



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Mayor Mahan  
Councilmember Candelas  
Councilmember Cohen  
Councilmember Ortiz

**SUBJECT:** SEE BELOW

**DATE:** August 13, 2024

Approved:

Date: 8/9/2024

**SUBJECT: PDC21-035, PT22-003, PD22-002 & ER21-284 - Planned Development  
Rezoning, a Vesting Tentative Map, and a Planned Development  
Permit on Certain Real Property Located at 0 Seely Avenue**

**RECOMMENDATIONS:**

Accept the staff recommendation with the following amendments and additions:

1. Amend the mitigations for potential impacts to nesting birds to reflect:
  - a. Surveys for migratory nesting birds shall be conducted by a qualified ornithologist or biologist no more than 14 days prior to any site disturbance or construction that starts during the entire nesting season between February 1 and August 31.
  - b. The survey radii for migratory nesting birds surrounding the work area shall encompass 250 feet for passerines, 500 feet for small raptors, and 1,000 feet for larger raptors.
  - c. If active nests are documented within the project area or in nearby surrounding areas, an appropriate buffer between the nest and construction activities should be established, marked, and maintained until the young have fledged and are foraging independently.
2. Require the developer to:
  - a. Work with NorCal Carpenters to make sure union contractors are informed of the availability of bid documents.
  - b. Conduct traffic impact studies on the River Oaks area and provide up to \$450,000 in funding for traffic mitigation.
  - c. Continue to cooperate with PAC\*SJ's and History San Jose's efforts to relocate the historic Sakauye Farmstead to History Park and contribute \$100,000 toward the cost of relocation.

HONORABLE MAYOR AND CITY COUNCIL

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## **BACKGROUND**

The Seely project is an important first project in the planned development area of North San Jose. After recently opening North San Jose to development, we have been waiting for this project to bring much-needed benefits to the community. The project will add 1,472 homes, including 235 affordable units; a 2.5-acre public park including a dog park; 19,000 square feet of new commercial space and amenities; and an interpretive area dedicated to the history of the project site. We appreciate the developer, Hanover, for their willingness to incorporate additional standards outlined in our recommendations that will help improve the project.

Engagement with the Santa Clara Valley Audubon Society and the Sierra Club Loma Prieta Chapter revealed that the proposed mitigations for potential impacts to migratory nesting birds do not align with recommendations from the California Department of Fish and Wildlife. Considering the project is located along Coyote Creek riparian habitat and the development proposal includes removing nearly 600 trees, our recommended amendments to the requirements for nesting bird surveys seek to ensure that migratory birds are not impacted by construction.

NorCal Carpenters have expressed the need for well paid union jobs to participate in North San Jose development. Hanover met with representatives of the Carpenters and received a list of union contractors that will be noticed of bid availability.

River Oaks is a dense residential area, with some of the largest multi-family housing developments in Silicon Valley. Hanover will conduct traffic studies after completion of the project and has committed to spending up to \$450,000 for needed road and traffic improvements based on city staff's analysis of the studies.

PAC\*SJ has been working with city staff and the developer for some time regarding the preservation of the Sakauye Homestead. While the park in the project will include historical homage to the agricultural use of the site and the Sakauye family, History San Jose would like to receive the house for permanent preservation in History Park. PAC\*SJ and History San Jose plan to seek funding for the move, and Hanover has committed to contribute \$100,000 toward relocation efforts if they are successful.

Given construction of the project includes multiple phases, the city has an interest in making sure that all phases are completed, including for-purchase townhomes, multi-family market rate housing, and affordable housing. Before any residential structures are built, the multi-family developer will spend over \$10 million to prepare the entire 22-acre site with grading, remediation, roadways, and utilities. Upon the completion of the site preparation, the intent is to begin construction of the first multi-family apartment building and the townhomes. The second, third and fourth multi-family buildings will proceed in sequence thereafter.

*The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.*