March 13, 2009

Mr. Stan Ketchum
Principal Planner
Building and Code Enforcement
Department of Planning, Building and Code Enforcement
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

Re: Envision San Jose 2040 – Greenline/UGB

Dear Mr. Ketchum:

We received your January 16, 2009 letter providing a March 13, 2009 deadline for an application to amend the San Jose Urban Growth Boundary (UGB). It is a follow-up to Mr. Horwedel's May 15, 2008 letter informing us that the City would not consider any changes in the UGB during its Envision 2040 General Plan Update process. Your letter reiterates this point and adds, in apparent contradiction, that any UGB amendment applications must be received by March 13, 2009 to be considered as part of "a comprehensive update of the General Plan."

In response, we would like to clarify the application question and review the reasons for my March 14, 2008 letter (a copy of which is attached) to which both you and Mr. Horwedel have responded. We appreciate the time that you both have taken and conclude that some points were more fully addressed than others.

The queries in my March letter about the scope of the General Plan review were not site specific and did not rely on a UGB amendment. Rather, we asked the City to consider whether expanding the UBG or USA would enable the City to better meet its 2040 needs (broadly speaking). There was no suggestion that changes in the UBG would be based on an amendment

application for the 2,000 acres that YCS manages. Nevertheless, the City interpreted our letter as if we were seeking an amendment twice: in May 2008, by noting none would be considered as part of Envision 2040 and in January 2009, by suggesting we could submit an amendment application.

By focusing too narrowly on the property that we manage, both City responses indicate that our prior comments on Envision 2040 have been misinterpreted. In our previous letter, we raised more general concerns about the limitations of the Envision San Jose 2040 process with respect to the UBG/USA. We further inquired how the Council would consider its priorities in areas like open space conservation, education and other needs without also examining the extent to which the USA and UGB might limit the City's options. We also asked how the General Plan Amendment process could commit to habitat conservation in the City's jurisdiction without relating specifically to the Santa Clara Valley Habitat Conservation Plan (HCP) -- a process that is currently underway. As new members of the HCP Stakeholder Group, we are aware of the opportunities and challenges presented by multi-jurisdictional conservation planning.

We are fully aware that there is an application process for making a major modification to the UGB, requiring a significant financial commitment. However, the Envision 2040 Guiding Principles and Work Program explicitly exclude consideration of changes to the UGB or USA. Given that position and the inadequate time period (two months) between the January letter and the March UGB application deadline, it appears that an application would be futile since the City has already ruled out a site specific amendment by YCS or any other landowner.

YCS does not have a current development plan that would necessitate a modification. Furthermore it would be unwise to invest in one before we fully understand the limitations and/or opportunities that might arise from the HCP and the revised General Plan. Accordingly, we reiterate our request that City undertake a comprehensive approach to the Envision 2040 General Plan Update that incorporates our concerns.

We would appreciate a response that directly addresses the specific areas of interest outlined here and in our March 2008 letter, or preferably, the opportunity to meet in person to discuss these issues in more detail. I can be reached at (415) 781-1211 x113, or via email: wcosta@ycsinv.com.

Thank you for your consideration.

Sincerely,

Wayne Costa
Vice President

Enclosures

cc: Councilmember Sam Licardo, Envision San Jose 2040 Co-Chair
Shirley Lewis, Envision 2040 San Jose Co-Chair
Envision San Jose 2040 Task Force

CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, DIRECTOR

May 15, 2008

Mr. Wayne Costa, Vice President
YCS Investments
170 Maiden Lane, Suite 800
San Francisco, CA 94108

Dear Mr. Costa:

This letter is in response to your March 14, 2008 letter to Joseph Horwedel, Director of Planning, Building and Code Enforcement regarding the Envision San Jose 2040 General Plan Update and, in particular, the consideration for changes to the Urban Growth Boundary as a part of the General Plan Update process.

In June, 2007, the City Council initiated the Envision San Jose 2040 General Plan Update process and approved a Work Program, as described in the memo to the Council dated June 4, 2007, copy attached. On page 5, the memo identifies topics the Council has directed not be included in the General Plan Update work program, to be completed by City Staff and the Council-appointed Envision San Jose 2040 Task Force. The first item listed is "Expansions of the Urban Growth Boundary and Urban Service Area". Accordingly, the City will not be initiating any such expansions on its own as a part of the General Plan update process, but will consider formal applications in accordance with Municipal Code Chapter 18.30.

Chapter 18.30 of the Municipal Code establishes the General Provisions and the Modification process for the Greenline/Urban Growth Boundary. A copy of this section is attached to inform you of the process. The established process would need to be followed in order for the City to evaluate and consider any proposal for expansion of the Greenline/Urban Growth Boundary. Since your property is larger than 5 acres, we assume the process for a significant modification is most appropriate. Further information regarding the application process is available on Planning's website at http://www.sanjoseca.gov/planning/applications under General Plan Amendment. Please note, however, the policy limitations in Section 18.30.270A which states: "Significant modifications of the UGB are strongly discouraged in order to ensure the long-term stability of the boundary by directing urban growth to areas of the city that are urbanized or planned for urbanization."

Furthermore, the City Council action initiating the General Plan Update also approved a set of Guiding Principles for the General Plan Update, which closely follow the Major Strategies contained in the San Jose 2020 General Plan, including the Greenline/Urban Growth Boundary (see attached). The Council's Guiding Principle states: "Preserve land that protects water, habitat

and agricultural resources and/or offers recreational opportunities, as well as to preserve the scenic backdrop of the hillsides surrounding San Jose." Also enclosed, for your information, is a copy of the Goals and Policies from the San Jose 2020 General Plan addressing the Greenline/ Urban Growth Boundary.

Any application for modification of the Greenline/Urban Boundary would be considered in accordance with the relevant ordinance and Council policy direction.

Should you have any questions regarding this matter, please contact Stan Ketchum, Principal Planner at 535-7876.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Attachments
June 4, 2007 City Council memo
Municipal Code Chapter 18.30
Envision San Jose 2040 Guiding Principles
San Jose 2020 General Plan Greenline/Urban Growth Boundary Goals and Policies

c. Councilmember Sam Liccardo
Shirley Lewis

COUNCIL AGENDA: 06-26-07
ITEM: 4.3

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: **Envision San José 2040 General Plan Update Work Program**

DATE: June 4, 2007

Approved Paul Krutko Date 6/11/07

COUNCIL DISTRICT: Citywide
SNI: All

RECOMMENDATION

The City Council initiate the Envision San José 2040 General Plan Update by approving the proposed Guiding Principles, Work Program, and Community Participation Program

OUTCOMES

The approval of the above actions will begin the process to update the San José 2020 General Plan, the City's long-range planning document to guide the future growth and development of the City, leading to the adoption of the proposed Envision San Jose 2040 General Plan.

EXECUTIVE SUMMARY

This memorandum describes the proposed Envision San Jose 2040 General Plan Update process, including the proposed Guiding Principles, Work Program, and Community Participation Program. The discussion of the proposed Work Program includes the overview of the work program and schedule, and sections addressing Key Questions to Focus the General Plan Update process, and Key Issues Not a Part of the General Plan Update, including implications for the Coyote Valley Specific Plan process. The discussion of the Community Participation Program addresses the proposed Envision San Jose Committee, Public Workshops and the Public Outreach Plan.

BACKGROUND

On May 3, 2007, the City Council held a Study Session to review information necessary to facilitate the initiation of the proposed Envision San José 2040 General Plan Update. This

memorandum presents the proposed Guiding Principles, Work Program, and Community Participation Program for Council approval.

Study Session Comments

At the Study Session, the City Council provided a number of comments to help guide the formation of the General Plan Update process. They included the following:

- The draft work program framework anticipated an approximate three-year process. The Council recommended developing a process that can be completed in approximately two years, with a draft General Plan completed by August, 2008.

- The Council encouraged identifying aspects of the General Plan that do not need significant review, including such topics as Specific Plans and Area Development Policies that meet current and future General Plan and other City policies.

- The Council confirmed that the seven Major Strategies contained in the San José 2020 General Plan continue to represent the appropriate framework for the future growth of the City. In addition, the Council agreed that topics including enhanced sustainability, cultural diversity, social equity, fiscal stability, and accountability should be addressed in the Guiding Principles and considered for inclusion in the Major Strategies in the Updated General Plan.

- In regards to community participation, the Council comments included the following:
  - Provide multi-lingual services, as necessary to ensure inclusion and representation of the various ethnic groups in the City
  - Identify clear roles, responsibilities and expectations for an Advisory Committee
  - Explore methods to consolidate and use existing community contact lists to build a comprehensive public outreach database
  - Consider conducting a scientific survey to help identify and validate community values and vision for the future of San José.

ANALYSIS

Proposed Guiding Principles

As mentioned above, at the May 3 Study Session the Council confirmed that the seven Major Strategies contained in the San José 2020 General Plan continue to represent the appropriate framework for the future growth of the City. These strategies are: Economic Development, Growth Management, Downtown Revitalization, Urban Conservation/Preservation, Greenline/ Urban Growth Boundary, Housing and Sustainable City. The Council agreed that topics including enhanced sustainability, cultural diversity, social equity, and fiscal stability should be addressed in the Guiding Principles and considered for inclusion in the Major Strategies in the Updated General Plan. Attachment A includes the proposed Guiding Principles for the Envision San José 2040 General Plan Update.

The proposed Sustainability Guiding Principle expands on the General Plan Sustainable City Major Strategy by acknowledging and incorporating the City's ongoing efforts to implement the Urban Environmental Accords, adopted by the City Council in November 2005, which address a comprehensive range of sustainability factors, including energy, waste reduction, urban design, urban nature, transportation, environmental health and water resources.

A new topic to be included in the Guiding Principles is Social Equity, which states that the City should "cultivate ethnic, cultural and socio-economic diversity and equity in the planning for all public facilities and services to protect and enhance the quality of life for all San José residents." This concept follows the lead of the City's successful Strong Neighborhoods Initiative process to promote inclusiveness and participation in the decision-making process and equity in the provision of City facilities and services.

These Principles should be adopted by the City Council and used throughout the General Plan Update process to guide discussions and decisions. In particular, the work of the Advisory Committee will be shaped and guided by these principles.

Proposed Envision San José 2040 General Plan Update Work Program

Work Program Overview

The proposed Envision San José 2040 General Plan work program is divided into two primary phases. Phase I comprises the fundamental work elements necessary to shape the updated General Plan, including:

- Analyzing existing conditions and future projections
- Conducting issue identification and community visioning workshops,
- Developing and selecting a preferred alternative for the future growth of the City.

Phase I is anticipated to conclude with Council direction on a preferred land use alternative in approximately September 2008.

Phase II of the work program will consist of:

- Comprehensively reviewing and refining all General Plan Goals and Policies
- Drafting the updated General Plan text
- Preparing the General Plan Draft Environmental Impact Report (DEIR).

Phase II will conclude with Planning Commission public hearings on the DEIR and Draft Plan and City Council public hearings and adoption of the Envision San José 2040 General Plan in approximately February 2010. The proposed Work Program Schedule is shown graphically in Attachment B. A detailed list of the tasks included in each phase of the work program is included in Attachment C.

Project Schedule

The entire Envision San José 2040 process is anticipated to occur over a two and a half year period. The Advisory Committee timeframe would be roughly two years. As noted above, the primary process and decision-making for the updated General Plan will occur in Phase I, to be completed in September 2008. Given the proposed outcomes and scope of Envision San José 2040, the complexity of issues involved and the level of public participation both expected and desired, staff believes that the proposed schedule incorporates the minimum necessary timeframe practical for completion of the process. Each task in the work program builds upon the work completed in the previous task. For example, the issue identification and community vision creation are critical to the development of alternatives. The thoroughness and quality of the work and outreach conducted for each task will affect the outcome and quality of work in subsequent tasks. Further compression of the schedule will not provide adequate time for either City Departments or community-wide input on the development of the content and direction of the plan, while also permitting the thorough analysis needed by decision makers to make informed decisions.

Key Questions to Focus the General Plan Update Process

There are a number of key questions that will form the focus for the development of the updated General Plan. They follow closely the proposed Guiding Principles, and are as follows:

1. Future Growth Projections
   - How much projected job, population and housing growth will San Jose need to accommodate?
   - How do San Jose's projected growth rates relate to that of the greater Bay Area region?

2. Land Capacity
   - How much and what type of land will be required to accommodate future new employment, housing and all other uses anticipated?
   - How much land is currently available, both vacant and underutilized, in the San Jose 2020 General Plan?
   - What are the current and future trends and projections for the types and intensity of employment and housing development expected?
   - What amount and type of land will be required for all uses and activities, including commercial, recreational, schools, churches, etc?
   - What is the realistic holding capacity of the South Almaden Valley Urban Reserve (SAVUR)?
   - Verify the location of the 15% Slope Line to confirm those areas considered appropriate for future urban development

3. Infrastructure and Services
   - What is the current status of the City's infrastructure capacity and service levels?
   - What is the level of unfunded capital infrastructure needs and deferred maintenance?
   - What are the projected infrastructure needs and service level expansions required to serve both the existing community and projected new growth?

- What are the projected services needs of other public and outside agencies, e.g., schools, healthcare, etc.?

4. Economic and Fiscal Analysis
   - How do the projected infrastructure and service level demands of the updated General Plan impact the City's economic and fiscal health and stability?
   - What are the economic and fiscal implications of the proposed mix of land uses?

5. Environmental Resources
   - How can the General Plan protect, restore and enhance San Jose's environmental assets, e.g., habitat protection, energy conservation, green building practices?

6. Social Equity
   - How can General Plan policies support social equity?

7. Proposed Envision 2040 General Plan Land Use Plan
   - What is the optimum land use plan and capacity to accommodate projected future growth in the manner that most effectively achieves the Guiding Principles?
   - How much growth can/should occur in transit corridors, other infill locations and the urban reserves?
   - What are the existing infrastructure capacities available/needed to serve transit corridors, other infill locations, and the urban reserves?

Answering these questions within the compressed timeframe recommended by the City Council will be challenging and complex, requiring a combination of significant staff and professional consultant analysis, on-going community participation and dedicated involvement by the Advisory Committee and the City Council.

Key Issues Not a Part of the General Plan Update

Due to the proposed compressed timeframe of the General Plan Update, several issues are not proposed for inclusion in the General Plan Update process, including:

- Expansions of the Urban Growth Boundary and Urban Service Area
- Revisions to the Coyote Valley Urban Reserve Prerequisite Conditions (triggers):
  1. Five thousand (5,000) new jobs are added, as evidenced by the issuance of building permits sufficient to accommodate such growth, to the 2,000 existing jobs (1990) in the North Coyote Valley Campus Industrial Area as part of a continuing demonstrated interest in North Coyote Valley as a location for industrial development.
  2. The City's fiscal condition is stable, predictable and adequate in the long term. This determination should be based on:
     - A five year economic forecast for the City which projects a balanced budget or budget surplus for each of the forecast years.
     - City services must be at least at the same level as they were in 1993, throughout the City. At least the following quantifiable services should be considered in this

assessment: police response time, police personnel per capita, fire response time, fire personnel per capita, library books per capita, library floor space per capita, hours open at Main and branch libraries, and community center floor space per capita.
- Reasonable certainty that the City's basic fiscal relationship with the state or other levels of government will not be significantly altered during the period of the five year economic forecast.

- Revisiting Specific Plans/Area Plans
- Architectural/Urban Design and Community Character Policy enhancements
- Historic Preservation Policy and Surveys

Implications for the Coyote Valley Specific Plan (CVSP)
Staff is continuing its work on the Coyote Valley Specific Plan. The language in the San Jose 2020 General Plan states *"the Prerequisite Conditions (triggers) should only be modified during a comprehensive update of the General Plan involving a community task force similar to the San Jose 2020 General Plan update process."* The project description in the CVSP Draft Environmental Impact Report (DEIR) includes a General Plan text amendment to modify the purpose of the existing triggers and their timing to allow the City Council to adopt a CVSP and Planned Community designation without having to first meet the triggers. This text amendment would not change the Prerequisite Conditions themselves, but would rather change the timing of when those conditions are to be met. This means that the specific plan could be adopted, but no residential development could be approved prior to satisfying all the triggers.

As noted above, any proposed changes to the Prerequisite Conditions can only be considered during the General Plan Update, per the San Jose 2020 General Plan. In addition, any proposed change to the 25,000 dwelling unit and 50,000 job minimum development capacities proposed for the CVSP should only occur during the General Plan Update. Neither of these issues is currently included in the General Plan Update Work Program. Staff is recommending that the Work Program not include either item. If the City Council would like to consider changes to either or both of these topics, then they should be incorporated into the General Plan Update Work Program and schedule, and work on the CVSP process should be suspended until the conclusion of the Update process.

Continued Processing of Privately-Initiated General Plan Amendments
In order to accomplish the proposed work program and schedule, processing of individual privately-initiated General Plan Amendments will not be referred to the General Plan Update and should proceed during the General Plan Amendment hearing process.

Outcomes of the Envision San José 2040 General Plan Update
The proposed Envision San José 2040 work program is designed to achieve the following outcomes:

- A Plan that will guide the City towards the realization of San José as a diverse and vibrant World Class City

- A Plan that provides a blueprint to accommodate future population and economic growth, while at the same time improving the quality of life for current and future residents and achieving environmental and fiscal sustainability for the City
- A Plan that cultivates the unique character of the many communities within San Jose by providing greater livability and identity within a citywide perspective
- A public educated on the importance and role of the General Plan, and strongly supportive of and invested in the Plan's vision, guiding principles, and goals and polices
- A General Plan that is a comprehensive and strategic Plan for the whole City organization, integrating decisions on land use and community development with those by all City Departments on the development of infrastructure and the provision of services
- A policy document that includes innovative and effective, yet feasible, goals and polices to implement the identified vision of the City in 2040. Goals and policies will include those that address the City's service and infrastructure needs, environmental sustainability and resources conservation, quality of life and the shape of future development.
- A Plan that establishes accountability measures to track progress and achievement of Guiding Principles, Major Strategies and Goals established in the General Plan Update.

Community Participation Program
The two goals of the Community Participation Program are:

- Achieve active, consistent community participation with significant involvement and guidance for the General Plan Update.
- General Awareness of the General Plan Update throughout San Jose with ample opportunities to participate throughout the process in a meaningful way

The core components of the community participation program are the proposed Envision San Jose Committee, the Public Workshop Series, the Public Outreach Plan and the Envision San José 2040 website. Each of these is described below.

Envision San Jose Committee
Community input and guidance on the development of the General Plan Update should be lead by the Envision San Jose Committee, an advisory committee selected by the Mayor and City Council. The Envision San José Committee will be responsible for providing input and direction on the key policy decisions leading to the development of the content of the Plan. The Committee will make recommendations to the Planning Commission and the City Council on the preferred land use alternative and the Draft General Plan. In making recommendations and in working with staff on the direction and content of the plan, the Committee will review and consider input provided by the general public at the Public Workshops, through the website, or

through other venues. Committee meetings will occur approximately monthly and will be open to the public and the public will have an opportunity to participate in these meetings.

The Envision San Jose Committee should represent the wide range of community interests and cultural and ethnic diversity that make-up San José. This should include community representatives from each Council District and members representing various interests in the City including neighborhood, business, environmental, affordable housing, development, and other community organizations. The Committee should also include a representative from the City's Youth Commission and representation from San José State University and the School Districts. The Envision San José Committee is proposed to be led by a Chair and a Co-Chair. A proposed composition of this Committee is shown in Attachment D.

Public Workshop Series

The primary opportunity for public input will be the Public Workshop Series. Throughout the process, Public Workshop Series are planned at key points in the process. Each Workshop Series will include five workshops to be held at different locations throughout the City. The following four Workshop Series are proposed:

- City Vision and Issue Identification Workshop
- Alternatives Review and Selection Workshop
- Existing Conditions/Alternatives Development
- Goals and Policies Review and Development Workshop
- Review of Draft General Plan and EIR Workshop

Each of these Workshop Series will include a component to engage youth in the process. Furthermore, workshops will be held for Spanish and Vietnamese speakers, either as part of the larger General Public Workshops, or as stand-alone workshops. Staff will work with the Spanish and Vietnamese speaking communities to identify the most effective approach.

Public Outreach Plan

Developing a Public Outreach Plan that effectively reaches all of San José's diverse communities will be one of the first tasks of the Update Process. Staff will work with community leaders to identify the best approach for each community, building on the many suggestions collected during the Early Community Outreach process. Opportunities for community participation, particularly the public workshops, will be advertised in multiple local newspapers and public service announcements will be developed for airing on local television and radio stations, including the San José public access channel. Staff will also work with the media to develop stories on the General Plan to further public interest and participation in the process. Other likely tactics will include inserting Envision San José Workshop announcements in resident's utility bills and posting/distributing Workshop Announcements at community centers, libraries and schools. All outreach materials will inform the public that they can also participate in the process by providing input on the website.

A key piece of the public outreach "infrastructure" is the development of a Public Outreach Database. This effort will build upon the database managed by the Neighborhood Development

Center and currently being updated by the City Manager's Office. Staff will also coordinate with the Council Offices to ensure that this database integrates the outreach databases from each Council Office, as appropriate. The database will be updated on a regular basis to add names of individuals attending the public workshops, committee meetings, or providing input through the website. The primary outreach mode will be through E-mail. However, staff will also maintain a mailing database of individuals not able to access E-mail and who provide mailing addresses.

Envision San José 2040 Website

The other key vehicle for public participation in General Plan Update is the Envision San José 2040 website. The website, already in operation, will be used to inform the public of upcoming meetings and workshops and provide updates on the status of the Update process. Furthermore, all public meeting and workshop agendas, materials, products and summary notes will be posted on the website. This website, however, is not only proposed to disseminate information, but will facilitate participation in the process by members of the public, who either cannot or choose not to attend meetings and workshops. This website is proposed to include web versions of all Public Workshop exercises and offer the opportunity to submit comments on the process, thereby facilitating broader and more diverse public participation. Staff is exploring online surveying tools to assist in the update process.

Conclusions/Next Steps

Upon Council approval of the recommended actions, Planning Staff will immediately commence Task A, in Phase I, Project Initiation, with the limited staff resources currently allocated, pending adoption of the FY2007-08 Budget and authorization to begin recruitment of the additional staff proposed to create the full General Plan Update Team.

PUBLIC OUTREACH/INTEREST

[X] **Criteria 1:** Requires Council action on the use of public funds equal to $1 million or greater.

[X] **Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City.

[ ] **Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may Community group that requires special outreach.

Significant public outreach has occurred. Twenty-five public meetings were scheduled throughout the community. All meetings were included on the Planning website Community Calendar. The calendar was also distributed through the Neighborhood Development Center E-mail distribution. In addition, the Envision San José 2040 General Plan Update website is being kept current with materials describing the process.

BUDGET IMPLICATIONS

The proposed Operating Budget contains funding for staffing and consultant resources for the General Plan Update. The start of the General Plan Update would occur assuming the proposed funding is approved as a part of the Budget process in June.

COORDINATION

Preparation of this memorandum was coordinated with the City Attorney's Office. If the General Plan Update is initiated, staff will continue working with all City Departments and begin coordination with other agencies regarding the General Plan Update.

CEQA

Not a Project

Joseph Horwedel, Director
Planning, Building and Code Enforcement

For questions please contact Stan Ketchum, Principal Planner, at 535-7876.

ATTACHMENT A

Guiding Principles

Economic Development – Maximize the economic and revenue generation potential of the City's land resources and employment opportunities for San Jose residents.

Growth Management – Balance the urban services and facilities demands of new development with the need to address the City's fiscal stability through the operating and capital budget process.

Downtown Revitalization – Invigorate Downtown as San Jose's cultural center with a mix of housing, employment, convention and visitor amenities, museums, parks, linkages to San Jose State University, etc.

Urban Conservation/Preservation – Protect and enhance San Jose's neighborhoods and historic resources to promote community identify and pride.

Greenline/Urban Growth Boundary – Preserve land that protects water, habitat, and agricultural resources and/or offers recreational opportunities, as well as to preserve the scenic backdrop of the hillsides surrounding San Jose.

Housing – Provide a wide variety of housing opportunities to meet the needs of all economic segments of the community in stable neighborhoods.

Sustainability – Manage, conserve and preserve natural resources for present and future generations. Identify opportunities to enhance the City's sustainability policies through the implementation of the Urban Environmental Accords.

Social Equity - Cultivate ethnic, cultural and socio-economic diversity and equity in the planning for all public facilities and services to protect and enhance the quality of life for all San Jose residents.

ATTACHMENT C

ENVISION SAN JOSE 2040 GENERAL PLAN UPDATE

WORK PROGRAM SUMMARY

PHASE I

Task A. Project Initiation

1. Work Program Refinement
2. Identification of City staff Technical Advisory Committees
3. Existing Data Collection
4. Selection of Envision San Jose Committee
5. Development of Public Outreach Strategy and Database
6. Refinement of General Plan Update Website
7. Selection of Consultants

Task B. Issue Identification and Vision

1. Initial Stakeholder Outreach
2. Public Workshop Series #1 – Issue Identification and Vision
3. Draft Vision Statement

Task C. Existing Conditions Analysis

1. Demographic and Employment Trend Analysis
2. Existing Land Use and Community Character
3. Housing Conditions and Needs Assessment
4. Employment Lands Needs Assessment
5. Assessment of San Jose 2020 General Plan Population/Employment "Holding" Capacity
6. Transportation Facilities and Traffic Conditions
7. Public Facilities and Services
8. Utilities
9. Historic and Cultural Resources
10. Biological Resources
11. Noise and Air Quality
12. Hazards and Hazardous Materials
13. Hydrology and Water Quality
14. Water Supply Assessment
15. Geology and Soils
16. Fiscal and Economic Analysis
17. Recommendation for Fiscal Sustainability

Task D. Alternatives Development

1. Public Workshop Series #2 – Development of Alternatives
2. Alternatives Development Report

Task E. Alternatives Evaluation and Selection

1. Economic/Fiscal Evaluation of Alternatives
2. Circulation Evaluation of Alternatives
3. Overall Assessment of Alternatives for Consistency with Vision and Guiding Principles
4. Public Workshop Series #3 – Alternatives Evaluation and Selection
5. Planning Commission Hearing on Alternatives Selection
6. City Council Hearing on Alternatives Selection
7. Selection of Preferred Land Use Alternative

ATTACHMENT D

Envision San Jose 2040 General Plan Update

Stakeholders Groups Proposed for Inclusion on the Envision San Jose Committee

Note: Proposed stakeholder groups are in bold.
Potential organizations and interest groups that could represent these groups are also included below.

1) **Community Representative from each Council District**

2) **Neighborhood Organizations**
   a. Strong Neighborhoods Initiative Representative
   b. United Neighborhoods of Silicon Valley

3) **Business**
   a. Chambers of Commerce
   b. Silicon Valley Leaderships Group
   c. Downtown Association
   d. Home Builders Association
   e. American Institute of Architects
   f. National Association of Industrial and Office Properties
   g. Light/Heavy Industrial Business and/or Property Owner

4) **Community Based Organizations**
   a. Salvation Army
   b. League of Women Voters

5) **Education**
   a. San Jose State University
   b. School Districts

6) **Youth**
   a. Youth Commissioner

7) **Planning Commissioner**

8) **Other City Commissions/Committees**
   a. Parks and Recreation Commission
   b. Housing and Community Development Advisory Commission
   c. Historic Landmarks Commission
   d. Bicycle and Pedestrian Advisory Committee
   e. Arts Commission

9) **Other Interest Groups**
   a. Environmental Interest Group
   b. Affordable Housing
   c. Labor
   d. Faith Organizations
   e. Health Industry

1. Has a value equal to or greater than such facilities benefit assessments as determined by the city council. The city council may request a report from the director of public works to assist in determining the value of the construction; and
2. Is built to standards acceptable to the city council; and
3. Is within the scope of the public facilities project.

The city council may accept construction in lieu of the facilities benefit assessments required pursuant to this part where the city council finds that the construction proposed is less than the value of such facilities benefit assessment after payment of an amount equal to the difference between the value of the construction as determined by the city council and the amount of such facilities benefit assessments.
.. 24187.)

0.240 Termination of area of benefit.
Upon receipt of an application by a majority of landowner(s) or their designated agents, or on its own motion, the city council may initiate proceedings for the termination of an area of benefit by adopting a resolution stating its intention. The resolution of intention shall state the time and place at which the city council will hold a hearing to consider such termination.
If, at the conclusion of such hearing, the city council finds and determines that the public facilities project for which the area was originally formed will not be required in the reasonably foreseeable future, or that the installation of said public facilities project may be financed more effectively by another method, the city council may adopt a resolution declaring the area of benefit terminated.
24187.)

.250 Reimbursement, credit and refund.
In the event the city council agrees to accept construction in lieu of facilities benefit assessments as provided by Section 18.20.230 the value of which the city council finds is greater than the amount of the otherwise applicable facilities benefit assessments, the council may enter into an agreement with a developer pursuant to which said developer may be credited or reimbursed for the amount of the otherwise applicable facilities benefit assessments. The determination to treat the in lieu construction as a credit shall be at the sole discretion of the city council. Unless a credit has been authorized, the agreement shall set forth the amount to be reimbursed, and the time and manner in which payments shall be made only from revenues paid into the special fund created for the area of benefit. If no funds are available to reimburse the developer, the developer shall be placed on a prioritized list for reimbursement.

B. Upon termination of an area of benefit as provided in Section 18.20.240, any money remaining in the special fund established in connection therewith shall be expended for the general benefit of the area of benefit.

(Ord. 24187.)

18.20.260 Alternative method.
This Part 2 is intended to establish an alternative method for the spreading of the costs of certain public improvements against the lands which will be benefitted thereby; and the provisions of this part shall not be construed to limit the power of the city council to utilize any other method for accomplishing this purpose but shall be in addition to any other requirements which the city council is authorized to impose as a condition to approving new development.
(Ord. 24187.)

Chapter 18.30

GREENLINE/URBAN GROWTH BOUNDARY

Parts:

1 General Provisions
2 Modification Process

Part 1

GENERAL PROVISIONS

Sections:

18.30.100 Intent.
18.30.130 Land use changes outside the UGB.

18.30.100 Intent.

A. The Greenline/Urban Growth Boundary (UGB), as shown on the land use/transportation diagram and as described in the text of the general plan, is intended to be the ultimate limit to urbanization within which all future urban development in San José should occur and is designed to encourage compact, efficient infill development and discourage more costly development at the edge of the city. The UGB also helps to ensure that urban services provided by the city to existing neighborhoods will not be reduced by service demands of new urban development at the city's fringe.

B. Significant modifications to the UGB, or significant modifications to the general plan text supporting the boundary, will only be considered in the context of a major, comprehensive update of the general plan which fully considers all of the implications of expanding the limits of urbanization.

C. The procedures established in this Chapter 18.30 shall be used to process any request for a modification filed prior to the effective date of this chapter.

(Ords. 25301, 25302, 25706, 26082.)

18.30.130 Land use changes outside the UGB.

Any request for a general plan amendment proposing to change non-urban land use designations to urban land use designations on lands located outside of the UGB shall be processed in conjunction with a request to modify the UGB in accordance with this chapter.

(Ords. 25301, 25302, 25706, 26082.)

Part 2

MODIFICATION PROCESS

Sections:

18.30.200 Modifications.
18.30.220 Criteria - Minor modification.
18.30.260 Modification - Hearings.
18.30.270 Significant modifications.
18.30.280 Fees.

18.30.200 Modifications.

A. Any request for a modification to the UGB, as shown on the land use/transportation diagram or the text of the general plan with regard to the UGB, shall be filed by December 1 to qualify for hearing during the annual review process of the general plan for the succeeding year.

B. If, within ninety days after the application is filed, the director determines the request clearly qualifies as a minor modification based on the strict interpretation of the criteria set forth in Section 18.30.220, the modification may be considered during the annual review of the general plan.

C. If, within ninety days after the application is filed, the director determines the request does not qualify as a minor modification based on the strict interpretation of the criteria set forth in Section 18.30.220, the request shall be set for hearing pursuant to Section 18.30.260.

(Ords. 25301, 25302, 25706, 26082.)

18.30.220 Criteria - Minor modification.

To qualify as a minor modification, a proposed modification to the UGB must meet the criteria in subsections A., B., C., or D. below.

A. Subject to the limitations of subsections B., C., and D. below, lands proposed for inclusion within the UGB must be:
   1. Be no larger than five acres in size unless the proposal would further the goals of the UGB by creating a permanent open space buffer or other clear limit to future urban development in the vicinity; and
   2. Located below the fifteen percent slope line, as defined in the general plan; and
   3. Be contiguous to lands with an urban land use designation on the city's general plan land use /transportation diagram.

B. Lands adjacent to the Coyote Valley Urban Reserve, proposed for inclusion within the UGB must meet all of the following additional criteria:
   1. Be no larger than five acres in size; and
   2. Be located partly within the UGB; and
   3. Be proposed for development with a single, master plan process and coordinated implementation, such as a single planned development zoning and permit, that addresses uses and development on the entirety of such lands and that is compatible with neighboring uses and development.

- Land proposed for inclusion in the UGB for public service or facility uses must meet all of the following additional criteria:
  1. Require urban services; and
  2. Be required to serve existing or planned development within the urban service area.
- Lands within the Alviso Planning Area proposed for inclusion within the UGB must meet all of the additional criteria set forth in either subsection 1. or subsection 2. below:
  1. Type I criteria:
     a. Be no larger than five acres in size; and
     b. Be located partly within the UGB; and
     c. Be proposed for development with a single master plan process and coordinated implementation, such as a single planned development zoning and permit, that addresses uses and development on the entirety of such lands and that is compatible with neighboring uses and development; or
  2. Type II criteria:
     a. Notwithstanding the five-acre size requirement set forth in subsection A. above, be no larger than twenty acres in size; and
     b. Have a solid waste disposal site designation on the city's general plan land use/transportation diagram; and
     c. Be proposed for a use and for development in a manner that is auxiliary to or connected with an adjacent landfill use; and
     d. Be contiguous to lands with an urban land use designation on the city's general plan land use/transportation diagram and to the city's urban service area on at least twenty percent of its boundaries; and
     e. Be visually not distinguishable from contiguous, existing urban uses; and
     f. Be proposed for development with a single master plan process and coordinated implementation, such as a single planned development zoning and permit, that addresses uses and development on the entirety of such lands and that is compatible with neighboring uses and development; and
     g. Inclusion of the lands proposed for inclusion within the UGB will be consistent with the goals of the UGB by creating a permanent open space buffer or other clear limit to future urban development in the vicinity; and
     h. No lands immediately adjacent to the lands proposed for inclusion within the UGB have been processed under the minor modification provisions of this section; and
     i. Development of the lands will provide an environmental benefit.

(Ords. 25301, 25302, 25706, 26082, 26631.)

18.30.260 Modification - Hearings.

A. If the director determines that the application does not qualify as a minor modification, the director shall set hearings before the planning commission and the city council on the issue of whether:
   1. The application qualifies as a minor modification; or
   2. A comprehensive update of the general plan is currently underway or scheduled, and that the application should be referred to that process; or
   3. A comprehensive update of the general plan shall be undertaken.

B. Notice of the time and place of the hearing by one publication in a newspaper of general circulation in the city at least ten days before the date set for the planning commission and city council hearings.

C. If the city council initiates a comprehensive update of the general plan, the request for a significant modification shall be referred to the update process.

D. The modification request shall be denied unless the city council:
   1. Determines that the application qualifies as a minor modification; or
   2. Refers the application to an existing comprehensive update of the general plan; or
   3. Initiates a comprehensive update of the general plan based on the findings in Section 18.30.270.

(Ords. 25301, 25302, 25706, 26082.)

18.30.270 Significant modification.

A. Significant modifications to the UGB are strongly discouraged in order to ensure the long term stability of the boundary by directing urban growth to areas of the city that are urbanized or planned for urbanization.

B. The city council shall refer a significant modification to a comprehensive update of the general plan only if it makes one of the following findings:

1. A comprehensive update of the general plan is being scheduled for reasons independent of this application; or
2. The applicant has demonstrated that without the modification, an owner would be denied economically viable use of his or her land.

(Ords. 25301, 25302, 25706, 26082.)

18.30.280 Fees.

A filing fee, as set forth in the schedule of fees adopted by resolution of the city council, shall be submitted with each request for a modification to the UGB.

(Ords. 25301, 25302, 25706, 26082.)

ENVISIONSAN JOSE2040

Guiding Principles

Economic Development – Maximize the economic and revenue generation potential of the City's land resources and employment opportunities for San Jose residents.

Growth Management – Balance the urban services and facilities demands of new development with the need to address the City's fiscal stability through the operating and capital budget process.

Downtown Revitalization – Invigorate Downtown as San Jose's cultural center with a mix of housing, employment, convention and visitor amenities, museums, parks, linkages to San Jose State University, etc.

Urban Conservation/Preservation – Protect and enhance San Jose's neighborhoods and historic resources to promote community identity and pride.

Greenline/Urban Growth Boundary – Preserve land that protects water, habitat, and agricultural resources and/or offers recreational opportunities, as well as to preserve the scenic backdrop of the hillsides surrounding San Jose.

Housing – Provide a wide variety of housing opportunities to meet the needs of all economic segments of the community in stable neighborhoods.

Sustainable City – Manage, conserve and preserve natural resources for present and future generations. Identify opportunities to enhance the City's sustainability policies through the implementation of the Urban Environmental Accords.

Social Equity - Cultivate ethnic, cultural and socio-economic diversity and equity in the planning for all public facilities and services to protect and enhance the quality of life for all San Jose residents.

Greenline/Urban Growth Boundary

The General Plan has contained growth management and open space preservation provisions since the 1970s. These provisions have evolved into the Greenline/Urban Growth Boundary Major Strategy described in Chapter III as well as the goals and policies listed below. The Greenline/Urban Growth Boundary establishes the maximum extension of urban development and urban services both intended and anticipated in the General Plan. The Greenline/Urban Growth Boundary and the Urban Service Area policies together govern the timing and location of future urban development and the future extension of urban services. The City' s ability to provide adequate services to its residents and businesses is directly related to the successful implementation of the goals and policies listed below.

In addition to governing the location and timing of urban development, the Greenline/ Urban Growth Boundary clearly indicates that lands outside of the Boundary should remain permanently rural in character. Most of these lands are currently under the jurisdiction of Santa Clara County and should remain so. This means that the success of the Greenline/Urban Growth Boundary depends on a high degree of City and County cooperation. The City of San José and the County of Santa Clara have a long tradition (since 1970) of cooperative land use planning and urban growth management. The Greenline/Urban Growth Boundary both reflects and reinforces this tradition and establishes policies for further City and County cooperation. The General Plans of the City and the County contain similar policies regarding the Greenline/ Urban Growth Boundary. Continued cooperation will help both jurisdictions to preserve substantial areas of open space in hillside and bayland (or wetland) areas as well as preserve agricultural lands. The preservation of these lands and resources are of mutual concern to both City and County residents and will materially affect life in the City and the County now and in the future.

Greenline/Urban Growth Boundary Goals:

1. Delineate the extent of future urban expansion and reinforce fundamental policies concerning the appropriate location of urban development in furtherance of both the City and County General Plans.
2. Promote fiscally and environmentally sustainable development in locations where the City can most efficiently provide urban services.
3. Preserve substantial areas of the surrounding hillsides, baylands, and other lands, as open space both to conserve the valuable natural resources contained on these lands and to protect valley floor viewsheds.
4. Protect public health and safety by preventing urban development in areas subject to natural hazards.
5. Provide greater long-term certainty regarding future land uses outside the Greenline/Urban Growth Boundary than is provided by the Urban Service Area boundary.
6. Preserve options for the optimal utilization of lands reserved for future urban growth, i.e., the City' s Urban Reserves.
7. Achieve greater consistency between City and County land use plans and development policies for areas of mutual concern, both within and outside the Greenline/Urban Growth Boundary.

Policies:

1. No urban development should extend outside of the Greenline/Urban Growth Boundary which separates those lands planned and reserved for urban uses

from those that should remain rural in character.

2. The Greenline/Urban Growth Boundary should contain within it those lands suitable and appropriate for urban purposes including all Urban Service Area lands, the City' s Urban Reserves, and certain lands located below the 15 percent slope line and deemed potentially suitable for future urban development.

Relationship to the Urban Service Area

No expansion of the Urban Service Area should be permitted outside the Greenline/ Urban Growth Boundary (G/UGB). The timing and extent of any Urban Service Area expansion within the G/UGB should remain consistent with current established policies, and guidelines and regulations of the City, County and Local Agency Formation Commission (LAFCO).

Modifications to the Greenline/Urban Growth Boundary

1. The Greenline/Urban Growth Boundary is intended to be the ultimate limit to urban development in San José and all urban development should occur within this boundary. To ensure the long-term stability and integrity of this strategy, significant modifications to the Greenline/Urban Growth Boundary and its supporting policies should be strongly discouraged.
2. Any proposed modifications to the Greenline/Urban Growth Boundary location or supporting policies should be compatible with all applicable provisions of both the City and County General Plans.
3. Significant modifications to the Greenline/Urban Growth Boundary and its supporting policies may only be considered during a comprehensive update of the General Plan involving a community task force similar to the San José 2020 General Plan Update process and only if the City Council makes certain findings regarding the following:

a) Citywide Fiscal and Service Considerations

- The City' s fiscal condition is stable, predictable, and adequate in the long term according to a five-year economic forecast for the City which projects a balanced budget or budget surplus for each of the forecast years.
- The City is able to effectively provide and maintain urban services to existing residents and businesses at 1993 levels based on thorough fiscal analysis.

b) Specific Modification Proposal Considerations

- The effect of the proposed modification in terms of avoidance of inducing growth beyond the G/UGB or encouraging further modifications to it.
- The effect of the proposed modification in terms of avoidance of adverse impacts on viewsheds from the valley floor, other scenic views, wild land areas, agricultural lands, or open space preserves or parks.
- The necessity of the modification to achieve other important goals of the General Plan, such as improving the City' s jobs/housing balance, while avoiding conflict with the overall purposes of the G/UGB and key General Plan goals and policies, such as encouraging infill development.

- The effect of the proposed modification on the City' s ability to provide and maintain urban services to existing residents and businesses at least at 1993 levels as shown by a thorough urban services analysis.

- The effect of the proposed modification on the City' s ability to maintain or improve its fiscal condition and the ability of any future development of the expansion area to generate sufficient revenues to meet its need for City services as shown in a fiscal analysis.

- The effect of the proposed modification on the adequacy of City resources available to serve lands proposed for inclusion within the G/UGB as well as adequately maintain services to land within the existing Urban Service Area as shown by a thorough fiscal analysis.

These findings will be codified under Title 18 of the Municipal Code which will govern the G/UGB modification procedures. The achievement of these findings shall not be deemed the sole grounds for approval of a significant modification of the UGB. The Council must additionally determine that the proposed significant modification of the UGB provides an overwhelming public benefit. The findings listed above should be considered for modification only during a comprehensive update of the General Plan.

4. Joint City/County community meetings and separate City and County public hearings should be conducted for any proposal to significantly modify the Greenline/Urban Growth Boundary or its supporting City or County General Plan policies. City and County staff should work together to establish broad public notification provisions for these meetings.
5. Minor modifications to the Greenline/Urban Growth Boundary may be considered during the Annual Review of the City' s General Plan if certain criteria are met. These criteria should address the following: the slope of the property; the size of the area affected; the location of the property relative to other existing or planned urban uses and the ability of the proposal to integrate with those uses; the environmental effect of the proposal; and, other pertinent factors. These criteria should be listed in Title 18 of the Municipal Code which will govern Greenline/Urban Growth Boundary modification procedures.
6. Minor modifications to the Greenline/Urban Growth Boundary surrounding the South Almaden Valley Urban Reserve may be considered when a specific plan for that area is being prepared under the conditions presently delineated in this General Plan.

City and County Coordination and Cooperation

1. The City and County should achieve greater consistency between their land use and development policies for the lands outside the Greenline/Urban Growth Boundary and should improve the referral and decision-making processes governing development proposals or policy proposals affecting these lands.
2. The City should establish a program to create new zoning districts for hillside areas and rezone those lands outside of the Greenline/Urban Growth Boundary under City jurisdiction to conform with the General Plan designations of these areas and to be consistent with the purposes of the Greenline/Urban Growth Boundary.

3. The City and County should maintain their commitment to rural land use designations on lands outside the Greenline/Urban Growth Boundary and should only allow land uses consistent with the rural character of these lands.
4. The City and County should develop consistent implementation measures to achieve the goals and carry out the policies of the Greenline/Urban Growth Boundary.

Urban Service Area

The City first adopted a set of Urban Development Policies in 1970 to direct development to those areas where services and facilities could be provided. Because these policies deal with the timing and staging of development and are so closely related to other General Plan growth management policies, they were incorporated into the Plan in 1976. The Urban Service Area goals and policies address services provided by the City as well as those provided by other public agencies, such as flood control, public schools and regional transportation.

The Urban Service Area policies are applicable to the entire development review process, including the annexation of territory to the City. As such, the implementation of these policies should be coordinated with the Local Agency Formation Commission (LAFCO).

Urban Service Area Goal:

Insure that San José 's future growth will proceed in an orderly, planned manner in order to provide efficient and economical public services, to maximize the utilization of existing and proposed public facilities, and to achieve the equitable sharing of the cost of such services and facilities.

Urban Service Area Policies:

1. The General Plan designates an Urban Service Area where services and facilities provided by the City and other public agencies are generally available, and where urban development requiring such services should be located.
2. The Urban Service Area should be expanded only when it can be demonstrated that existing facilities and services are available and adequate to serve the proposed expansion area; adequate facilities are planned (i.e., in the adopted Capital Improvement Program or similar programs of other public agencies) and will be available when required; or all necessary facilities will be provided by the developer(s). Additionally, the Urban Service Area should not be expanded unless it can be determined that adequate resources, including operations and maintenance resources, will be available in the long term to maintain service levels citywide and that services to existing neighborhoods will not be reduced or jeopardized.
3. Expansions of the Urban Service Area into the South Almaden Valley and the Central Coyote Valley areas should be approved only in conformance with the respective Urban Reserve land use designations specifically applicable to those areas.
4. Development which is of a relatively small scale and which requires urban services may be approved outside the Urban Service Area under Planned Development Zoning if it conforms to all of the following criteria:

   - Located contiguous to the Urban Service Area boundary and adjacent to existing or committed urban development.

YCS Investments

Property Development & Management

March 14, 2008

RECEIVED

MAR 18 2008

CITY OF SAN JOSE
DEVELOPMENT SERVICES

Joseph Horwedel
Director of Planning, Building and Code Enforcement
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113
Attn: Stan Ketchum, Principal Planner
Envision San Jose 2040 Task Force

Re: Envision San Jose 2040 - The San Jose General Plan Update

Dear Mr. Horwedel,

We applaud the Mayor and City Council for initiating the Envision San Jose 2040 planning process and we submit these comments as a first step in our participation in the dialogue about Envision 2040.

We are the managers of more than 2,000 acres located in the southeastern portion of the City of San Jose and within Santa Clara County. Our property is located outside San Jose's current Urban Growth Boundary (UGB) and Urban Service Area (USA) and it represents some of the most important privately held open space in the San Jose area. In approving the Envision 2040 Guiding Principles and Work Program, the Mayor and City Council appear to have thoughtfully and thoroughly sought to map out a process that will comprehensively update the General Plan's goals and policies. Our comments are intended to suggest that there may be principles and policies that, if considered even more closely than called for in the Work Program, would ensure that the Envision 2040 process is inclusive and does not exclude consideration of land use issues that could be instrumental in achieving a number of the City's ultimate goals.

We specifically want to open a discussion about the City's decision to exclude any consideration of changes to the UGB and USA boundaries and related policies as part of Envision 2040. The City already has stated that the General Plan update will address needs for schools, as well as habitat and open space conservation, sustainability, commercial, recreational, religious and other needs. While the City seeks to determine "how much and what type of land will be required" for these purposes, as well as for employment and housing, Envision 2040 will specifically exclude from consideration General Plan objectives and policies related to the USA and UGB. This approach will prevent Envision 2040 from addressing the possibility that critical habitat, recreational,

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commercial or religious uses, or school locations might require modification of these growth limits. Exclusion of the UGB and USA boundaries and policies from consideration not only conflicts with achieving Envision 2040's goals, but may limit opportunities to make land use decisions which would greatly benefit the community. Instead, Envision 2040 appears to consider land use changes mainly in the context of the jobs-housing balance instead of the broader context of the City's real land use and community needs.

It may be that, in addition to the "jobs-housing" balance, there also is a need to consider alternative policies that will stimulate public-private partnerships for investment in habitat protection, clean energy development, school site acquisition, or new recreational trails. Achievement of these stated policy objectives may require adjustment to the UGB and/or USA to facilitate participation of private landowners.

As a specific example, Envision 2040 places a priority on protection of species habitat but does not suggest how that goal might be achieved. San Jose is participating in the Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP). The HCP/NCCP envisages protecting critical species habitat in the City, County, and surrounding communities. That planning process has already concluded that there will be major costs associated with acquiring and protecting critical habitat and that local control of habitat related land use decisions is a fundamental and desirable objective. The exclusion of review of the UGB and the USA and related policies would seem to preclude achievement of these objectives unless the City intends to acquire the necessary land and easements through direct purchase. Habitat protection and other public purposes carry a significant cost. The General Plan update process has not proposed new revenues or other means to fund these purposes which, in conjunction with a decision not to examine UGB and USA policies, may frustrate the very objectives sought to be achieved with amendment of the City's General Plan.

We hope our comments are seen as a first step in an ongoing dialog about these important issues and we look forward to participating in the public process. Thank you for your consideration.

Sincerely,

Wayne Costa
Vice President

cc: Councilmember Sam Liccardo, Envision San Jose 2040 Co-Chair
Shirley Lewis, Envision San Jose 2040 Co-Chair

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