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October 30, 2014

Via Email and U.S. Mail

Rebecca Bustos  
City of San Jose Planning Division  
200 East Santa Clara Street - 3rd Floor Tower  
San Jose, California 95113  
Email: [rebecca.bustos@sanjoseca.gov](mailto:rebecca.bustos@sanjoseca.gov)

Re: Great Oaks Mixed Use Project

Dear Ms. Bustos:

**San Jose Residents for Responsible Development** ("San Jose Residents") and iSTAR San Jose, LLC are pleased to announce that they have reached an agreement to resolve the outstanding issues raised by San Jose Residents before the City of San Jose in its comments on the Draft Environmental Impact Report ("DEIR") prepared for the Great Oaks Mixed Use Project ("Project"). Under this Agreement, iSTAR San Jose, LLC will implement additional measures to reduce the Project's toxic air contaminants emissions and protect worker and public health and safety from exposure to potential contaminants in the Project site's soils.

Provided that these additional measures are adopted by the City as mitigation measures, in response to comments submitted by San Jose Residents, San Jose Residents believes that the construction and operation of the Project will benefit the State of California, the City of San Jose and communities in the vicinity of the Project site.

Under the Agreement, iSTAR San Jose, LLC agrees to take the following measures:

- A. TOXIC AIR CONTAMINANTS. To reduce the Project's toxic air contaminants emissions:

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1. Minimize the idling time of diesel-powered construction equipment to two minutes.
2. Off-road construction equipment (more than 50 horsepower) must achieve a fleet-average 20 percent NOx reduction and 45 percent PM reduction compared to the most recent ARB fleet average.
3. All construction equipment, diesel trucks and generators must be equipped with Best Available Control Technology for emission reductions of NOX and PM.
4. Construction equipment must meet CARB's most recent certification standard for off-road heavy duty diesel engines.

San Jose Residents and iSTAR San Jose, LLC jointly request that the City include the above measures as mitigation measure AIR-2 in the EIR and Mitigation Monitoring and Reporting Program.

B. STOCKPILED SOIL. To ensure worker and public health and safety:

1. Characterization of the soil shall be achieved by conducting soil sampling under regulatory oversight and in accordance with applicable regulatory guidance.
2. Construction activities associated with the Project shall not commence prior to completion of the actions described in HAZ-1.1.

San Jose Residents and iSTAR San Jose, LLC jointly request that the City include the above measures as additions to mitigation measure HAZ 1.1 in the EIR and Mitigation Monitoring and Reporting Program.

C. ARSENIC. To ensure worker and public health and safety:

1. Sampling shall be conducted under regulatory oversight and in accordance with applicable regulatory guidance.
2. Construction activities associated with the Project shall not commence prior to completion of the actions described in HAZ-2.1.

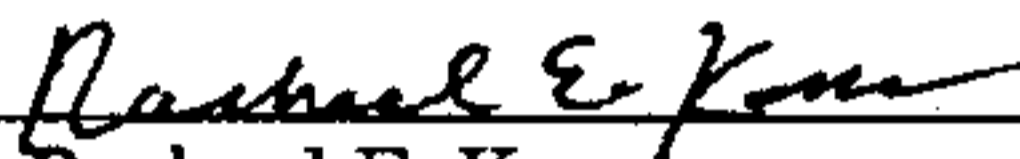
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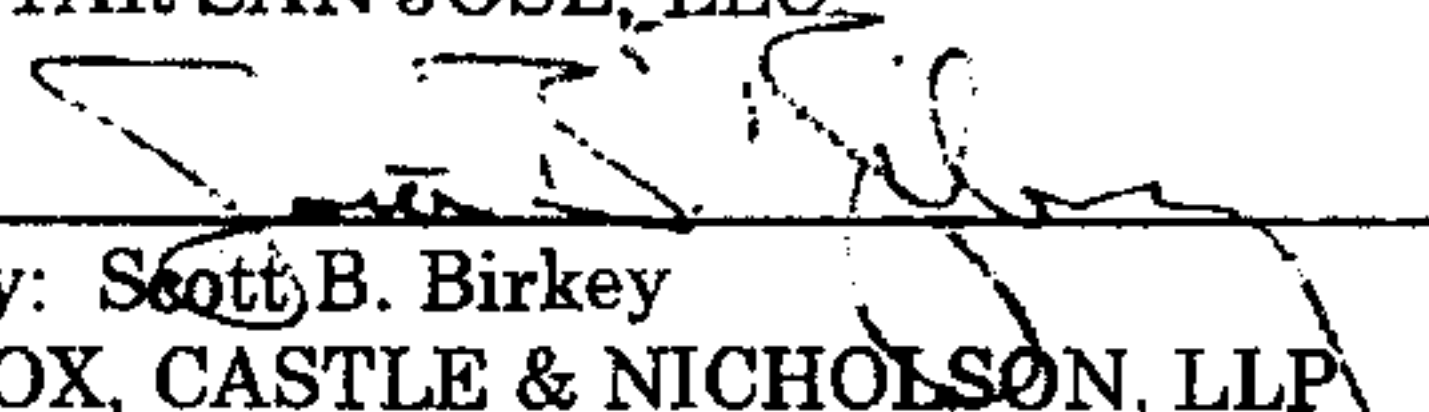
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San Jose Residents and iSTAR San Jose, LLC jointly request that the City include the above measures as additions to mitigation measure HAZ-2.1 in the EIR and Mitigation Monitoring and Reporting Program.

Thank you for your attention to this matter.

SAN JOSE RESIDENTS FOR RESPONSIBLE DEVELOPMENT

  
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