

## Envision San Jose 2040 General Plan, Draft PEIR comments

Dipa & John;

I have attended & participated in many of the Envision Task Force meetings and workshops over the years. After reviewing this Draft document, I have the following questions.

(I have referenced item & page #s)

Questions:

- 1) Summary, page 11 & 12: Transportation Impacts, Mitigation & Avoidance Measures  
Impact TRANS-1, 3, 4, & 5 : Questions:
  - Will there be “transit triggers” that must be met by VTA, BEFORE development will proceed, in various high-density designated areas?
  - Once high-density developments are built & occupied, how will the new Urban Village function without adequate transit in place? – and without the local roads and intersections having anymore widening capacity?
  - How will this transit “in-between time” affect the desirability & value of the new Neighborhood Village? – along with the adjacent existing neighborhood community?
- 2) Summary, page 16, Significant Impact, “Unavoidable Cumulative Impact”, Cumulative Impacts  
Impacts C-TRANS-2 & Impact C-NV-3: Question:
  - Without an efficient operating transit system in place BEFORE a development occurs, how will the noise levels from increased car traffic from the high-density development affect the desirability and livability of Neighborhood Villages?
- 3) Known Areas of Controversy, Summary, pg 26, Will San Jose form an Design Standards  
Committee or/and an Urban Design Standards Committee which will oversee how new  
developments mesh together with the adjoining community – before plans are sent for approval  
to the Planning Commission or City Council?
  - How can the community adjoining a Neighborhood Village, be assured of a gradual “transition  
zone” – regarding heights, setbacks, & land use that border their homes?
- 4) Employment Land Areas, Planned Communities & Specific Plan Areas, Section 2, page 38 & 39
  - Will the Preservation of Employment Lands Policy go away with this new General Plan? If so,  
What mechanism is in place to protect the Neighborhood Village Plans? If the official  
Employment Lands Policy is gone, how can the community be assured that a Neighborhood  
Village Plan concept will be adhered to? – Without “conversions” taking place, as in the past,  
with heavy lobbying of our City Council Members by Development Interests (Developers,  
Unions, & lobbyists)?
  - Doesn’t it just take 6+ City Council votes to vote in a “conversion”, and change the Zoning - from  
Employment/Commercial Lands – to Housing, as in the past? How can this City’s residents be  
assured that this practice won’t keep perpetuating – thus destroying the “mix” of each  
Neighborhood Village? How will each individual Neighborhood Village Plan stay in tact? – and  
not be compromised by the heavy lobbying of development interest on City Council Members?

- Are there safeguards in place to assure the community that a mixed-use development will really have a “commercial” part? – and that it will not be converted to an even denser housing project, down the road, because the Developer no longer feels it’s profitable? ... or, just doesn’t want to be bothered with the commercial piece? How can the community rest assured that the original presentation of a mixed-use development to the community to get our approval, doesn’t end up as “something different”?
  - On top of page 39, it is explained that there are developed Specific Plans in different communities that explain the community stakeholder’s “vision” for their specific area. The Midtown Specific Plan specifically stated that there would be no development over 9 stories high, yet in 2010, the three Ohlone Towers, (approx 145 ft high), were approved over the protesting community who originally developed the Midtown Specific Plan. How can the community be assured that these Neighborhood Village Plans cannot be altered by Development lobbyists – pressuring our City Council, by a simple 6+ vote from our City Council?
- 5) Proposed Planning Horizons, Horizon Phasing, 2.2.7, pg 118, Section 2
- Are there time frames in place that “expire”, for entitled Housing projects, already in the Planning Dept. pipeline? Will they lose their entitlements if they don’t comply with the time line? Will it cause a Neighborhood Village to be compromised from a “balanced land use mix”?
  - How will the Planning Dept plan an Urban Village around a blighted area, that is privately owned & entitled - but the owner doesn’t have the capacity to build? How will this affect the planning & phasing of the Urban Village?
- 6) Project Objectives, 2.3, Section 2, pg 126 - 128
- How will the economic downturn in the Economy, the current City Budget, & loss of the Redevelopment Agency, initially affect the development of Neighborhood Villages?
  - How will the current City’s Budget deficit affect this new General Plan’s objectives?
  - Will there be dollars available to attract new business, as there has been in the past from the RDA?
  - Items #3 & #5, pg 127, How can the community be certain that a proposed Neighborhood Village Plan - that the pre-determined “planned mix” of development, will be adhered to? What if a Developer wants to build a development that conflicts with the Village Plan? – Will the existing Village Plan “change” to accommodate it – or, will the Developer be told he must follow the Plan? Would the Developer need to file an “Amendment”, as in the past? – Would the proposed Amendment involve additional community outreach?
  - Item #14 on pg 128, talks about strengthening regional transit services: How can the City be assured that VTA will be upgrading the efficiency & desirability of its transit system to accommodate the intensification of riders – to attract new businesses? – especially since the VTA has had some past issues, that have attracted two Grand Jury investigations in the past 8 years?
- 7) Policy IP 5.1, pg 162, 3) Building Heights & Density:
- Does this mean that a “Transition Zone” would be implemented and planned out – before any permits or entitlements are given to the Developer?

- 8) Policy IP-5.4, pg 163, Items 1-4, Item #4: How is this Process any different than the Process we've had in the past?
- 9) Norman Mineta Airport, 3.2.2, Thresholds of Significance, pg 238, Section 3.0
- 3<sup>rd</sup> Bullet line down: "Result in a change in air traffic patterns..." : How will San Jose's lack of an Airport O.E.I. Policy impact development? Would it be possible for a Developer to pressure/lobby the City Council to approve a project whose height might pass an FAA "No Hazard Determination" – but might impact an Airline's OEI zone, thus impacting that particular Airline's flight routes? How would the Public know if an Airline's flight route was discontinued, due to an approved high-rise development that violated a particular Airline's OEI requirements?
  - Will all future tall building height developments near Downtown San Jose & Mineta Airport, need to be approved by the A.L.U.C. before going through the Planning Commission?
  - (d), pg 238 : Decrease in Performance of Public Transit Facilities: How would a decrease in transit performance be measured BEFORE the development was built? If there was such a determination, would that mean that the development wouldn't be considered? – or, could it be granted an exception - or, a special Amendment to the new General Plan?
  - Will there be Amendments considered to this new General Plan, when a Developer wants to challenge the existing "Plan", as in the past? Example: The approved Ohlone Towers Project
- 10) Airport Impacts, 3.2.4.6, pg 292, Impact TRANS-6: What the actual distance that is considered to be "in the vicinity" of the Norman Mineta Airport? (Example: one mile?, two miles?) Would the Airport's Airline OEI Zone qualify as "in the vicinity"? How can the community have Certainty that the Airline's OEI Zone is protected – since the City Council has still not adopted an OEI Policy? How can the citizens of San Jose rest assured that our City's Lack of an OEI Policy isn't keeping Airlines from choosing San Jose to fly their long-haul heavy aircraft here, due to the lack of a City's commitment to the protection of their airport flight traffic vs. building height development?
- 11) Vibration, Construction Vibration, Section 3, pg 324 and Community Noise Levels and Land Use Compatibility Policies, Section 3, pg 348, Policy EC-1.7 regarding noise & vibration measures due to infill construction adjacent to residential properties property lines:
- What type of mitigation measures are in place for close infill projects where heavy earth compaction is planned - close to residential property lines, at times less than 50 ft away from vintage homes?
  - How will an adjacent residential property owner measure the construction impact on their home's vintage foundation? Will there be a foundation inspection "baseline" established before the earth compaction begins? Will there be an earth vibration calibration receptor device installed on the adjacent residential property that will record the violations?
  - What is the mitigation measure when the vibration concentration is breached by the Developer? – a repaired or new foundation? Who makes that call – the City? Public Works? City Attorney?
  - What type of City enforcement will take place if the Developer consistently breaches the established Development Practices, and the appointed Developer Coordinator is not responding? Has there been a Policy established and is it given to Developers when applying for their initial permits?

12) Noise and Vibration Impacts, 3.3.4.1, Traffic Noise and Land Use Compatibility Section 3, pg 325:

- It seems the new General Plan is trying to keep noise levels at a certain “acceptable level” for the new mixed-use development residents – however, the new cumulative noise levels may be significantly higher for the existing residential property adjacent to this new development. These existing residential stakeholders may have been in this location for quite some time, and they may be heavily vested in their property over the years, making many improvements. If the outdoor levels in their backyards exceed the 60dBA DNL, will the adjacent residential properties be compensated in some way, for the use of their “compromised” backyard, that is now less desirable - from the cumulative noise from the high-density development? Isn't this a type of Eminent Domain without compensation - for a “taking of peaceful enjoyment” of their property?
- How & “when” will this cumulative noise be measured to see if the new development is in compliance with acceptable levels?
- What City Dept will handle the mitigation measures/compensation?

As a District 6 , San Jose resident for the past 42 years, I appreciate the opportunity to address the Draft PEIR of San Jose's new 2040 General Plan. I look forward to your response.

Respectfully;  
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