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**MAY 8 2007**

**CITY OF SAN JOSE  
DEVELOPMENT SERVICES**

Darryl Boyd, AICP  
Principal Planner  
City of San Jose  
Department of Planning, Building & Code Enforcement  
200 East Santa Clara Street  
San Jose, CA 95113

Re: Coyote Valley EIR- Foster Group (APN: 712-01-004) and Benson/Foster (APN: 712-01-010)  
Properties

Dear Mr. Boyd:

The Draft Environmental Impact Report for Coyote Valley Specific Plan listed several environmental impacts that affect our properties identified above. In 2005 and 2006 we submitted alternate plans drafted by SWA, our planner, to your contractor, Dahlin Group Architecture & Planning, and to Susan Walsh and Laurel Prevetti of your Department. These alternate plans addressed the following two significant and unavoidable environmental impacts:

1. **Vibration:** We placed offices over parking along the railroad tracks because of the vibration and noise, thus eliminating this environmental impact on residential use within our properties. In addition, offices at this location are within easy walking distance of the proposed transit station to reduce traffic impact. We moved the residential use to the lake location previously designated for office over retail. This places residential over the core retail of Coyote Valley, a concept that has had great success at Santana Row. We do not propose any changes in total square footage of any development designation for our property.
2. **Biology-Trees:** On parcel #004 we have a line of significant trees on the eastern portion of our southern border. The Specific Plan places the western edge of a road over these trees. We proposed moving the road slightly to the east so that trees are preserved and become a border between different land uses. On parcel #010 we have heritage oaks within the south-west corner of this property. We proposed building a development around three sides of these trees with an open park facing the lake. We proposed retail (restaurants) around the developed edge of the park and residential over the retail to take full advantage of the heritage oaks, the lake, and the urban park setting. Both of these changes preserve the trees.

The only other significant impact identified for our properties is a traffic congestion point at an intersection in the southeastern portion of our property. We have not addressed traffic considerations for our properties as yet and therefore do not have a solution for this impact.

Please implement our planning solutions to mitigate the identified significant and unavoidable impacts.

Sincerely,

Thomas N. Foster



Cc: Laurel Prevetti, City of San Jose  
Susan Walsh, City of San Jose  
Stan Ketchem, City of San Jose  
Douglas P. Dahlin, Dahlin Group Architecture Planning  
Al Victors  
Peter Rothschild