



**Baker West**  
Neighborhood Association  
Making something good. Again.

**Easterbrook**  
**Neighborhood**  
**Association**



**English Estates**  
**Neighborhood**  
**Association**



**Murdock Neighborhood Association**



**Saratoga Woods Security**  
**Community Association**



**WESTGATE VILLAGE**  
Neighborhood Association

June 8, 2022

Mayor Sam Liccardo  
Vice-Mayor Charles Jones  
Councilmember Sylvia Arenas  
Councilmember Magdalena Carrasco  
Councilmember David Cohen  
Councilmember Devora Davis  
Councilmember Maya Esparza  
Councilmember Pam Foley  
Councilmember Sergio Jimenez  
Councilmember Matt Mahan  
Councilmember Raul Peralez

**Re: PDC19-049 & PD20-006**

“EL PASEO AND 1777 SARATOGA AVE MIXED-USE VILLAGE (SIGNATURE PROJECT)”  
Council Agenda Item – June 14

Mayor Liccardo & San Jose Councilmembers:

**The undersigned (8) neighborhood organizations urge you to reject the Rezoning and PD Permit applications to redevelop a portion of the 30-acre El Paseo de Saratoga shopping center located in District 1 at the intersection of Saratoga Avenue and Quito/Lawrence.**

As part of the Paseo de Saratoga Urban Village defined in Envision San Jose 2040, the El Paseo Phase 1 project will set the stage for future development of our Urban Village area. Because our Urban Village is currently slated for planning in “Horizon 3,” El Paseo Phase 1 is being submitted as a “Signature Project” yet it seems to fail many of the requirements of that designation.

**Surrounding neighborhoods, new residents, and the City deserve a better project to meet San Jose’s needs.** Longstanding, well-considered community concerns about density, building heights, traffic impacts, and open spaces have not been acknowledged by the developer or the City. As a result, separate from this letter, District 1 residents and affected Saratoga neighbors are circulating a petition opposing building heights greater than 8 stories and requesting a more comprehensive traffic analysis for the area.

**We understand that the City of San Jose needs to permit a significant amount of new housing, and we support reasonable growth.** Before approving 2,000+ new residents on 10.8 acres as a Phase 1 project, however, the City must do its due diligence on issues like parks space and transportation infrastructure. It must plan well and comprehensively. The community has raised serious issues, too many of which have been inadequately explained away, “mitigated,” or ignored. It should not be this way and the current proposal should be rejected.

Our major concerns about the proposed project are:

- **The 10.8-acre project site is not only part of a 174-acre, City-designated Urban Village for which there has been no planning, there has been no planning shared for the entirety of the 30-acre site.** The proposed project addresses only about one third of the 30-acre El Paseo de Saratoga Shopping Center site and is acknowledged to be the Phase 1 redevelopment plan for the site. To foster better planning, residents have requested housing, commercial, open space, and transportation goals for the entire 30-acre site. Instead, planning is being done in a piecemeal fashion, with the infrastructure impacts from developing the remaining 20 acres to be considered later. **We request the Council reject the proposed project until an Urban Village Plan has been approved or at least until housing, commercial, open space and transportation goals have been established and assessed for the entire 30-acre El Paseo site.**

- **The buildings are significantly taller and of greater density than two nearby San Jose Signature Projects.** The recently approved Stevens Creek Promenade Signature Project – which sits directly on the Stevens Creek Corridor, a major focus area for transit investment by VTA, Santa Clara County, and the cities of Cupertino, Santa Clara and San Jose – has **8-story buildings with 63 units/acre**. The Cambrian Park Plaza Signature Project, near 85/Union, has **39 units/acre with the tallest building at 6 stories**. El Paseo Phase 1 proposes **92 units/acre with buildings at 9, 10.5, 11, and 12 stories**. The community will support buildings up to 8 stories, which is more appropriate for the area and more in line with other Signature Projects.

- **Signature Projects must incorporate commercial square footage “well beyond the minimum” requirement.** A 09/24/2019 SJ City memo identified the minimum commercial footage for the non-educational option as 165,428.93 sq ft. The **current plan** proposes 165,949 sq ft, **exceeding that minimum by 521 sq ft, or 0.3% over that minimum**. We do not believe that the current commercial space meets the Signature Project requirement to exceed “well beyond the minimum” space. We had proposed to the Planning Commission that the project yield 195,000 sq ft to deliver 310 net new jobs. **This aspect alone should disqualify the project as a Signature Project** and we request you reject this proposal as it is currently presented.

- **The area is not well served by mass transit, nor has it been identified as an area of focus or growth as demonstrated by its exclusion from the West San Jose Multimodal Transportation Improvement Plan (MTIP).** The nearest light rail station is 3 miles away in Campbell. The nearest Caltrain station is 8 miles away in Sunnyvale. During the work week, the area is served by only (2) northbound “Express 101” buses in the AM and (2) southbound “Express 101” buses in the PM. The other 3 bus lines serve a more limited area and have variable service frequencies during the day. There is no dedicated bus drop off/pick up location outside the roadway. Compare this to Valley Fair, which has a dedicated transit hub for buses that go frequently to surrounding transit hubs.

**The bicycle and pedestrian infrastructure is also poor.** Saratoga Ave from 280 to Lawrence has been identified as a Vision Zero Priority Safety Corridor, as it accounts for a high proportion of fatalities and severe injuries on San Jose streets. The area surrounding the project site is not as dense in bikeways as other surrounding areas ([https://511.org/sites/default/files/bike\\_maps/vta-santa-clara-valley-bikeways-map.pdf](https://511.org/sites/default/files/bike_maps/vta-santa-clara-valley-bikeways-map.pdf)). Saratoga Ave from the El Paseo site to Stevens Creek Blvd has the worst VTA bike safety rating of “Extreme

Caution". Lawrence Expressway from the site all the way to 280 and to the Caltrain station is also rated "Extreme Caution". There are no direct bikeways to downtown San Jose. Even when examining existing bikeways, there are issues that, per VTA criteria, would warrant "Extreme Caution". For example, the Campbell Avenue bikeway has no specific rating but contains numerous elements cited in the VTA's "Extreme Caution" rating such as: a narrow lane lacking a 3-foot bike lane buffer; traffic speeds at  $\geq 35$ mph; numerous driveways on the right, and buses. Compare this to Cupertino Main Street, which is surrounded by physically protected bike lanes and green bike lane markings. While we align with the desire to support more travel by resident bicycles, the current infrastructure does not well support that transportation mode.

**Despite these transit, bicycle, and pedestrian infrastructure and safety deficiencies, as of 05/2022, the area has not been included in past years of planning for the West San Jose MTIP.** We request you reject this proposal until this area receives significant, multi-jurisdictional multimodal planning attention.

- **The area needs a comprehensive, independent traffic study together with Saratoga and Santa Clara County.** The EIR traffic analysis contained some "common-sense" questionable model assumptions and conclusions. For example, the report found that with 2,263 new residents, only 219 new outbound trips will occur at the peak AM commute hour, and that of those 219 outbound trips, only one will use the closest-to-site, northbound freeway ramp (Saratoga Avenue/Highway 85). We are seriously concerned about the infrastructure impacts to San Jose and other jurisdictions to support: this project; additional development at El Paseo; and the four planned/in-discussion projects within 1 mile of El Paseo, including a Costco Warehouse.

The impending strain on the existing traffic infrastructure is evident from the DEIR traffic study report (Appendix I). In reference to the Educational Facility option that was dropped, the report states: **".... analysis show that the education option would cause substantial increases in traffic volumes....Improvements to address the adverse effect on the freeway segment would require either widening the freeway or reducing the project trips. Caltrans has no plans to widen SR 85.....This level of trip reduction is not feasible..."** While the Educational Facility is no longer considered, the implied traffic constraints merit more attention due the addition of 2,000+ residents in El Paseo Phase 1 and other foreseeable projects. We request you reject this proposal until a comprehensive traffic study is completed.

- **The residential density is too high, resulting in open space deficient for 2,000+ new residents.** San Jose's City Park Impact Ordinance (PIO-Municipal Code, Chapter 14.25) and Parkland Dedication Ordinance (PDO-Municipal Code, Chapter 19.38) call for 6+ acres of open space for 2,000+ new residents. This is not possible on the 10.8-acre site, therefore \$18 million of in-lieu Parkland fees are required. Not only is the 1.1-acre onsite park space insufficient, the project's 1.7 acres of public open space appears to include a roadway and parking spots. Such surfaces appear to have been excluded in the Cambrian Park Plaza Signature Project open space calculations. An earlier City Planning Staff memo (09/2019) raised concerns about the viability of the project open space proposals at that time.

San Jose Parks has the stated goal that every resident should have a park within a 10-minute walk, equivalent to 0.5 mi. This area is already a park desert with there being no parkland within the adjacent Baker West neighborhood, and the closest City park – Saratoga Creek Dog Park – is 0.6 mi. away (a 14-min walk), across two extremely busy streets (Prospect, Saratoga; 6 lanes) and behind a shopping center parking lot that may soon host a Costco. Due to the lack of park space, two school properties about 0.6 mi. from the site have been cited; however, those school fields have limited public access. District 1 is the most park deficient district in San Jose with only 13 neighborhood parks. San Jose Park ActivateSJ 2020-2040 shows this particular area with a "High Park need" level. This project will make a bad situation far worse.

It's critical that we reduce the residential density and/or plan the entire 30-acre parcel so that adequate parkland that conforms to the General Plan can be provided.

- At 994 dwelling units (DU), this single project exceeds the 919 DU cited in the SJ General Plan for the entire 174-acre Paseo de Saratoga Urban Village while contributing only 13% (190 new jobs) toward the 1,500-job goal. (General Plan, Appendix 5, page 3; 03/24/2022). San Jose's General Plan identifies the area as a "commercial corridor and center urban village" for which "a modest and balanced amount of new housing ... capacity is planned".

- The project greatly exceeds the targeted number of DUs and density but provides only a minimum of affordable units, which don't align with the City's RHNA allocation distribution. The Baker West and Moreland West neighborhood associations have consistently supported onsite below market rate (BMR) housing. We know that as of 03/2021, San Jose had, through 2023, met its market rate RHNA goals but only 20% of its affordable housing goal. Our request to the Planning Commission, in fact, asked for a reduction in market rate units while maintaining the number of affordable units at 149. While City officials praise the inclusion of the minimum number (15%) of BMR units at 50% of AMI (5%), 60% of AMI (5%), and 100% of AMI (5%), we ask why isn't El Paseo contributing more fully to the City's RHNA allocation?

Income Category	RHNA Category	SJ RHNA ('23 -'31)	El Paseo Phase 1
Very Low	< 50% of AMI	24%	0%
Low	50-80% AMI	14%	10%
Moderate	80-120% AMI	17%	5%
Above Moderate	> 120% AMI	45%	85%

- It appears that all BMR units are concentrated at the 1777 Saratoga Avenue site in the "Affordable Residential Tower," which is furthest away from the project's ~1.1-acre park. That building is separated by six lanes of Saratoga Ave traffic from other project buildings and amenities. A City memo in 09/2019 pointed out that this project would require two separate Signature Project applications because it is located on two distinctly separate sites connected only by a traffic crosswalk. **This single project proposal should be rejected and the City should, per this prior issue finding, require two Signature Project applications for the two distinct sites.**

- **Community outreach and opportunities for public input seem pro-forma.** Despite strong community concerns about building heights since the earliest plans, the buildings have only increased in height, as has the density. The developer has failed to provide a basic rendering to help the public visualize the entire project – all four buildings – in the existing space. Project signs posted at the site are outdated and show significantly more green space than the final proposal. At Community Meeting #2 held in January, the public was shown a single building elevation, for the shortest, 9-story building. At that 62-minute community meeting and the recent Planning Commission hearing, public comment was summarily limited to one minute per individual.

**Please reject the Rezoning and PD Permit applications and require the developer to submit a more appropriate and complete plan for the 30-acre site – one with 1) lower building heights, 2) less residential density, 3) more new jobs, 4) closer alignment with the City’s RHNA allocation distribution, and 5) one which affords new residents adequate and equitable access to parks space and amenities.**

Respectfully,

Rosemary Kamei, President, Baker West Neighborhood Association  
Amy Cody, President, Moreland West Neighborhood Association  
Marc Pawliger, on behalf of the Country Lane Neighborhood Association  
Gary Smith, President, English Estates Neighborhood Association  
Skip Stevens, President, Westgate Village Neighborhood Association  
Michael Wright, President, Easterbrook Neighborhood Association  
Doris Livesey, President, Murdock Neighborhood Association  
Chris Vasquez, President, Saratoga Woods Security Community Association

## ADDITIONAL BACKGROUND

**1. The El Paseo Phase 1 plan perpetuates San Jose's role as a "housing-rich/jobs-poor" bedroom community supporting businesses in neighboring cities.**

> El Paseo Phase 1 non-residential density is ~3x lower than Vallco, ~2x lower than Stevens Creek Promenade, and roughly comparable to Cambrian Park (1.2x lower)

Vallco plan	47,980 sf/acre
Stevens Creek Promenade plan	31,500 sf/acre
Cambrian Park plan	18,900 sf/acre
El Paseo Phase 1	15,420 sf/acre

> El Paseo Phase 1 residential density is ~2.4x higher than SJ Cambrian Park, ~2x higher than Cupertino Vallco, and ~1.5x higher than Stevens Creek Promenade.

Cambrian Park density:	39 units/acre
Vallco residential density:	48 "
Stevens Creek Promenade residential density:	63 "
El Paseo Phase 1 residential density:	92 " (SJ General Plan calls for min 55 du/acre)

**2. A San Jose Planning Department memo to the applicant on 09/24/2019 identified the points below as requirements/issues for a Signature Project.**

a. ***"For Signature Projects, the project needs to incorporate a commercial square footage well beyond the minimum requirement."***

**Scheme A minimum commercial space requirement = 17,124 + 148,304 = 165,428 sqft**

The current plan being voted on proposes **165,949 sqft**, exceeding the minimum by 521 sq ft. **We do not believe the planned commercial space plan meets the requirement of a Signature Project.**

b. ***"The parcels that make up the project site are intersected by Saratoga Avenue and are not contiguous. Therefore, this proposal would need to be considered as two separate Signature Projects."***

c. ***"... the pedestrian connection identified across Saratoga Avenue is not adequate to understand a clear relationship that a Signature Project would require. For example, Staff notes that pedestrian connections throughout the proposal has been created to connect the proposed area and the existing shopping center, however the design only features a pedestrian connection via a crosswalk to connect the two distinctly separate sites ."***

**3. We believe that the El Paseo Phase 1 development plan does not meet the City's requirement for job generation.**

We have identified job generation concerns in the developer's DEIR as well as in the City's response to inputs on the DEIR. The jobs are calculated based on commercial sf. The developer is building 165,000 sf for commercial use, claiming 660 jobs (165,000/250 = 660). However, the 660 are not new jobs because the project area already has commercial and office uses totaling 126,345 sf that are being demolished. The net NEW jobs, now confirmed by the First Amendment to the Draft EIR (05/06/22) is 190.

For a Signature Project, the 2040 General Plan calls for a project that “incorporates job growth capacity above the average density of jobs/acre planned for the entire Village Planning Area”.

**Per current plan, El Paseo Phase 1 would exceed the housing capacity for the entire Urban Village but provide only about 13% of the job capacity. Increasing commercial sf to 195,000 would provide 310 net jobs, about 20% of targeted Urban Village job capacity.**

**4. Park & Open Space.** The amount of park/open space is inconsistent with the Park Impact Ordinance (SJMC 14.25 PIO). Given the number of residents we understand that 6 acres of parkland are required. The issue of parkland has been brought up frequently by residents since the area is so deficient in public park space.

During the Planning Commission hearing the commissioners were told that outside the 1.1 acre park the residents could find parks or fields within 0.6-1 mile away. The closest park to the site is the Saratoga Creek Dog Park, which is 0.6 mi/14 min walk and across 8-14 lanes of traffic, depending on the building. The other park is Saratoga City’s Quito Park located about 0.8 mi/16 min walk away. The two school fields referred to are Prospect HS and Moreland Middle School both about 0.6 mi/14 min away. It is our understanding that two school fields have limited public access.

Also, please note that per plan drawings, the project open space includes a vehicular roadway and parking spots in some of the paseos (Drawings A9.03/2021; A3.7: 12/09/21 plan). We note that such surfaces appear to be excluded in the Cambrian Park Plaza Signature project (Drawing A3.6: 01/20/22). This issue was raised with the Planning Commission but resulted in no discussion.

**5. Building heights have been raised as a concern by the community since the beginning.** Despite that, the building heights have increased with time, even with the loss of ~300 Ksqft of commercial space. The three shortest buildings have increased from 7,7,9 stories to 9,11,11 stories and the number of units from 741 DU to 994 DU.

Some **reference structures nearby** are: the 4-story Apple Headquarters in Cupertino; the 7-story Kaiser Hospital on Lawrence in Santa Clara; the **8-story residences at San Jose’s Santana Row**; and the newly approved, **8-story buildings at the Stevens Creek Signature project** in San Jose, and the planned **4,5, and 6 story buildings at Cambrian Park Signature project**.

San Jose’s Urban Village plan states that: “New development within the Urban Village should be well integrated within, and respectful of, and compatible with adjacent existing neighborhoods.” These structures are the equivalent of residences being proposed in downtown San Jose with its diverse multi-modal transit options and extensive availability.

**6. While the El Paseo Phase 1 plan provides for residential density much higher than San Jose’s required minimum for Signature Projects (55 du/acre), it commits only to the minimum percentage of affordable housing units.**

According to San Jose’s Annual Progress Report on the Implementation of the SJ General Plan (03/2021): *“...During the first seven years of the 8.8-year RHNA period (80% of the way through the period), the City has met all of its market-rate housing goal, but **only 20% of its affordable housing goal.**”<sup>1</sup>*

**Given the status of San Jose’s housing goals, we believe the El Paseo Phase 1 project should maintain at least 149 affordable housing units irrespective of any reduction in residences.**

7. The transportation infrastructure in the region will be **put under considerable strain by this project let alone the other 4 projects** being contemplated for development **within less than a 1-mile radius of El Paseo**. The projects in planning or early discussion are: the **Costco Warehouse** project at Lawrence/Prospect; the **in-progress Quito Village project near Saratoga Ave/Cox**; a **potential multi-story housing development near Saratoga Ave/Cox**; and **consideration of a 10-story mixed-use development at Lawrence/Prospect** by the City of Saratoga. All of these proposed and potential developments are **within 1 mile of El Paseo Phase 1**. Much of this traffic will need access to 280 and 85 via Saratoga Avenue or Lawrence Expressway. San Jose's workforce is still tied to vehicles and freeways that are not particularly well served by the local transit or bicycle infrastructure

#### 8. Responsiveness to Community Input

> It was stated by the Planning Commission that the community should feel heard by the developer since an Educational facility Option was dropped. There was some resident concern on the educational option which the developer admitted early on may not come to fruition. We believe there were likely other factors contributing to the option being dropped most of which we are not privy to. However, what was not said is that the developer's own traffic study concluded that the Educational Facility option required widening of Highway 85 or an unfeasible reduction in trips. From **DEIR Appendix I, Pag 105** ( bolding added):

*The results of the freeway segment analysis show that **the education option would cause substantial increases in traffic volumes** (one percent or more of freeway capacity) on one (1) of the study freeway segments currently operating at LOS F (see Table 21). Therefore, based on CMP freeway impact criteria, one (1) of the study freeway segments would be adversely affected by the project. ...Improvements to address **the adverse effect on the freeway segment would require either widening the freeway or reducing the project trips**. Caltrans has no plans to widen SR 85, and the cost of widening the freeway is beyond the capability of the project. In order to eliminate the adverse effect through TDM, it would be necessary to reduce project trips by 55%. This level of trip reduction is not feasible..."*

We believe that was a major factor in the dropping of the Educational Facility. **We did not have the opportunity to address this statement by the Planning Commission** nor was it clear that the Planning Commission was aware of the DEIR Appendix I finding when they made their statement.

> The **project description boards on the site are well out of date** and show a plan with a much larger green open space which was dropped prior to the submission of the DEIR. Some residents still refer to those drawings.

> **Some residents have been consistently asking for specific views of the project from several vantage points**. These views have never been provided. During presentations, the renderings do not show the entire building or of the site with the totality of buildings.

> As stated earlier, the nearby neighborhood associations have given consistent input on the building heights. And despite that most of the building heights and densities have only increased by several stories. On 5//12/22, residents who received developer notifications received the following in an email: *"... We realize that some people are concerned about the proposed building heights and we wanted to share the details of one of the key benefits of taller buildings: more open space to program with activities and to fill with greenery..... District 1 has fewer parks than any other district in San Jose. This project proposes approximately 3.5 acres of open space and much-needed park space for the neighborhood.*

*Open space is created when the buildings aren't spread out all over the site, but rather pulled into multi-story structures and complemented with underground parking."*

The communication omits references to the city open space acreage requirements or to the in-lieu fee being negotiated with the city because of the less than required amount of on-site open space.

#### **9. RHNA Allocation Info**

P. 28, Association of Bay Area Governments (ABAG)

FINAL REGIONAL HOUSING NEEDS ALLOCATION (RHNA) PLAN: SAN FRANCISCO BAY AREA, 2023-2031  
December 2021

#### **10. West San Jose Multi-Modal Transportation Improvement Project**

<https://www.sanjoseca.gov/your-government/departments-offices/transportation/projects-planning/west-san-jos-mtip>

#### **Stevens Creek Corridor Steering Committee - Major Investment Plans**

<http://www.sjdistrict1.com/stevens-creek-corridor.html>

#### **MTIP PROJECT TIMELINE**

- 2019:
  - Urban Village Plan/transportation vision outreach
- 2020:
  - Existing conditions analysis
- 2021:
  - Spring: Community outreach
  - Summer: Initial projects/programs/policies proposed
  - Fall: Community outreach
  - Winter: Final draft plan developed
- 2022:
  - Final draft plan presented to City Council