



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: April 14, 2006

COUNCIL DISTRICT: 1
SNI AREA: None

SUBJECT:

GP 05-01-01 GENERAL PLAN AMENDMENT REQUEST TO CHANGE THE SAN JOSE 2020 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM DESIGNATION FROM GENERAL COMMERCIAL TO MEDIUM HIGH DENSITY RESIDENTIAL (12-25 DU/AC) ON AN APPROXIMATELY 3.2-ACRE SITE LOCATED AT THE NORTHWESTERLY QUADRANT OF STATE ROUTE 85 AND S. DE ANZA BOULEVARD, AND SOUTHERLY OF KENTWOOD AVENUE (20585 CLEO AVENUE, 1181 S. DE ANZA BOULEVARD, ET. AL.)

RECOMMENDATION

The Planning Commission voted 5-0-1 (Commissioner Platten absent) to recommend approval of the General Plan amendment request to change the *San Jose 2020 General Plan Land Use/Transportation Diagram* designation from General Commercial to Medium High Density Residential (12-25 DU/AC) on an approximately 3.2 gross-acre site located at the northwesterly quadrant of State Route 85 and South De Anza Boulevard, and southerly of Kentwood Avenue (20585 Cleo Avenue, 1181 South De Anza Boulevard, et. al.)

OUTCOMES

City Council approval of the proposal would change the land use designation on the subject site from General Commercial to Medium High Density Residential (12-25 DU/AC) on an approximately 3.2-acre site.

BACKGROUND

On April 12, 2006, the Planning Commission held a public hearing to consider a privately-initiated General Plan amendment request to change the *San Jose 2020 General Plan Land Use/Transportation Diagram* designation from General Commercial to Medium High Density Residential (12-25 DU/AC) on an approximately 3.2-acre site located at the northwesterly quadrant of State Route 85 and South De Anza Boulevard, and southerly of Kentwood Avenue (20585 Cleo Avenue, 1181 South De Anza Boulevard, et. al.). The Director of Planning, Building and Code Enforcement recommended approval of the proposed General Plan amendment.

PUBLIC TESTIMONY

Planning staff distributed a letter received from the Chief Business Officer of the Fremont Union High School District (see attached letter dated April 12, 2006).

The applicant, Jim Sullivan of Braddock and Logan, appeared in support of the proposed General Plan amendment and said that he had no presentation at that time, but would respond to questions after public testimony.

Sue Burnham, a community member, asked if any of the new residential development will be affordable housing. Jennifer Griffin, a resident in the Rancho Rinconada neighborhood of Cupertino, stated that the amendment site was not appropriate for high density residential and that the existing shopping center was a good use for the neighborhood. She stated that Monta Vista High School, where future students from the new development would go, is at capacity. She recommended the future project have no more than 40 residential units and include a park.

In response to the public comments, Jim Sullivan stated that they had hosted a community meeting on December 19, 2005, attended by tenants of the existing commercial businesses and members of the surrounding neighborhood, mostly Cupertino residents. The main issues discussed were traffic, school impacts, and the loss of the existing businesses on the site. Mr. Sullivan stated that the traffic analysis prepared for the future project found that the proposed residential use would have less traffic than the existing commercial uses, when fully occupied. He explained the intent is to incorporate the adjacent .95-acre parcel with a General Plan designation of Neighborhood-Community Commercial into a future Planned Development Zoning and create a mixed-use project with retail uses along a large portion of the Kentwood Avenue frontage and with residential uses behind. Regarding school impacts, Mr. Sullivan stated that other high schools in the Fremont Union High School District are not at capacity. He stated that the future project would be designed at a density near the top of the 12 – 25 dwelling units per acre range and would be likely to have fewer students than lower density residential developments. He stated that the future residential project will not have any units selling at below market affordable prices, since the area is not in a redevelopment area that would require that. Mr. Sullivan stated the current project concept was prepared in response to the community concerns for the loss of retail commercial uses on the site.

In response to a question from Commissioner Zito, Planning staff explained that the General Plan allows sites with multiple General Plan designations that are under common ownership to have flexibility in the future site design regarding the location of allowed uses, including the ability to vary the area of any one land use designation up to 20 %. Commissioner Zito expressed concern for the loss of the existing commercial uses and encouraged the applicant to maximize the amount of new commercial included in the future project design.

Commissioner Levy stated that the proposed amendment is a good example of an infill project, redeveloping an underutilized commercial site close to major transportation routes. Commissioner Levy moved approval of the proposed General Plan amendment.

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PUBLIC OUTREACH

Public outreach has been conducted in conformance with the City's Public Outreach Policy. The property owners and occupants within a 1,000-foot radius of the subject site were sent notices regarding the community meeting held on December 19, 2005. They also received notices by mail regarding the Planning Commission and City Council public hearings on the original proposal as well as the revised proposal. On-site noticing with posting of a sign per the City's Public Outreach Policy, information on the City's website, and correspondence between staff and community members also occurred.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Department of Transportation, Department of Parks, Recreation and Neighborhood Services, Environmental Services Department, the City of Cupertino, Fremont Union High School District and Cupertino Union Elementary School District.

CEQA

Mitigated Negative Declaration adopted on March 8, 2006.


JOSEPH HORWEDEL, SECRETARY
Planning Commission

Attachment: Letter received on April 12, 2006 from the Fremont Union High School District



FREMONT UNION HIGH SCHOOL DISTRICT

Cupertino, Fremont, Homestead, Lynbrook, Monta Vista High Schools and Adult/Community Education

Stephen R. Rowley, PhD., *Superintendent of Schools*

April 12, 2006

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

Re: FUHSD Response to the Proposed General Plan Amendment for the Braddock and Logan Group Project Bounded by Kentwood Avenue, Highway 85, and Cleo Boulevard

Dear Ms. Nagaraj:

As I explained to you over the telephone, the Fremont Union High School District is at or near capacity in each of our schools. The geographic area for this project is currently in the boundaries of Monta Vista High School, our most impacted site. (Note: we always reserve our right to alter our internal school boundaries if it helps us serve the overall needs of our students and the interests of the District). We are working very closely with the city councils and planning staffs of the other major cities that we serve, and we would like to also foster a collaborate relationship with the City of San Jose as well. The analysis that we typically undergo is two-fold. First, we have been working with a demographer to project the short- and long-term enrollment projections of each of our schools by grade level. Second, when projects are being proposed which lead to a conversion real estate from commercial to residential use, we request that the city initiate an impact study that analyzes the impact of the proposed project on our district from both an operational and a facilities capacity point of view. On the operational side, as a "Basic Aid" district, we generate almost no new revenues for each additional student. Therefore, the incremental property tax increases need to exceed the additional educational costs in order to help us maintain our solvency. Looking at the facilities side, our experience has been that the costs of adding additional students far exceeds the revenues generated from the State-defined developer fee formula. For this proposed project we would ask the City of San Jose to undertake such a study on our behalf. We have been utilizing the services of School House Services (aka Town Hall Services). The developer typically pays the cost of this report. I have attached an example of this type of report from another project.

Absent such a report, the Fremont Union High School District will take a position of opposing any such development proposal. Once the report has been completed, if there are no adverse operational or facilities capacity impacts, then we would remove our objections to the project and take a position of neither supporting nor opposing the project. On the other hand, if the report indicates an adverse impact on an operational and/or facilities capacity basis, then we would expect the developer to pursue a mitigation agreement with our district. Absent a mitigation agreement under these circumstances, then we would still take a position of opposing the project. We believe that this process ensures the excellent quality of the educational program in each of our schools.

BOARD OF TRUSTEES: Kathryn Ho, Avie Katz, Nancy A. Newton, Barbara F. Nunes, Homer H.C. Tong

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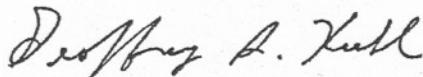
AN EQUAL OPPORTUNITY EMPLOYER

(408) 522-2200
FAX (408) 245-5325
<http://www.fuhisd.org/>

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The Fremont Union High School District staff will continue to cooperate with the City's staff to evaluate each new development proposal based on the impact to our general fund, school capacity, and physical facilities. We will do so on a proposed project-by-project basis, as well as continuing to assess the cumulative impacts of development over time.

Sincerely,



Geoffrey S. Kiehl
Chief Business Officer/Associate Superintendent

Enclosure

RECEIVED
CITY OF SAN JOSE
APR 12 2006