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APPENDIX I

RESPONSES TO THE NOP

REVISED

NOTICE OF PREPARATION
OF AN
ENVIRONMENTAL IMPACT REPORT
FOR THE
FLEA MARKET GENERAL PLAN AMENDMENT AND PLANNED DEVELOPMENT
REZONING

San José, California
March 2006

PROJECT APPLICANT: The Flea Market, Inc.

FILE NO: GP/GPT06-04-01 / PDC03-108

APNs: 241-04-006, 241-04-007, 241-03-020,
254-17-007, 254-17-052, 254-17-053,
254-17-084, and 254-17-095

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

The project description, location, and a brief summary of potential environmental effects are attached. The Notice of Preparation is also available for review online at the City of San Jose's website: <http://www.sanjoseca.gov/planning/eir/eir.htm>. Comments and questions regarding the EIR should be referenced to Janis Moore of the Department of Planning, Building, and Code Enforcement at the (408) 535-7815 or by email at Janis.moore@sanjoseca.gov.

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

City of San José
Department of Planning, Building, and Code Enforcement
Attention: Janis Moore
200 East Santa Clara Street
San Jose, CA 95113
(408) 535-7815

Joseph Horwedel, Acting Director
Planning, Building & Code Enforcement

Akemi Amielson

Deputy

Date: 3/13/06

**REVISED
NOTICE OF PREPARATION
OF AN
ENVIRONMENTAL IMPACT REPORT
FOR THE
FLEA MARKET GENERAL PLAN AMENDMENT AND PLANNED DEVELOPMENT
REZONING**

**San José, California
March 2006**

A. INTRODUCTION

The purpose of an Environmental Impact Report (EIR) is to inform decision makers and the general public of the environmental effects of a proposed project. The EIR process is intended to provide environmental information sufficient to evaluate a proposed project's potential for significant impact on the environment, to establish methods for reducing adverse environmental impacts, and to consider alternatives to a project, prior to the approval of the project.

The EIR for the proposed Flea Market Planned Development (PD) Zoning and General Plan Amendment will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. The EIR will provide project-level environmental review for the proposed Planned Development Zoning and program-level review for the proposed General Plan Amendment. In accordance with the requirements of CEQA, the EIR will include:

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

B. PROJECT LOCATION

The project is proposed on the site of the San José Flea Market, which is located on both sides of Berryessa Road, east of Coyote Creek and north of Mabury Road in the City of San José. The Flea Market site encompasses a total of 120.3 acres, 57.05 acres on the north side of Berryessa Road and 63.25 acres on the south side of Berryessa Road. Regional and vicinity maps of the project site are attached as Figures 1 and 2, respectively.

C. DESCRIPTION OF THE PROJECT

The project proposes a General Plan Amendment and rezoning for project site. The proposed General Plan Amendment includes amendments to the San Jose 2020 General Plan Land Use/Transportation Diagram and to the San Jose 2020 General Plan text. The amendment to the San Jose 2020 General Plan Land Use/Transportation Diagram proposes to change land use designation of approximately 24.4 acres of land located within the boundaries of the project site from *Combined Industrial/Commercial* to *Transit Corridor Residential (20+ DU/AC)* with a *Flexible Land Use Boundary*. The amendment to the Land Use/Transportation Diagram also proposes to add a Major Collector roadway through the project site

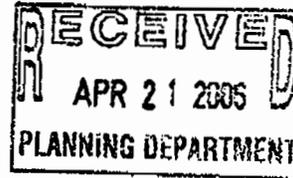
Marc B. Liebman, Ph.D.
Superintendent

1376 Piedmont Road
San Jose, CA 95132-2427



Phone: (408) 923-1800
Fax: (408) 923-0623

April 17, 2006



City of San Jose
Department of Planning, Building, and Code Enforcement
Attention: Janis Moore
200 East Santa Clara Street
San Jose, Ca. 95113

RE: Project Applicant – The Flea Market, Inc.
File No. GP/GPT06-04-01 / PDC03-108
APNs 241-04-006, 241-04-007, 241-03-020, 254-17-007,
254-17-052, 254-17-053, 254-17-084, and 254-17-095

The Berryessa Union School District is responding to the “Notice of Preparation of an Environmental Impact Report for the Flea Market General Plan Amendment and Planned Development Rezoning”. The school district would like the following issues addressed;

Public Facilities and Services

The elementary and middle schools in the impacted attendance areas are both at capacity. In order to accommodate for the potential numbers of new children generated by the proposed residential developments, BUSD believes it will be necessary to acquire land and to build a new school facility. Such a new school facility could have a physical impact on the environment. It may then be necessary to provide an analysis of the fiscal impacts as well. At this time, the district does not have any mitigation agreements with any developer pertaining to this proposed development site.

Transportation

The project’s traffic impacts will create the necessity for safe pedestrian crossings for children to cross from one side of Berryessa Road to the other. Also, to provide a safe crossing over the planned BART tracks. The addition traffic impacts may also increase the amount of drive time for the district to provide school transportation for special education children.

Board of Trustees

Kansen Chu

John Coyle

Francine Davis

Ray Kwok

Rudy Nasol

For all future correspondence related to this project please contact

**Dr. Marc Liebman, Superintendent
Berryessa Union School District
1376 Piedmont Road
San Jose, Ca. 95132
Telephone 408-923-1811
Fax 408-923-0623**

and

**Chris Jew, Assistant Superintendent
Berryessa Union School District
1376 Piedmont Road
San Jose, Ca. 95132
Telephone 408-923-1861
Fax 408-259-3869**

Respectfully,



**Chris Jew
Assistant Superintendent, Business Services
Berryessa Union School District**



April 14, 2006

City of San Jose
Department of Planning and Building
801 North First Street
San Jose, CA 95110

Attention: Janis Moore

Subject: City File No. GP06-04-01 / Flea Market GP Amendment and PD Rezoning

Dear Ms. Moore:

Santa Clara Valley Transportation Authority (VTA) staff has received the Revised NOP for the General Plan amendment and Planned Development Rezoning for the San Jose Flea Market site. Our key concern with the application is that it advances a piecemeal approach to development of the Berryessa site. Over the past several years, pursuant to the direction of the San Jose City Council, the City of San Jose and VTA staffs have worked collaboratively to master plan the Berryessa Station Area. A good level of work has been made in this area by the private sector. However, sufficient additional analysis is needed by both the City of San Jose and VTA staffs to conclude the master planning effort. Without this conclusion, VTA continues to have overriding concerns about potential impacts the proposed amendments may have on the viability of the BART extension to Milpitas, San Jose, and Santa Clara and the success of the Berryessa Transit Village.

The comments in this letter are focused on the general concept of the project and the scope of the EIR. Separate from this letter, VTA will be requesting meetings with City of San Jose staff to discuss the details of the project defined in the Planned Development Rezoning application.

Comments on the Concept

- Station area land uses should include a mix of housing, retail/commercial and office. Mixed land uses will foster a vibrant place to be during all times of the day and help create both peak and off-peak ridership which is crucial to maximizing transit using.
- Densities above 55 du/ac should be pursued. Based on VTA's Community Design and Transportation Manual (CD&T), a minimum project net density (i.e., excluding land for parks and roads) of 55 du/ac is required for this site. However, given the significant transit investment being made in this area, the site should support considerably higher densities.

City of San Jose
April 14, 2006
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- The southern portion of the Flea Market Site should be excluded from the Project. One of two sites, identified as a "Future Transit Facility (FTF)" for the BART extension project, is located in the southern end of the San Jose Flea Market Site. FTF site availability and land cost containment are crucial for the BART Extension project as they provide VTA flexibility to support alternative parking strategies, construction staging needs and ancillary facility location options.

Comments on EIR Scope

- The materials submitted to-date do not appear sufficient for preparation of a project-level environmental review. Based on typical City of San Jose PD-Zoning application requirements, these materials would include a "conceptual site plan" indicating all buildings and structures, "development standards" indicating building heights and parking ratios, "conceptual building elevations/floor plans" for all building types, and a "conceptual landscape architectural plan."
- The Land Use Analysis should assess the degree to which project demand for commercial- and public facilities-related land uses can be accommodated within the project site. This would include an assessment of the land area needed to accommodate neighborhood commercial/retail space, schools, parks, etc.
- The Public Facilities and Services Analysis should indicate the land area required for any new facilities needed. Given the nature of the proposed development, avoidance measures should not be the primary focus of the analysis. Mitigation measures should also address provision of needed facilities on-site to minimize external vehicle trips and maximize the potential for transit use.
- The Transportation Analysis should identify future transit services needed to support the project.
- The Alternative(s) to the Project Analysis should include at least one alternative to the Project that meets VTA and MTC planning criteria for the BART extension and provides a mix of housing, retail/commercial and office. This alternative would:
 - Meet the MTC Housing Threshold within a ½ mile radius of the BART station;
 - Follow the VTA's CD&T Guidelines for implementing transit oriented development;
 - Contain sufficient neighborhood services, such as, elementary school, day care, grocery store and recreation facilities;
 - Maximize TDM measures to minimize external trips and associated traffic impacts, such as, parking pricing, shuttle service and car sharing.

City of San Jose
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Thank you for the opportunity to comment on the NOP for this project. VTA strongly feels that the master planning effort should be concluded before these types of applications are processed by the City. However, if the application is to move forward, we request your consideration of our comments provided above. Our focus is on encouraging VTA's CD&T guidelines which encourages alternative transportation modes and supporting the viability of the BART extension to Milpitas, San Jose, and Santa Clara. If you have any questions, you can contact me at 321-5872.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann W. Jamison for Ann Jamison".

Ann W. Jamison
Deputy Director, Congestion Management and Planning

AWJ:RM:kh

cc: Hans Larson, San Jose Public Works
Laurel Prevetti, San Jose Planning
David Miller, VTA
Marian Lee-Skowronek, VTA

SJ0224



April 13, 2006

Ms. Janis Moore
Department of Planning, Building & Code Enforcement
City of San José
200 East Santa Clara Street
San José, CA 95113

Dear Ms. Moore:

Thank you for sending a copy of the Notice of Preparation of an Environmental Impact Report for the Flea Market General Plan Amendment and Planned Development Rezoning. I would like to use this opportunity to provide the City with an enhanced understanding of Graniterock's position on this matter.

During the Application for San José General Plan Amendment GP02-04-02, Graniterock reviewed the various proposed configurations of transit-oriented residential and commercial/industrial land uses proposed by Flea Market, Inc. As a result of this review and further discussions, Flea Market, Inc. and Graniterock signed a Joint Statement of Understanding regarding a non-residential buffer, particularly on the northwest corner of the property, consistent with the intent expressed in the Conceptual Land Use Plan that was attached to the Statement (a copy of both these documents, along with a memorandum from Chuck Reed to the City Council supporting this concept, is attached).

As the City is well aware, there have been numerous issues with existing residents just to the north and west of the proposed development regarding noise from the industrially zoned properties across Coyote Creek. While development of housing is important, Graniterock believes the City should exercise caution in approving plans that will lead to future problems, make sure that there is adequate buffer property protecting the industrial use, and ensure that adequate mitigations are built into the transit housing specifications that will protect homeowners from the inherent incompatibilities between industrial operations and residential development. It is in both the City's and the Developer's best interests to address these issues up front, and avoid costly litigation from future homeowners who claim to be unaware of the existence of the industrial area.

As you may know, Graniterock celebrated its 106th Anniversary in February 2006. Our company was founded in 1900. We have received national recognition for our product quality and community responsibility, and were named for the fourth year in a row to the FORTUNE "100 Best Places to Work for in America." We have been a good business citizen in San Jose over the years and plan to continue to enjoy the benefits of our industrially zoned property. In light of the fact that industrial and



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- San Benito County
- San Mateo County
- Santa Clara County
- Santa Cruz County
- Alameda County
- City and County of San Francisco

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License #22

P.O. Box 50001 Watsonville, CA 95077-5001 (831) 768-2000 Fax (831) 768-2201

www.graniterock.com



Graniterock.

residential uses are not compatible, we need to work together on a plan that properly addresses that fact in advance.

Thank you taking the time to review our suggestions regarding this development.

Sincerely,

Graniterock

Benjamin J. Licari
Director of Government & Community Affairs

Christopher S. Mann
Director of Real Estate Services

Enclosures

Cc: file
The Schoennauer Company, LLC

JOINT STATEMENT OF UNDERSTANDING

The Flea Market, Inc. is the owner of land located on the northerly corner of Berryessa Road and Coyote Creek, and is the applicant for San Jose General Plan Amendment GP02-04-02, seeking to have that land redesignated to a combination of transit oriented residential and commercial/industrial uses.

Granite Rock Company (Graniterock) is the owner of land located across Coyote Creek from the Flea Market property. The southerly portion of the Graniterock property is used for a concrete batch plant, and the northerly end of that property (across the creek from a portion of the Flea Market property for which a residential redesignation is being sought) is the subject of Graniterock's application #CP00-03-009, by which Granite Rock seeks a use permit for an outdoor concrete/asphalt crushing-recycling operation.

The owners of the Flea Market recognize the importance to the City of San Jose of protecting the City's supply of heavy industrial lands and has modified its proposed General Plan Amendment and Conceptual Land Use Plan to provide a buffer of Industrial/Commercial and Open Space land uses across Coyote Creek from the Graniterock property. This modification to the future development plan for the Flea Market property will allow the Graniterock facilities and the future development of transit oriented mixed use development to be compatible with each other.

Granitrock has had an opportunity to review the Flea Market's modified General Plan Amendment application and Conceptual Land Use Plan and is satisfied that the modifications will provide for the development of transit oriented mixed use development compatible with the Granitrock facilities and consistent with the City of San Jose's desire to protect the supply of heavy industrial lands.

The Flea Market agrees that a buffer should exist between its housing and the recycling operation. Should the Flea Market's application be approved, then upon subsequent development of the Flea Market property, the Flea Market will seek a non-residential buffer for the northwest corner of its property. One example of a buffer which would be consistent with the intent expressed in this Joint Statement is the parkland area of approximately 2 acres depicted on the Flea Market's Conceptual Land Use Plan attached.

THE FLEA MARKET, INC.

GRANITE ROCK COMPANY

By: Brian Burns

By: Benjamin J. Lucari

San Jose Flea Market Conceptual Land Use Plan

LEGEND:	NORTH OF BERRYESSA RD.		SOUTH OF BERRYESSA RD.	
	ACRES/D.U. per AC	SQ. FT./ UNITS	ACRES/D.U. per AC	SQ. FT./ UNITS
Mixed Use-Retail	.1	5,000 S.F.	1.5	50,000 S.F.
Retail	12.5	950 Units	11.7	964 Units
Transit Corridor	.5	20 Units		
Residential	4.6	110 Units		
Live/Work	2.8	22 Units		
Townhome/Flats	9.7	211,270 S.F.	18.1	1,875,250 S.F.
Single Family	3.0			
Office/Industrial	7.0			
Urban School	4.1*			
Parks (Public)	1.7			
Parks (Private)*	.9			
Parking Structure				
ROW Easement				
BART Station				
Total Net Site	41.1		35.8	
Riparian Corridor	6.8		15.9	
Street/Sidewalks	10.1		10.5	
Total Gross Site	58.0	216,270 S.F.	62.2	825,250 S.F.
		1,102 Units		964 Units

TOTAL SITE:

DIVISION	AREA
North of Berryessa	58.0 Acres
South of Berryessa	62.2 Acres
Total Retail Square Footage	55,000 S.F.
Total Office Square Footage	1,086,520 S.F.
Total Open Space**	40.3 Acres**
Total Units	2,066

* Private Open Space is an estimate only. The acreage is included in the T.C. Residential, Live/Work, and Townhome Acreages.
 ** Open Space calculation includes Riparian Corridor acreage.

The Schoenauer Company
San Jose, California

San Jose, California
November 6, 2002

Calthorpe Associates
Berkeley, CA



TO: Mayor and City Council
FROM: Chuck Reed
SUBJECT: General Plan Change Flea Market
Council Agenda 12-17-02
Agenda Items:
2.3 Land Use Transportation/
Diagram GP02-04-02
2.4 Text Amendment GP02-T-08
DATE: April 10, 2006

RECOMMENDATION:

Approve the General Plan land use designation as recommended by the Planning Staff and the Planning Commission (Exhibit E to the staff report).

Approve the General Plan text for the Berryessa Station Area Node portion of GP02-T-08 as follows (items in bold are additions to the Planning Staff and Planning Commission recommendations):

Berryessa Station Area Node

The Berryessa Station Area Node is planned for a **balanced** mix of job generating land uses, high density residential and supportive commercial uses, **public facilities**, and parks/open space. The land use designations for the area include Transit Corridor Residential (20+ DU/AC), Medium Density Residential (8-16 DU/AC), Combined Industrial/Commercial, and Public Park/Open Space. **Public facilities, such as schools, can be accommodated in the areas planned for residential uses, consistent with other General Plan policies, to support new residents in this and nearby areas.** The area currently has existing businesses, including the San Jose Flea Market. As these properties are developed with new uses, residential, commercial and other job generating uses should be coordinated and phased together, so that no one use will be developed separately and in advance of other uses.

In particular, residential development should not occur in advance of commensurate job growth. **In the event that a BART parking lot reduces the amount of land planned for Combined Industrial/Commercial uses, then other locations for such uses should be identified to maintain the overall balance of land uses in the Berryessa Station Area.**

Careful attention should be given to the compatibility of land uses. Job generating uses (e.g., offices), **open spaces, and/or other separations,** should buffer any new residential uses from the existing and planned heavy industrial land uses east of Coyote

Creek. New residential development at the edge of existing single-family uses should be of a lower density. The greatest densities, preferably within mixed use developments, should be adjacent to the station. The overall residential density at the Flea Market site should be 55 DU/AC. The planned parks should provide an additional buffer between existing and proposed uses as well as providing recreational and open space uses to support the future residential community. All development should foster pedestrian activity and connections to the BART station, trails, parks, and possible schools. New construction should comply with the development parameters identified later in this section.

Due to the preliminary nature of the land use planning for the BART Stations, flexibility in the final distribution of the proposed land use designations should be allowed, consistent with the relative proportions of each designation as shown on the Land Use/Transportation Diagram.

BACKGROUND:

The request to change the General Plan for the Flea Market is a major issue for the Berryessa area. The Flea Market operation on the 120 acre site is an important economic asset to the city, but the site offers the potential to be one of the best locations for transit oriented development in the entire BART system. This is an unprecedented opportunity to have an exciting new type of development that will provide a mixed use development with a balance of jobs and housing near the BART station. The importance of the opportunity for the BART station justifies the conversion of some of the Flea Market from commercial/industrial land to residential. However, the development of the property must be done in a way that provides for a balance of jobs and housing so that we improve the city's jobs/housing balance. It must also be developed in a way that does not create problems for the heavy industrial businesses across Coyote Creek.

The community has been supportive of the proposed changes in large part due to a Conceptual Land Use Plan dated November 6, 2002 that has been widely circulated and discussed.

In addition, the property owner also has reached an agreement with Granite Rock based on the Conceptual Land Use Plan that shows parkland in the northwest corner of the project, which would provide a buffer between the heavy industrial Granite Rock operations west of Coyote Creek and the potential future residents on the Flea Market site. The Flea Market has agreed to seek a non-residential buffer for the northwest corner of its property as part of any subsequent development.

This memorandum has been coordinated with the Planning Department.

Cc Pat O'Hearn, City Clerk

Moore, Janis

From: Ashok Aggarwal [ashokhome@gmail.com]
Sent: Thursday, April 13, 2006 1:41 PM
To: mayoremail@sanjoseca.gov; district3@sanjoseca.gov; district4@sanjoseca.gov; district5@sanjoseca.gov; district6@sanjoseca.gov; district7@sanjoseca.gov; district10@sanjoseca.gov; judy.chirco@sanjoseca.gov; dave.cortese@sanjoseca.gov; forrest.williams@sanjoseca.gov; linda.lezotte@sanjoseca.gov
Cc: janis.moore@sanjoseca.gov; bill.fellman@cityofpaloalto.org
Subject: REVISED NOTICE OF PREP OF AN EIR - FLEA MARKET GENERAL PLAN AMENDMENT AND PD REZONING

The above notice raises several questions. I respectfully urge the Council to ask some hard questions before approving the preparation of the EIR leading to potentially huge development.

- A. The proposal includes changing Industrial/Commercial area to Transit Corridor Residential, building a new Bart Station, a new access road off Berryessa, 2,800 residential units, 215,600 sq ft of commercial/industrial and 152,700 sq ft of retail. This is a huge development, like building a City within a City.
- B. We are already a bedroom community. We don't have a job/housing imbalance. We have more of a housing/job imbalance.
We need to maintain Commercial/Industrial land and not continue to change it to Residential. Residential puts more burden on City Services, which are marginal, at best.
- C. We are going thru some rough economic times, and Residential will not only put more burden on City Services, but also result in potential reduced taxes and less jobs within the city.
- D. Funding for Bart extension is uncertain. Funding for operating and maintaining the Extended System is not identified and is also critical. Given funding uncertainties, It is unreasonable to change Commercial/Industrial to Transit Corridor Residential.
If the development does go thru as planned, it should not be allowed unless the Bart Extension is built in which case the land should be dedicated by the developer and the Bart Station built by the developer at its own cost and NOT paid by the Berryessa Neighborhood as proposed by the VTA.
- E. The proposed development will generate approximately 26,000 daily vehicle trips of which 2,600 vehicle trips will occur during the PM peak hour. Residential alone will produce 16,800 trips per day (multiple units create appx 6 to 8 trips per day). Berryessa is already over congested both during the morning and evening peak periods all the way from the intersection of Commercial/Oakland Roads to the intersection of Jackson/Berryessa Roads, a distance of approximately 2 miles and the proposed development will only worsen traffic, noise and air pollution in the area.
- F. If you do decide to proceed with the EIR given the above significant traffic impact, I will urge that EIR look at providing the access to area south of Berryessa off Mabury and NOT off Berryssa.
The traffic needs to be dispersed off Berryessa. If possible, the EIR should look at providing no access to the subject property off Berryessa, but provide access off Mabury, Lundy and Sierra Roads.
- G. To try and help mitigate existing traffic mess and not worsen it by the new development, consideration should be given to building a new connection to US 101 off Mabury, widening King Road at the Penitencia Creek, widening Oakland Road and 13th Streets as well as improve Berryessa Road with central landscaped median and street lights in front of the Subject Property.
- H. 2800 residential units may have potentially up to 5600 kids with various school and

library needs. Which schools these kids will go to. Do we have room in the schools. Where would they cross the roads safely.

F. The huge development not only raises quality of life issues, it also raises safety and health issues. The creeks in the area have caused area flooding in the past and no efforts have been made to date to fix the problem.

I sincerely hope that Council will consider the above prior to approving preparation of the EIR.

Best Regards

Ashok Aggarwal
1883 Cape Horn Dr
San Jose, Ca 95133

Moore, Janis

From: Wilson Lee [wilsonlee_98@yahoo.com]
Sent: Tuesday, April 04, 2006 5:12 PM
To: Janis.moore@sanjoseca.gov
Cc: coyote-creek@yahoogroups.com
Subject: EIR - Flea Market General Plan Amendment, GP/GPT06-04-01 / PDC03-108

Dear Ms. Moore,

I represent approximately 110 households and 300+ residents in the California Colony and Encore housing developments directly north of the Flea Market parking lot, east of Coyote Creek, and bisected by Sierra Rd.

I would like to request, on behalf of our informal neighborhood association, that the effects of Mitigated Negative Declaration, CP00-03-009, Graniterock Crushing Facility, be factored into the scope and content of the Flea Market General Plan EIR.

The CP00-03-009 permit was originally denied 7-0 in Aug 2003 by the SJ Planning Commission on health and welfare grounds. Direct transcripts from the Planning Commission audio recording:

- "Our industrial design guidelines indicate that new development creating ... noise, dust, traffic, odor, ...hazardous materials should not, should not be located in proximity to residential. Yet [Graniterock] is trying to do just that in direct opposition to [San Jose's] industrial design guidelines...I honestly am not sold on the idea. I think there's going to be a lot of damage to the neighborhood from this. And the design guidelines that we are given to go by, just fly in the face of this project." - *Commissioner James, Planning Commission Chairman*
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- "It is totally unbelievable why we are letting it pass without a full EIR....This lot is inappropriate for expansion....they should look for expansion some other place." - *Commissioner Dillon*
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 <!-- [endif] -->
- "The project adversely affects the peace, health, safety, morals, and welfare of persons in the surrounding area [due to] adverse impacts from noise and dust." - *Commissioner Zito*

Unfortunately, Graniterock appealed this decision and had the Planning Commission's vote overturned by the City Council in Jan 2004. However, the Planning Commission's statements remain true to this day and the presence of hundreds more dwelling units within a 1000 ft. radius of Graniterock will exacerbate the problem manifold.

We implore the current EIR task force to consider the negative health, safety, welfare, and quality of living standards that CP00-03-009 will impose on the thousand of future residents of housing proposed for the Flea Market grounds.

I will be happy to meet with you in person and correspond via email and/or the telephone if you would like to discuss this matter with me. Please let me know your thoughts. Thank you.

Wilson Lee
 408-492-5776

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4/13/2006



Alan C. Lloyd, Ph.D.
Agency Secretary
Cal/EPA



Department of Toxic Substances Control

Maureen F. Gorsen, Director
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721



Arnold Schwarzenegger
Governor

March 29, 2006

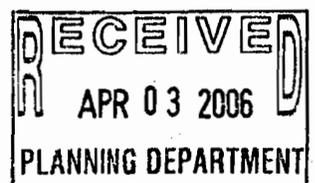
Ms. Janis Moore
City of San Jose
801 N. First Street
San Jose, California 95110-1795

Dear Ms. Moore:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) (SCH# 2005042070), for the General Plan Amendment/Planned Development Rezoning File No. GP/GPT06-04-01/PDC03-108 draft Environmental Impact Report (EIR), San Jose, California. As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8.

The Notice of Preparation indicates that there is a proposed change in land use. Please be aware that properties that were once agricultural, commercial, or industrial could potentially be contaminated with hazardous substances from past activities. DTSC recommends that you include a more detailed description of the past uses of the properties in the EIR to determine whether hazardous materials may have been released. Based on the historical assessment, we strongly recommend that sampling be conducted to determine whether hazardous substances are present at levels which would need to be addressed as part of any development. If hazardous substances have been released, they will need to be addressed as part of this project. The remediation activities would then need to be addressed in the California Environmental Quality Act (CEQA) compliance document.

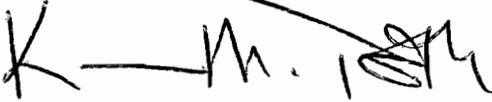
For example, if the remediation activities include the need for soil excavation, the CEQA document should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should be there an accident at the Site.



Ms. Janis Moore
March 29, 2006
Page 2

Please contact Katharine Hilf at (510) 540-3817 if you have any questions or would like to schedule a meeting. Thank you in advance for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. M. Toth', with a long horizontal line extending to the right.

Karen M. Toth, P.E., Unit Chief
Northern California - Coastal Cleanup Operations Branch

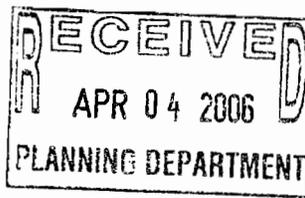
cc: Governors Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044

Guenther W. Moskat
CEQA Tracking Center
Department of Toxic Substances Control
1001 "I" Street, 22nd Floor
P.O. Box 806
Sacramento, California 95812-0806

County of Santa Clara

Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
(408) 355-2200 FAX 355-2290
Reservations (408) 355-2201
www.parkhere.org



March 30, 2006

City of San Jose
Plan Implementation Division
Planning, Building and Code Enforcement
Attn: Janis Moore
200 East Santa Clara Street, Tower, 3rd Floor
San Jose, CA 95113-1905

Dear Janis,

Attached is the revised comment letter for the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Flea Market General Plan Amendment and Planned Development Rezoning. Please disregard the earlier letter dated March 28, 2006. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Antoinette Romeo".

Antoinette Romeo
Park Planner



County of Santa Clara

Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
(408) 355-2200 FAX 355-2290
Reservations (408) 355-2201
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March 29, 2006

City of San Jose
Plan Implementation Division
Planning, Building and Code Enforcement
Attn: Janis Moore
200 East Santa Clara Street, Tower, 3rd Floor
San Jose, CA 95113-1905

SUBJECT: Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Flea Market General Plan Amendment and Planned Development Rezoning

PROJECT APPLICANT: The Flea Market, Inc

FILE NO: GPT06-04-01 and PDC03-108

**APN: 241-04-006, 241-04-007, 241-03-020, 254-17-007, 254-17-052, 254-17-053,
254-17-084, 254-17-095**

Dear Ms. Moore:

The Santa Clara County Parks and Recreation Department has reviewed the Notice of Preparation (NOP) for the Flea Market Planned Development, Zoning and General Plan Amendment Environmental Impact Report (EIR) and submits the following comments for consideration in the EIR preparation. The County Parks and Recreation Department's comments are mostly focused on potential significant impacts related to the Santa Clara County Countywide Trails Plan and effected routes and regional parks.

A Tri-party agreement for the development of the Penitencia Creek Park Chain for recreational and flood control development between Santa Clara County, the City of San Jose, and Santa Clara Valley Water District (SCVWD) is currently in effect. This agreement was approved by the County Board of Supervisors, San Jose City Council, and SCVWD Board of Directors in July 1981. A new 25-year agreement, currently under preparation is expected to go before the three approving bodies prior to the expiration date of the current agreement in July of this year. The agreement intends to ensure that the Penitencia Creek Trail, from Coyote Creek to Alum Rock Park is planned, developed, operated and maintained through the cooperation of the three entities. The subject project provides the opportunity to secure the trail alignment for a majority of the segment between King Road and Coyote Creek.

Relationship to the *Santa Clara County Countywide Trails Master Plan Update*

The Land Use section of the EIR should address the County's General Plan policies regarding the countywide trails, given the location of the proposed project site to that of future regional trail routes along both Penitencia Creek and Coyote Creek. The EIR should acknowledge the policies and guidelines of the *Santa Clara County Countywide Trails Master Plan Update* ("*Countywide Trails Master Plan*"), which the County Board of Supervisors approved

Page 1, March 28, 2006
Flea Market Development Project



Board of Supervisors: Donald F. Gage, Blanca Alvarado, Pete McHugh, James T. Beall, Jr., Liz Kniss
County Executive: Peter Kutras, Jr.



8-012

in November, 1995, as part of the Parks and Recreation Element of the County of Santa Clara General Plan (1995-2010).

Within the vicinity of the proposed Flea Market project, the EIR should describe the following countywide trail routes, which also offer opportunities for non-motorized transportation connections with the surrounding neighborhoods, parks, and open space areas. In addition, the trail would also provide added benefit for alternative transportation access to the Bay Area Rapid Transit alignment and station proposed directly adjacent to the subject project.

- ***Coyote Creek/Llagas Sub-regional Trail*** (Route S5) - Designated as trail route within other public lands for hiking, on and off road cycling. This trail route lies within the southwest boundary of project parcel APN 241-04-007 and parallel to Coyote Creek.
- ***Bay Area Ridge Trail: El Sombroso/Penitencia***, (Route R5-C) - Designated as trail route within other public lands for hiking, off road cycling, and equestrian. This trail route lies adjacent to the projects southeast boundary and parallels Penitencia Creek.

Trail Routes S5, and R5-C connect to the Coyote Creek Trail system, a regional trail route, with segments designated as the Northern Retracement Route of the Juan Bautista de Anza National Historic Trail.

The Penitencia Creek Park Master Plan, prepared on July 18, 1977 at the request of the Santa Clara County Board of Supervisors, indicates a future trail alignment within the Penitencia Creek flood control area under Santa Clara Valley Water District's (SCVWD) jurisdiction. In a comment letter of April 12, 2000 regarding File No. PDC00-0-3-022, an opportunity for an alternative trail alignment that continued to the southerly side of the Flea Market was identified as a future major connection to the Coyote Creek Trail System in conjunction with the implementation of the SCVWD's proposed bypass flood control channel.

While the current project may affect this earlier alternate alignment, the Parks Department encourages the City of San Jose Department of Planning, Building and Code Enforcement to work with the City of San Jose's Department of Public Works (DPW), Department of Parks, Recreation, and Neighborhood Services (PRNS) and the Santa Clara Valley Water District (SCVWD) in developing a trail easement dedication within the proposed development. As with any trail alignment or staging area identified in the Countywide Trails Master Plan, the County Department of Parks and Recreation Parks would be available for technical assistance in discussions of proposed trail alignments. This is particularly relevant given the current Tri-party agreement for the Development of Penitencia Creek Park Chain and its trail system.

Potential Environmental Effects of the Project that the County Parks and Recreation Department would be concerned about include the following:

Land Use

The EIR should consider the goals, policies and implementation measures in the County of Santa Clara General Plan related to the provision of countywide trails (Parks and Recreation Element) and protection of natural resources (Resource Conservation Element) such as riparian corridor protection for Penitencia Creek and Coyote Creek.

As an example, the *Integrated Natural Resources Management Plan and Master Plan for the Coyote Creek Parkway County Park (December 2005)* identified goals, objectives and guidelines as they relate to the hydrological and biological resources within a riparian corridor. For reference, a copy of the Preferred Alternative Draft Report

for the Coyote Creek Parkway County Park *Integrated Natural Resources Management Plan and Master Plan* can be located on-line at www.parkhere.org.

The EIR should also address potential cumulative impacts to the Penitencia Creek and Coyote Creek riparian corridors given the proximity of the project site to these creeks.

The proposed project site lies within one-half mile of existing County parklands (Penitencia Creek County Park), and is adjacent to designated regional trail routes as noted previously. The EIR should address increased recreation demands that would be created as a result of the increased residential population from the proposed 2,818 residential units as well as from the proposed commercial and retail development.

Hydrology and Water Quality

The EIR should address water quality and hydrology impacts to Penitencia Creek and Coyote Creek including impacts to riparian vegetation and wildlife species.

County Parks notes that the EIR will discuss the proposed project in reference to the Upper Penitencia Creek Flood Protection Project (A partnership between the U.S. Army Corps of Engineers and the Santa Clara Valley Water District) currently under development. County Parks would encourage the City to include County Parks in discussions regarding existing and proposed trails alignments that may be affected by the Flea Market project as well as the Upper Penitencia Creek Flood Control Project.

Biological Resources

The proposed project site is adjacent to Penitencia Creek and Coyote Creek riparian corridors. Project impacts on critical habitat and for species of special concern, particularly within the riparian corridors, should be evaluated. These riparian corridors serve as important connectors for wildlife species, thus, the project should consider the identification of minimum widths for urban wildlife travel at different times of the year and during different life stages.

The EIR should be reviewed for conformance with the City of San Jose's Riparian Corridor Policies and Development Guidelines (1994), since the subject project is located adjacent to both Penitencia Creek and Coyote Creek. Recommended setbacks for riparian corridors and appropriate natural vegetation buffers were developed to preserve natural creekside resources and enhance the visual experience along the corridor. Additional information should be included regarding the proper setbacks of building structures from the top of bank of Penitencia Creek and appropriate natural vegetation buffer zones, among other considerations set forth in the Riparian Corridor Development Guidelines.

The City of San Jose, County of Santa Clara, City of Morgan Hill, City of Gilroy, Santa Clara Valley Water District and Santa Clara Valley Transportation Authority are collaborating in the Countywide Habitat Conservation Plan (HCP) / Natural Community Conservation Plan (NCCP) project that is currently underway. The project site lies within the project area of the HCP/NCCP, therefore, the EIR should consider consistency of the proposed project's habitat requirements with the goals and objectives of the HCP / NCCP.

Transportation

Traffic and circulation impacts as a result of the development of the proposed project may also impact designated regional trail routes and nearby parkland. For example, the project would increase vehicular traffic along Berryessa and Mabury Roads, and, as a result could impact park circulation patterns as the primary vehicular access to Penitencia Creek Park is off Berryessa Road. These potential impacts should be assessed in the EIR.

The EIR should address potential multi-modal transportation alternatives, such as bicycle commuting, which could

be achieved by improving bicycle commuter, and bicycle/transit opportunities. Since, the project site has been identified as a potential location for a BART transit station, pedestrian/bicycle connections and connections to the trail routes should be evaluated in the EIR.

The Parks and Recreation Department appreciates the opportunity to review and submit comments on the NOP for the EIR for the Flea Market Planned Development, Zoning and General Plan Amendment. EIR. Parks would appreciate receiving a copy of the Draft EIR for comment when it becomes available. If you have any questions regarding these comments, please contact me at (408) 355-2235 or by email at Antoinette.Romeo@prk.sccgov.org.

Sincerely,



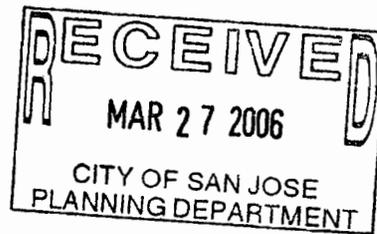
Antoinette Romeo,
Park Planner

cc: Mark Frederick, *Planning & Development Program Manager, County Parks*

Project File: PDC03-108



**Pacific Gas and
Electric Company®**



Corporate Real Estate
Land Services

111 Almaden Blvd., Rm. 814
San Jose, CA 95115

Mailing Address
P. O. Box 15005
San Jose, CA 95115-0005

March 23, 2006

Janis Moore
Department of Planning, Building
and Code Enforcement
200 East Santa Clara St., Third Floor
San Jose, CA 95113

Re: Notice of Preparation of an
Environmental Impact Report for the
Flea Market Rezoning
File No.: GP/GPT06-04-01, PDC03-108

Ms. Moore:

Thank you for the opportunity to comment on the Notice of Preparation of an Environmental Impact Report File No. GP/GPT06-04-01, PDC03-108 for the Flea Market Rezoning Project in the City of San Jose.

PG&E owns and operates gas and electric distribution facilities which are adjacent to the proposed project. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities

Developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facilities relocation's require long lead times and are not always feasible, developers should be encouraged to consult with PG&E as early in their planning stages as possible.

We would also like to note that continued development consistent with your General Plans will have a cumulative impact on PG&E's gas and electric systems and may require on-site and off-site additions and improvements to the facilities which supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas or electric transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads.

Expansion of distribution and transmission lines and related facilities is a necessary consequence of growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include

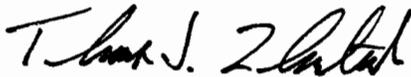
upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate buildout capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions needed to accommodate additional load on the gas system could include facilities such as regulator stations, odorizer stations, valve lots, distribution and transmission lines.

We would like to recommend that environmental documents for proposed development projects include adequate evaluation of cumulative impacts to utility systems, the utility facilities needed to serve those developments and any potential environmental issues associated with extending utility service to the proposed project. This will assure the project's compliance with CEQA and reduce potential delays to the project schedule.

PG&E remains committed to working with the City of San Jose to provide timely, reliable and cost effective gas and electric service. Please contact our Service Planning Supervisor, at 408.299.1101 if you have any questions regarding our comments. We would also appreciate being copied on future correspondence regarding this subject as this project develops.

If you have any questions call me at 408.282.7106.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. Zlatunich". The signature is written in a cursive, flowing style.

Thomas J. Zlatunich
Land Agent

cc: K.Ball

06-13-23:02:15

Janis Moore
City of San Jose,
Department of Planning, building, and code enforcement
200 East Santa Clara Street
San Jose, Ca. 95113

Dear Janis,

Thank you for your letter. I am submitting the response regarding the Flea market plan amendment.

I oppose the amended plan to change the flea market to residential area. My observations are as follows:

The potential 2,818 residential units are too crowded for this area. There is already a long waiting line from Berryessa through Commercial St. to 101 North in the morning and evening. With this additional 2000 residential units, there will be more traffic, more delay and more pollution. We need to have a plan to solve this bottleneck before adding more residential units.

During 8-9AM, we are supposed to have the fresh morning air, but there are so many commuting cars. The additional residential units will definitely impact the air quality and noise due to the longer delay along the Berryessa road..

For about 2,818 residential units, average 2 cars per family, there could be more than 5000 cars in this neighborhood. The air quality, noise is definitely the issue. Unless there is a good planning with the large size park to create the sufficient oxygen, the environmental impact will be bad.

Due to the big real estate price increase in recent years, we see the reason why there is a request to convert to residential and commercial use.

I believe the quality of life is also important. It is the reason why we live here and why this land is different than other country.

Thank you very much for your consideration.



KWOJEN LIU

3/20/2006

Phone# (h)408-4519383, (work) 408-5228888x156

mailing address: 1876 Tersini Court, San Jose, Ca. 95131



STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Arnold
Schwarzenegger
Governor

Sean Walsh
Director

Notice of Preparation

March 14, 2006

To: Reviewing Agencies

Re: General Plan Amendment/Planned Development Rezoning File No. GP/GPT06-04-01/PDC03-108
SCH# 2005042070

Attached for your review and comment is the Notice of Preparation (NOP) for the General Plan Amendment/Planned Development Rezoning File No. GP/GPT06-04-01/PDC03-108 draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Janis Moore
City of San Jose
801 N. First Street
San Jose, CA 95110-1795

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Project Analyst, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2005042070
Project Title General Plan Amendment/Planned Development Rezoning File No. GP/GPT06-04-01/PDC03-108
Lead Agency San Jose, City of

Type NOP Notice of Preparation

Description Applicant proposes to change the General Plan Land Use/Transportation Diagram designations from Combined Industrial/Commercial on approximately 24.4 acres to Transit Corridor Residential (20+ du/ac) with a Flexible Land Use Boundary; increase building height from 120 ft. to 150 ft. on the portion of the site south of Berryessa Road; and add a Major Collector roadway through the project site between Mabury and Berryessa Roads. The Medium Density Residential (8-16 du/ac) on 8 acres and the Public Park/Open Space on 22.8 acres will remain unchanged. The project also proposes to rezone the site from A(PD) Planned Development Zoning District, IP Industrial Park Zoning District and A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow the development of up to 2,818 residential units and up to 215,622 sq. ft. of combined/industrial uses on the north side of Berryessa Road and up to 152,700 sq. ft. of retail uses on the south side of Berryessa Road.

Lead Agency Contact

Name Janis Moore
Agency City of San Jose
Phone (408) 277-4576 **Fax**
email
Address 801 N. First Street
City San Jose **State** CA **Zip** 95110-1795

Project Location

County Santa Clara
City San Jose
Region
Cross Streets Both sides of Berryessa Road, north of Mabury Road
Parcel No. 241-03-020; 241-04-006 and 007, 254-17-007, 034, 052, 053, 084, and 095
Township **Range** **Section** **Base**

Proximity to:

Highways 87, 101, 680, 880
Airports None
Railways LRT, UPRR
Waterways Coyote and Penitencia Creeks
Schools Berryessa Union School District, East Side Union High School Dis
Land Use Flea Market/ A(PD) Planned Development Zoning District for commercial uses, IP - Industrial Park Zoning District and A - Agriculture Zoning District / Combined Industrial/Commercial; Transit Corridor Residential (20+ cu/ac); Medium Density Residential (8-16 du/ac)(8 ac); Public Park/Open Space (22.8 ac along creeks); with Floating Park designation along north edge of site.

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Cumulative Effects; Drainage/Absorption; Fiscal Impacts; Flood Plain/Flooding; Geologic/Seismic; Landuse; Noise; Other Issues; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 2; Department of Parks and Recreation; Native American Heritage Commission; Integrated Waste Management Board; Department of Housing and Community Development; Department of Health Services; Office of Historic Preservation; Department of Fish and Game, Region 3; Department of Water Resources; Department of Conservation; California Highway Patrol; Caltrans, District 4; Department of Toxic Substances Control

Note: Blanks in data fields result from insufficient information provided by lead agency.

**Document Details Report
State Clearinghouse Data Base**

Date Received 03/14/2006 ***Start of Review*** 03/14/2006 ***End of Review*** 04/12/2006

Note: Blanks in data fields result from insufficient information provided by lead agency.

<input checked="" type="checkbox"/> Resources Agency	<input type="checkbox"/> Fish & Game Region 3 Robert Floorke	<input type="checkbox"/> Public Utilities Commission Ken Lewis	<input type="checkbox"/> Caltrans, District 8 Mark Roberts	<input type="checkbox"/> Regional Water Quality Control Board (RWQCB)
<input checked="" type="checkbox"/> Resources Agency Nadell Gayou	<input type="checkbox"/> Fish & Game Region 4 Julie Vance	<input type="checkbox"/> State Lands Commission Jean Saino	<input type="checkbox"/> Caltrans, District 9 Gayle Rosander	<input type="checkbox"/> RWQCB 1 Cathleen Hudson North Coast Region (1)
<input type="checkbox"/> Dept. of Boating & Waterways David Johnson	<input type="checkbox"/> Fish & Game Region 5 Don Chadwick Habitat Conservation Program	<input type="checkbox"/> Tahoe Regional Planning Agency (TRPA) Cherry Jacques	<input type="checkbox"/> Caltrans, District 10 Tom Dumas	<input checked="" type="checkbox"/> RWQCB 2 Environmental Document Coordinator San Francisco Bay Region (2)
<input type="checkbox"/> California Coastal Commission Elizabeth A. Fuchs	<input type="checkbox"/> Fish & Game Region 6 Gabrina Gatchel Habitat Conservation Program	<input type="checkbox"/> Business, Trans & Housing	<input type="checkbox"/> Caltrans, District 11 Mario Orso	<input type="checkbox"/> RWQCB 3 Central Coast Region (3)
<input type="checkbox"/> Colorado River Board Gerald R. Zimmerman	<input type="checkbox"/> Fish & Game Region 6 IM Tammy Allen Inyo/Mono, Habitat Conservation Program	<input type="checkbox"/> Caltrans - Division of Aeronautics Sandy Hesnard	<input type="checkbox"/> Caltrans, District 12 Bob Joseph	<input type="checkbox"/> RWQCB 4 Jonathan Bishop Los Angeles Region (4)
<input checked="" type="checkbox"/> Dept. of Conservation Roseanne Taylor	<input type="checkbox"/> Dept. of Fish & Game M George Isaac Marine Region	<input type="checkbox"/> Caltrans - Planning Terri Pencovic	<input type="checkbox"/> Cal EPA	<input type="checkbox"/> RWQCB 5 Central Valley Region (5)
<input type="checkbox"/> California Energy Commission Roger Johnson	<input type="checkbox"/> Dept. of Forestry & Fire Protection Allen Robertson	<input checked="" type="checkbox"/> California Highway Patrol Mark Mulgrew Office of Special Projects	<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> RWQCB 5F Central Valley Region (5) Fresno Branch Office
<input type="checkbox"/> Dept. of Forestry & Fire Protection Allen Robertson	<input type="checkbox"/> Food & Agriculture Steve Shaffer Dept. of Food and Agriculture	<input type="checkbox"/> Housing & Community Development Lisa Nichols Housing Policy Division	<input type="checkbox"/> Airport Projects Jim Lerner	<input type="checkbox"/> RWQCB 5R Central Valley Region (5) Redding Branch Office
<input type="checkbox"/> Office of Historic Preservation Wayne Donaldson	<input type="checkbox"/> Dept. of General Services Public School Construction	<input type="checkbox"/> Dept. of Transportation Projects Kurt Karperos	<input type="checkbox"/> Transportation Projects Kurt Karperos	<input type="checkbox"/> RWQCB 6 Lahontan Region (6)
<input type="checkbox"/> Dept. of Parks & Recreation Environmental Stewardship Section	<input type="checkbox"/> Dept. of General Services Robert Slippy Environmental Services Section	<input type="checkbox"/> Housing & Community Development Lisa Nichols Housing Policy Division	<input type="checkbox"/> Industrial Projects Mike Tollstrup	<input type="checkbox"/> RWQCB 6V Lahontan Region (6) Victorville Branch Office
<input type="checkbox"/> Reclamation Board DeeDee Jones	<input checked="" type="checkbox"/> Dept. of Health Services Veronica Rameritz Dept. of Health/Drinking Water	<input type="checkbox"/> Dept. of Transportation	<input type="checkbox"/> California Integrated Waste Management Board Sue O'Leary	<input type="checkbox"/> RWQCB 7 Colorado River Basin Region (7)
<input type="checkbox"/> S.F. Bay Conservation & Dev't. Comm. Steve McAdam	<input type="checkbox"/> Independent Commissions, Boards	<input type="checkbox"/> Caltrans, District 1 Rex Jackman	<input type="checkbox"/> State Water Resources Control Board Jim Hockenberry Division of Financial Assistance	<input type="checkbox"/> RWQCB 8 Santa Ana Region (8)
<input type="checkbox"/> Dept. of Water Resources Resources Agency Nadell Gayou	<input type="checkbox"/> Delta Protection Commission Debbie Eddy	<input type="checkbox"/> Caltrans, District 2 Marcelino Gonzalez	<input type="checkbox"/> State Water Resources Control Board Student Intern, 401 Water Quality Certification Unit Division of Water Quality	<input type="checkbox"/> RWQCB 9 San Diego Region (9)
<input type="checkbox"/> Conservancy	<input type="checkbox"/> Office of Emergency Services Dennis Castrillo	<input type="checkbox"/> Caltrans, District 3 Jeff Pulverman	<input type="checkbox"/> State Water Resources Control Board Steven Herrera Division of Water Rights	<input type="checkbox"/> Other
<input type="checkbox"/> Fish and Game	<input type="checkbox"/> Governor's Office of Planning & Research State Clearinghouse	<input type="checkbox"/> Caltrans, District 4 Tim Sable	<input type="checkbox"/> Dept. of Toxic Substances Control CEQA Tracking Center	
<input type="checkbox"/> Dept. of Fish & Game Scott Flint Environmental Services Division	<input checked="" type="checkbox"/> Native American Heritage Comm. Debbie Treadway	<input type="checkbox"/> Caltrans, District 5 David Murray	<input type="checkbox"/> Department of Pesticide Regulation	
<input type="checkbox"/> Fish & Game Region 1 Donald Koch		<input type="checkbox"/> Caltrans, District 6 Marc Blimbaum		
<input type="checkbox"/> Fish & Game Region 2 Banky Curtis		<input type="checkbox"/> Caltrans, District 7 Cheryl J. Powell		

Demetri Loukas

From: Moore, Janis [JanisM@sanjoseca.gov]
Sent: Thursday, April 13, 2006 1:44 PM
To: Buikema, Rich; Demetri Loukas
Subject: FW: REVISED NOTICE OF PREP OF AN EIR - FLEA MARKET GENERAL PLAN AMENDMENT AND PD REZONING

Here is a comment on the Flea Market rev. NOP:

Janis Moore, Planner II
Environmental Review Section
City of San Jose
Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, Tower, 3rd Floor
San Jose, CA 95113
T: (408) 535-7815
F: (408) 292-6055

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

From: Ashok Aggarwal [mailto:ashokhome@gmail.com]
Sent: Thursday, April 13, 2006 1:41 PM
To: mayoremail@sanjoseca.gov; district3@sanjoseca.gov; district4@sanjoseca.gov; district5@sanjoseca.gov; district6@sanjoseca.gov; district7@sanjoseca.gov; district10@sanjoseca.gov; judy.chirco@sanjoseca.gov; dave.cortese@sanjoseca.gov; forrest.williams@sanjoseca.gov; linda.lezotte@sanjoseca.gov
Cc: janis.moore@sanjoseca.gov; bill.fellman@cityofpaloalto.org
Subject: REVISED NOTICE OF PREP OF AN EIR - FLEA MARKET GENERAL PLAN AMENDMENT AND PD REZONING

The above notice raises several questions. I respectfully urge the Council to ask some hard questions before approving the preparation of the EIR leading to potentially huge development.

A. The proposal includes changing Industrial/Commercial area to Transit Corridor Residential, building a new Bart Station, a new access road off Berryessa, 2,800 residential units, 215,600 sq ft of commercial/industrial and 152,700 sq ft of retail. This is a huge development, like building a City within a City.

B. We are already a bedroom community. We don't have a job/housing imbalance. We have more of a housing/job imbalance. We need to maintain Commercial/Industrial land and not continue to change it to Residential. Residential puts more burden on City Services, which are marginal, at best.

C. We are going thru some rough economic times, and Residential will not only put more burden on City Services, but also result in potential reduced taxes and less jobs within the city.

D. Funding for Bart extension is uncertain. Funding for operating and maintaining the Extended System is not identified and is also critical. Given funding uncertainties, It is unreasonable to change Commercial/Industrial to Transit Corridor Residential. If the development does go thru as planned, it should not be allowed unless the Bart Extension is built in which case the land should be dedicated by the developer and the Bart Station built by the developer at its own cost and NOT paid by the Berryessa Neighborhood as proposed by the VTA.

E. The proposed development will generate approximately 26,000 daily vehicle trips of which 2,600 vehicle trips will occur during the PM peak hour. Residential alone will produce 16,800 trips per day

(multiple units create appx 6 to 8 trips per day). Berryessa is already over congested both during the morning and evening peak periods all the way from the intersection of Commercial/Oakland Roads to the intersection of Jackson/Berryessa Roads, a distance of approximately 2 miles and the proposed development will only worsen traffic, noise and air pollution in the area.

F. If you do decide to proceed with the EIR given the above significant traffic impact, I will urge that EIR look at providing the access to area south of Berryessa off Mabury and NOT off Berryssa.

The traffic needs to be dispersed off Berryessa. If possible, the EIR should look at providing no access to the subject property off Berryessa, but provide access off Mabury, Lundy and Sierra Roads.

G. To try and help mitigate existing traffic mess and not worsen it by the new development, consideration should be given to building a new connection to US 101 off Mabury, widening King Road at the Penitencia Creek,

widening Oakland Road and 13th Streets as well as improve Berryessa Road with central landscaped median and street lights in front of the Subject Property.

H. 2800 residential units may have potentially up to 5600 kids with various school and library needs. Which schools these kids will go to. Do we have room in the schools. Where would they cross the roads safely.

F. The huge development not only raises quality of life issues, it also raises safety and health issues. The creeks in the area have caused area flooding in the past and no efforts have been made to date to fix the problem.

I sincerely hope that Council will consider the above prior to approving preparation of the EIR.

Best Regards

Ashok Aggarwal
1883 Cape Horn Dr
San Jose, Ca 95133

Demetri Loukas

From: Moore, Janis [JanisM@sanjoseca.gov]
Sent: Thursday, April 13, 2006 1:45 PM
To: Buikema, Rich; Demetri Loukas
Subject: FW: EIR - Flea Market General Plan Amendment, GP/GPT06-04-01 / PDC03-108

Here is a comment on the Flea Market NOP:

Janis Moore, Planner II
Environmental Review Section
City of San Jose
Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street, Tower, 3rd Floor
San Jose, CA 95113
T: (408) 535-7815
F: (408) 292-6055

From: Wilson Lee [mailto:wilsonlee_98@yahoo.com]
Sent: Tuesday, April 04, 2006 5:12 PM
To: Janis.moore@sanjoseca.gov
Cc: coyote-creek@yahoogroups.com
Subject: EIR - Flea Market General Plan Amendment, GP/GPT06-04-01 / PDC03-108

Dear Ms. Moore,

I represent approximately 110 households and 300+ residents in the California Colony and Encore housing developments directly north of the Flea Market parking lot, east of Coyote Creek, and bisected by Sierra Rd.

I would like to request, on behalf of our informal neighborhood association, that the effects of Mitigated Negative Declaration, CP00-03-009, Graniterock Crushing Facility, be factored into the scope and content of the Flea Market General Plan EIR.

The CP00-03-009 permit was originally denied 7-0 in Aug 2003 by the SJ Planning Commission on health and welfare grounds. Direct transcripts from the Planning Commission audio recording:

- "Our industrial design guidelines indicate that new development creating ... noise, dust, traffic, odor, ... hazardous materials should not, should not be located in proximity to residential. Yet [Graniterock] is trying to do just that in direct opposition to [San Jose's] industrial design guidelines...I honestly am not sold on the idea. I think there's going to be a lot of damage to the neighborhood from this. And the design guidelines that we are given to go by, just fly in the face of this project." - *Commissioner James, Planning Commission Chairman*
- "It is totally unbelievable why we are letting it pass without a full EIR....This lot is inappropriate for expansion....they should look for expansion some other place." - *Commissioner Dillon*
- "The project adversely affects the peace, health, safety, morals, and welfare of persons in the surrounding area [due to] adverse impacts from noise and dust." - *Commissioner Zito*

Unfortunately, Graniterock appealed this decision and had the Planning Commission's vote overturned by the City Council in Jan 2004. However, the Planning Commission's statements remain true to this day and the presence of hundreds more dwelling units within a 1000 ft. radius of Graniterock will exacerbate the problem manifold.

4/20/2006

We implore the current EIR task force to consider the negative health, safety, welfare, and quality of living standards that CP00-03-009 will impose on the thousand of future residents of housing proposed for the Flea Market grounds.

I will be happy to meet with you in person and correspond via email and/or the telephone if you would like to discuss this matter with me. Please let me know your thoughts. Thank you.

Wilson Lee
408-492-5776

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