

**TO: Envision San José 2040
Task Force**

FROM: Andrew Crabtree

**SUBJECT: December 13, 2010
TASK FORCE MEETING #47**

DATE: December 7, 2010

This memorandum provides information to assist you in preparing for the December 6, 2010 Envision San José 2040 Task Force Meeting. Links to the referenced documents and other resource materials (e.g., reading materials and correspondence) are posted on the Envision website.

Please note that on Friday, December 17, 2010, circulation of the Envision's Draft Environmental Impact Report (DEIR) is scheduled to begin for public review and comment.

Agenda Item 3 – Envision Task Force Ambassador Program Update

Staff and Task Force members will provide an update on recent outreach activities. Task Force members are encouraged to help identify community stakeholder groups and leaders to engage in the Envision process, and also to lead or take part in presentations to those groups.

Agenda Item 4 – Draft Envision San Jose 2040 General Plan (Project Description)

Staff will present an overview of the Envision San Jose 2040 General Plan, project description, including edits made to the *Quality of Life – Residential Neighborhoods*, and *Implementation – Landmark Projects* policy sections to address comments made by the Task Force at the November 15, 2010 Task Force meeting. Excerpts showing tracked changes for these two sections are included in the packet materials. The complete Draft Envision Plan document text which will serve as the basis for circulation of the DEIR is provided in a final draft version as a reference material.

Agenda Item 5 – Environmental Review for the General Plan Update

The Envision Draft Environmental Impact Report is scheduled to begin circulation on December 17, 2010. Staff will provide an overview on the scope and how to review a General Plan Update Draft Environmental Impact Report.

1) **Brief Overview of California Environmental Quality Act (CEQA) Environmental Impact Report (EIR) process:**

CEQA is a self-executing statute that was passed by the California Legislature in 1970, requiring cities and other public agencies to consider the potentially significant effects their discretionary actions might have on the physical environment before making decisions on public and private projects. As a result of this legislation, environmental clearance is required prior to approval of both public and private projects, including general plans.

The purpose of an EIR is to provide detailed information on a project; the potentially significant environmental effects which a proposed project is likely to have; identify ways by which the significant environmental effects may be minimized; and identify alternatives to the project that avoid or lessen impacts. An EIR is a complete study of all the possible significant environmental impacts of a project and all the possible ways of reducing or mitigating these impacts and is usually prepared if a project is likely to result in a significant impact on the environment that may be difficult to mitigate or reduce. Alternatives to the project include the No-Project Alternative, and identification of environmentally superior alternatives.

The Lead Agency (Agency) is always the author/owner of the EIR. CEQA requires that an EIR must be subject to the Agency's own review and analysis and reflect its independent judgment with regard to the scope, content, and adequacy. The EIR helps the decision-makers and the public evaluate the project. It can be prepared by the applicant, the Agency or a consultant under the direction of the Agency. An EIR must be prepared when the Agency determines that it can be fairly argued, based on substantial evidence, that a project may have a significant effect on the environment.

The environmental review process identifies the environmental impacts that might be associated with a project prior to decision making. The Agency determines the scope, content, and focus of the EIR and prepares a Notice of Preparation (NOP). The NOP process identifies the impacts a proposed project is likely to have on the environment. Once the draft EIR and analysis of significant environmental impacts is complete, the Draft EIR is circulated for 45 days for public and agency comments. At the end of the comment period, the Agency prepares a response to substantive issues raised in the comments and a Final EIR is issued. The EIR is reviewed and certified as complete by the Planning Commission and is considered by the City Council on appeal.

The Agency's decision making body must adopt any findings regarding significant impacts and appropriate mitigation measures and/or adopt a Statement of Overriding Considerations for approval of a project with significant unavoidable impacts as identified in the EIR, and/or adopt a mitigation monitoring or reporting program.

2) How to read an Environmental Impact Report (EIR)

The Envision EIR is considered a "program" level analysis. The EIR document is structured according to the CEQA Guidelines and discusses areas of potential environmental impact such as, but not limited to, transportation, water supply, cultural resources, land use, biology, and greenhouse gas emissions. The EIR generally contains a Project Description, including the project's objectives, a description of the existing environmental setting, the project's potential environmental impacts and mitigation measures, project alternatives that avoid or lessen the identified significant environmental impacts as well as meet the objectives, and identification of any growth-inducing effects

According to the CEQA Guidelines, when reviewing a Draft EIR the focus should be whether there is sufficient information in the document regarding identification of potentially significant environmental impacts and methods to avoid or mitigate those impacts to allow decision makers to make a considered determination regarding a project.

The role of the Envision Task Force members is not to review and provide comments on the EIR as a group, but to understand how to participate in the EIR process. Task Force members can, however, submit any comments as a member of the public or on behalf of the group they represent.

Agenda Item 6 – Public Comment

Members of the community will be provided with an opportunity to address the Task Force and provide input on the Agenda discussion items.

Reading / Resource Materials

The packet includes as a resource document the Final draft version of the Envision San Jose 2040 General Plan document, Chapters 1 – 6. Additional resource material on CEQA is available at the City's website <http://www.sanjoseca.gov/planning/eir/> and a summary of the Requests for Alternative Envision land use designations received by the November 15, 2010 deadline is available at http://www.sanjoseca.gov/planning/gp_update/documents/ENVISION_DesignationChangeRequest.pdf

Public Correspondence

Ten public correspondence items are included in the packet which are also posted online.

Announcements

The Envision Draft Environmental Impact Report is scheduled to circulate on **December 17, 2010**. The Draft EIR will be made available in electronic format for Task Force and community members on the Envision website. Electronic (e.g., CD Rom) versions of the document can be provided to Task Force members upon request, and are strongly preferred as the “green choice” over paper copies.

On **December 7, 2010**, the City Council will consider pending General Plan Amendment applications as part of the City's Fall 2010 General Plan Hearing process. Along with the set of pending Amendment applications in the Evergreen area, the Council will consider one of the Requests for an Alternative Envision Land Use/Transportation Diagram designation received through the Envision process on two of the same sites in Evergreen, both proposals to allow residential uses on land currently designated for industrial uses on the Draft Envision Land Use/Transportation diagram. The detailed staff report with a recommendation to maintain the industrial land use designation of these sites is available on the December 7, 2010 Council agenda, at <http://www.sanjoseca.gov/clerk/Agenda/20101207/20101207a.pdf> Staff will provide an update to the Task Force on the outcome of the Council's actions on the pending General Plan Amendments and Alternative Envision Request in January 2011.

On **December 14, 2010**, the City Council will consider another Request for an Alternative Envision Land Use/Transportation Diagram designation to allow urban residential uses submitted for a large site located within the South Almaden Valley Urban Reserve. The detailed staff report with recommendation to maintain the area as an Urban Reserve is available on the December 14, 2010 Council agenda at <http://www.sanjoseca.gov/clerk/Agenda/20101214/20101214a.pdf> Staff will provide an update to the Task Force on the outcome of the Council's action on this Alternative Envision Request in Evergreen.

Staff is continuing analysis of the remaining Requests for Alternative Envision Land Use designations and intends to bring additional Requests that may be fundamentally inconsistent with the Draft Envision Plan forward for consideration by the City Council in January of 2011, to help further define the scope of alternatives to be considered as part of the General Plan Update.

Next Meetings

The next meeting is scheduled for January 24, 2011 and will focus on Outreach Strategy and review of the Envision Draft Environmental Impact Report.

If you have any questions, please contact either myself or Susan Walton. I can be reached by phone at (408) 535-7893 or by email at: andrew.crabtree@sanjoseca.gov. Susan can be reached by phone at (408) 535-7847 or by email at: susan.walton@sanjoseca.gov.

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