urban Village boundary is a long commercial corridor currently characterized by large car dealerships and medium sized commercial buildings interspersed with smaller one- and two-story retail and service shops. The Plan will provide capacity for development of approximately 3,860 new dwelling units and 4,500 new jobs. Currently, there are 1,624 existing dwelling units in the Urban Village area. Thus with the additional units contemplated by the Urban Village Plan, there will be 5,484 units in the Plan area, more than triple the number of existing units. Further, in order to provide capacity for 4,500 new jobs, an additional 1,350,000 square feet of net new commercial space would be required, an approximately 48 percent increase in commercial space square footage over existing square footage in the Urban Village. Given the scale of contemplated development, Santa Clara has concerns about the impact this increased intensity of use will have on the already congested transportation system the two cities share.

The Plan further 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 raises concerns about the compatibility of land uses and the need for a coordinated approach to planning both public infrastructure and private land uses across both sides of Stevens Creek Boulevard.

As stated in your Staff Report for tonight's City Council hearing, adoption of the Plan relies on a Consistency Determination with the Program Environmental Impact Report prepared for Envision San Jose 2040 prepared in 2011, and the Envision San Jose 2040 General Plan Supplemental Environmental Impact Report prepared in 2015 for a minor update to the General Plan unrelated to this Urban Village planning process. Santa Clara is concerned that this program-level environmental review from several years ago does not adequately address the impact development under the Urban Village will have on the existing congested transportation system. Indeed, the Plan acknowledges that a detailed traffic analysis was not part of the scope of this Plan, but will be conducted at a later date.

Santa Clara residents have expressed concern over the proposed intensity of uses along the San Jose side of Stevens Creek and the impacts that this development could have within Santa Clara or to Santa Clara residents, similar to the concerns expressed by the City of Cupertino. In particular, we understand that implementation of the Stevens Creek Urban Village Plan will have transportation impacts within Santa Clara that will affect Santa Clara residents. Santa Clara residents are also concerned about the amount of parkland and other recreational amenity space proposed within the Stevens Creek Urban Village and that this lack of amenity space could negatively affect Santa Clara residents. As earlier drafts of the Stevens Creek Urban Village Plan indicated reliance upon streets within Santa Clara as part of the Plan's bicycle network, we in particular are interested in understanding how implementation of the Plan will fund improvements for bicycle and pedestrian infrastructure within Santa Clara.

As part of the environmental review process for upcoming land use actions in this area, the City of San Jose should fully address cumulative traffic impacts of the Stevens Creek Urban Village development, along with development of the other proposed Urban Villages and Santana Row/Valley Fair and Winchester, 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. We understand that San Jose intends to consider these impacts in the West San Jose Area Development Policy Environmental Impact Report that the Staff Report indicates is currently in process.

As the draft Stevens Creek Urban Village Plan identifies four implementation actions aimed at raising funds for improvements and amenities contemplated under the Plan, including an implementation finance strategy and financing mechanism to fund various improvements, as well as considering additional funding mechanisms that would impose fees on new housing, any such funding mechanisms will need to undergo environmental review and Santa Clara looks forward to being involved in that process.

Norberto Dueñas
June 27, 2017
Page 3

The City of Santa Clara is also concerned about the proposed implementation of the San Jose's "Signature Project" policy that would allow planned development zoning and discretionary development permits to be issued in the Urban Village area without requiring conformance with the Urban Village Plan for a period of up to 12 months following its adoption. (Policy LU-1.7.) The Staff Report identifies two such projects that are proceeding without a requirement for conformance with the Urban Plan; Stevens Creek Promenade (including 233,000 square feet of office use with parking garage, 10,000 square feet of retail use and up to 499 residential units) and Garden City (including 460,000 square feet of office use with up to 15,000 square feet of retail and 871 residential units). Given the size of these two projects that will not be included in the Urban Village planning process, and thus won't be subject to the financing mechanisms approved as part of that process, the environmental documents currently being prepared for these projects must include a robust analysis of transportation and visual impacts that identifies adequate and specific mitigation obligations.

For the current City Council hearing, we request that San Jose include within the Stevens Creek Urban Village Plan a requirement that implementation of the Plan include an enhanced inter-jurisdictional coordination process and preparation of a Stevens Creek corridor transportation plan. This process should include formal coordination between City of Santa Clara elected officials and staff and the San Jose counterparts to insure that implementation of the Plan aligns with the goals and objectives of both communities. This process should address the proposed preparation of an Area Development Policy and entitlements for any significant development projects within the Stevens Creek Urban Village Plan area.

We appreciate your consideration of our comments and look forward to working with you to implement land uses along the Stevens Creek corridor. We would also ask that San Jose coordinate in a similar fashion to plan land uses along the portion of Winchester Boulevard shared by our two cities.

Best regards,



Rajeev Batra
City Manager

cc: Mayor and City Council
Director of Community Development
Assistant City Manager

From: Randy Shingai [REDACTED] >
Sent: Friday, June 30, 2017 7:07 AM
To: City Clerk
Subject: Fwd: June 27, 2017, Items 10.5 and 10.6 - NO DIRTY POOL!

Dear Clerk,

The forwarded was sent to the Mayor and Council, but I unintentionally left you off the list. It should be part of public record for Items 10.5 and 10.6 of the June 27, 2017 Council Meeting.

Thank you,
Randy Shingai

----- Forwarded message -----

From: Randy Shingai [REDACTED] >
Date: Tue, Jun 27, 2017 at 1:07 PM
Subject: June 27, 2017, Items 10.5 and 10.6 - NO DIRTY POOL!
To: mayoremail@sanjoseca.gov, "district1@sanjoseca.gov"
<District1@sanjoseca.gov>, District2@sanjoseca.gov, District3@sanjoseca.gov, District4@sanjoseca.gov, District5@sanjoseca.gov, district6@sanjoseca.gov, District7@sanjoseca.gov, district8@sanjoseca.gov, District9@sanjoseca.gov, District10 San Jose <District10@sanjoseca.gov>, "Pressman, Christina" <Christina.Pressman@sanjoseca.gov>, "Ferguson, Jerad" <Jerad.Ferguson@sanjoseca.gov>, "Xavier, Lesley" <lesley.xavier@sanjoseca.gov>, "Brilliot, Michael" <Michael.Brilliot@sanjoseca.gov>

Dear Sirs:

At the Dec. 13, 2016 Council Meeting, Councilmember Jones submitted a memo for Item 10.1(a), a General Plan Amendment.

The memorandum from Council Member Chappie Jones, dated December 12, 2016, was approved, accepting the Staff Report with the following changes:

(1) Remove/delete General Plan Policy IP Industrial Park Zoning Districts-2.10, which reads: "To facilitate the development of complete Urban Village areas, following construction of a Signature Project within a future Horizon Urban Village, move the subject Urban Village into the current Planning Horizon." (Envision San José 2040, Chapter 7, Implementation, Page 9)

Mayor Liccardo, Councilmember Jones and Councilmember Davis co-authored memos for Agenda Item 10.5 and for Item 10.6. The memos asked that the Urban Village Plans for Santana Row/Valley Fair, Winchester and Stevens Creek be approved, but that these urban villages not be moved from "Horizon 3" to the current horizon, "Horizon 1." The memos pointed out that

an urban village with an approved plan could continue to allocate housing units from a "City-wide residential pool."

http://sanjose.granicus.com/ViewerServlet.do?document_id=644169

http://sanjose.granicus.com/ViewerServlet.do?document_id=644171

The General Plan says that an urban village in the current horizon has its housing units allocated from the urban village's quota listed in Appendix 5 of the General Plan. The Volar Project that was just approved had over 300 housing units allocated from the City-wide pool and not from Appendix 5 allocation. The Stevens Creek Urban Village has 2 "Signature Projects" in the pipeline with 1371 housing units that are also from the City-wide pool and not from its housing unit allocation.

The City should not be using the mechanism of approving an urban village plan and keeping it out of the "current horizon" to circumvent the housing growth quotas approved in the General Plan. Once approved an urban village should begin to draw down the housing units allocated for the urban village in the General Plan. I'm not saying that it's intentional, but the recent amendment of IP 2-10 and the justification given in the memos for today's meeting are weak.

Thank you,
Randy Shingai
District 1

From: Randy Shingai [REDACTED] >

Sent: Saturday, August 5, 2017 1:56 PM

To: The Office of Mayor Sam Liccardo; District1; District 6; District2; District3; District4; District5; District7; District8; District9; District 10

Cc: City Clerk; Hughey, Rosalynn; Pressman, Christina; City Council; MayorAndCouncil@santaclaraca.gov; piug@cupertino.org; Aarti Shrivastava; David Brandt; City Attorney's Office

Subject: August 8; 2017 San Jose Council Agenda 10.4 and 10.5 - Use of City-wide residential pool.

Dear San Jose Mayor and Council,

I want to follow up on the letter that I sent before the June 27 meeting where the Winchester, Santana Row/Valley Fair and Stevens Creek urban village plans were first considered on the use of the City-wide residential pool.

The San Jose General Plan has a mechanism for allowing residential and mixed-use projects to be approved and built in advance of an approved urban village plan. This link explains the "Signature Project" mechanism.

<http://www.sanjoseca.gov/index.aspx?NID=4294>

The Volar Project, PDC15-065, is an example of a "Signature Project." The 307 condo, mixed-use project was approved as a Signature Project on June 13, 2017. Its containing urban village, the Santana Row/Valley Fair Urban Village, is having its plan considered as Agenda Item 10.4.

When San Jose approved its General Plan Four-Year Review on December 13, 2016, Councilman Jones submitted a memorandum asking for the repeal of IP-2.10. IP-2.10 required that that the completion of a "Signature Project" result in its containing urban village moving from its assigned horizon to the Current Horizon, Horizon 1. The Council agreed and voted to delete/remove IP-2.10 from the General Plan.

http://sanjose.granicus.com/MetaViewer.php?view_id=&event_id=2662&meta_id=607065

Mayor Liccardo and Councilmembers Davis and Jones co-authored memorandums for Items 10.4 and 10.5 asking that the Winchester, Santana Row/Valley Fair and Stevens Creek urban village plans be approved, but that the urban villages not be advanced from Horizon 3 to the Current Horizon, Horizon 1. In the memorandums they mentioned General Plan policies LU-2.4 and LU-2.11, which allow residential projects to acquire their housing units from a City-wide pool prior to an urban village entering the Current Horizon. The City-wide residential pool would therefore be available both prior to (via "Signature Project" provisions) and after the approval of an urban village plan as long as the urban village is kept out of the Current Horizon.

http://sanjose.granicus.com/MetaViewer.php?view_id=&event_id=2696&meta_id=646412
http://sanjose.granicus.com/MetaViewer.php?view_id=&event_id=2696&meta_id=646500

On December 13, 2016, the City Council voted to remove IP-2.10 so that completion of a "Signature Project" does not force its containing urban village to move to the current horizon. At the upcoming Council Meeting the Council will be voting on a recommendation from Liccardo, Davis and Jones that will keep the Winchester, Santana Row/Valley Fair and Stevens Creek urban villages in Horizon 3 instead of advancing them to the Current Horizon, Horizon 1. The combined effect of these two actions will allow residential development to be approved and built both prior to and after the approval of urban village plans without being reflected in an urban village's General Plan housing allocation balance. The Council should NOT agree to the proposed change to keep the urban villages from advancing to the Current Horizon for the following reasons:

1. Allowing large numbers of residential units to be built using the City-wide pool in urban villages with approved plans circumvents General Plan Major Strategy #12 , the staging of development using time "horizons". The Stevens Creek Urban Village has 2 "Signature Projects" in the pipeline with a total of 1,371 housing units. These housing units will likely be approved and completed in the Current Horizon, Horizon 1. The General Plan has no housing units allocated for the Stevens Creek Urban Village until Horizon 3. Instead of using the City-wide pool, the City should really move at least 1,371 of the 3,860 housing units allocated for Stevens Creek's Horizon 3 to Horizon 1, and review the environmental impacts of those adjustments. It should not be trying to circumvent proper planning and environmental review.
2. The General Plan has no provisions for reflecting housing units allocated from the City-wide pool to a containing urban village's General Plan housing allocation balance upon "Signature Project" completion or when the containing urban village is advanced to the Current Horizon. The Liccardo, Davis and Jones scheme will allow residential development in an urban village to greatly exceed its planned aggregate growth, because the City-wide pool can be used as an alternate and permanent source of housing units for an urban village.
3. The use of the City-wide residential pool for approved urban villages with approved plans was not considered in the environmental studies for GPT16-009, the Four-year General Plan Review.

Thank you,

Randy Shingai
District 1

From: RON CANARIO [REDACTED]
Sent: Monday, August 7, 2017 11:37 AM
To: The Office of Mayor Sam Liccardo; District1; District2; District3; District4; District5; District 6; District7; District8; District9; District 10; Jones, Chappie; Pressman, Christina; Ferguson, Jerad; Xavier, Lesley; Brilliot, Michael; City Clerk
Subject: Tri-Village plans, districts 1 & 6

(Please include my comments for this Tuesday, August 8, agenda items 10.4 and 10.5 regarding the Urban Villages. I request acknowledgement of this correspondence.)

Dear Mayor Liccardo and Councilmembers:

In August, council is scheduled to consider the Stevens Creek Urban Village plan, Santana Row/Valley Fair Urban Village plan, and the Winchester Urban Village plan. I am opposed to the proposed 150 ft/12-15 story high rise building heights and density proposed in an area that is already heavily impacted by overloaded infrastructure, with no mass transit now or planned for the future, and that does not conform to the height limits established in the area which many already believe is too high.

San Jose can meet it's growth goals and provide housing by encouraging reasonable development that blends with existing neighborhoods, and concentrating intense development in areas with existing or planned mass transit investments (Caltrain, BART and VTA light rail).

Please listen to the hundreds of people that are in opposition to this proposal and the concerns expressed by the Cities of Santa Clara and Cupertino, starting by reducing the proposed maximum building heights.

Sincerely,
Ron Canario

T|L|G Thomas Law Group

TINA A. THOMAS
AMY R. HIGUERA
CHRISTOPHER J. BUTCHER

455 CAPITOL MALL, SUITE 801 | ONE KAISER PLAZA, SUITE 875
SACRAMENTO, CA 95814 | OAKLAND, CA 94612

NICHOLAS S. AVDIS
LESLIE Z. WALKER
Of Counsel

Telephone: (916) 287-9292 Facsimile: (916) 737-5858
www.thomaslaw.com

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,

A black rectangular redaction box covering the signature of Tina A. Thomas.

Tina A. Thomas

cc: Brian Doyle, Santa Clara City Attorney



SPUR

San Francisco | San Jose | Oakland

Hon. Mayor Liccardo and City Council
City of San Jose
200 E. Santa Clara Street
San Jose, CA 95114

Submitted Electronically

August 7, 2017

Re: General Plan Amendments for the Winchester and Santana Row/ Valley Fair Urban Village Plans (Item #10.4) and the Stevens Creek Urban Village Plan (Item # 10.5)

Dear Mayor Liccardo, Vice Mayor Carrasco and Councilmembers:

Today's items are an opportunity to advance the urban village process. The overarching vision of growing in walkable, mixed-use communities connected by transit is a good one. While we support the adoption of these two plans, we also believe that there are a number of changes to the planning process and organizational structure that would make the overall urban village strategy simpler and faster, making it easier for people to add the jobs and housing that San Jose needs and wants.

1. Accelerate the entitlements process for projects that conform to the intent of the urban village plan.

- a. **Not all urban villages need a plan. Instead, adopt baseline standards for urban form for some areas, but do not produce a full plan.** To be clear: most of the urban villages should have a plan, particularly those in the horizon 1 and 2 urban villages because they are in central San Jose and near transit, where there is both the unique urgency and the opportunity to shift to less auto-dependent growth.

However, some of the urban villages are strip malls on just a few parcels. These are likely to be redeveloped by one or two developers with a single project. To save the city time and money, some of these urban villages could simply have zoning districts with clear form controls that incorporate General Plan goals and policies into binding codes. These should be basic physical planning standards with a primary focus on ground floor walkability.

A similar approach could be taken as an interim step for urban villages that do require plans, but for which there isn't yet a time frame for completion—particularly light rail urban villages. The light rail urban villages are good candidates for this, since these are areas where the General Plan intends to

facilitate growth and where there is a significant amount of publicly-owned land. This would help increase the number of people who use transit.

- b. **Rezone commercial and mixed-use land on the plan-level (district level) at the time that the plan is adopted.** The current implementation framework only rezones commercial at the district level, but still requires project-by-project rezonings for mixed-use. Project-by-project rezoning creates an unnecessary barrier to housing in a place where the city is already contemplating/ planning to build housing.
- c. **Make some of the development approvals ministerial.** San Diego is also a city of urban villages; they are planning for 52 villages and have approved 9 urban village plans in the last three years. As an incentive to developers to implement the plan, the city allows all projects that conform to the plan to move forward with only the approval of the planning director. For housing in particular, any project that meets the plan's criteria for location and form and is less than 73 dwelling units per acre can move forward by-right.

A similar approach could be considered for some land use designations that San Jose. For example, projects that conform to the plan and zoning for mixed use commercial, residential neighborhood, mixed use neighborhood could be by-right, while projects that conform to the plan and zoning but are larger scale could receive discretionary review.

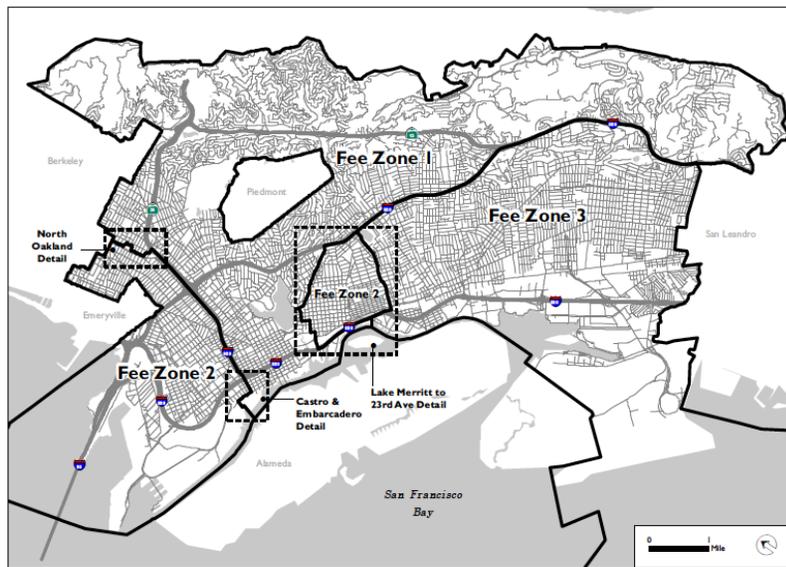
- d. **Ensure that land use designations and commercial requirements translate into commonly constructed building types.** In some urban village mixed-use designations, the amount of commercial development required is based on maintaining a ratio of jobs to housing that is too high, and not on what building types make sense or are commonly constructed. For example, the zoning designation "Mixed Use Commercial" requires more commercial square footage than is typically built in a mixed-use project, which in practice could create unusable (or un-financeable) commercial space on the second floor. Additionally, ground-floor retail may not be viable in some locations. If it is clear that ground-floor retail is unlikely to be leased over the long term, the city may instead wish to allow active commercial or residential uses that enhance the street through the creation of creative spaces, stoops, lobbies, etc.

2. Make it easier to fund public improvements.

- a. **Set fees and other community benefits based on financial feasibility, otherwise these could delay development.** The proposed system includes a base fee (currently, the affordable housing impact fee) and a surcharge –the sum

of which is based on the latest nexus study for any type of fee (affordable housing fee, parks fee, traffic impact fee, etc). But a nexus study does not determine what is feasible. The amount that development can pay is almost always different than what a nexus study sets as the cap. We recommend that the city set fees based on a financial feasibility analysis at the time of plan adoption or as a larger citywide study. The financial feasibility analysis should take into account all fees assessed on new development (i.e. the entire fee stack) and should be updated regularly.

For example, the city of Oakland took approach of conducting a citywide study and feasibility analysis. At the end, the city implemented impact fees for both residential and commercial development and created a citywide fee schedule based on geographic “zones”(see below). San Jose could consider a similar citywide approach for all urban villages, since most growth is supposed to happen in urban villages. Alternatively, San Jose could develop the fee schedule by “horizon”.



Impact Fee Zones for Residential Projects

Source: City of Oakland

- a. **Be specific about the type, amount, location (as needed) and estimated costs of amenities that are required as conditions of approval.** The draft implementation and financing plans have not clearly listed the investments that are needed and desired by the community. For instance, they include categories such as “affordable housing” but do not specify *how many units* of affordable housing are desired for the entire plan area or “streetscape improvements” but do not specify whether that means planters or new sidewalks, which vary in cost.

The proposed implementation framework continues to use one-off negotiations as a key tool for getting community benefits. However, these negotiations often do not deliver the benefits that the city wants and also take a lot of time.

A greater level of specificity will help the community get what they want in their neighborhood and help developers understand the amount of amenities that would satisfy the city (therefore minimizing the number of negotiations).

- b. **Provide more clarity about implementation by outlining tasks, responsibilities and the timeframe for completion for each implementation action.** SPUR compared San Jose’s plans and implementation plans for areas in several other cities, including Los Angeles, San Diego, Oakland and San Francisco. Compared to these cities, San Jose’s implementation plans lacked specificity. We believe this is symptomatic of the city’s over-reliance on grants to fund long-term planning. Grants tend to fund community engagement and the completion of the plans, but not the sustained work of bringing the plans to life.

Greater clarity could take the form of a simple table that outlines the objective, policy number, implementation action, timeline and lead agency responsible for completing that implementation action. The table is a vehicle to identify what types of actions the city needs to take to realize the vision in the plan. For example, what would it really take to create a safe and comfortable transportation network in the Santana Row/ Valley Fair Area? What would the city need to do to help Stevens Creek become an innovation corridor? This approach provides clarity for residents and developers, as well as a roadmap for capital and program budgets over the lifetime of the plan.

Objective	Policy Number	Implementation Action	Timeline	Lead Agency
Create a transportation network of safe, comfortable, convenient and attractive routes for people who walk, bike, take transit and drive.	6-1 to 6-120	Develop a multimodal transportation and streetscape plan.	2017-2019	Department of Transportation in partnership with VTA and with support from the Department of Public Works
	6-18	Complete the bicycle network.	2017-2025	Department of Transportation

- c. **Consider combining urban villages at the corridor scale, for both assessment and planning purposes.** One of the financing tools under consideration is an assessment district. However, some of the urban villages are too small in scale to generate a meaningful sum of money for public improvements. By combining some urban villages into larger corridor-wide planning geographies, the city can generate more revenue to fund public

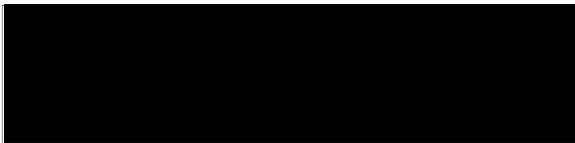
improvements. Additionally, the some public improvements are best planned and implemented on a corridor scale, such as protected bikeways. This would take the city's direction with planning for the "tri-village area" (Santana Row/ Valley Fair, Stevens Creek, Winchester) a step further. For instance, the Midtown plan, W. San Carlos St. (East and West) could all be considered as one planning corridor and/or assessment district.

3. Invest in a more robust organizational structure.

- a. **Increase general fund support for long-term planning and implementation work that takes place in PBCE, DOT, Public Works and OED.** As mentioned above, delivering the types of great places envisioned in urban village plans requires sustained commitment from the city. Yet there is not enough staff to complete the planning, community engagement, and implementation work that the city needs. This results in delays and means that some of the most important implementation work does not get done. Consequently, San Jose misses out on some of the benefits of new growth. Increasing the budget would allow for greater capacity to do the sustained work of city-building.

Thank you for the opportunity to provide comments on the urban village planning process and implementation framework. Please do not hesitate to reach out to us at 408-638-0083 or talvarado@spur.org with any questions or concerns.

Sincerely,



Teresa Alvarado
San Jose Director

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T|L|G Thomas Law Group

TINA A. THOMAS
AMY R. HIGUERA
CHRISTOPHER J. BUTCHER

455 CAPITOL MALL, SUITE 801
SACRAMENTO, CA 95814

ONE KAISER PLAZA, SUITE 875
OAKLAND, CA 94612

NICHOLAS S. AVDIS
LESLIE Z. WALKER
Of Counsel

Telephone: (916) 287-9292 Facsimile: (916) 737-5858
www.thomaslaw.com

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 thoroughways 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 sties. (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