



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: March 26, 2007

COUNCIL DISTRICT: 7

SNI AREA: None

SUBJECT: GP06-07-02. GENERAL PLAN AMENDMENT REQUEST TO CHANGE THE *SAN JOSE 2020 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM DESIGNATION FROM MEDIUM LOW DENSITY RESIDENTIAL (8 DU/AC) TO MEDIUM DENSITY RESIDENTIAL (8-16 DU/AC) ON AN APPROXIMATELY 2.34-ACRE SITE (2450 TO 2492 MCLAUGHLIN AVENUE) ON THE EASTERLY SIDE OF MCLAUGHLIN AVENUE, 600 FEET SOUTHERLY OF TULLY ROAD.*

RECOMMENDATION

The Planning Commission voted 3-3-1 (Commissioners Campos, Kalra and Platten opposed; Commissioner Dhillon abstained) to recommend denial of the General Plan amendment request to change the *San Jose 2020 General Plan Land Use/Transportation Diagram* designation from Medium Low Density Residential (8 DU/AC) to Medium Density Residential (8-16 DU/AC) on an approximately 2.34-acre site. Because a quorum was not reached, this vote is deemed a negative recommendation from the Planning Commission on this proposed General Plan amendment.

OUTCOME

If the City Council approves the General Plan amendment to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Medium Density Residential (8-16 DU/AC) it could potentially allow uses typified by small lot single-family homes, townhouses, and duplexes. A mixture of housing types, subject to overall density limits would also be appropriate.

BACKGROUND

On March 14, 2007, the Planning Commission held a public hearing to consider the applicant's proposed General Plan amendment to change the land use designation on the subject site from Medium Low Density Residential (8 DU/AC) to Medium Density Residential (8-16 DU/AC). The Director of Planning, Building and Code Enforcement recommended approval of the proposal.

ANALYSIS

Public Testimony

Mr. Satinder Dhillon, representing the applicant, stated that the proposed density was appropriate. He said that development can be designed with a compatible interface with the existing single-family homes; lesser density can face Loomis Drive, and slightly higher density can face McLaughlin Avenue to preserve the neighborhood's character. Most of the traffic will directly feed into McLaughlin Avenue. The applicant intends to develop at the middle of the proposed density range of 8-16 dwelling units per acre with 4,000 to 6,000 square-foot lots with internal vehicular circulation.

Mr. Dhillon stated that the current application is the second request for a General Plan amendment on the subject site. The previous request (GP03-07-01 in 2003) only included the southernmost parcel of the site. Based on staff feedback, three parcels were incorporated into the current amendment proposal, which allows greater design flexibility. The applicant has a contract to purchase the two northern lots. Mr. Dhillon also stated the temple (Duc Vien Temple to the north) had been approached about purchasing a portion or all of the site but was financially unable to do so.

In response to questions from Commissioner Zito, Mr. Dhillon said the applicant has a purchase agreement for the subject site contingent upon approval of the General Plan amendment; the owner of the corner lot at McLaughlin Avenue and Candia Drive did not want to be a part of the proposed General Plan amendment.

Tom Tran, owner of the corner property south of the subject site, stated that he wants to keep his property as a single-family residence. He said the temple generates a lot of traffic, and residents from future development of the subject site could create more traffic. He also stated there is too much noise in the area and future development of duplexes could depreciate the value of his property.

Daniel Peralta, President of the McLaughlin Corridor Neighborhood Association (MCNA) said he has lived in the area for the last 35 years. It has been a single-family area with no condominiums or apartments, and he would like it to remain that way. He said that there have been traffic and parking problems along McLaughlin Avenue and in the neighborhood. He is concerned that the area could be categorized a Strong Neighborhoods Initiative (SNI) area if more development occurs. He stated that property in the neighborhood could lose its value. He said he has signatures from 200 community members expressing their concerns.

Angelo Curiel, a resident on Candia Drive, stated that a lot of accidents and illegal U-turns occur at the corner of McLaughlin and Candia and that traffic conditions are worse when the temple has services on Sundays.

Chuck Jeffery, also representing MCNA, wanted to know the applicant's identity, and whether or not there is a conflict of interest. The Senior Deputy City Attorney clarified that because of financial interest in the property, Mr. Dhillon had recused himself, and was not in the Council Chambers. Mr. Jeffery stated that this proposal, like the previous one proposed by the applicant, does not fit the neighborhood, which already has parking and traffic problems. He said the proposal would add traffic on McLaughlin Avenue. He stated the highest and best use for the subject property was a public park.

Hung Nguyen, representing the temple, said the temple's offer for the parcel adjacent to the temple was rejected by the adjacent property owner because it was not a fair market price for them. He also understood from the last community meeting on the proposed General Plan amendment that Bob Dhillon was ready to submit a proposal, and that staff would recommend 8-16 dwelling units per acre, with a condition that Mr. Dhillon expand his request to include three parcels. Mr. Nguyen said he was opposed to raising the density. Responding to a question by Commissioner Zito, Mr. Nguyen acknowledged that the temple has a parking problem, and that the temple is still interested in purchasing the adjacent parcel.

In response to a question from Commissioner Jensen, staff stated that staff did not formulate a recommendation on whether or not to approve this application prior to the community meeting, and had not endorsed an increased density prior to the meeting. Staff did, however, recommend to the applicant an expansion of the area under consideration for the proposed amendment to provide adequate area for an appropriate site design for future development.

Chair Campos reminded the Commissioners that they should not be making decisions based on what would benefit the temple, and the discussion should pertain to the amendment proposal in front of the Commission.

Albert Raska, representing the temple, provided the results of a community survey he had conducted in the neighborhood. He stated that seven of the respondents in the neighborhood had said "yes" and 40 had said "no" to a zoning change. He also noted there was a parking problem and traffic congestion in the area. The survey results showed that 53 of the 67 participants wanted a median divider on McLaughlin Avenue at the Tully and McLaughlin intersection.

John Nguyen, a resident for six years and former Vice President/Community Liaison of the Lucretia Area Neighborhood Association, had concerns about traffic on McLaughlin Avenue. He stated that the presence of four gas stations contributed to the number of accidents and illegal left turns.

Samantha Tran, an owner of two properties in the neighborhood, spoke in support of the proposal. She said the project would beautify the neighborhood and would not cause traffic problems. She stated that there is already traffic throughout San Jose. She said she would consider buying a unit on the subject site so her parents could live there.

Jacqueline Nguyen, representing the temple, opposed the project. She was concerned about the applicant purchasing the adjacent parcel, and then offering to sell 10,000 square feet of the subject property to the temple at a higher cost to build a cul-de-sac off of Zachary Court.

Tai Nguyen, representing the temple, stated that the temple has been there for 30 years. He said the owner of the subject property had promised to sell the land to the temple, but then the applicant got into a contract with the property owner.

Shirley Collins, an agent representing the seller of the subject site's earlier owner, stated that they tried to negotiate but couldn't come to a meeting of minds with the temple. She said the property owners have received multiple offers for purchasing the site indicating that it is a desirable property.

She said the proposal would improve the neighborhood. She noted that parking was a problem in the area, but the subject property could not solve that problem.

Raymond Andre, one of the owners of the subject property, stated that the applicant did not make any offer until the negotiations with the temple had failed. Dana Hanh-Nguyen, another of the owners of the subject property, speaking in favor of the amendment, questioned why the temple chose to build bigger buildings on the temple site on land that could have been used for parking.

Mr. Dhillon responded to these issues stating that: a development proposal would be for single-family units on smaller lots and not for condominiums or multiple units; the City's long-term traffic impact analysis had shown less than significant impacts from the General Plan amendment; his earlier proposal was revised to get the three parcels together; it took a fairly long time for them to work through the various issues; the proposal would benefit the community because it would beautify the neighborhood and increase property values; and that a financial analysis showed that the costs of the land and construction require a higher density than 8 dwelling units to make sense.

Commission Discussion

Chair Campos asked staff to respond to public comments. Staff stated that combining three lots gave flexibility for a site design to include adequate buffering; parking required for any future development will have to be addressed on site; and issues related to the temple site are not related to the proposed General Plan amendment. The City has received many complaints about parking problems in the neighborhood, which is an on-going City concern, and City staff is looking for a long-term solution to the issue. Staff also clarified that the project wouldn't trigger inclusion of the neighborhood into a Strong Neighborhoods Initiative area. Regarding the eligibility of the subject site for a park, staff stated this site is not identified in the City's Parks Master Plan for acquisition.

Commissioner Zito made a motion to recommend denial of the General Plan amendment. He said the proposal would take out a chunk of the center of a large area of Medium Low Density Residential that could create a domino effect. He stated the proposal should be viewed in a larger context as part of a comprehensive review. He said a solution is possible for the neighborhood parking problem if we leave the site as is. Previously, he and another Commissioner had considered the proposal as spot zoning, and he wanted to know why it was not considered so now.

The Director of Planning cautioned that the Commission should not wait for the Comprehensive General Plan Update to address smaller proposals like the current one. The Comprehensive Update could not look at land use issues at a parcel level.

The Director stated that the proposal is not spot zoning. Zoning itself is a different action. A General Plan amendment should not be regarded in the same way as a zoning because the General Plan is a policy document that provides flexibility in the implementation of how residential uses can be developed within a density range; specific development standards that work within the General Plan density range are defined by a zoning district.

The Director noted that the subject site is larger than 2 acres. The previous General Plan amendment request was for a single parcel less than 2 acres in size. Staff had recommended expansion of the site area because staff thought a slight increase in density could be appropriately developed on the expanded site.

The Director also stated the General Plan issues presented to the Commission for consideration of the proposed amendment for this site are well suited to be addressed at this hearing: it is an infill site consisting of parcels that are larger and of greater length than the single-family parcels fronting on to McLaughlin Avenue, on the blocks adjacent to and opposite the subject block. The surrounding area does not just consist of single-family uses; the temple should be considered a Public/Quasi-Public use. The question of appropriateness of the proposed land use change on the site to allow an increase in density, given the site configuration and surrounding uses, is the main issue before the Commission this evening.

In response to a question from Commissioner Kalra regarding what density, within the proposed range, staff would recommend as the maximum for development, staff stated support for small-lot single-family residences at approximately 10 dwelling units per acre. Staff recommended the lower end of the 8-16 density range after considering how best to balance General Plan goals and policies that are relevant Citywide, such as housing needs for a growing population, with the need for future development to be compatible with the existing neighborhood.

Commissioner Jensen stated support for the motion recommending denial.

Commissioner Platten indicated support for the proposed density, noting that it was a classic infill situation on a major transportation corridor, and that it was consistent with smart growth principles.

Commissioner Zito had a concern about the addition of units because the General Plan land use designation runs with the land, and that future development could be up to 30 units on the property.

Chair Campos noted that a development proposal at such a density would have to come back to the Commission through a Planned Development Zoning process, and the Commission has the ability to identify if they want the recommendation at the lower or higher end of the requested density.

The motion to recommend denial failed (3-3-1), with Commissioners Kamkar, Jensen, and Zito in favor of the motion and Commissioners Kalra, Platten, and Campos opposed.

Commissioner Kalra stated development at the lower end of the proposed density range would not be inconsistent in the neighborhood given the existing surroundings and the location of temple to the north. He said that ultimately, there would be improvements to the neighborhood including the streetscape, and added that additional parking will be contained on site. Commissioner Kalra said it is an infill opportunity that can help the City meet part of its housing needs.

POLICY ALTERNATIVES

Not applicable.

PUBLIC OUTREACH/INTEREST



Criteria 1: Requires Council action on the use of public funds equal to \$1 million or greater.
(Required: Website Posting)

- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. A community meeting notice was mailed out to the property owners and tenants within a 1,000-foot radius of the subject site informing them about the community meeting held on October 24, 2006 at Tully Road Library to discuss the proposed General Plan amendment. They also received a joint notice of public hearings to be held on the subject General Plan amendment before the Planning Commission on March 14, and City Council on April 17, 2007.

The attached staff report for the General Plan amendment contains a detailed summary of the discussion at the community meetings. The Planning Department web site contains information regarding the General Plan process, amendments, staff reports, and hearing schedules. This web site is available with the most current information regarding the status of the General Plan amendments.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Department of Transportation, the City Attorney, Department of Parks, Recreation and Neighborhood Services and Santa Clara Valley Water District.

FISCAL/POLICY ALIGNMENT

Consistency with applicable General Plan policies is discussed in the attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

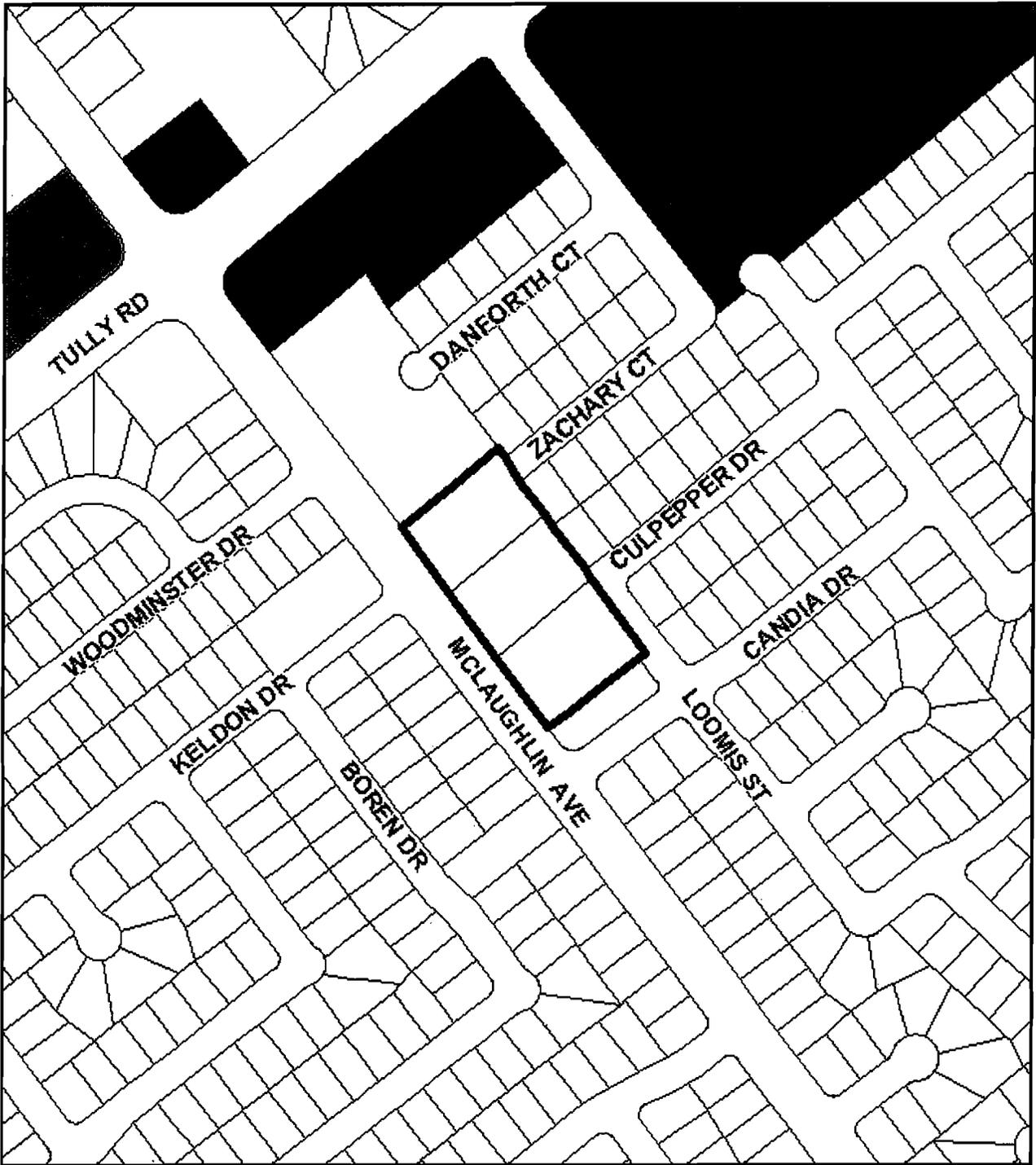
Not applicable.

CEQA

A Mitigated Negative Declaration, File No. GP06-07-02, was adopted on March 13, 2007.

FOR Andrew Crabtree
JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Jenny Nusbaum in the Planning, Building and Code Enforcement Department at 535-7800.

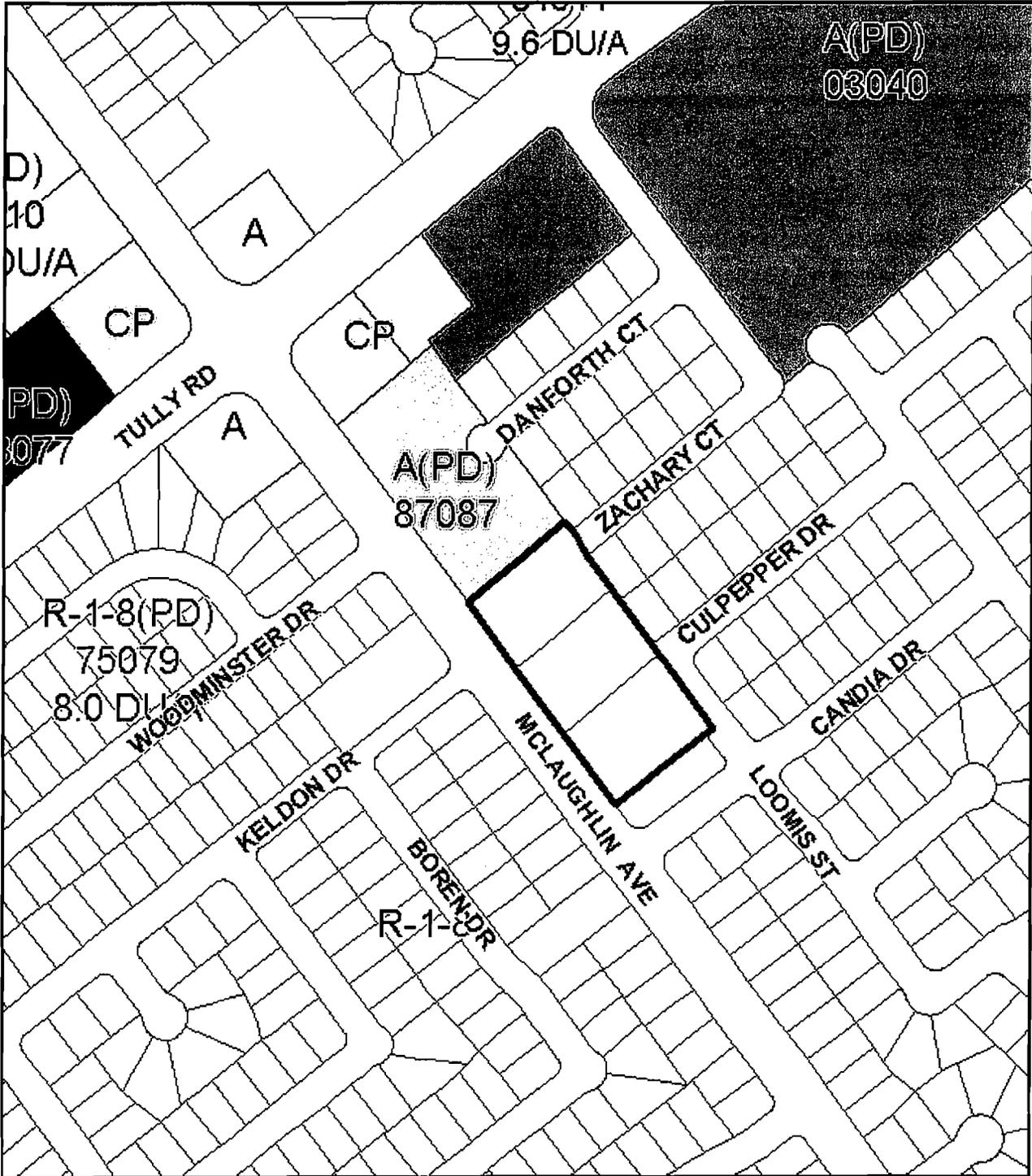



CITY OF
SAN JOSE
CALIFORNIA
PLANNING SERVICES DIVISION
**Department of Planning, Building
and Code Enforcement**
Planning Services Division

 **SITE**


NORTH
Scale 1" = 250'
Quad: 100

GP06-07-02




CITY OF SAN JOSE
ESTABLISHED 1850
Department of Planning, Building
and Code Enforcement
Planning Services Division

 SITE


NORTH
Scale 1" = 250'
Quad: 100

Memorandum

TO: Meera Nagaraj
Planning and Building

FROM: Michael Liw
Public Works

**SUBJECT: RESPONSE TO GENERAL PLAN
AMENDMENT APPLICATION**

DATE: 03/07/07

PLANNING NO.: GP06-07-02
DESCRIPTION: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Medium Density Residential (8-16 DU/AC) on a 2.34-acre site. (Dana Nguyen-Contey, Owner/LPMD Architects, Applicant)
LOCATION: Northeast side of McLaughlin Ave, approximately 640 feet southeasterly from Tully Road
P.W. NUMBER: 3-18010

Public Works received the subject project on 03/06/07 and submits the following comments:

NO Flood Zone
NO Geological Hazard Zone
NO State Landslide Zone
YES State Liquefaction Zone
NO Inadequate Sanitary capacity
NO Inadequate Storm capacity
NO Major Access Constraints
NO Near-Term Traffic Impact Analysis (*see below)

Comments: This project is exempted from traffic impact analysis requirements if it meets the following:

- Single family detached residential of 15 dwelling units or less.
- Single family attached residential of 25 dwelling units or less.

Please contact the Project Engineer, Mirabel Aguilar at (408) 535-6822 if you have any questions.



Michael Liw
Senior Civil Engineer
Transportation and Development Services Division



Department of Parks, Recreation and Neighborhood Services

PARKS AND RECREATION COMMISSION

March 8, 2007

City of San José Planning Commission
200 East Santa Clara Street
San Jose, California 95113

Subject: Winter/Spring 2007 – General Plan Amendments

Dear Planning Commissioners:

The Parks and Recreation Commission (hereinafter “Commission”) reviewed the proposed Winter/Spring 2007 General Plan Amendments dealing with future residential projects and a commercial site adjacent to Coyote Creek in a study session on February 21, 2007 and formally acted on its recommendations in response to the amendments at the Commission’s regular business meeting on March 7, 2007. This letter transmits the Commission’s comments regarding the following General Plan Amendments to be considered by the Planning Commission and the City Council.

1a) GP05-04-08A: General Plan Amendment request to change the San José 2020 Land Use/Transportation Diagram designation from Industrial Park to Industrial Park with Transit Employment Residential Overlay (55+ DU/AC) on 13.0 acres and General Commercial on 3.0 acres, located on the west side of North First Street between Plantation Drive and Rio Robles Road in Council District 4.

1b) GP05-04-08B: General Plan Amendment request to change the San José 2020 Land Use/Transportation Diagram designation from Industrial Park to Industrial Park with Transit Employment Residential Overlay (55+ DU/AC) on 16.0 acres and General Commercial on 1.4 acres, located on the west side of North First Street between Plantation Drive and Rio Robles Road in Council District 4.

The nearest park site to these two adjacent developments is Moitozo Park on North First Street.

Commission’s Recommendation: *Because the size of the proposed housing projects will likely be over 50 units for each of the sites, the City can request land dedication and park improvements from both projects under the Parkland Dedication Ordinance (PDO) and/or the Park Impact Ordinance (PIO). Parks, Recreation and Neighborhood Services staff should explore the development of one central park to serve the area, or two sites at either end of the development. The southern site would expand the proposed Block F Park Site being proposed by*

Commission's Recommendation: *Due to the size of the proposed housing project which will likely be under 51 units, the City can only request the collection of in-lieu fees from the developer.*

7) **GP04-09-01:** General Plan Amendment request to modify the San José 2020 Land Use/Transportation Diagram designation from Very Low Density Residential to Medium Density Residential (8-16 DU/AC) on 0.99 acres located on the northwest corner of Los Gatos- Almaden Road and Warwick Road Avenue in Council District 9.

The nearest park to the proposed sites is Lone Hill Park.

Commission's Recommendation: *Because the size of the proposed housing project will likely be under 51 units, the City can only request the collection of in-lieu fees from the developer.*

The Parks and Recreation Commission will be glad to answer any questions the Planning Commission may have regarding these recommendations.

Sincerely,



Helen Chapman
Chair, Parks and Recreation Commission

cc: PRNS
PBCE

LPMD Architects

2620 Augustine Dr. Suite 130, Santa Clara, CA 95054
Ph 408.748.1847 Fax 408.748.1849

March 10, 2007

Ms. Meera Nagaraj, AICP
City of San Jose Planning Department
San Jose, CA

**RE: Parking Issues at DucVien Community Buddhist Pagoda
2440 McLaughlin Avenue, San Jose, CA**

Dear Ms. Nagaraj:

We are the architect for Mr. Bob Dhillon's proposed residential project at 2450-2492 McLaughlin Ave., San Jose. In the project's previous community meetings, the parking issues at DucVien Community Buddhist Pagoda have been frequently brought up. We would like to summarize in this letter the issues at hand, and the solutions explored thus far.

For a number of years, the parking problem at the Pagoda was caused by an unusual way of celebrating religious events by the Vietnamese people, and the overwhelming response by the community to that facility. *Such parking problem has existed long before Mr. Dhillon proposes his residential project.*

The solutions explored by LPMD Architects and by the Pagoda are as follow:

OPTION #1: The Pagoda to acquire a portion of the property next door for additional parking: The late reverend director had tried to make a purchase offer to the previous owner on multiple occasions, but the owner refused to sell. Later, the owner had decided to sell, but at a price the Pagoda could not afford. The owner and/or his real estate agent has made several attempts to negotiate with the Pagoda, but were unsuccessful. The owner later entered into a contract with Mr. Bob Dhillon. Mr. Dhillon did offer the Pagoda options that would allow them to purchase a portion or all of the lot adjoining the Pagoda at fair market price, but it was still financially prohibitive for the Pagoda. Currently, Mr. Dhillon is still willing to work with the Pagoda.

Despite the issue of land price, LPMD Architects had, under the encouragement of Planning staff, studied the possibility of using about one-sixth of Mr. Dhillon's property for parking. But all we could achieve was about 30 parking spaces, while in reality, the Pagoda can have parking shortage of as many as hundreds of cars during religious events.

The Pagoda's management had also considered purchasing a portion of the adjoining lot to build senior housing, so they could use that income to fund the purchase. LPMD Architects had done a quick study for this. But the design revealed that even if the senior housing project digs an underground level to maximize parking, that garage would only be sufficient for the seniors to park—leaving no additional parking for the Pagoda at all.

OPTION #2: The Pagoda to negotiate with business owners behind them to use their parking during big events, which happen mainly 3 weekends a year. So far none of those business owners has agreed to allow the use of their parking lots. As we understand, the Pagoda might go back to them for further negotiation, especially with formal leases and liability insurance coverage.

OPTION #3: The Pagoda to investigate the possibility of renting public or semi-public parking facilities within 3 miles of the Pagoda. That will require organizing mini-buses and mini-vans to shuttle people to and from the Pagoda during big event weekends. LPMD Architects believes City's Planning Department can help the Pagoda locate facilities such as parking lots at public parks, community centers, public schools, etc., and guide them to work with the right agencies.

Our analysis is that, from both the financial practicality and City planning standpoints, **the best solution thus far is to look for existing parking facilities beyond the Pagoda's property or beyond Mr. Dhillon's property (i.e. Options #2 or Option #3).**

Sincerely,
LPMD Architects
Anthony Ho
Principal

Summary of Survey of Neighbors

A house-to-house survey was done on the following streets:
McLaughlin Avenue (from Tully to the school crossing); all of Saddletwood;
Danforth Court;
Zachary Court; Culpepper Drive; Candia Drive; part of
Woodminster Drive.

Total number of households visited: 133

Number participating in survey: 67

Number with no opinion to all questions: 7

Zoning change?

Yes: 7

No: 40

No opinion: 15

Large-scale homes (\$1 - 2 million)?

Yes: 20

No: 24

No opinion: 18

Median divider at Tully/McLaughlin intersection?

Yes: 53

No: 5

No opinion: 5

Additional responses from Danforth and Zachary Court residences:

1. Should the City close off the cul-de-sac at the end of Danforth Court
and install a fire-truck only access gate?

Yes: 7

No: 4

No opinion: 2

2. Should Zachary Court be pushed through to McLaughlin Avenue?

Yes: 3

No: 9

No opinion: 1

3. Should the City buy the lot at the end of Zachary Court on
McLaughlin Avenue and turn it into a Park-and-Ride?

Yes: 9

No: 2

No opinion: 2

Summary of Survey of Neighbors

A house-to-house survey was done on the following streets:

McLaughlin Avenue (from Tully to the school crossing); all of Saddlewood; Danforth Court;
Zachary Court; Culpepper Drive; Candia Drive; part of Woodminster Drive.

Total number of households visited: 133

Number participating in survey: 67

Number with no opinion to all questions: 7

Zoning change?

Yes: 7

No: 40

No opinion: 15

Large-scale homes (\$1 – 2 million)?

Yes: 20

No: 24

No opinion: 18

Median divider at Tully/McLaughlin intersection?

Yes: 53

No: 5

No opinion: 5

Additional responses from Danforth and Zachary Court residences:

1. Should the City close off the cul-de-sac at the end of Danforth Court and install a fire-truck only access gate?
Yes: 7
No: 4
No opinion: 2
2. Should Zachary Court be pushed through to McLaughlin Avenue?
Yes: 3
No: 9
No opinion: 1
3. Should the City buy the lot at the end of Zachary Court on McLaughlin Avenue and turn it into a Park-and-Ride?
Yes: 9
No: 2
No opinion: 2



VIEW FROM LOOMIS DRIVE



VIEW FROM MCLAUGHLIN AVENUE

PRELIMINARY DESIGN

Revised:	_____
△	_____
△	_____
△	_____
_____	_____

Project Name:

CANDIA COMMONS
 A RESIDENTIAL DEVELOPMENT
 MCLAUGHLIN AVENUE
 SAN JOSE, CALIFORNIA

Project No: 06-04 Date: 2-2-2007
 Sheet No:

PERSPECTIVES

Scale: _____
 Sheet No:

A.2

of _____



Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
San José, California 95113-1905

**GENERAL PLAN AMENDMENT
STAFF REPORT
SPRING 2007 HEARING**

Hearing Date/Agenda Number:
P.C. March 14, 2007 Item: *7b*

File Number:
GP06-07-02

Council District and SNI Area:
7

Major Thoroughfares Map Number:
100

Assessor's Parcel Number(s):
499-19-029, -030, -031

Project Manager: Meera Nagaraj, AICP

PROJECT DESCRIPTION:

General Plan amendment request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Medium Density Residential (8-16 DU/AC) on an approximately 2.34-acre site.

LOCATION: Easterly side of McLaughlin Avenue, approximately 640 feet southerly of Tully Road (2450 - 2492 McLaughlin Avenue.)

ACREAGE: Approximately 2.34 acres

APPLICANT/OWNER:

Anthony Ho, LPMD Architects/ Bob Dhillon, 2705 Peachwood Court, San Jose, CA 95121

GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: Medium Low Density Residential (8 DU/AC)

Proposed Designation: Medium Density Residential (8-16 DU/AC)

ZONING DISTRICT(S):

Existing Designation: R-1-8 Single-Family Residence

SURROUNDING LAND USE AND GENERAL PLAN DESIGNATION(S):

North: Buddhist Temple / Medium Low Density Residential (8 DU/AC)

South: Single-Family Residential / Medium Low Density Residential (8 DU/AC)

East: Single-Family Residential / Medium Low Density Residential (8 DU/AC)

West: Single-Family Residential / Medium Low Density Residential (8 DU/AC)

ENVIRONMENTAL REVIEW STATUS:

Mitigated Negative Declaration circulated on February 20, 2007

PLANNING STAFF RECOMMENDATION:

Medium Density Residential (8-16 DU/AC)

Approved by: *Andrew Cristea*

Date: *March 8, 2007*

PLANNING COMMISSION RECOMMENDATION:

CITY COUNCIL ACTION:

CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:

- Department of Public Works (DPW) – Memo from DPW, Transportation and Development Services Division states the site is located in a State Liquefaction zone. Future development is exempt from a near term traffic impact analysis if it is a single-family detached residential development of 15 dwelling units or less or a single-family attached residential development of 25 dwelling units or less. (See DPW memo dated February 21, 2006.)
- Department of Transportation (DOT) – DOT determined that the estimated number of new PM peak hour trips resulting from the proposed land use change is within the exemption threshold and that the proposed amendment is exempt from a computer model traffic impact analysis. (See DOT memo dated March 5, 2007.)
- San Jose Fire Department – The Fire Department indicated that they would provide further review and comment upon receiving additional information as part of subsequent permit applications. (See San Jose Fire Department memo dated February 21, 2006.)
- Department of Parks, Recreation, and neighborhood Services (PRNS) – Memo from PRNS stated the City can only request the collection of in-lieu fees from a future housing project on this site. (See PRNS Department memo dated September 26, 2006.)
- Santa Clara Valley Water District – The District stated that site design measures should be incorporated in future development to: reduce impervious areas and the amount of runoff from developed areas of the site; follow the Santa Clara Urban Runoff Pollution Prevention Program to prevent pollutants from construction activity; implement post-construction water quality mitigation; comply with the State's National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activity with the State Water Resources Control Board; maintain a Storm Water Pollution Prevention Plan and provide for necessary mitigation measures. (See Santa Clara Valley Water District memo dated March 2, 2006.)

GENERAL CORRESPONDENCE:

Staff received three letters of concern from individual community members. (See attachments.)

A community meeting was held on October 24, 2006 at 800 Tully Road. (See discussion in Public Outreach section of this staff report.)

ANALYSIS AND RECOMMENDATIONS:

RECOMMENDATION

Planning staff recommends that the Planning Commission forward to the City Council a recommendation to approve a change in the General Plan Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Medium Density Residential (8-16 DU/AC) on the subject site. Should Council recommend approval of the land use amendment, staff also recommends that Council provide direction that future development should occur at the lower end of the allowable density range.

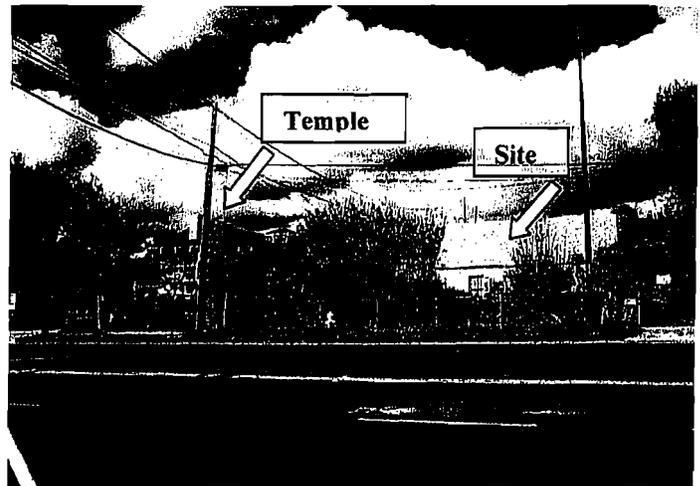
PROJECT DESCRIPTION

This is a privately initiated General Plan amendment request to change the *San Jose 2020 General Plan* Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Medium Density Residential (8-16 DU/AC) on an approximately 2.34-acre site. Approval of the proposed General Plan amendment to Medium Density Residential (8-16 DU/AC) would potentially allow up to a

total of thirty-two (32) small lot single-family homes, town homes, or duplexes on the subject site assuming 85% of gross acreage would be available for development. A mixture of housing types, subject to overall density limits and neighborhood compatibility would be appropriate within this designation.



Buddhist temple located on McLaughlin Avenue,
north of the site



Existing single-family residence on the site

BACKGROUND

In February 2006, the applicant requested a change in the *San Jose 2020 General Plan* land use designation from Medium Low Density Residential (8 DU/AC) to Medium Density Residential (8-16 DU/AC) on a smaller, 1.5-acre southern portion of the site consisting of two parcels. At that time, in response to the request, staff encouraged the applicant to extend the amendment site to include a single-family residential parcel on McLaughlin Avenue located to the north of the site and south of the Buddhist temple. This expanded proposal could encourage a cohesive development of all three parcels with the potential for consolidated vehicular circulation, a minimal number of driveways, and a consistent architectural design. A larger site would also facilitate a greater area to provide more private open space, landscaping and other amenities, which could improve potential future development and create a compatible interface with the existing neighborhood. Based on the staff response, the applicant revised the application to include the northern portion of the current site.

Previous General Plan amendment request

In 2003, the applicant made a proposal for Medium Density Residential (8-16 DU/AC) on the southern most parcel of the site (File No. GP03-07-01 for APN 499-19-029 at 2492 McLaughlin Avenue). The staff report to the Planning Commission at that time recommended approval of Medium Density Residential (8-16 DU/AC) for an expanded area to include all three parcels in the current proposal. The Planning Commission expressed concern about designating only one parcel for Medium Density Residential (8-16 DU/AC) in a predominantly Medium Low Density Residential (8 DU/AC) land use neighborhood. Two of the Planning Commissioners considered it an example of “spot zoning.”

Site and Surrounding Context

The site is a 2.34-acre rectangular shaped property consisting of three lots with a total of 12 structures that include single-family units, apartments, and storage structures. The property fronts on to McLaughlin Avenue and Loomis Street. McLaughlin Avenue is designated on the General Plan Land Use/Transportation Diagram as a Minor Arterial (80-106 ft.) from Interstate 280 to Yerba Buena Road, which includes the block on which the site is located.

The existing *San Jose 2020 General Plan* Land Use/Transportation Diagram designation of Medium Low Density Residential (8 DU/AC) on the site is typified by the 6,000 square-foot subdivision lot that is prevalent in San Jose. It is characteristic of many residential neighborhoods, and is the density at which the majority of San Jose's single-family housing has been built. Smaller-lot, detached patio homes and single-family attached residences are also appropriate in this category. Under the existing designation, the site could potentially be redeveloped with a maximum of approximately sixteen (16) dwelling units (assuming net acreage is 85% of gross acreage).

The General Plan land use designation of the surrounding properties is Medium Low Density Residential (8 DU/AC). Single-family detached residences surround the site to its east, south, and west, across McLaughlin Avenue. A Buddhist temple is adjacent to the north on a 2-acre lot. A site at the corner of Tully and McLaughlin Avenue to the north of the temple has a gas station and mini-mart.



Aerial exhibit of the subject site and vicinity

ANALYSIS

The key issues in analyzing the proposed General Plan amendment are 1) consistency with the San Jose 2020 General Plan Major Strategies, goals, and policies and 2) land use compatibility.

Consistency with the San Jose 2020 General Plan Major Strategies, Goals and Policies

The San Jose 2020 General Plan has seven Major Strategies that establish the basic framework for planning in San Jose and together provide the “vision” for San Jose, particularly related to its future growth and development.

The proposed General Plan amendment is consistent with the Growth Management and Housing Major Strategies. These strategies support residential uses in infill locations, and the provision of a wide variety of housing types for various economic segments of the community in neighborhoods which are stable and have adequate urban services. In addition, the proposed General Plan amendment provides an opportunity to increase the housing supply in San Jose in an area with predominantly existing residential uses.

The proposed amendment is supportive of the Growth Management Major Strategy that seeks to find the balance between the need to house new population and the need to balance the City’s budget, while providing acceptable levels of service. The amendment site is located within an area where urban facilities and services are already available. The current proposal would potentially allow future infill development integrated with the existing neighborhood and avoid development at the fringe of the City.

Land Use Compatibility

If the Medium Density Residential (8-16 DU/AC) designation were to be approved, the site would yield up to approximately thirty-two (32) single-family residential lots (assuming the site’s net acreage would be approximately 85% of gross acreage). General Plan Residential Land Use Policy No. 9 states that when changes in residential densities are proposed, the City should consider such factors as neighborhood character and identity, compatibility of land uses and impacts on livability, impacts on services and facilities including schools, accessibility to transit facilities, and impacts on traffic levels on both neighborhood streets and major thoroughfares.

Neighborhood Compatibility

Given the existing single-family residential neighborhood, future redevelopment of the site would require careful design considerations. Specific standards exist for perimeter setbacks, parking and building orientation for different housing types in the Residential Design Guidelines and Zoning Ordinance to facilitate compatible development on this site in the context of its surroundings.

If future development were to occur at the lower end of the 8-16 density range, although lot sizes would be smaller under the Medium Density Residential (8-16 DU/AC) designation than the surrounding neighborhood, the general character of development and land use could be compatible if adequate parking, similar setbacks, building heights, and extensive landscaping were provided.



Existing single-family homes on the site



Single-family homes in the surrounding neighborhood



Commercial use with a gas station at the corner of McLaughlin Avenue and Tully Road; view looking to the northeast corner of McLaughlin Avenue

Street Access

The City's Department of Transportation reviewed the proposed land use amendment and concluded that it would have a less than significant long-term impact on the level of traffic in the area. The site is located on the east side of McLaughlin Avenue adjacent to a temple to the north. McLaughlin Avenue is an important

part of the City's transportation network, connecting residential neighborhoods to commercial areas, freeways, and other regional facilities. A bicycle lane is planned on McLaughlin Avenue from William Street to Tully Road. In addition to the frontages provided by McLaughlin Avenue and Loomis Street, the site has access from Zachary Court and Culpepper Drive across Loomis Street.

If development is proposed in the future, the City's Department of Public Works would require a near term traffic analysis to address impacts from vehicular circulation, site access, queuing, and other operational issues for a development of more than 15 single-family detached dwelling units or more than 25 single-family attached dwelling units on the site.

ENVIRONMENTAL REVIEW

A Draft Mitigated Negative Declaration was circulated on February 20, 2007 for public review and comments. The Mitigated Negative Declaration includes General Plan Policy mitigation to reduce any potential impacts to a less than significant level per the California Environmental Quality Act (CEQA). The Mitigated Negative Declaration concluded that the project would have a less than significant impact with General Plan Policy mitigation measures in the following categories: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Public Service, Recreation, Transportation/Traffic, Utilities and Service Systems.

PUBLIC OUTREACH

Correspondence: Staff received three letters from neighborhood residents. Their concerns include potential traffic congestion, mainly at the intersection of McLaughlin Avenue and Tully Road, and perception that the increased density would be incompatible with the existing single-family, single-story residential area. The letters included suggestions to provide enhancements and amenities to the area such as additional parking for the temple and housing similar to the existing residences.

Community Outreach: A community meeting notice was mailed out to the property owners and tenants within a 1000-foot radius of the subject site informing them about the meeting held on October 24, 2006 at Tully Road Library to discuss the proposed General Plan amendment. They also received a joint notice of public hearings to be held on the subject General Plan amendment before the Planning Commission on March 14, 2007 and City Council on April 17, 2007. The Planning Department website contains information regarding the General Plan process, amendments, staff reports, and hearing schedules. This website is available with the most current information regarding the status of the amendments.

The community meeting participants were residents from the surrounding single-family neighborhood, the applicant, previous and present owners of the site, and the board members of the next-door temple. About 50 people attended the meeting. The community members were opposed to the project, citing concerns regarding traffic congestion on McLaughlin Avenue, and unsafe conditions due to a number of drivers trying to find parking spots on the neighborhood residential streets. These cars spill over from the Buddhist temple site on the weekends and special festival days. Many community members believed development in the surrounding area, including the east hills, contributed to the current increase in traffic volume in the area. Residents expressed opposition to any increase in density that could aggravate the already poor traffic situation on the roads in the vicinity. They stated that the City has not done anything to mitigate traffic congestion.

Staff informed community members that the proposed amendment had been analyzed for long-term traffic impacts, which were found to be less than significant; a near-term traffic study will be conducted to investigate the traffic problems when the applicant submits a development proposal in the future.

Regarding the concerns about the street side parking by patrons of the temple, the temple board members stated that they had no resources to resolve the current on-street parking problem. Per City of San Jose Zoning Ordinance regulations, any onsite parking demands by a development have to be resolved by providing sufficient onsite or alternative offsite parking arrangements by the owners of that development. Previous and current property owners of the site stated that the temple authority was provided with ample opportunity to bid and negotiate a deal to purchase the land for additional parking.

The proposed amendment was also presented at the McLaughlin Corridor Neighborhood Association (MCNA). Similar concerns, as stated above, were raised by community members at the meeting.

Issue of parking spillover on to the single-family residential streets from the Buddhist temple located at 2440 McLaughlin Avenue:

Staff heard about the existing problems on the streets of the surrounding single-family neighborhood resulting from parking spillover caused by the patrons of the Buddhist temple. The community has repeatedly expressed a deep concern about the safety of their children during the weekends and on special occasions at the temple.

Planning staff held meetings with the applicant, the temple staff, and City staff from Public Works, Department of Transportation, and Code Enforcement. City records show that the temple was issued a Planned Development Zoning approval in 1988 (File No. PDC 87-10-87) and a Planned Development permit in 1988 (PD 88-12-82). Since 1988 there has been no other land use permit activity on the site other than a permit adjustment. Following is a list of allowed uses and requirements per the existing permit:

- 4,300 square-foot sanctuary building with meditation rooms for an occupancy capacity of 200 members requiring 66 parking spaces. (This is the main temple building located in the center of the site.)
- 8,410 square-foot Parsonage building to house 10 resident priests and 14 staff members. (The building is located to the southeast corner of the temple site.)
- The resident priests were not expected to drive cars.
- 5,816 square-foot community buildings consisting of a dining hall to serve meals to staff, priests and wedding ceremonies; library and classrooms located at the northeast corner of the temple site.
- A maximum of ten students were to receive instructions in language classes at the Community building.

Out of a concern for the safety of their patrons, temple staff wants the City to install a street median on McLaughlin Avenue and traffic signal/sign to avoid 'U' turns in front of the temple. Temple staff also stated that they were inquiring about alternate parking sites; they had a plan to run shuttle services on the Chinese New Year held in February of this year, which is one of their major special occasions at the temple; the celebration can attract hundreds of their patrons from all over the Bay area.

Staff response to the various items raised over the parking issue at the Buddhist temple:

- Street parking by the temple patrons is an existing problem/issue.
- An alternate off-site parking arrangement is a viable option open to the temple to resolve any parking spillover on to the neighboring streets. Perhaps the industrial/office building property located on Zachary Way (behind the temple) has the potential to accommodate temple parking on the weekends when the buildings are not in use.
- Street parking by permit is an option if the residents want to pursue it. The permit carries a fee and requires annual permit renewal in addition to other requirements.
- McLaughlin Avenue cannot accommodate a median in front of the temple and there is no funding source identified for such improvements even if they were possible.
- If a code complaint is filed against the temple, Code Enforcement and Fire inspectors could inspect the temple site to assess if any code violation situation exists regarding occupancy in excess of the building capacity (now permitted for 200 persons; allowed maximum of 10 students/class/weekend; onsite housing for 10 priests and 14 staff members) and insufficient parking (total required parking spaces: 66; priests were expected to have no cars; therefore, there are no onsite parking spaces required for the priests).
- None of the concerns with traffic raised by neighborhood residents are imputed to the applicant.

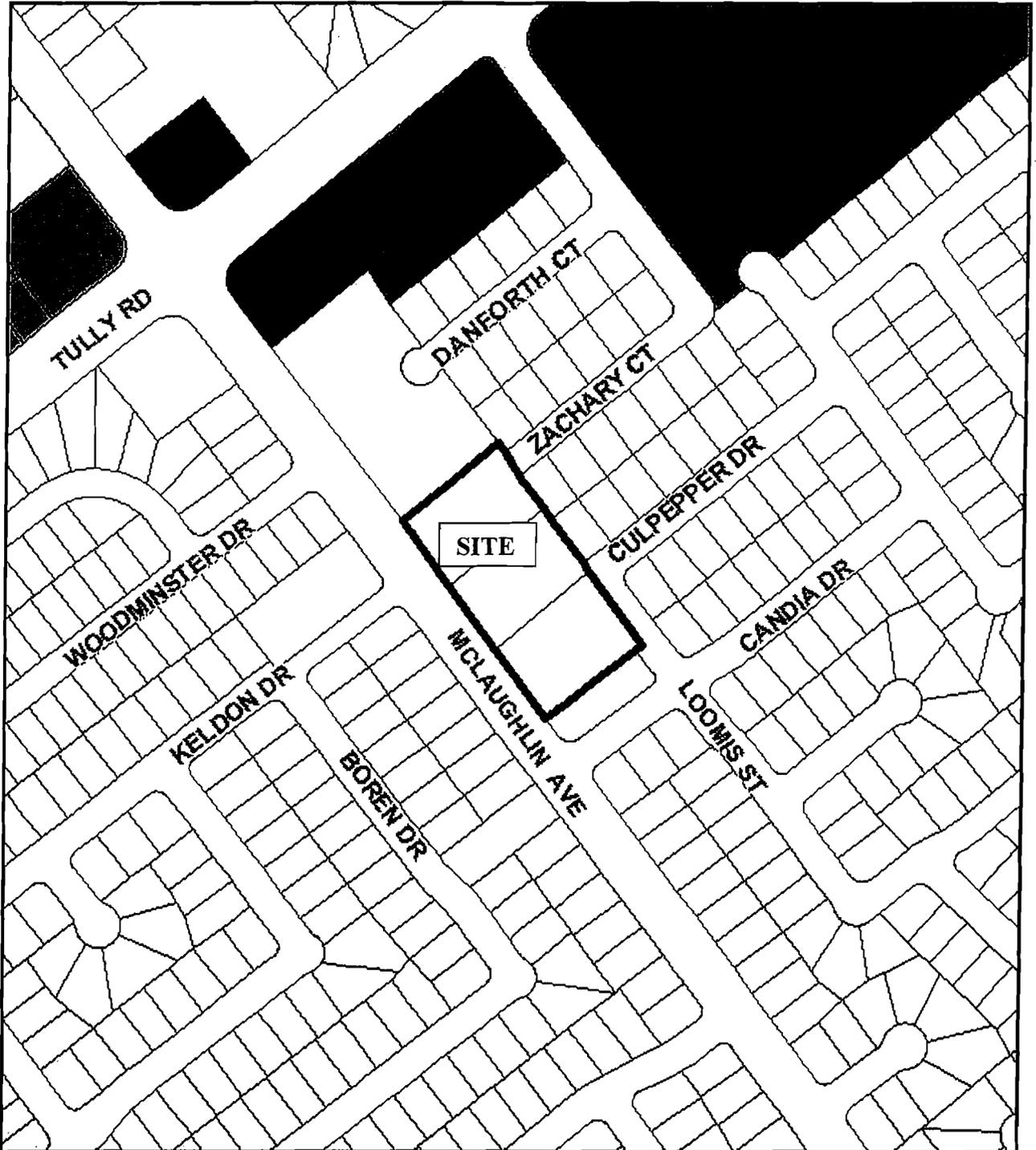
State of California Tribal Consultation Guidelines: This General Plan amendment is subject to the State of California Tribal Consultation Guidelines and was referred to the tribal representatives. To date, no comments from tribal representatives on the subject General Plan amendment request have been Received by staff.

CONCLUSION

Staff recommends approval of the General Plan amendment request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Medium Density Residential (8-16 DU/AC) on an approximately 2.34-acre site.

The proposed General Plan amendment is consistent with the Growth Management and Housing Major Strategies of the *San Jose 2020 General Plan*, which encourages residential uses in infill locations, and the provision of a wide variety of housing types for various economic segments of the community in neighborhoods. The amendment site is an infill site surrounded by existing urban development. The site is appropriate for the proposed Medium Density Residential (8-16 DU/AC) land use designation. Future development could be designed with an effective interface with the surrounding existing single-family residences and religious assembly use (the Buddhist temple).

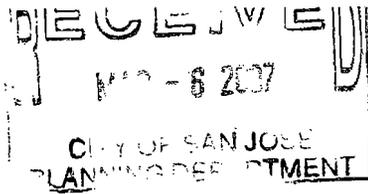
GP06-07-02




CITY OF
SAN JOSE
ESTABLISHED 1850
1075 SAN ANTONIO BLVD
Department of Planning, Building
and Code Enforcement
Planning Services Division

 SITE


NORTH
Scale 1" = 250'
Quad: 100



Memorandum

TO: Jenny Nusbaum
Planning, Building
and Code Enforcement

FROM: P. Paul Ma

**SUBJECT: TRAFFIC IMPACT ANALYSIS
FOR GP06-07-02 REVISED**

DATE: 3-5-07

Approved

Date

File Number: GP06-07-02 REVISED
Location: N/E side of McLaughlin Ave., approx. 640 feet S/E of Tully Rd.
Acreage: 2.34 ac.
Description: Medium Low Density Res. (8 DU/AC) to Medium Density Res (8-16 DU/AC)
(Add 13 HH)
Outside Special Subarea (Remainder of City)

We have reviewed the subject General Plan Amendment (GPA) and submit the following comments. The estimated number of new PM peak hour trips resulting from the proposed land use change is below the exemption threshold established for this area. Therefore, this GPA is exempt from a computer model (CUBE) traffic impact analysis.

If an Environmental Impact Report (EIR) is required for this GPA for other reasons, the EIR must include a traffic impact analysis report for the project and a cumulative analysis for all GPAs on file this year. Additional traffic data will be provided to the applicant's traffic engineering consultant for the preparation of the report.

Please contact Paul Ma at 975-3272 if you have any questions.

P. PAUL MA
Transportation Systems Planning Manager
Department of Transportation

PM
cc: Meera Nagaraj

Memorandum

TO: Meera Nagaraj
Planning and Building

FROM: Michael Liw
Public Works

**SUBJECT: RESPONSE TO GENERAL PLAN
AMENDMENT APPLICATION**

DATE: 02/21/06

PLANNING NO.: GP06-07-02
DESCRIPTION: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Medium Density Residential (8-16 DU/AC) on a 1.5-acre site. (Dana Nguyen-Contey, Owner/LPMD Architects, Applicant)
LOCATION: northeast side of McLaughlin Ave, approximately 640 ft southeasterly from Tully Rd (2480 McLaughlin Ave)
P.W. NUMBER: 3-18010

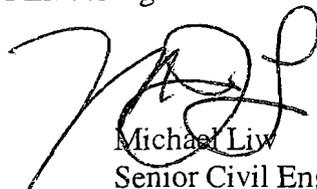
Public Works received the subject project on 02/08/06 and submits the following comments:

NO Flood Zone
NO Geological Hazard Zone
NO State Landslide Zone
YES State Liquefaction Zone
NO Inadequate Sanitary capacity
NO Inadequate Storm capacity
NO Major Access Constraints
NO Near-Term Traffic Impact Analysis (*see below)

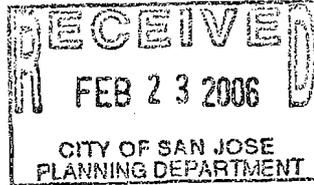
Comments: This project is exempted from traffic impact analysis requirements if it meets the following:

- Single family detached residential of 15 dwelling units or less.
- Single family attached residential of 25 dwelling units or less.

Please contact the Project Engineer, Mirabel Aguilar at 535-6822 if you have any questions.



Michael Liw
Senior Civil Engineer
Transportation and Development Services Division



Memorandum

DATE: 02/21/06

TO: Meera Nagaraj

FROM: Nadia Naum-Stoian

Re: Plan Review Comments

PLANNING NO: GP06-07-02

DESCRIPTION: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Medium Density Residential (8-16 DU/AC) on a 1.5-acre site. (Dana Nguyen-Contey, Owner/LPMD Architects, Applicant)

LOCATION:

ADDRESS: 2480 MCLAUGHLIN AV

FOLDER #: 06 004122 AO

The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.

The application provided does not include adequate information for our review; Fire Department staff will provide further review and comments when additional information is received as part of subsequent permit applications.

Planner to check with Hazardous Materials Division, , Michael Murtiff, for Environmental concerns, and Fire Administrative Officer Geoff Cady for response impact.

Nadia Naum-Stoian
Fire Protection Engineer
Bureau of Fire Prevention
Fire Department
(408) 535-7699

Memorandum

TO: PLANNING COMMISSION

FROM: David J. Mitchell

**SUBJECT: REVIEW OF GENERAL PLAN
AMENDMENT APPLICATIONS**

DATE: 9-26-06

Approved



Date

10-4-06

RECOMMENDATION

Accept the Department of Parks, Recreation, and Neighborhood Services (PRNS) recommendations regarding the General Plan Amendments for the Fall-2006 Cycle Review.

BACKGROUND

On November 8 and 15, 2006, the Planning Commission may consider the General Plan Amendments for the Fall Cycle. On December 5, 2006 the City Council may also deliberate on the proposed amendments to the General Plan. There are 15 requests that may generate new residential units and therefore are subject to either the Park Impact Ordinance or the Parkland Dedication Ordinance, Chapters 14.25 and 19.38 respectively of the San José Municipal Code. In order to meet the requirements of either Ordinance, PRNS has made its recommendations as noted below.

District 2

(See page no. 4 for GP06-07-02)

1. **GP05-02-05**

Location: Terminus of Skyway Drive in CD2

Size of Area: 4.7 acres

MLS Zone: 11

Current General Plan Designation: Very Low Density Residential (2.0 DU/AC)

Proposed Designation: Medium Density Residential (8-12 DU/AC)

Estimated Number of Units: 37 to 56 Units

Maximum Fee Requirement: If single-family detached units, then \$407,000 to \$616,000

Maximum Dedication Requirement: Zero due to number of possible units will most likely be under 50 units

Nearest Parks: Danna Rock Park is adjacent to the amendment site

Nearest Schools: South Valley Christian School and Christopher Elementary School

Staff Recommendation: If a project comes forward, staff's recommendation will be the collection of in-lieu fees due to the proposed size of a future housing project

Current General Plan Designation: Neighborhood/Community Commercial and High Density Residential (25-50 DU/AC)
Proposed Designation: Medium High Density Residential on 14.28 acres (12-25 DU/AC)
Estimated Number of Units: 171 to 357 multi-family attached units
Maximum Fee Requirement: \$1,436,400 to \$2,998,800
Maximum Dedication Requirement: 1.1 to 2.4 acres
Nearest Parks: Vinci Park is 1/3 miles to the northwest of the amendment site
Nearest Schools: Vinci School is 1/3 miles to the northwest of the amendment site
Staff Recommendation: If a project comes forward, staff's recommendation will be the collection of in-lieu fees to build out Penitencia Creek Park (Reach 6).

District 7

✓ 8. GP06-07-02

Location: Northeast side of McLaughlin Avenue, approximately 640 feet southeast of Tully Road

Size of Area: 1.5 acres

MLS Zone: 11

Current General Plan Designation: Medium Low Density Residential (8 DU/AC)

Proposed Designation: Medium Density Residential (8-16 DU/AC)

Estimated Number of Units: 12 to 24 multi-family attached units

Maximum Fee Requirement: \$88,200 to \$176,400

Maximum Dedication Requirement: Zero due to number of possible units is under 50 units

Nearest Parks: Tully Ball Fields and Stonegate Park are 1/2 mile west of the amendment site

Nearest Schools: Stonegate School is 1/2 miles to the west of the amendment site

Staff Recommendation: If a project comes forward, under either the PDO or the PIO, the City can only request the collection of in-lieu fees from this housing project.

~~9. GP06-07-03~~

Location: South Side of Umbarger Road, approximately 200 feet northeast of Monterey Road

Size of Area: 2.35 acres

MLS Zone: 11

Current General Plan Designation: Combined Industrial/Commercial

Proposed Designation: Medium High Density Residential (12-25 DU/AC)

Estimated Number of Units: 28 to 58 multi-family attached units

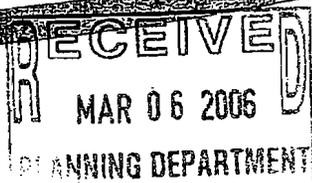
Maximum Fee Requirement: \$205,800 to \$426,300

Maximum Dedication Requirement: Zero due to number of possible units will most likely be under 50 units

Nearest Parks: Solari and Stonegate Parks are 1.5 miles away from the amendment site

Nearest Schools: Franklin School is 1/2 miles to the northeast of the amendment site

Staff Recommendation: If a project comes forward, staff's recommendation will be the collection of in-lieu fees to purchase and develop a neighborhood park site on the Fairgrounds property adjacent to Umbarger Road



File: 31030
Coyote Creek

March 2, 2006

Ms. Meera Nagaraj
Planning Division
Department of Planning, Building, & Code Enforcement
City of San Jose
200 East Santa Clara Street, Third Floor
San Jose, CA 95113-1905

Subject: GP06-07-02, Assessor's Parcel Nos. 499-19-030 and 031

Dear Ms. Nagaraj:

The Santa Clara Valley Water District (District) has reviewed the proposed General Plan Amendment to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Medium Density Residential (8-16 DU/AC) on a 1.5 acre site located east of McLaughlin Avenue and Keldon Drive intersection.

Although the District has no objections to the proposed amendment, the increase in density has the potential to create increased impervious surfaces. Increases in runoff is an ongoing concern to the District with respect to protecting downstream facilities from adverse water quality and quantity impacts. As such, site design measures should be incorporated in the development to reduce impervious areas and the amount of runoff from developed areas of the site.

To prevent pollutants from construction activity, including sediments, from reaching Coyote Creek, please follow the Santa Clara Urban Runoff Pollution Prevention Program's recommended Best Management Practices for construction activities, as contained in "Blueprint for a Clean Bay," and the "California Storm Water Best Management Practice Handbook for Construction."

Postconstruction water quality mitigation needs to be implemented. The design of the project area should incorporate water quality mitigation measures such as those found in the "Start at the Source-Design Guidance Manual for Stormwater Quality Protection," prepared for the Bay Area Stormwater Management Agencies Association.

Because the site is greater than 1 acre, the developer must file a Notice of Intent to comply with the State's National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activity with the State Water Resources Control Board. The developer must also prepare, implement, and maintain a Storm Water Pollution Prevention Plan and provide measures to minimize or eliminate pollutant discharges from construction activities, the parking lot, and landscaping areas after construction.

Ms. Meera Nagaraj
Page 2
March 2, 2006

If you have any questions or comments, you can contact me at (408) 265-2607, extension 3174,
or at syung@valleywater.org.

Sincerely,

A handwritten signature in black ink that reads "Samuel Yung". The signature is written in a cursive style with a long, sweeping underline.

Samuel Yung
Associate Civil Engineer
Community Projects Review Unit

cc: S. Tippetts, S. Yung, T. Hipol, File (2)
SY:mf
0301d-pl.doc

MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Candia-McLaughlin General Plan Amendment

PROJECT FILE NUMBER: GP06-07-02

PROJECT DESCRIPTION: General Plan amendment request to change the Land Use/Transportation Diagram designation from Medium Low Residential Density (8 dwelling units/acre) to Medium Density Residential (8-16 dwelling units/acre) on approximately 2.34 acres. (Owner: Bob Dhillon; Applicant: LPMD Architects/Contact: Anthony Ho.)

PROJECT LOCATION & ASSESSORS PARCEL NO.: East side of McLaughlin Avenue, approximately 600 feet south of Tully Road (2450 to 2492 Mc Laughlin Avenue). APN: 499-19-029, 030 and 031.

COUNCIL DISTRICT: 7

APPLICANT CONTACT INFORMATION: LPMD Architects, 2620 Augustine Drive, Suite 130, Santa Clara, CA 95054; Contact: Anthony Ho (408) 859-2845.

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- I. **AESTHETICS** – Conformance with General Plan Policies will ensure that aesthetics impacts would be reduced to a less than significant level at the time of future development of the site.

- XIV. RECREATION** – Conformance with General Plan Policies will ensure that public services impacts would be reduced to a less than significant level at the time of future development of the site.
- XV. TRANSPORTATION/TRAFFIC** – Conformance with General Plan Policies will ensure that transportation / traffic impacts would be reduced to a less than significant level at the time of future development of the site.
- XVI. UTILITIES AND SERVICE SYSTEMS** – Conformance with General Plan Policies will ensure that utilities and service systems impacts would be reduced to a less than significant level at the time of future development of the site.
- XVII. MANDATORY FINDINGS OF SIGNIFICANCE** – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings; therefore no additional mitigation is required.

PUBLIC REVIEW PERIOD

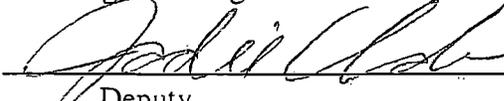
Before 5:00 p.m. on **March 13, 2007**, any person may:

Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or

File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, San José CA 95113-1905 and include a \$100 filing fee. The written protest should make a “fair argument” based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Joseph Horwedel, Director
Planning, Building and Code Enforcement


Deputy

Circulated on: 02/20/07

Adopted on: _____

Deputy

Nagaraj, Meera

From: BeckyDurstefeld@aol.com
Sent: Thursday, November 02, 2006 9:23 PM
To: Meera.Nagaraj@sanjoseca.gov
Subject: Re: File # GP06-07-02

Hello,

I was at the community meeting on Tuesday, Oct. 24 regarding the request by Bob Dhillon to change the property on McLaughlin next to the Buddhist temple from medium low density residential to medium density residential. I am in agreement with my neighbors who are opposed to this being approved. As you will remember the only ones in the room who are in favor of this is the land owners and perhaps the city employees. If Bob was correct in saying that it was the city who wanted to change the three parcels instead of just one, then I am concerned about whether you will really listen to what the neighbors are saying. As the gentleman who moderated the meeting said, for the city this really is a very small project and the city really has very little to gain by approving this. But to the neighbors it really is a big thing, so I do hope that you will not force this upon us. I really believe the city is headed the wrong direction and is being influenced by developers, many of whom are driven by greed and that the decisions made are not always really in the best interest of the city as a whole. When mass housing projects are approved, rarely, if ever, is the infrastructure in place to deal with it, such as the traffic, schools, parks, police & fire protection, etc. Even parking spaces are rarely adequate. The formulas that are used are either archaic or based on the US as a whole, but don't match the reality of our area. Quality of life often suffers. I would imagine you and every city employee yourselves encounters this.

Thank you very much.

Becky Durstenfeld
1013 Drexel Way, SJ

11/10/06
City of San Jose
Planning Services Division
200 East Santa Clara Street, San Jose, CA 95113-1905

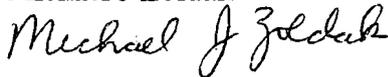
Project Manager: Meera Nagaraj,
Reference file number GP-07-02. As the owner of property located at 2558 Loomis Dr., I am writing this letter in opposition to the proposed General Plan amendment to increase the density of the property located on the East side McLaughlin Av. near Tully Rd.

This proposal is **TOTALLY** out of character with the existing neighborhood. The vast majority of homes located between Tully and Capitol, and 101 and Coyote Creek are **SINGLE** family, **SINGLE** story homes. The additional housing density will add **danger** to several intersections that are already at a maximum. (I.e. Tully & McLaughlin, Tully & Zachary, Candia & McLaughlin)

This issue boils down to MONEY, MONEY, MONEY. District 7 has become the prime area for developers to find every and any vacant space. They will increase the density of the property to MAXIMIZE their profit at the expense of the neighborhoods. They don't give a DAMN about the neighborhood, the neighbors, or the impact on traffic congestion, character of the neighborhood, schools, parking, etc.

I sincerely hope The Planning Department will see that this proposed project and level of density **does not fit at that location.**

Sincerely,
Michael J Zoldak



537 Morning Rise Ln.
Arroyo Grande, CA. 93420

Cc: Mayor Ron Gonzales

District 7 Councilwoman Madison Nguyen

Nagaraj, Meera

From: Karen [kdenes@sbcglobal.net]
Sent: Friday, October 13, 2006 3:02 PM
To: Nagaraj, Meera
Subject: Re: District #7 - MCNA concerns

Ms. Nagaraj,

Last month's MCNA meeting most all the people in this area want that area improved from what is there now. But some development to enhance the area, like additional parking for the Temple first of all, as it is sorely needed. Second would be housing, but in like to the surrounding (existing) housing in the neighborhood.

Thank you for your reply, as the council person and her staff haven't even attended the MCNA meeting the last two months.

Regards,

Karen & Robert Denes

(I have been a resident of this neighborhood for 20 years)

----- Original Message -----

From: "Nagaraj, Meera" <Meera.Nagaraj@sanjoseca.gov>
To: Karen <kdenes@sbcglobal.net>
Cc: "Ketchum, Stan" <Stan.Ketchum@sanjoseca.gov>
Sent: Friday, October 13, 2006 9:19:34 AM
Subject: RE: District #7 - MCNA concerns

Dear Karen and Robert:

Thank you for your kind note! My apologies to you for not getting back earlier than this.

10/13/2006

I am attaching a community meeting notice herewith for your information.

Your comments are valuable and staff would certainly consider it as a part of the staff report. Meanwhile, I wonder what you meant by your question, "Why can't there be a proposal to add new development there that would enhance the existing area and not drastically change or overcrowd it."

Did you mean to say, a development proposal with slightly higher density would be better to the community than a drastic change in the density? And also, I would be interested to know what enhancements to the existing area did you have in mind?

Hope you will take a few minutes to provide me with your additional comments on these items. If it helps you to contact me on phone (see below) please do not hesitate to do so.

Regards,

Meera Nagaraj, AICP
Project Manager
Planning Services Division
200 East Santa Clara Street
City of San Jose, CA 95110
www.sanjoseca.gov <<http://www.sanjoseca.gov>>
Phone: 408 535-7867

-----Original Message-----

From: Karen [mailto:kdenes@sbcglobal.net]
Sent: Sunday, September 17, 2006 6:43 PM
To: meera.nagaraj@sanjoseca.gov
Cc: stan.ketcham@sanjoseca.gov
Subject: District #7 - MCNA concerns

Dear Meera/Stan,

I have lived in district #7 for quite some time and for 11+ years am also a proud homeowner as well.

My husband and myself (as well many other community residents) are opposed to the rezoning of the 3 lots on McLaughlin Avenue near Tully Rd (Next to the Buddhist Temple). The areas are in need of improvement that is obvious but the change to high density housing would only be negative change to our neighborhood! The traffic and congestion in that intersection is most often very bad already. Why can't there be a proposal to add new development there that would enhance the existing area and not drastically change or overcrowd it.

Thank you for attendance Stan on Thursday and I apologize for some of the community members being rude in making their address to you that evening. I felt it could of been handle better.

Regards,

Karen & Robert Denes
1327 Bellingham Drive
San Jose, CA 95121