



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: April 13, 2007

Approved

Kay Winer

Date

4/13/07

COUNCIL DISTRICT: 4

SNI AREAS: None

SUPPLEMENTAL

SUBJECT: PUBLIC HEARING ON AN APPEAL OF THE PLANNING COMMISSION'S CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) FOR THE SAN JOSE FLEA MARKET for General Plan Amendment (File No. GP06-04-01) designation of a portion of the 120.3-acre Flea Market site located on both sides of Berryessa Road, west of Union Pacific Railroad tracks, east of Coyote Creek and north of Mabury Road from Combined Industrial/ Commercial on 24.3 acres to Transit Corridor Residential (20+ DU/AC) with a Flexible Land use Boundary; increase building height limit from 120 feet to 150 feet on a portion of the site south of Berryessa Road; add a Major Collector roadway through the project site between Mabury and Berryessa Roads; and a Planned Development Rezoning (File No. PDC03-108) to allow up to 2,818 residential dwelling units and 365,622 square feet of commercial/industrial/office uses on the 120.3-acre site (SCH # 2005042070).

REASON FOR SUPPLEMENTAL

The attached letter from the Berryessa Union School District (Superintendent Marc Liebman, Ph.D, April 3, 2007) provides the District's most current information regarding student generation from recent housing developments served by the District. As noted in the letter, the information is consistent with the District's comments on the Draft EIR and District's statements made at Planning Commission March 28, 2007 that the EIR understates the students that would be generated by the housing proposed on the Flea Market site.

Honorable Mayor and City Council

April 13, 2007

Subject: Appeal of the San Jose Flea Market FEIR certification, File No. GP06-04-01/ PDC03-108

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SUPPLEMENTAL

ANALYSIS

The student generation rates used in the EIR were supplied by Enrollment Generation Consultants, a consulting firm that was working for the School District at the time. Table 4 of the District's attached letter includes generation rates for Single Family Detached (SFD) units, Market Rate Attached units, and Below Market Rate (BMR) Attached units. The Flea Market project does not propose any SFD or BMR units, therefore the relevant rates are for Market Rate Attached units. According to the information in Table 4, the Student Generation Rate (SGR) for Market Rate Attached Units is 0.079 students per unit. However, the District indicates the actual count of real students from the single development surveyed was 0.11 students per unit.

Even if the higher enrollment rate (0.11 students per unit) requested by the District were utilized, which provides 350 students rather than the 175 identified in the EIR, it would not negate the EIR's conclusion (based on the District's statement) that a new school would be triggered by the project's students. The EIR does identify the need for a new school and concludes that the construction of "one or more schools on land in the vicinity of the proposed project and/or on the project site would contribute incrementally to the impacts of development identified for the project as a whole, but is not expected by itself to have new or substantially different significant adverse environmental impacts." [page 230 of the DEIR]

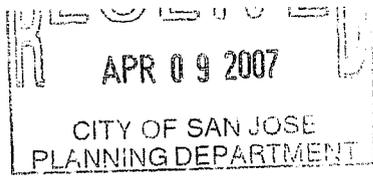
for Akoni Danielsen
JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions, please contact Akoni Danielsen, Principal Planner, at 535-7823.

C: Appellant
Applicant

Attachment:

Berryessa Union School District letter dated April 3, 2007 from Marc Liebman, Superintendent



Marc B. Liebman, Ph.D.
Superintendent

1376 Piedmont Road
San Jose, CA 95132-2498



Aloni - FYI - This just arrived. - JM

Phone: (408) 923-1800
Fax: (408) 259-3869

April 3, 2007

Ms. Janis Moore
Planning, Building & Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
San Jose, CA 95113-1905

RE: Flea Market EIR Appeal

Dar Ms. Moore,

Per our conversation yesterday, I am enclosing our latest yield projections for your information. They are within the range of what I spoke to the Commission about (.11 to .35 students per household).

I hope that this information proves informative and, as the most current information we have, demonstrates that the EIR has incorrectly projected the number of students who will be generated by the construction of homes in the Flea Market Development.

Sincerely,

Marc B. Liebman, Ph.D.
Superintendent

Attachment.

BOARD OF TRUSTEES

Linda Chen

Kansen Chu

David Cohen

Francine Davis

Rudy Nasol

Table 4: Student Generation Rates (SGRs) as of October 2006 from Recently Built Housing, by Category

Residential Category of Units First Occupied Since Sept. 2000	Sampled Res. Units	SGR Type*	Actual Students by Grade and SGRs (including SDC students)										K-8 Total
			K	1	2	3	4	5	6	7	8		
Single Family Detached (SFD)** (five developments)	324		10	10	5	7	8	8	4	6	2	60	
		Actual	0.031	0.031	0.015	0.022	0.025	0.025	0.012	0.019	0.006	0.185	
		Smoothed	0.025	0.025	0.024	0.023	0.021	0.019	0.017	0.016	0.015	0.185	
Developments of Mainly Market-Rate Attached Units (one development; others too old)	468		8	6	6	2	6	2	1	2	4	37	
		Actual	0.017	0.013	0.013	0.004	0.013	0.004	0.002	0.004	0.009	0.079	
		Smoothed	0.014	0.013	0.012	0.011	0.009	0.007	0.005	0.004	0.004	0.079	
Developments of Mainly Below- Market-Rate (BMR) Attached Units (three developments***)	243		10	15	10	5	9	10	13	9	5	86	
		Actual	0.041	0.062	0.041	0.021	0.037	0.041	0.053	0.037	0.021	0.354	
		Smoothed	0.040	0.040	0.040	0.040	0.040	0.040	0.040	0.038	0.036	0.354	

* "Smoothed" rates, which round any severe nuances in the samples, are for projection of students from future similar units during the first few years of occupation.

** The smoothed SFD rate does not decline as much as the actual in grades 6-8 due to larger numbers (not shown) in the high school grades, which suggests that the current low count in 6-8 is a nuance of the sample distribution rather than an indicator of mainly young families.

*** The BMR attached sample includes one development completed in 1998 (included for sufficient sample size).

Notes: (1) Most of the projected developments that these SGRs could be applied to are not expected until after 2010. Only 335 units that are concentrated in market-rate attached tracts are forecast before then. (2) Attached housing covers apartments, condos, townhouses and plexes.

my actual
count of real
students in this
development was
0.11