

# AMERICA CENTER PHASE III PROJECT RECONSIDERATION HEARING

## PROJECT TIME LINE

Over the course of 20 years, significant commitments made to the Alviso community regarding the America Center site have been irreparably ignored or lost. As a result of these promises the Alviso community relied solely on Legacy Partners environmental documents, studies, and reports. This time line lays out that story.

1998

Cargill/Collishaw/Lincoln Properties purchase of 70.5 acres of a former land fill in Alviso for \$17 million and the City approves the Cargill/Collishaw Program-level EIR and General Plan Amendment to allow industrial and commercial uses and building heights of 90'. The project needed the Alviso Master Plan height restriction amended. In order to do that without opposition from the residence the developer created a slew of concessions benefiting the Alviso community. By creating a slew of community benefits the developers assured that their project would receive full community support, and to also guarantee no opposition would surface. The proponents' proposal specifies the following for the Alviso Community: (see exhibit 1) a, b, c.

2000

The Legacy Terrace Development Rezoning EIR is approved, modifying the 1998 Lincoln Property Plan and planning 900,000 square feet of office space, 90,000 square feet of commercial/hotel, and 25,000 of riverfront-oriented commercial uses project and rezoning. The Alviso community is delighted and awaits the promised 6.7 acres of the project to be deeded to, and benefit the community.

2003

Legacy Partners receive council approval for additional 63,000 square feet increase for its 6.7 acre river-front area.

2005

An addendum is issued to the 2000 Legacy Terrace Development Rezoning FEIR for the San Jose Alviso Youth Foundation Project, rezoning to build on a 6 acre site near the Guadalupe River. This project was never built.

2006

Legacy Partners sells the 6.7 acres of land to Silicon Valley Club LLC that was originally supposed to be deeded and developed consistent with the character of the Alviso community with benefits serving that community.

2013

America Center is sold in late 2013 for about \$210 million. Steve Dunn stays on as development partner. (see exhibit 2)

2017

Steelwave (formerly Legacy Partners) applies to the city for another modification to the 2000 FEIR to increase square footage of office space to 192,000 in America Center, and gain a much smoother approval with less environmental review, To correct for the 2006 change of ownership, the plan also seeks Council approval to cut away 6.7 acres of the 70.5 acre original site. By cutting away the river-front commercial portion, it frees up more office space for the fifth building.

As you can see the effect of the long sequence of actions, a multi-billion dollar developer conned the Alviso community into believing that if they supported their development phases without any opposition, the community would benefit for years to come. This developer went so far as to convince San Jose's Mayor Ron Gonzalez and city council that this project would benefit the community because of its promised 6.7 acres of land to be developed to benefit the Alviso community. (see exhibit 3) **Alviso development plan contains nonprofit element.** BY LYNN GRAEBNER, *Business Journal Staff Writer* Sept. 5, 1999.

*Mayor Ron Gonzalez "he likes the nonprofit aspect of it".*

Furthermore, the class A office space vacancy rate is at a all time high with about 1 million square feet of space vacant now, less than a mile from the America Center Site. 350,000 square feet of this space brand new and still has been vacant for more than two years. "Midpoint@237" recently completed 415,000 of class A office space yet still absent of a tenant. South Bay Construction "237@1st" 124,000 square feet class A office has remain vacant since completion almost two years ago. In addition, 234,096 Square feet of class A office space known as "Stadium Tech Center" remains vacant since completion two years ago. As of 2014 South Bay Construction still has about 500,000 square feet of approved office space to development out of the 615,000 square feet of approved office space allowed to build. They currently have no date set to break ground. (see exhibit 4) a, b.

In conclusion, if the developer had pursued and fulfilled the nonprofit aspect of this development that would have benefited the Alviso community, this development would have been a different project today. OCA would have certainly filed a CEQA petition, OCA would have never supported such a large development within the Alviso boundary. OCA would have never supported a TEXT AMENDMENT to the Alviso Master Plan's height restriction. OCA would have challenged the developers environmental documents.

Today OCA would challenge any Subsequent EIR, an addendum to the original EIR, or any other environmental document submitted for the purpose of seeking approval for this project, given the age of the original EIR and the 20 year passage of time, OCA argues that the environment has changed. For example Pond A8 served as dry salt ponds, and now have been redesigned to serve as tidal water flows that has created a change in the wildlife environment since 1998-2000. Wildlife, a strongly held value of the Alviso Master Plan, that once live in wetlands adjoining Alviso have now returned

inland, closer to and adjoining the 6.7 acre site. There have been no new studies associated with America Center environmental reviews to mitigate these new impacts. As we know that activity on a site impacts wildlife both within the site and in adjoining habitat, including the owl reserve, river marshes and Pond A8, the lack of mitigation will force wildlife, some endangered, to seek new habitat and space for foraging while also being exposed to more predators. In addition, OCA also finds missing information as the author indicates sensitive receptors nearby. OCA finds the author fails to identify the Alviso Clinic located at 1621 Gold Street. This clinic serves children, the elderly, and the sick, clearly a vulnerable population. (see exhibit 5) a. OCA finds inaccurate information in the environmental documents, concerning gasoline consumption. The author indicates that the average driver operates a vehicle that consumes 23.2 mpg. The author estimates that the average driver commutes 11 miles. So based on these estimates the author produces a gas consumption of approximately 87,241 gallons of gasoline each year, for the 190,000 of new office space. What the author fails to disclose to the reader, is traffic congestion is a contributing factor in fuel consumption. (see exhibit 6). As we can see the gas consumption study is flawed therefor the air studies are compromised. OCA requests that the city council rescind the developers approved Subsequent EIR, and or any past addendum. OCA demands that the developer be required to create a new EIR based on the new environmental changes, inadequate information in the environmental documents. (see exhibit 7) a, b.

*Thank You*

*Mayor & council for your time*

*Mark Espinoza*

*Organization Comunidad De Alviso*

*President*

# EXHIBIT 1a

PAGE 3 OF THE "*LINCOLN PROPERTY COMPANY*"  
COMMITMENTS FOR THE ALVISO COMMUNITY.

LINCOLN  
PROPERTY  
COMPANY

*Lincoln Property Company N.C., Inc.: Cargill/Collishaw Properties  
1998 General Plan Amendments: GP98-4-2 and GP98-T-3*

*continued*

We think that an exemplary project proposed for this site would include, at a minimum, the following characteristics:

- Buildings in excess of forty-five (45) feet would be limited to the area within 1,000 feet of Highway 237.
- Provide community facilities, thereby enhancing the overall character of Alviso.
- Demonstrate exemplary architecture or project design.
- Contribute positively to the Alviso community by improving infrastructure.
- The proposed development will result in significant public benefit to the local Alviso community and to the City, such as the creation of the Alviso/San Jose Foundation and local economic spin-off.
- A comprehensive Master Plan and a Planned Development Zone, approved by the City, and consistent with the goals and policies of the Alviso Master Plan will be in place. The Master Plan should demonstrate a reasonable project scale, appropriate intensity, and massing, and enhancement of the Alviso Village character through preservation of Alviso's natural amenities, beautification improvements, gateway treatments and/or other appropriate measures.
- The maximum intensity of development permitted on the property will not be increased by reason of building heights in excess of (45) forty-five feet.
- Improvements on properties adjacent to the Guadalupe River will be restricted to community facilities or river-oriented uses, and will provide an appropriate transition to the Alviso Village.

We are requesting that the Planning Commission approve our GP98-T-3 amendment, as drafted by the Planning Department, to permit buildings in excess of forty-five (45) feet in height.

With the approval of our proposed General Plan amendments, we gain the opportunity to bring a comprehensive project plan before the City. We find the challenge exciting and welcome the opportunity.

Respectfully,

Ed Thrift, Jr  
Executive Vice President  
*Lincoln Property Company*

# EXHIBIT 1b

PAGE 6, 7, OF THE "LINCOLN PROPERTY COMPANY"  
DOCUMENT "WE ARE COMMITTED TO CREATING A  
QUALITY, BENEFICIAL AND ENDURING STATEMENT  
AND PROJECT FOR THE VILLAGE OF ALVISO....."

LINCOLN  
PROPERTY  
COMPANY

*ALVISO TECHNOLOGY PARK AND COMMUNITY CENTER*

*Lincoln Property Company is excited and enthusiastic about the possibilities... We are committed to creating a quality, beneficial and enduring statement and project for the village of Alviso, the City of San Jose and others, now and into the future. We join with you today, as we collectively, embark upon this remarkable vision...*

*An Introduction: A More Typical North San Jose Scenario*

Lincoln Property Company has ownership interest in 70+/- acres located in Alviso, along Freeway 237, the San Tomas Aquino Creek and the Guadalupe River. Should the City of San Jose approve the Alviso Master plan and EIR, it is important to note that this property could accommodate 1.1 million square feet of typical R & D (Research and Development) and Office product in three (3) story building configurations, throughout the site.

*A More Unique and Creative Vision...*

In an attempt to generate sufficient economies and create a truly unique community experience, Lincoln Property Company proposes to provide:

- The creation of an exemplary, architecturally significant signature site fronting Freeway 237.
- Dedication of an infrastructure-improved and entitled site, approximately 30 acres, to a revenue-generating local Community Foundation.
- Development of a less intensified use than potentially allowable.

*More Info:*

Lincoln Property Company's 70+/- acreage would be divided into two (2) campus areas:

1. A 40± acre "South Campus" site fronting Freeway 237
  - Which concentrates development on the southern plateau in a multi-story configuration.
  - Will complement existing, similar mid-rise buildings within the immediate area.
  - Shall remove the unsightly, unproductive and unsafe area currently existing.
  - Would provide an attractive "Gateway" into Alviso, San Jose and the R & D marketplace.
  - Concentrates the clean, safe and attractive high technology park away from the Alviso historic village's view.

*Alviso Technology Park and Community Center continued...*

2. The remaining 30+/- acreage "North Campus" area, fronting the Guadalupe River, San Thomas Aquino Creek and the tidelands, which has significant property value,
  - Would be gifted and deeded to a Community Foundation to benefit Youth, Education and Environmental programs.
  - Would not only dedicate the land, but it would provide entitlements and appropriate infrastructure to service the site.
  - Benefits include Foundation-owned facilities for youth facilities, multi-purpose community center, recreational, environmental and education programs, etc.
  - Would provide income-producing opportunities that would directly support youth programs in the Alviso community as well as in San Jose.
  - Would provide opportunities for local, prominent high technology companies to participate as Sponsors and Partners in highly visible Community activities.
  - Serves to preserve and enhance public access to the Guadalupe River, San Tomas Aquino Creek and tidelands.
  - This concept is consistent with the proposed, and perhaps, soon to be adopted, Alviso Master Plan, which targets large-scale development along Freeway 237 and preserves the small town character at the heart of Alviso.

*What Steps Are Necessary:*

- Approval of the City of San Jose's General Plan Amendment designating this property as combined industrial-commercial, with the provision that under special circumstances and approvals, new buildings can be developed in excess of 45 feet in height on the South Campus area only.
- A finalization of the Alviso Master Plan and subsequent entitlements.
- Structure a Foundation, with a Board of Directors, to own and manage the North Campus area.
- Solicit Sponsors and Partners for site amenities, facilities and activities.
- Work with the Alviso Community, the City to identify the most beneficial uses for the North Campus area.

*LINCOLN PROPERTY COMPANY, N.C., Inc.*



# EXHIBIT 1c

PAGE 8, OF THE *“LINCOLN PROPERTY COMPANY”*  
*DOCUMENT TITLED ALVISO-SAN JOSE FOUNDATION*  
*“A COMMUNITY PROPOSAL”* OUTLINING THE VILLAGE  
BENEFITS.

LINCOLN  
PROPERTY  
COMPANY

Alviso-San Jose Foundation

*A Community Proposal*

- The Alviso-San Jose Foundation will be created as a public benefit non-profit corporation.
- The Alviso-San Jose Foundation will raise and distribute funds to other non-profit organizations and activities in Alviso and San Jose that provide community services focused on youth.
- The Alviso-San Jose Foundation will be founded with a Board of Directors drawn from Alviso and San Jose appointed by the Mayor, the District Four Councilmember and *Lincoln Property Company*.
- At least (3) three of the members of the Board of Directors of the Alviso-San Jose Foundation must be residents of Alviso.
- An Advisory Board composed of Alviso community members shall advise the Alviso-San Jose Foundation.
- The Alviso-San Jose Foundation will raise money through commercial activities on approximately 30 acres of land provided to the Foundation by *Lincoln Property Company*.
- At least half of the funds raised from the Foundation's net income, will be distributed to community organizations for services to youth programs in Alviso.
- Approximately 30 acres of land will be deeded to the Alviso-San Jose Foundation as part of the *Lincoln Property Company* proposed development of the Cargill/Collishaw landfill.
- The 30 acres will include about eight (8) acres for Riverfront Commercial uses and a multi-purpose community center.
- The Alviso-San Jose Foundation will own, set the policies and manage of the 30 acres and amenities, such as the 10,000 square foot multi-purpose community center.
- The multi-purpose community center will be built at no cost to Alviso as part of the *Lincoln Property Company* proposed development of the Cargill/Collishaw landfill site.
- Alviso residents will be allowed to use the multi-purpose center building at no charge for their use.
- *Lincoln Property Company* will pay for the building maintenance and assist in the management of the multi-purpose community center and the rest of the 30 acres for five (5) years to allow the Foundation to distribute more of its funds to community service groups.

# EXHIBIT 2

*America Center* is sold.



By [Nathan Donato-Weinstein](#)

Real Estate Reporter, Silicon Valley Business Journal

Dec 23, 2013, 11:39am

Silicon Valley's investment sales market is closing out 2013 with a bang. In one of the highest-profile transactions of the year, USAA Real Estate Co. has acquired America Center, the roughly 430,000-square-foot San Jose complex, from Legacy Partners. The project, completed in 2009, counts Flextronics and Polycom as its major tenants.

The price was not disclosed, but industry sources said the entire project, including a 13-acre adjacent development site, sold for between \$210 million and \$220 million. The complex is located at Highway 237 and Great America Parkway.

USAA acquired the property on behalf of its Eagle Real Estate Fund, a diversified open-end fund that invests in all major property types in the U.S., according to real estate sources. [We first told you the campus was going on the market back in June.](#)

It's the latest major transaction to close as the year counts down to 2014. Also last week, Embarcadero Capital Partners sold the Results Way Corporate Center in Cupertino to Deutsche Asset & Wealth Management.

(The acquisition of the nearly 400,000-square-foot Apple-leased campus represents a shift for Deutsche, which been in sell mode in the Valley recently.) In December, [affiliates of Harvest Properties](#) acquired 60 South Market St. and 225 West Santa Clara St. in downtown San Jose. The end of the year typically sees an uptick in closings as buyers and sellers try to get deals done before the calendar turns over.

The America Center sale marks the parting of one of Legacy Partners' most storied assets — and one of the Bay Areas biggest turnaround stories, from an environmental standpoint.

The entire 70-acre site was a former dump for construction debris back when salt maker Cargill Inc. owned the land, on the edge of Alviso Slough, decades ago. Developer [Ed Thrift](#), then president of Legacy Partners, saw potential and spent years cleaning up and entitling the former brownfield site. When it was completed speculatively in 2009, America Center [was hailed one of the "greenest" office projects in the Valley](#), back when LEED-certified office projects were still a rarity.

The two office buildings waited for tenants until August 2011, when Polycom leased the first building. A few months later, Flextronics moved its U.S. headquarters to America Center, taking most of the second building. It is now about 83-percent leased.

Those in-place rents are likely about 20 percent below current market rents, a real estate source said, allowing the buyer to achieve upside when they roll over.

Also an attraction point: The deal includes roughly 13 acres of land that is fully entitled for two additional 214,000-square-foot office buildings. In a news release, USAA RealCo said Legacy will be retained as the development partner on Phase II. A representative for USAA RealCo declined to provide additional information about plans to build there.

[Steven Golubchik](#) and [Michael Leggett](#) of HFF led the marketing effort on

the property.

Golubchik said interest was high from a number of core-capital investors.

"They're some of the highest-quality buildings built in the Valley, with great cash-flow and long-term tenants," he said. "It's also on the path of growth in the Highway 237 corridor."

America Center's North San Jose/North Santa Clara neighborhood has been among the most active submarkets during the recovery, and brokers say it's poised to capture more leasing as tenants move down from tightening markets to the north.

Irvine Company's speculatively built 900,000-square-foot Santa Clara Gateway, just to the south of America Center, is now about half leased after landing GlobalFoundries, Dell and Arista. Just south of that, Related California is planning a massive 83-acre mixed-use retail and office development, spurred on by the under-construction Levi's Stadium that is practically next door.

# EXHIBIT 3

*ALVISO DEVELOPMENT PLAN CONTAINS NONPROFIT  
ELEMENT. BY LYNN GRAEBNER, BUSINESS JOURNAL  
STAFF WRITER SEPT. 5, 1999.*

## Alviso development plan contains nonprofit element

By [Lynn Graebner](#)

Business Journal Staff Writer

Sep 5, 1999, 9:00pm PDT

**Updated** Sep 5, 1999, 9:00pm

Developer Ed Thrift Jr. is working on a complicated puzzle.

He's trying to build an 860,000-square-foot office park on a landfill in San Francisco Bay mud. And he is trying to push it as close to Highway 237 as he can to leave room for 25 acres of permanent open space and six acres of commercial property along the Guadalupe River. That six-acre parcel would be donated to a nonprofit foundation and leased to retailers to fund programs for teens.

It's an ambitious \$200 million venture, but Mr. Thrift has the wherewithal, the experience, the drive and the interest--although not yet the approvals from city staff and officials--in his corner.

He also has the financing. Goldman, Sachs & Co. of New York would fund the project if San Jose City Council members give it the thumbs up.

### **The plan**

Mr. Thrift, president and co-owner of Foster City-based Legacy Partners Commercial Inc., and his partners hope to buy 71 acres on the northwest corner of Gold Street and Highway 237 near the community of Alviso in San Jose.

Cargill Inc. of Wayzata, Minn., owns the property. Steven Dunn, another Legacy partner, is overseeing the project.

Legacy is no mom and pop operation. It has about \$2.5 billion in assets. It owns 25 million square feet and manages 15 million square feet of office, industrial and research and development space in California, Utah, Colorado and Nevada.

It has proposed dividing the property into three pieces. On 38 acres near Highway 237, the company would like to construct five research and development buildings ranging in height from four to six stories; a 3,060-



space garage; and a 175-unit, two-story hotel.

Ai, a San Francisco architectural firm, is designing the buildings and Berkeley-based Peter Walker and Partners is working on the land planning and landscaping.

Legacy is seeking planned development zoning from the city, which means the zoning would apply specifically to the proposed project.

Last year the San Jose City Council approved a general plan change that allows commercial, R&D and office space to be built on that land. Now the zoning has to be approved.

If all goes well at the city, Legacy could break ground in May or June 2000 and the project could be ready for occupancy 18 months later.

Next to the office park, the plan is to dedicate 25 acres as permanent open space. And adjacent to that Legacy wants to dedicate six acres of property near the river to a public benefit nonprofit corporation for commercial development. It would be leased to retailers with proceeds earmarked for educational and outreach programs for the youth of Alviso and San Jose. It still has a long way to go, but the pieces are starting to come together. The draft environmental impact report required by the California Environmental Quality Act, hits the street for public review by the end of September. Public hearings likely will start in October.

Legacy has done a lot of preparation work over the last several years. Company representatives have participated in Alviso's more than three-year struggle to develop a community master plan, which was approved about a year ago.

Mr. Thrift also attended homeowners association meetings and school board meetings. The neighbors are well aware of Legacy's plans, said San Jose City Councilwoman Margie Mathews, whose district includes Alviso. She said the project is different in two ways: It is a creative use of an unsightly landfill and it clusters buildings to leave room for open space. "Legacy Partners spent a great deal of time and money seeing if it was doable," she said. "They are trying to be very sensitive to the community."

Mayor Ron Gonzales hasn't perused the specifics of the plan, but he said he likes what he's seen so far. "This project talks to the the kind of planning we'd like to see in the city."

Mr. Gonzalez said he's especially partial to the vertical development, which frees up land for open space. And he likes the nonprofit aspect of it.

# EXHIBIT 4

MIDPOINT@237



MIDPOINT@237 | THE  
OFFICE

SAN JOSE | CALIFORNIA

# highlights

## CAMPUS

- 415,000 square foot business park offering freestanding identity, extensive window lines, efficient floor plates, and prominent building signage.
- Two +83,000 SF 2-story buildings

# EXHIBIT 4a

237@FIRST

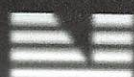


**±615,000 square feet divisible**

**AVAILABLE FOR LEASE**

**4 BUILDING CLASS A OFFICE PROJECT**

[View on Web Browser](#)



**Newmark**

# Speculative Project Award winner: 237 @ First | Structures 2016



Speculative Project Winner: 237 @ First | 4353 N. First St.,  
San Jose



# EXHIBIT 4b

“STADIUM TECHCENTER”



234,096 sq. ft. Class A Office Space  
with Unmatched Access, Visibility  
and Branding



- 
- ±234,096 SF Class A Office Space
  - Divisible By Floor
  - 6 stories with Floor to Ceiling
  - All Glass, 2 Story Lobby
  - Large, Efficient Floor Plates
  - Slab to Slab 14'-16'
  - Highly Efficient, Sustainable Design
  - Excellent Signage Opportunity - 65'  
Monument Sign

- High Profile Building Top Signage on all 4

# EXHIBIT 5

*AMERICA CENTER* LIST OF SENSITIVE RECEPTORS  
NEARBY.

## 3.12 PUBLIC SERVICES AND RECREATION

### 3.12.1 Environmental Setting

#### 3.12.1.1 *Existing Conditions*

#### Public Services

##### Fire Protection Services

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the City. The closest fire stations to the project site are Station No. 25 located at 5125 Wilson Way, approximately 0.6 miles northeast of the project site and Station No. 29 at 199 Innovation Drive (2.8 miles southeast of the project site).

For fire protection services, the City has a total response time goal of eight minutes and a total travel time goal of four minutes for 80 percent of emergency incidents (per General Plan Policy ES-3.1).

##### Police Protection Services

Police protection services for the project site are provided by the San José Police Department (SJPD), which is headquartered at 201 West Mission Street, approximately six miles southeast of the project site. SJPD is divided into four geographic divisions: Central, Western, Foothill, and Southern. The project site is directly served by the SJPD Central Division, which includes three lieutenants, four patrol officers and two crime prevention specialists.<sup>84</sup> For the last several years, the most frequent calls for service in the City have dealt with larceny, burglary, vehicle theft, and assault.<sup>85</sup>

For police protection services, SJPD has a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls (per General Plan Policy ES-3.1).

##### Schools and Libraries

The project area is served by the Santa Clara Unified School District and residences near the site are assigned to George Mayne Elementary School (located at 5030 N. First Street, San José, approximately 0.65 mile northeast of the project), Kathryn Hughes Elementary School (4949 Calle De Escuela, Santa Clara, approximately one mile southwest of the project) Preschool Don Callejon Middle School (located at 4176 Lick Mill Boulevard, Santa Clara, approximately two miles southeast of the project), and Adrian Wilcox High School (located at 3250 Monroe Street, Santa Clara, approximately four miles south of the project).<sup>86</sup> The nearest library to the project site is Alviso Branch Library and Community Center, located at 5050 North First Street, San José.

<sup>84</sup> San José Police Department. *SJPD Central Division*. Accessed August 18, 2016. <http://www.sjpd.org/BFO/central.asp>.

<sup>85</sup> San José Police Department. *Official Crime Statistics*. Accessed August 18, 2016. <http://www.sjpd.org/CrimeStats/crimestats.html>.

<sup>86</sup> Santa Clara Unified School District. *Santa Clara USD SchoolFinder. Attendance Boundary Maps*. Accessed August 18, 2016. <http://www.schfinder.com/SantaClaraUSD/>.

<b>Sensitive Receptor</b>	<b>Distance from the Project Site</b>
Summerset Mobile Estates	0.20 mile northeast
George Mayne Elementary School, Daycare, and Preschool	0.65 mile northeast
Saba Academy	0.95 mile southeast
Kathryn Hughes Elementary School and Preschool	1.00 mile southeast

### **Odors**

Common sources of odors and odor complaints include wastewater treatment plants, transfer stations, coffee roasters, painting/coating operations, and landfills. The project site is located on top of a closed landfill and landfill materials are not exposed.

Site visits conducted during construction activities on other areas of the America Center site have not noted persistent, noticeable odors affecting the project site. BAAQMD staff confirmed that no odor complaints associated with ongoing construction of Building 3 and Building 4 have been noted at the site.<sup>9</sup>

### **3.2.2 Air Quality Impacts**

#### **3.2.2.1 *Thresholds of Significance***

For the purposes of this EIR, an air quality impact is considered significant if the project would:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors);
- Expose sensitive receptors to substantial pollutant concentrations; or
- Create objectionable odors affecting a substantial number of people.

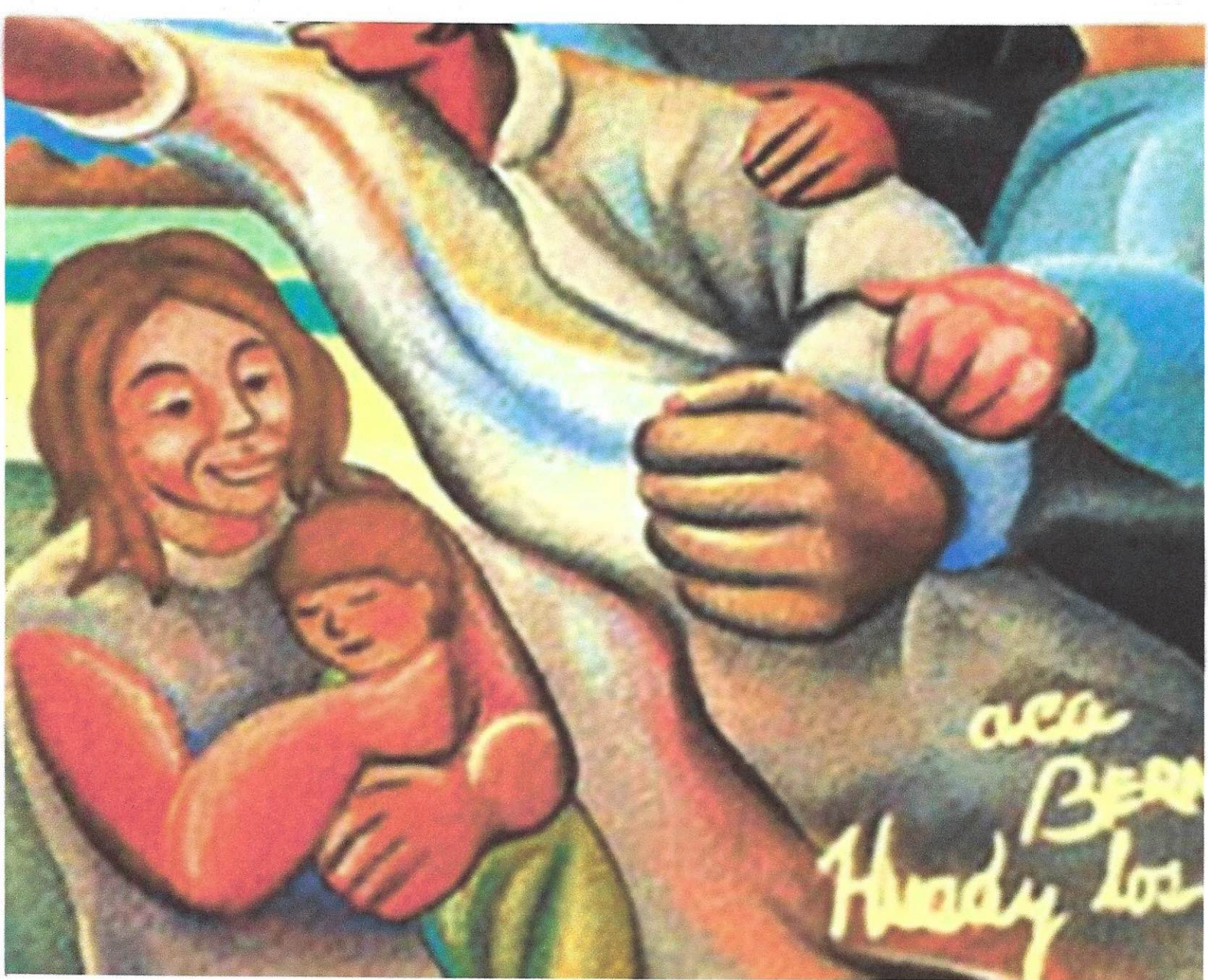
#### **3.2.2.2 *CEQA Thresholds Used in the Analysis***

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. The City of San Jose has carefully the air quality impact thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin

<sup>9</sup> Rochelle Reed. BAAQMD Public Records Section. Email correspondence with Amie Ashton. September 12, 2016.

# EXHIBIT 5a

THE ALVISO CLINIC LOCATED AT 1621 GOLD STREET



# Alviso Health Center

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## General Inquiries

1621 Gold Street  
Alviso, CA 95002

Hours



# EXHIBIT 6

AMERICA CENTER STUDIES CONCERNING FUEL  
CONSUMPTION.

As shown in the previous table, each year the approved development consumes approximately 19,931,967 kWh of electricity and 21,775,248 kBtu of natural gas.

### 3.5.1.7 *Vehicle-Related Energy Use of Existing Development*

Based upon information contained within the Legacy Terrace FEIR, the previously approved commercial office and commercial hotel uses at the project site generate a total of approximately 9,271 vehicle trips daily<sup>45</sup>. The total annual vehicle miles traveled (VMT) is approximately 26,515,060 miles, assuming that the average trip length in Santa Clara County is 11 miles.<sup>46 47</sup> Using EPA fuel economy estimates for 2014, results in the estimated average fuel economy of 23.2 miles per gallon (mpg). Thus, the approved development results in the consumption of approximately 1,142,890 gallons of gasoline per year.

## 3.5.2 Energy Impacts

### 3.5.2.1 *Thresholds of Significance*

Based on Appendix F of the CEQA Guidelines, and for the purposes of this EIR, a project will result in a significant energy impact if the project will:

- Use fuel or energy in a wasteful manner; or
- Result in a substantial increase in demand upon energy resources in relation to projected supplies.

### 3.5.2.2 *Energy Impacts Identified in the Legacy Terrace FEIR*

A specific evaluation of energy impacts was not included within the Legacy Terrace FEIR.

### 3.5.2.3 *Energy Use and Efficiency*

#### **Construction**

Building 1, Building 2, and the 175-room hotel are complete and Building 3, Building 4, and the northern portion of the parking garage are currently under construction. Therefore, the discussion of project construction-related impacts is limited to the proposed project, Building 5 and the parking garage expansion.

Construction activities at the project site associated with Building 5 and the parking garage extension would take approximately 20 months and would consist of removal of the existing surface parking lot and landscaping, site preparation, limited grading, construction of Building 5 and the parking garage expansion, and installation of landscaping.

The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel are not typically used wastefully on the site

<sup>45</sup> Institute of Transportation Engineers. Trip Generation Manual. 9<sup>th</sup> Edition. 2012.

<sup>46</sup> 9,271 daily trips (260 yearly work days) = 2,410,460 yearly trips (11 miles) = 26,515,060 VMT/23.2 mpg = 1,142,890 gallons of gasoline annually.

<sup>47</sup> Association of Bay Area Governments. *Plan Bay Area*. Table 2.1-5. Accessed August 5, 2016. [http://planbayarea.org/pdf/Draft\\_EIR\\_Chapters/2.1\\_Transportation.pdf](http://planbayarea.org/pdf/Draft_EIR_Chapters/2.1_Transportation.pdf).

<b>Proposed Project</b>	<b>Energy Demand Factors</b>	<b>Electricity (kWh)</b>	<b>Natural Gas (kBtu)</b>
190,00 square feet of commercial office/R&D	20.57 kWh/square foot; 19.96 kBtu/square foot	3,908,300	3,792,400
332,150 parking garage expansion	2.6 kWh/square foot	863,590	0
<b>Total:</b>		4,771,890	3,792,400

Source: CAPCOA. *CalEEMod User's Guide, Version 2013.2*. July 2013. Appendix D, Table 8.1

The proposed additional 190,000 square feet of commercial office/R&D space would generate 2,141 daily trips and a total annual VMT of approximately 2,024,000 miles.<sup>48</sup> Based on the EPA's 2014 estimated average fuel economy of 23.2 mpg, operation of the proposed project would result in the consumption of approximately 87,241 gallons of gasoline each year.

Table 3.5-4 compares the energy use that would result from the proposed project with the energy use of the approved development.

<b>Development Scenario</b>	<b>Electricity (kWh)</b>	<b>Natural Gas (kBtu)</b>	<b>Gasoline (gallons)</b>
Existing approved development (Buildings 1 and 2, 3 and 4 [under construction] and hotel)	19,931,967	21,775,248	1,142,890
Proposed project (Building 5 and garage expansion)	4,771,890	3,792,400	87,241
<b>Total:</b>	<b>24,703,857</b>	<b>25,567,648</b>	<b>1,230,131</b>

Source: CAPCOA. *CalEEMod User's Guide, Version 2013.2*. July 2013. Appendix D, Table 8.1.

The project would increase electricity use at the project site by approximately 4,771,890 kWh per year, natural gas usage by 3,792,400 kBtu per year, and gasoline consumption by 87,241 gallons over existing conditions. The energy use increase is likely overstated, however, because the estimates for energy use do not take into account the required Green Building Ordinance energy efficiency measures associated with LEED-Silver requirements and the required TDM program.

### Electricity

As described previously, the annual 293,268 GWh electricity use in California was projected to increase by approximately one percent each year through 2025. The proposed project would increase annual electricity use at America Center by approximately 4,771,890 kWh resulting in a total energy use at the America Center site of approximately 24,703,857 kWh (or 24 GWh); therefore, the project would not result in a substantial increase in demand on electrical energy resources in relation to projected supply.

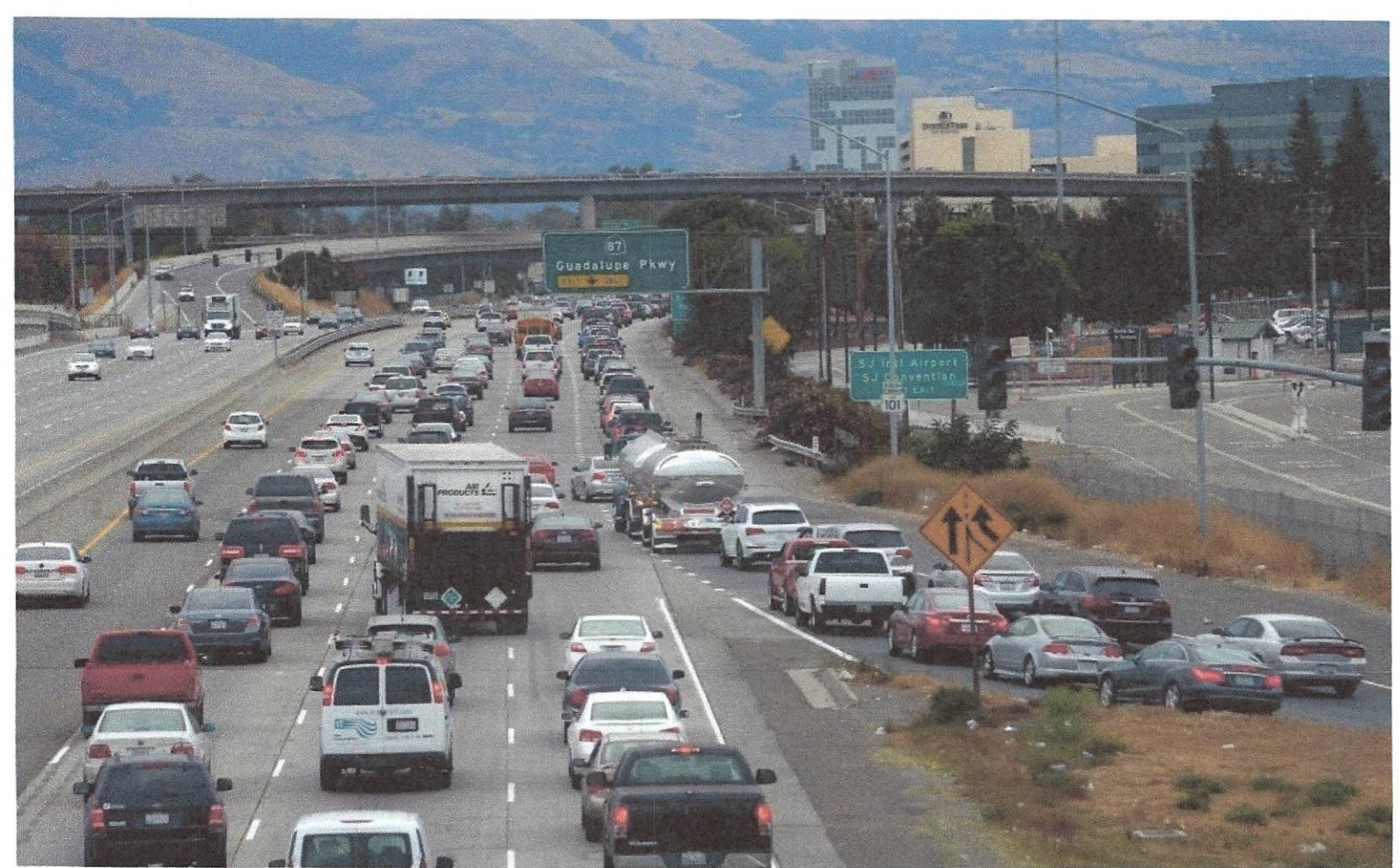
<sup>48</sup> Institute of Transportation Engineers. *Trip Generation Manual*. 9th Edition.

# EXHIBIT 6a

SHOCKING NEW STUDIES: SILICON VALLEY'S  
MEGACOMMUTE EVEN WORSE THAN L.A.

# Shocking new studies: Silicon Valley's 'megacommuter' even worse than L.A.

- George Avalos
- PUBLISHED: November 2, 2016 at 3:53 pm | UPDATED: November 3, 2016 at 1:31 pm
- Categories:  
[Business](#), [Economy](#), [Latest Headlines](#), [Technology](#)



*The number of people who must endure "mega commutes" of 90 minutes or greater one way is growing in Silicon Valley and now exceeds those kinds of mega commutes even in traffic-choked Los Angeles County*

SAN JOSE — Silicon Valley's economic boom has created a surge of new jobs and slashed unemployment rates — but it also has drastically worsened the region's commutes and contributed to the housing crisis, according to two new studies released Wednesday.

One takeaway from the studies that stunned experts: The Silicon Valley

"If the economy tanks, then we won't create jobs the way we used to, but nobody wants the economy to tank," Hancock said. "We don't really have a fix for this problem right now. At some point, these problems can lead to an exodus.

"You may see more outsourcing of nonessential local jobs. Companies will choose to expand elsewhere."

The studies were released just days before Santa Clara County voters decide on Measure B, a ballot item that would impose an increase of a half-cent in the sales tax and raise \$6.3 billion for an array of transportation and transit improvements. Among the upgrades: bringing BART to downtown San Jose, improvements to Caltrain, expansion of nine expressways in Santa Clara County, street maintenance and repairs, and bicycle and pedestrian projects.

That timing of the studies' release was a "coincidence," said Duffy Jennings, a spokesman for Joint Venture Silicon Valley. The board of the nonpartisan group endorsed Measure B a few months ago. Jennings said the studies have been under preparation for "months."

The commuting study determined that 21 percent of those employed in the Santa Clara County-San Mateo County region live outside of the area. The megacommuters who travel into Silicon Valley include 18.4 percent who come from Alameda County, 19.8 percent from San Francisco and 13.1 percent from San Joaquin County.

An estimated 74 percent of Silicon Valley residents drive to work alone, 10 percent carpool and 6 percent take public transit.

Haveman said there's no end in sight to Silicon Valley's housing and traffic woes.

"As the traffic and housing problems worsen," Haveman said, "the jobs that will be kept here will primarily be high-skill, high-end jobs, jobs only for people who can afford to live here."

“megacommuter” — defined as a single motorist driving 90 minutes or longer one way to work — is actually worse here in the Bay Area than is the case even in traffic-choked Los Angeles County.

```
var _ndnq = _ndnq || []; _ndnq.push(['embed']);
```

“This is a sad tale,” said Russell Hancock, president of Joint Venture Silicon Valley. “It shows how hot our economy is, but it also shows how bad our housing and traffic problems are.” Joint Venture’s Institute for Regional Studies released the two reports.

The commuting [study](#), prepared by Jon Haveman, chief economist with San Rafael-based Marin Economic Consulting, determined that during 2015, 5.3 percent of solo drivers endured megacommuters. In Los Angeles County, the rate of motorists facing the same commuting grind was 4.6 percent.

“It’s shocking,” Haveman said. “It’s surprising to see that in the last couple of years, Silicon Valley has become worse than Los Angeles.” Silicon Valley in the traffic study was defined as the combination of Santa Clara County and San Mateo County.

Joint Venture did a [second study](#) that indicated housing development is further falling behind the pace of population and jobs growth in Santa Clara County, San Mateo County and San Francisco.

From 2007 to 2016, those counties added a combined 344,000 residents but gained just 69,500 housing units, according to a study prepared by Stephen Levy, director of the Palo Alto-based Center for Continuing Study of the California Economy.

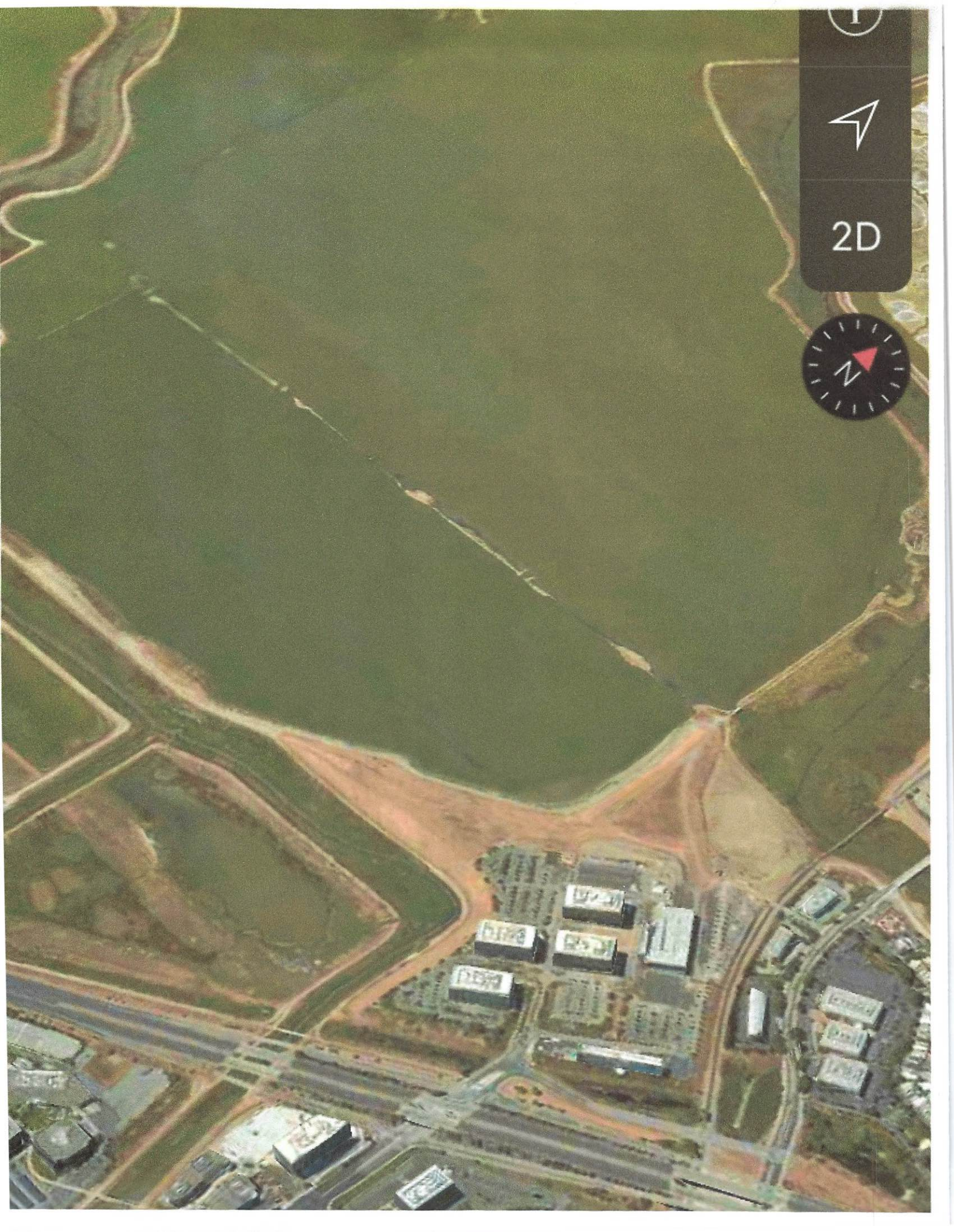
“Surging job growth has brought many residents back into the workforce, while also resulting in out-of-reach housing costs and growing congestion,” Levy said.

But the employment upswing also has led to more crowded households, Levy said. In 2007, the average household contained 2.65 people. By 2016, that number had risen to 2.77 per household.

# EXHIBIT 7

CURRENT ENVIRONMENTAL CHANGES TO THE  
WILDLIFE ENVIRONMENT NOT MITIGATED





2D

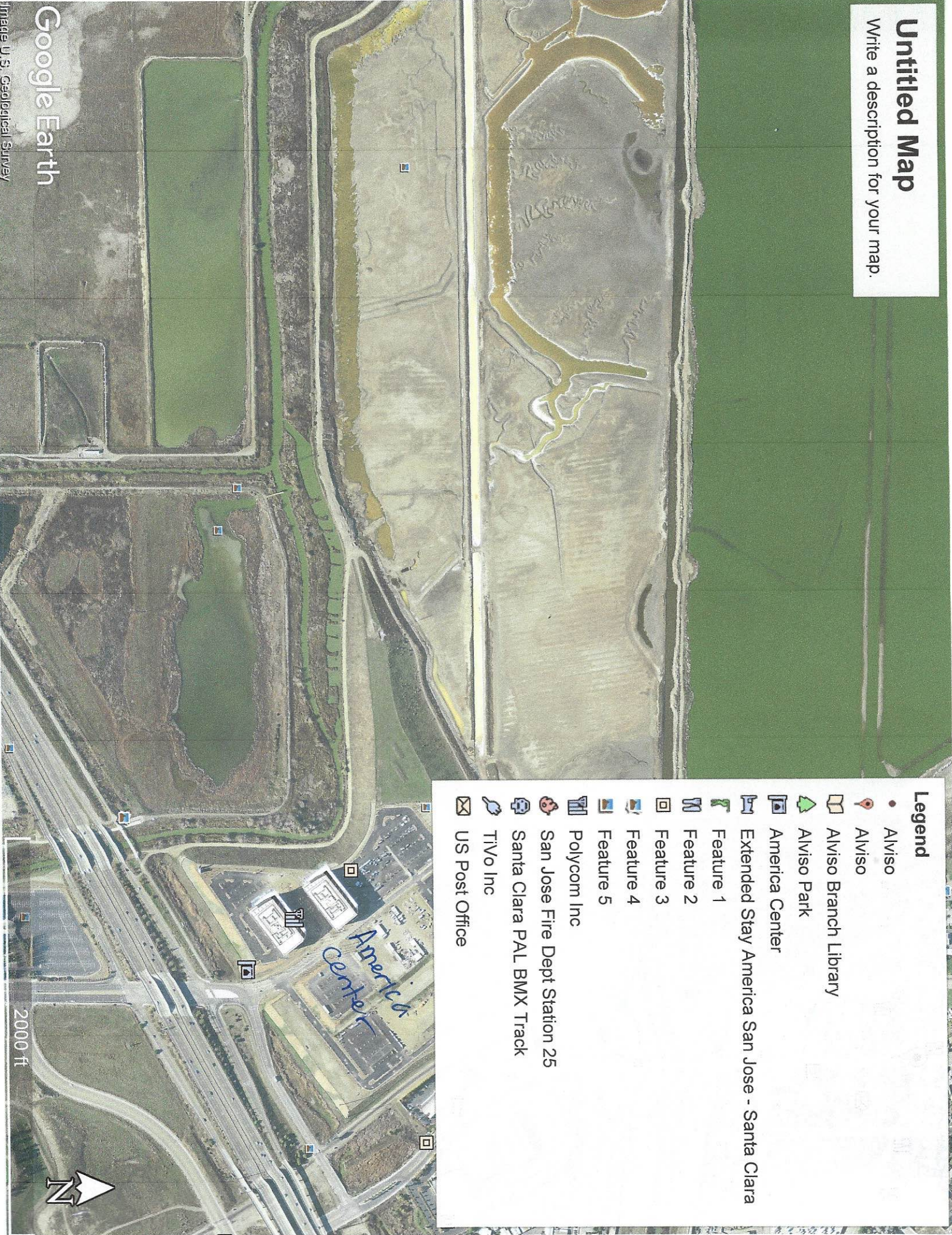


# EXHIBIT 7a

VIEW OF ENVIRONMENT BEFORE POND 8  
RESTORATION

# Untitled Map

Write a description for your map.



## Legend

- Alviso
- 📍 Alviso
- 📖 Alviso Branch Library
- 🌳 Alviso Park
- 🏢 America Center
- 🏠 Extended Stay America San Jose - Santa Clara
- 🌳 Feature 1
- 🏠 Feature 2
- 🏠 Feature 3
- 🏠 Feature 4
- 🏠 Feature 5
- 🏢 Polycorn Inc
- 👨‍🚒 San Jose Fire Dept Station 25
- 🏠 Santa Clara PAL BMX Track
- 🏠 TIVO Inc
- 📧 US Post Office

Google Earth

Image U.S. Geological Survey

America Center

2000 ft



# EXHIBIT 1

COMPLETE 30 PAGE DOCUMENT "*LINCOLN PROPERTY COMPANY*" CREATES TO TRICK THE ALVISO COMMUNITY AND CITY OFFICIALS. THIS DOCUMENT IS INSTRUMENTAL IN GAINING FULL SUPPORT AND APPROVAL FOR THE PROJECT.

ALVISO PROJECT  
CARROLL/COLLISHAW PROPERTIES

LINCOLN  
PROPERTY  
COMPANY

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PROPERTY  
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October 28, 1998

Mr. Brian Grayson, Chair  
City of San Jose Planning Commission

Re: *Lincoln Property Company N.C., Inc.: Cargill/Collishaw Properties  
1998 General Plan Amendments: GP98-4-2 and GP98-T-3*

Dear Mr. Grayson and Planning Commissioners,

In March 1998, we applied for (2) two amendments to the City of San Jose 2020 General Plan: The first requested amendment (GP98-4-2) changes the land use designation of the Cargill/Collishaw site from Private Open Space and Private Recreation to Combined Industrial/Commercial. The second requested amendment (GP98-T-3) is a text change to Urban Design Policy #11 allowing a height limit in excess of forty-five (45') feet on the property.

With respect to our GP 98-4-2, *Lincoln Property Company* supports the Planning staff recommendation to the Planning Commission to approve the Industrial Park with Mixed Industrial Overlay designation for the Cargill/Collishaw properties.

Our General Plan amendment (GP 98-T-3) is a request that gives us permission to propose building heights in excess of forty-five (45) feet. We are simply asking that this area of Alviso, on the edge of the community, adjacent to Highway 237, and outside of the Alviso Village, be given the same opportunity as the rest of North San Jose, to step outside of the standard building envelope, and propose City consideration of an exemplary project.

Since March, we have been refining our initial development concept. Our working principle provides for concentrating development on the southern plateau of the property in a multi-story configuration. Our planning focuses development on approximately forty (40) acres, radiating from the center of the property towards Gold Street and Highway 237, and reserving the balance of the property totaling approximately thirty (30) acres for public community uses.

Our concept of clustering buildings near Highway 237 allows for the freeing up of the remainder of the property and the establishment of a permanent transitional buffer between any project that we might propose and the Guadalupe River corridor leading into the Village.

The San Jose General Plan 2020 provides that increased building height is appropriate in many places in the City of San Jose. The City has agreed that height is a valuable tool at certain key locations to support transportation goals, to establish urban landmarks, for economic development, and to achieve exemplary architecture and urban design in the North San Jose area. The Alviso Master Plan also acknowledges that building height may be a valuable tool and permits building height in excess of forty-five (45') feet in the North First Street/Nortech Parkway industrial area.

Gaining some measure of increased height is a tool that enables us to design an exemplary project at a reasonable scale and massing, to free up substantial acreage for use as a community resource, and to improve key community features that the community and City have advanced as important to the Alviso Village character.

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*Lincoln Property Company N.C., Inc.: Cargill/Collishaw Properties  
1998 General Plan Amendments: GP98-4-2 and GP98-T-3*

*continued*

We think that an exemplary project proposed for this site would include, at a minimum, the following characteristics:

- Buildings in excess of forty-five (45) feet would be limited to the area within 1,000 feet of Highway 237.
- Provide community facilities, thereby enhancing the overall character of Alviso.
- Demonstrate exemplary architecture or project design.
- Contribute positively to the Alviso community by improving infrastructure.
- The proposed development will result in significant public benefit to the local Alviso community and to the City, such as the creation of the Alviso/San Jose Foundation and local economic spin-off.
- A comprehensive Master Plan and a Planned Development Zone, approved by the City, and consistent with the goals and policies of the Alviso Master Plan will be in place. The Master Plan should demonstrate a reasonable project scale, appropriate intensity, and massing, and enhancement of the Alviso Village character through preservation of Alviso's natural amenities, beautification improvements, gateway treatments and/or other appropriate measures.
- The maximum intensity of development permitted on the property will not be increased by reason of building heights in excess of (45) forty-five feet.
- Improvements on properties adjacent to the Guadalupe River will be restricted to community facilities or river-oriented uses, and will provide an appropriate transition to the Alviso Village.

We are requesting that the Planning Commission approve our GP98-T-3 amendment, as drafted by the Planning Department, to permit buildings in excess of forty-five (45) feet in height.

With the approval of our proposed General Plan amendments, we gain the opportunity to bring a comprehensive project plan before the City. We find the challenge exciting and welcome the opportunity.

Respectfully,

Ed Thrift, Jr  
Executive Vice President  
*Lincoln Property Company*

L I N C O L N



*Alviso Project  
Cargill / Collishaw Property*

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*ALVISO TECHNOLOGY PARK AND COMMUNITY CENTER*

*Lincoln Property Company is excited and enthusiastic about the possibilities... We are committed to creating a quality, beneficial and enduring statement and project for the village of Alviso, the City of San Jose and others, now and into the future. We join with you today, as we collectively, embark upon this remarkable vision...*

*An Introduction: A More Typical North San Jose Scenario*

Lincoln Property Company has ownership interest in 70+/- acres located in Alviso, along Freeway 237, the San Tomas Aquino Creek and the Guadalupe River. Should the City of San Jose approve the Alviso Master plan and EIR, it is important to note that this property could accommodate 1.1 million square feet of typical R & D (Research and Development) and Office product in three (3) story building configurations, throughout the site.

*A More Unique and Creative Vision...*

In an attempt to generate sufficient economies and create a truly unique community experience, Lincoln Property Company proposes to provide:

- The creation of an exemplary, architecturally significant signature site fronting Freeway 237.
- Dedication of an infrastructure-improved and entitled site, approximately 30 acres, to a revenue-generating local Community Foundation.
- Development of a less intensified use than potentially allowable.

*More Info:*

Lincoln Property Company's 70+/- acreage would be divided into two (2) campus areas:

1. A 40± acre "South Campus" site fronting Freeway 237
  - Which concentrates development on the southern plateau in a multi-story configuration.
  - Will complement existing, similar mid-rise buildings within the immediate area.
  - Shall remove the unsightly, unproductive and unsafe area currently existing.
  - Would provide an attractive "Gateway" into Alviso, San Jose and the R & D marketplace.
  - Concentrates the clean, safe and attractive high technology park away from the Alviso historic village's view.

*Alviso Technology Park and Community Center continued...*

2. The remaining 30+/- acreage "North Campus" area, fronting the Guadalupe River, San Thomas Aquino Creek and the tidelands, which has significant property value,
  - Would be gifted and deeded to a Community Foundation to benefit Youth, Education and Environmental programs.
  - Would not only dedicate the land, but it would provide entitlements and appropriate infrastructure to service the site.
  - Benefits include Foundation-owned facilities for youth facilities, multi-purpose community center, recreational, environmental and education programs, etc.
  - Would provide income-producing opportunities that would directly support youth programs in the Alviso community as well as in San Jose.
  - Would provide opportunities for local, prominent high technology companies to participate as Sponsors and Partners in highly visible Community activities.
  - Serves to preserve and enhance public access to the Guadalupe River, San Tomas Aquino Creek and tidelands.
  - This concept is consistent with the proposed, and perhaps, soon to be adopted, Alviso Master Plan, which targets large-scale development along Freeway 237 and preserves the small town character at the heart of Alviso.

*What Steps Are Necessary:*

- Approval of the City of San Jose's General Plan Amendment designating this property as combined industrial-commercial, with the provision that under special circumstances and approvals, new buildings can be developed in excess of 45 feet in height on the South Campus area only.
- A finalization of the Alviso Master Plan and subsequent entitlements.
- Structure a Foundation, with a Board of Directors, to own and manage the North Campus area.
- Solicit Sponsors and Partners for site amenities, facilities and activities.
- Work with the Alviso Community, the City to identify the most beneficial uses for the North Campus area.

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Alviso-San Jose Foundation

*A Community Proposal*

- The Alviso-San Jose Foundation will be created as a public benefit non-profit corporation.
- The Alviso-San Jose Foundation will raise and distribute funds to other non-profit organizations and activities in Alviso and San Jose that provide community services focused on youth.
- The Alviso-San Jose Foundation will be founded with a Board of Directors drawn from Alviso and San Jose appointed by the Mayor, the District Four Councilmember and *Lincoln Property Company*.
- At least (3) three of the members of the Board of Directors of the Alviso-San Jose Foundation must be residents of Alviso.
- An Advisory Board composed of Alviso community members shall advise the Alviso-San Jose Foundation.
- The Alviso-San Jose Foundation will raise money through commercial activities on approximately 30 acres of land provided to the Foundation by *Lincoln Property Company*.
- At least half of the funds raised from the Foundation's net income, will be distributed to community organizations for services to youth programs in Alviso.
- Approximately 30 acres of land will be deeded to the Alviso-San Jose Foundation as part of the *Lincoln Property Company* proposed development of the Cargill/Collishaw landfill.
- The 30 acres will include about eight (8) acres for Riverfront Commercial uses and a multi-purpose community center.
- The Alviso-San Jose Foundation will own, set the policies and manage of the 30 acres and amenities, such as the 10,000 square foot multi-purpose community center.
- The multi-purpose community center will be built at no cost to Alviso as part of the *Lincoln Property Company* proposed development of the Cargill/Collishaw landfill site.
- Alviso residents will be allowed to use the multi-purpose center building at no charge for their use.
- *Lincoln Property Company* will pay for the building maintenance and assist in the management of the multi-purpose community center and the rest of the 30 acres for five (5) years to allow the Foundation to distribute more of its funds to community service groups.

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Lincoln Property Company  
Cargill/Collishaw 1998 General Plan Amendments

Frequently Asked Questions

**What specifically is Lincoln Property Company proposing on the Cargill landfill site?**

A unique concept that puts development on the edge of the Alviso community along Highway 237, improves the Guadalupe River frontage, builds an Alviso Community Center, dedicates (30) thirty acres to an Alviso/San Jose Community Foundation for the purpose of supporting youth-oriented social service efforts.

Lincoln Property Company is proposing two (2) amendments to the City of San Jose General Plan for the Cargill/Collishaw property, not a development project. The first amendment proposes changing the existing land use designation to Combined Commercial/Industrial. The second amendment proposes an exception to City of San Jose height standards to enable the design and development of buildings in excess of forty-five feet in height to achieve an exemplary architectural project. The reason for asking permission for additional height is to enable concentration of buildings along Highway 237 so that nearly (30) thirty acres can be dedicated to the Alviso-San Jose Community foundation.

These amendments give Lincoln Property Company the opportunity to propose a creative and unique project for community and City of San Jose consideration.

**Is building on the property safe?**

Yes. Lincoln Property Company has performed an enormous amount of geo-technical, environmental, and seismic safety research on the property. What we have learned is that conventional, well-established engineering techniques used on landfill developments are appropriate and safe for use on the Cargill property.

**What is the purpose of the Alviso/San Jose Community Foundation?**

The Alviso-San Jose Foundation will raise and distribute funds to other non-profit organizations and activities in Alviso and San Jose that provide community services focused on youth.

**How will the Foundation be operated?**

The Alviso-San Jose Foundation will be created as a public benefit non-profit corporation. Lincoln Property Company will dedicate approximately thirty (30) acres of fully improved land to the Foundation as a principal asset. The Foundation will make money through the commercial leasing activities.

**Lincoln Property Company has promised the Alviso community a Community Center?**

Lincoln Property Company will build the community center at no cost to the community. The Alviso/San Jose Foundation will own and set the policies for operation of the Community Center. Lincoln Property Company will pay for the maintenance of the deeded property and the community center for five (5) years. This will enable the Foundation to distribute more of its funds to community social service groups. Lincoln Property Company will assist the Alviso-San Jose Foundation in the management of the multi-purpose community center at no charge for five (5) years.

**If these General Plan amendments are approved, does the Alviso community, and the City of San Jose have any further review?**

Yes. Lincoln Property Company is not proposing a project. Any project proposal requires exhaustive community and city review.

TEXT AMENDMENT IF THE ALVISO MASTER PLAN IS ADOPTED  
AND THE PROPERTY IS DESIGNATED COMBINED INDUSTRIAL  
COMMERCIAL

(additions are double underlined, deletions are struck through)

If the Alviso Master Plan is adopted, modify the Alviso Master Plan as follows:

If the Property is designated "Combined Industrial/Commercial", on Page 20, 1<sup>st</sup> column, add at the end of the section on *Combined Industrial/Commercial*, the following paragraph:

[The following paragraph is the same as the last paragraph on page 20, under the heading "*Industrial Park with Mixed Industrial Overlay*," with additions as noted.]

"Development under this designation on the Cargill Salt property within 1,000 feet of Route 237, is limited to two story buildings, unless it can be demonstrated that buildings in excess of forty-five (45) feet (i) can be safely built on the Cargill Salt property, and (ii) further the goals of the Alviso Master Plan by (a) contributing positively to the Alviso community through improvements to infrastructure, (b) beautification of the Cargill Salt property, (c) the provision of community facilities, thereby enhancing the overall character of the Alviso, and (d) have exemplary architecture or project design, as described in the Lands Outside the Village Area, Guidelines for Industrial Development. The Cargill Salt property consists of an unengineered landfill with a tall mound. Structures should be placed in areas on this property where it can be demonstrated that appropriate construction techniques can be utilized to minimize any and all adverse geotechnical impacts. It is expected that development on this site would include significant amounts of open space and appropriate landscaping, given the configuration of the mound and its steep slopes. Development adjacent to the Summerset Mobilehome Park needs to provide a positive interface so as not to negatively impact the residential quality of life of the mobilehome park."

TEXT AMENDMENT IF THE ALVISO MASTER PLAN IS ADOPTED  
AND THE PROPERTY IS DESIGNATED INDUSTRIAL PARK

(additions are double underlined, ~~deletions are struck through~~)

If the Property is designated "Industrial Park", add the following to the last paragraph on Page 20:

"Development under this designation on the Cargill Salt property within 1,000 feet of Route 237, is limited to two story buildings, unless it can be demonstrated that buildings in excess of forty-five (45) feet (i) can be safely built on the Cargill Salt property, and (ii) further the goals of the Alviso Master Plan by (a) contributing positively to the Alviso community through improvements to infrastructure, (b) beautification of the Cargill Salt property, (c) the provision of community facilities, thereby enhancing the overall character of the Alviso Village, and (d) have exemplary architecture or project design, as described in the Lands Outside the Village Area, Guidelines for Industrial Development. The Cargill Salt property consists of an unengineered landfill with a tall mound. Structures should be placed in areas on this property where it can be demonstrated that appropriate construction techniques can be utilized to minimize any and all adverse geotechnical impacts. It is expected that development on this Property would include significant amounts of open space and appropriate landscaping, given the configuration of the mound and its steep slopes. Development adjacent to the Summerset Mobilehome Park needs to provide a positive interface so as not to negatively impact the residential quality of life of the mobilehome park."

TEXT AMENDMENT IF THE ALVISO MASTER PLAN IS ADOPTED

AMENDMENTS TO  
"LANDS OUTSIDE OF THE VILLAGE AREA –  
GUIDELINES FOR INDUSTRIAL DEVELOPMENT"

(additions are double underlined, deletions are struck through)

Whether the Property is designated "Combined Industrial/Commercial" or "Industrial Park," the following development guidelines should apply: on Page 42, left hand column, modify the Development Standards as follows:

3.2. Development Standards

A. **Height**

(1) In most locations, a maximum of 45 feet, two stories above flood elevation.

(2) Nortech Parkway Industrial Area. [Then add existing language on Page 42 dealing with the Nortech Parkway Industrial Area.]

(3) Cargill/Collishaw Property.

"On the north side of Route 237, west of the Union Pacific railroad tracks, buildings may exceed 45 feet if they meet the following conditions:

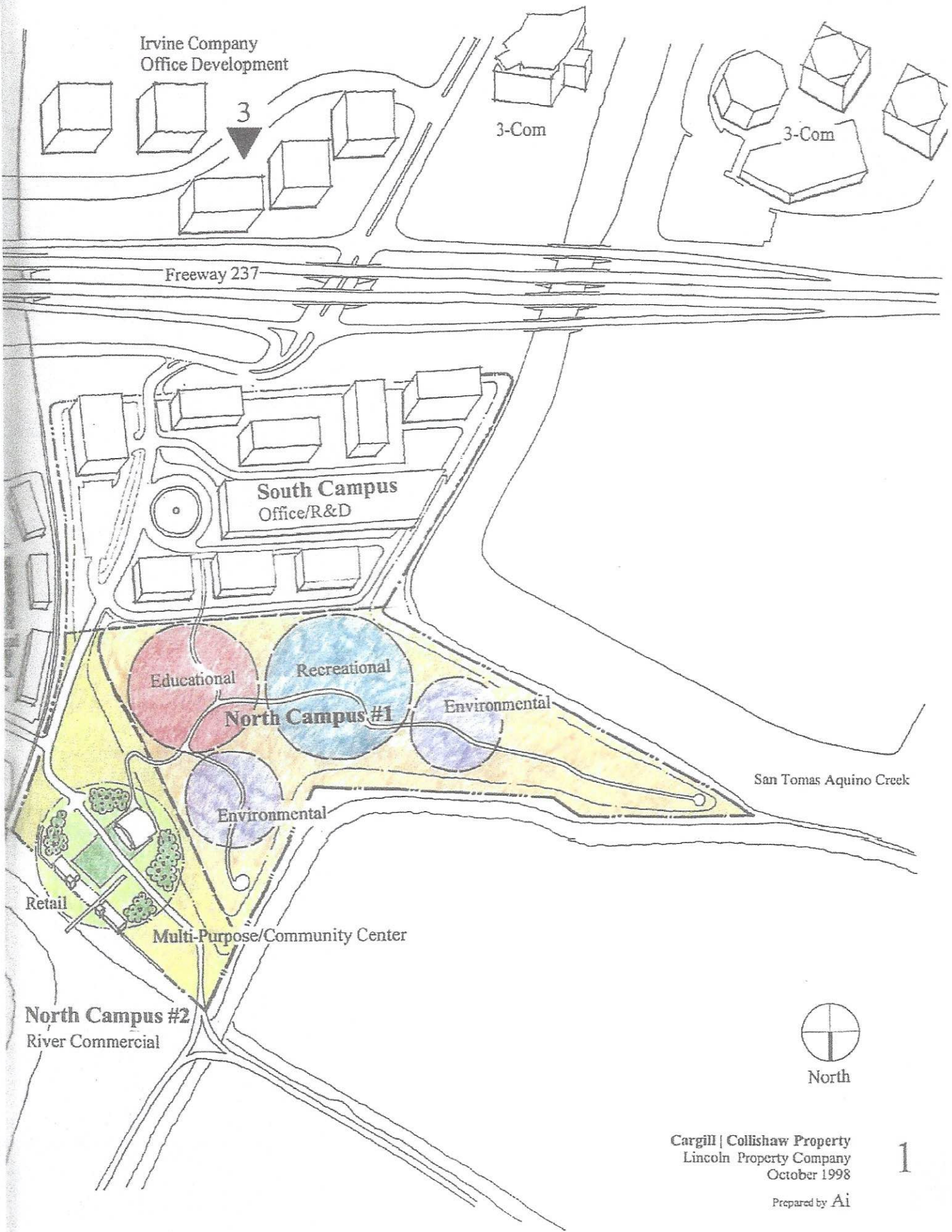
In the Alviso Specific Plan area, within 1,000 feet of Route 237, on properties with a Combined Industrial/Commercial or Industrial Park designation, if it can be demonstrated that such buildings can be safely built, buildings may exceed forty five (45) feet, provided that: (i) a comprehensive Master Plan and Planned Development Zone have been prepared and approved consistent with the Alviso Master Plan that demonstrate a reasonable project scale, appropriate intensity, and massing, and enhancement of the Alviso Village character through preservation of Alviso's natural amenities, beautification improvements, gateway treatments and/or other appropriate measures (ii) the maximum intensity of development that is permitted on the property is not increased by reason of building heights in excess of 45 feet, (iii) the development exhibits exemplary architecture or project design, (iv) development of the project will result in significant public benefit to the City, and (v) improvements on properties adjacent to the Guadalupe River or San Tomas Creek are restricted to community facilities or river oriented uses, and shall provide an appropriate transition to the Alviso Village."

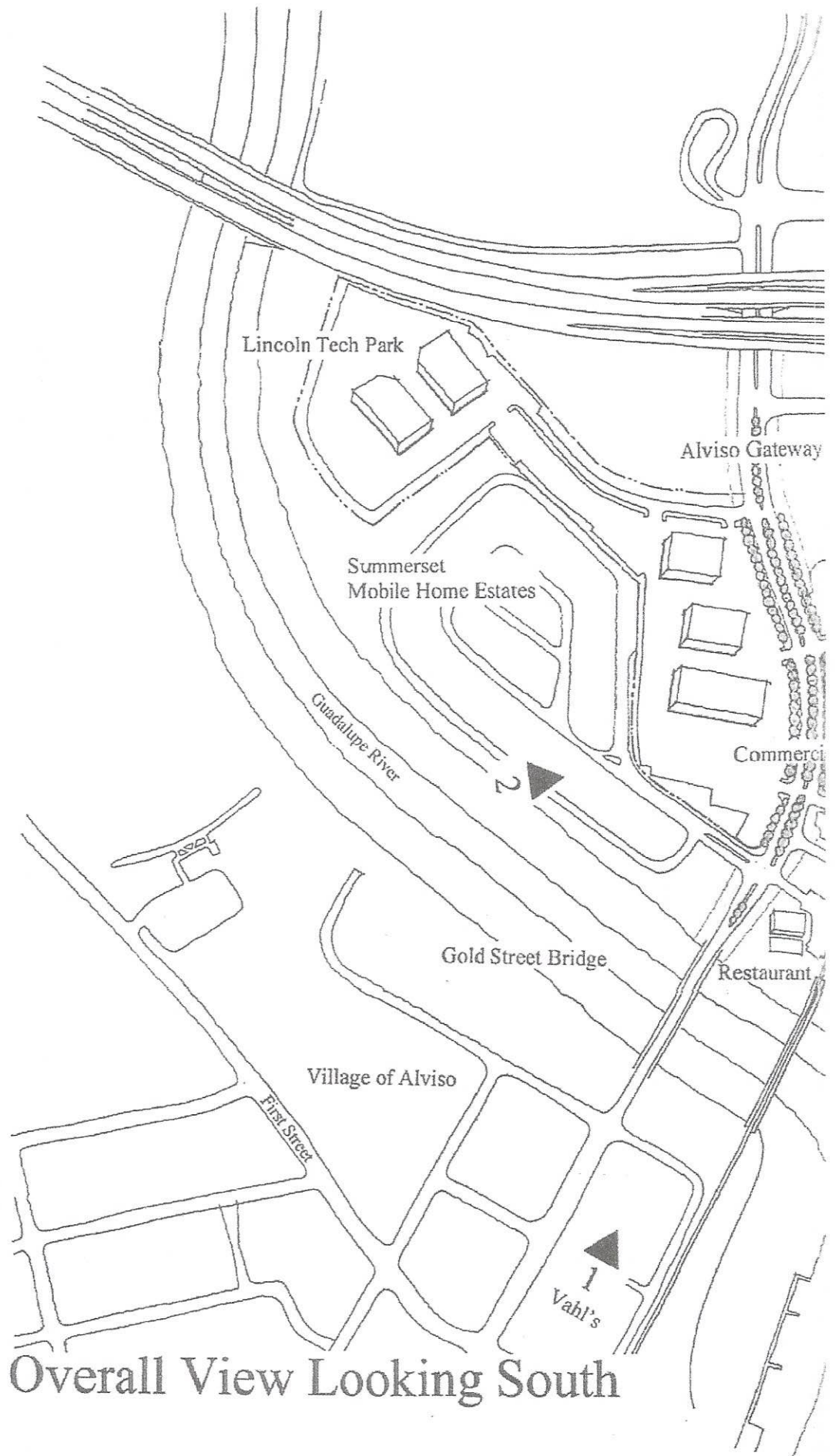


TEXT AMENDMENT IF THE ALVISO MASTER PLAN IS NOT ADOPTED

If the Alviso Master Plan is not adopted, we seek a GPA modifying Urban Design Policy No. 11 to add an exception to the directive that non-residential building height should not exceed 45 feet, as follows:

"In the North San Jose/Rincon de los Esteros Redevelopment Area and in the Alviso Master Plan area, the maximum building height is 45 feet except that for buildings designed to accommodate uses that support the industrial base either located within 2,000 feet of a rail transit station or with exemplary architecture or project design the maximum height is 90 feet."

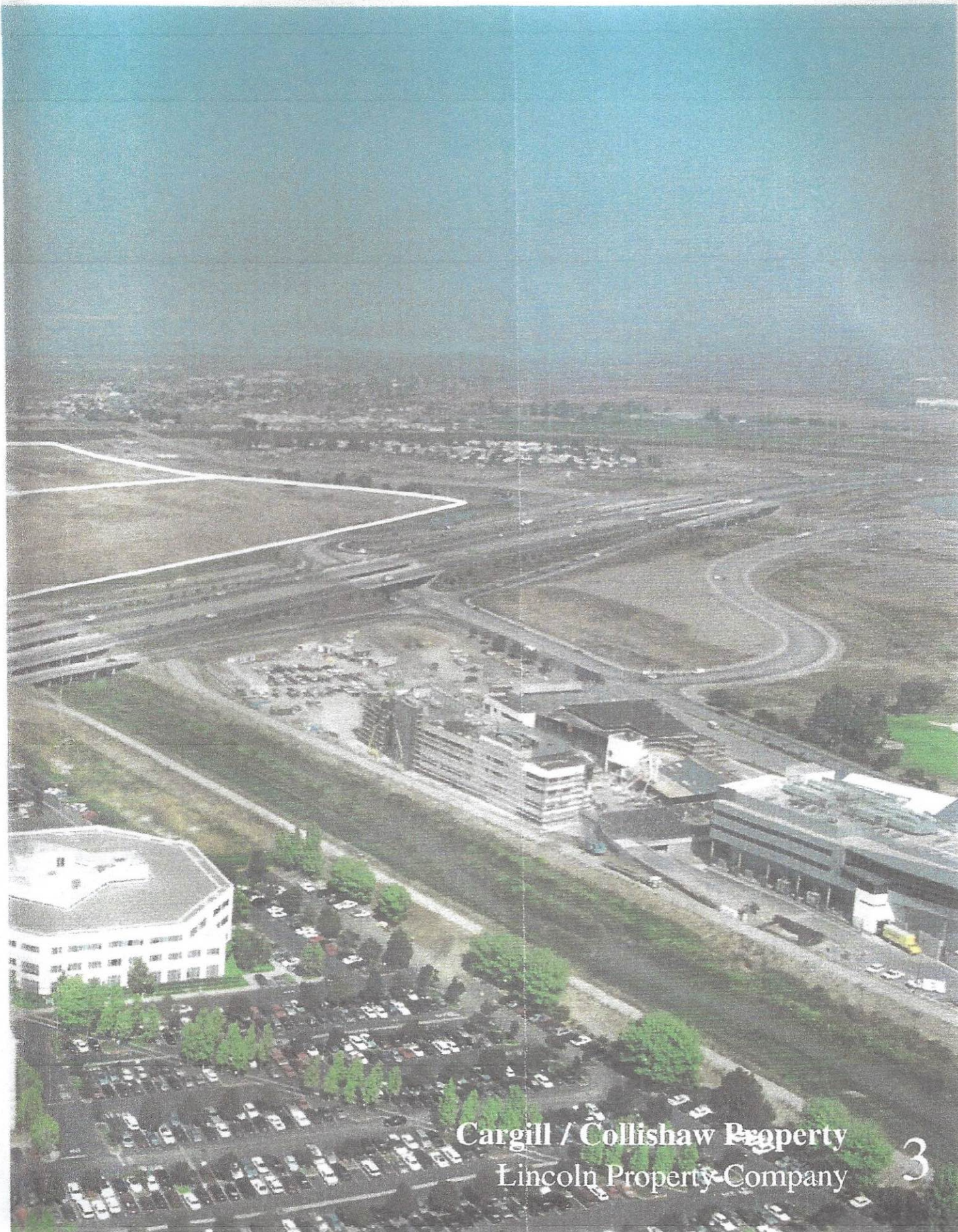




Overall View Looking South







Cargill / Collishaw Property  
Lincoln Property Company





Cargill / Collishaw Property  
Lincoln Property Company





## *Project Vision for Lincoln-Alviso*

### *Vision for Lincoln-Alviso Project*

- Forge a public policy/private development agenda that generates market returns, spins off capital to support social service activities and endow a foundation to benefit San Jose youth.
- Create a signature commercial development for the 21<sup>st</sup> Century.
- Realize a project that reflects an Alviso community as well as a Lincoln Property Company venture.

### *Project Feasibility and Technical Issues*

- Lincoln has analyzed the geotechnical, structural and civil engineering urban design characteristics and development economics of the site.
- Commonly used conventional techniques applicable to landfill closure and building and development are feasible.

### *The Opportunity*

- Create a productive income producing, job generating project.
- Provide a significant public/non-profit site for recreational, educational and environmental uses.
- Create a non-profit foundation that will endow youth programs for San Jose.
- Create a unique workplace, campus environment to attract and retain important employers and employees in San Jose.
- Develop a signature urban design on one of the few remaining well located large sites with direct freeway access to residential and commercial communities.
- Preserve and enhance public access to spectacular panoramic views: San Jose to the south and the Tidelands and the Bay to the north.

*Prepared by:  
Edgar M. Thrift, Jr.  
Lincoln Property Company*

## *Proposed General Plan Amendment Fact Sheet*

### *Proposed General Plan Amendment*

- Lincoln Property Company is requesting that the City re-designate the combined Cargill/Collishaw properties from Private Recreation and Private Open Space to the combined Commercial/Industrial category. The General Plan Amendment also proposes the application of the General Plan Urban Design Policy on Building Height for exemplary architecture or project design to property North of Highway 237.

### *The Opportunity*

- The North San Jose Highway 237 corridor market for campus corporate office/research and development facilities has created a unique opportunity to pioneer a new workplace product in San Jose, to create a signature site characterized by innovative architecture and urban design and to establish an economic engine to support social service activities in San Jose.

### *The Market*

- The market for corporate campus facilities has changed. The economics of real estate values and the corporate workplace has generated interest in higher intensity facilities. New multi-story corporate facilities have been introduced and well-received along the Highway 101 and 237 corridor, from Redwood City to Santa Clara.

### *Project Character*

- Lincoln Property Company is proposing to concentrate development of an office/R & D business park on the plateau elevation of the property in an urban style complex of two (2), four (4) and six (6) story buildings located sensitively in the landscape. The project character is envisioned as a City on a Hill, including an architecture and urban design of pedestrian scale walking proximity, and with parking consolidated in structures. The development potential of this site is approximately 900,000 square feet.

### *Infrastructure Requirements*

- Approximately \$50 million is required for access improvements, streets, utilities, traffic improvements, landfill closure procedures, pilings and related construction costs.

*Prepared by:  
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### *Key Architectural Issues and Goals*

- The site can be developed in a compact arrangement of two (2) to six (6) story buildings, preserving a large percentage of the site for public benefit.
- The sense of place and identity will be produced through the inter-relationship of buildings and open space. Buildings should share some relationship to a common defined open space or plaza space.
- A clear front door to the site will be established with an appropriate sense of arrival and clear circulation within the site and between buildings.
- Taller buildings should be positioned along Highway 237 with decreasing building height toward the river to maximize views north to the bay and to enhance the public access to the Guadalupe River, San Tomas Aquino Creek and to open spaces surrounding the site.
- Parking structures should be positioned at the lower elevations on the site to minimize their impact on the site and increase open space.
- Public uses on the site should embrace the opportunities presented by the site's natural position at the confluence of San Tomas Aquino Creek, Guadalupe River and the San Francisco Bay.

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## *Summary of Geotechnical Factors*

### *Landfill Settlement*

- Conventional standardized techniques are commonly used in landfill sites composed of compressible soils as are contemplated on this project.
- No new refuse has been placed since 1982, approximately 16 years of settlement has already occurred. Taking this into account, we estimate the remaining refuse settlement to be on the order of 2 ½ feet total. This settlement analysis is within typical ranges throughout the Bay Area.

### *Building Foundations*

- Buildings will be supported on pile foundations extending below the landfill. Pre-drilling will be performed through the landfill material as is conventional practice. Vertical and lateral capacities will account for the total settlement in a manner consistent with other developments on compressible materials.

### *Underground Utilities*

- All underground utilities will be designed to account for the long-term settlement. Utility design will include such measures as flexible piping materials, rubber gasketed joints, flexible connections at building entry points contained within an inspection and leak detection vault, structurally supported utilities beneath building floors and regular periodic maintenance of the flexible connections.

### *Pavements*

- Roadways and paved areas should consist of flexible paving systems such as asphaltic concrete.

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### *Summary of Structural Engineering Factors*

- Buildings and structures will require pile support with structural first floor slabs.
- Settlement and differential settlement are the major landfill-related structural factors. However, the settlements anticipated are comparable to those typically experienced on Bay Mud sites throughout the Bay Area; conventional methods have been developed for these factors and will be used on this site.
- Underground and under-slab utilities require special treatment. Utilities under areas that will settle will be built with flexible lines; utilities under pile supported slabs will be suspended from the slabs. These are standard methods at sites where settlements are expected.
- Building entrances require extensive, commonly used, "hinge" slabs to allow the surrounding area to settle while the building remains fixed. Most pile supported buildings have such features.
- Transfer of seismic loads to the landfill will be a major structural consideration. This may be done by shear in the piles, construction of deep grade beams, other types of "keys" built in such a manner that predicted settlements will be accommodated. The methods used will be conventional procedures and practices used on Bay Mud sites.

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## *Summary of Civil Engineering Factors*

### *Site Access*

- Project access and egress – Alternatives have been evaluated, including a primary Great America Parkway entrance and Gold Street access points including:
  - Mid Block on existing alignment
  - Mid Block on straightened alignment
  - On Prolongation of Great America
  - At Gold Street existing Railroad Crossing

### *Off-Site Utilities*

- Utility capacity to serve the site has been evaluated:
  - *Water* – A 12" water supply main exists in Gold Street.
  - *Sanitary Sewers* – A new 12" sanitary sewer will be constructed to accommodate discharge from the site.
  - *Storm* – Drainage will be collected and released according to local and regional approvals.
  - *Gas* – Pacific Gas and Electric will be installing gas service to the site.
  - *Electric* – Pacific Gas and Electric will be installing electric facilities to accommodate service to the site.
  - *Telephone* – Pacific Bell will be installing telephone facilities to accommodate service to the site.

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## *Key Hazardous Materials Factors*

### *Ground Water and Leachate*

- Perimeter testing of the ground water adjacent to the landfill has determined that the ground water is not affected by potentially hazardous compounds leaching from the landfill. Perimeter ground water monitoring of the landfill will continue for at least 30 years.

### *Landfill Gases and Odor*

- The materials comprising the landfill are primarily construction debris with low amounts of organic materials. In addition, most of the landfill is above the ground water table. The generation rate for landfill gases is therefore low. Health and safety practices will be closely followed during construction activities to minimize potential exposure.

### *Asbestos*

- Asbestos has been identified in subsurface soil samples at concentrations up to two (2) percent. The landfill closure will reduce the potential for future exposure by capping of asbestos-containing soils. Health and Safety practices will be implemented during closure and development activities to minimize airborne concentrations of asbestos. Air monitoring controls will also be performed as established by local and State and Federal agencies.

### *Refuse Excavation*

- Some landfill excavation will be required during the landfill closure and development activities. Appropriate Health and Safety practices will be implemented during closure and development activities, as established by local and Federal agencies to minimize the potential for on-site worker exposure.

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## *Status of Landfill Closure*

### *Landfill History*

- Class III non-hazardous landfill undergoing final closure construction on land owned by Cargill Salt. Operated for public and private use from 1962 to 1982.

### *Landfill Materials*

- Primarily demolition debris (wood and concrete) and soil with a relatively minor amount of mixed refuse (domestic and commercial trash: metal, paper, plastic, wood, yard cuttings); ratio of approximately 60/30/10.

### *Landfill Closure*

- Closure and a Post-Closure Maintenance Plan, approved by Regional Water Quality Control Board in 1990.

### *Landfill Monitoring Program*

- Groundwater, leachate and gas characterized and monitored as part of several state-mandated programs and end-use development investigations since the mid-1980's. A quarterly landfill monitoring program under Regional Water Quality Control Board review has been performed at the site since 1988. A Solid Waste Assessment Test report, approved by the Regional Board, demonstrated characteristics below Department of Health Services action levels.

### *Closure Plan for End Use Development*

- Revisions to Closure Plan would be required for an end-use development on the site. California landfill regulations require that post-closure land uses must be designed and maintained to:
  1. Protect public health and safety and prevent damage to structures, roads and utilities.
  2. Maintain the integrity of the final cover, drainage and erosion control systems.
  3. Provide protection from landfill gas for structures on-site and within 1,000 feet of the site.

A revised closure plan and end-use designs would likely incorporate the types of design solutions successfully employed at other Bay Area landfill end-use projects.

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