



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: April 4, 2007

COUNCIL DISTRICT: 4
SNI AREA: N/A

SUBJECT: GP05-04-09. GENERAL PLAN AMENDMENT REQUEST TO CHANGE THE LAND USE DESIGNATION FROM COMBINED INDUSTRIAL/COMMERCIAL ON 4 ACRES TO NEIGHBORHOOD/COMMUNITY COMMERCIAL ON 0.8 ACRES AND HIGH DENSITY RESIDENTIAL (25-50 DU/AC) ON 3.2 ACRES ON THE SOUTH SIDE OF MURPHY AVENUE, APPROXIMATELY 550 FEET EASTERLY OF THE INTERSECTION OF MURPHY AVENUE AND OAKLAND ROAD (1172 - 1188 MURPHY AVENUE).

RECOMMENDATION

The Planning Commission voted 5-1-1 (Commissioner Campos opposed and Commissioner Dhillon abstained) to recommend denial of the General Plan amendment request.

OUTCOME

Approval of the General Plan amendment request could allow future development of up to 160 dwelling units and 34,800 square feet of neighborhood-serving commercial uses on the site, if a subsequent amendment to the North San Jose Area Development Policy is approved to incorporate into the Policy the provision for housing on the subject site. Approval of the General Plan amendment would also result in the loss of four acres of Combined/Industrial Commercial designated land.

BACKGROUND

On March 28, 2007 the Planning Commission held a public hearing to consider the proposed General Plan amendment. The Director of Planning Building and Code Enforcement recommended denial of the proposed amendment.

ANALYSIS

Public Testimony

Planning staff noted that additional correspondence had been received subsequent to distribution of the staff report, including a letter and a conceptual set of plans for future potential development. Staff stated that the item to be considered during the Planning Commission hearing is solely for a General Plan amendment, and that there is no pending rezoning on file.

Commissioner Dhillon recused himself from discussion of the item.

Anthony Ho, representing the applicant, stated that the proposed high-density residential General Plan designation could relate well to existing uses on the adjacent sites and be compatible with the recently approved land uses (General Plan amendment File No. GP06-04-02) located at the southwest corner of Oakland Road and East Brokaw Road. He stated that the project would not create traffic congestion in the area. He also noted that the existing building on the subject site is mostly unoccupied and underutilized, and that the existing banquet hall has become a nuisance to the neighborhood. He discussed the attributes of the area, including accessibility from three major freeways and proximity to a golf course and two major bus lines running along East Brokaw/Murphy Avenue. He concluded that this proposal meets the requirements for conversion as specified in the "Framework, As a Guideline, to Evaluate Proposed Conversions of Employment Lands to Other Uses" and is consistent with the intent of the North San Jose Area Development Policy.

Satindar Dhillon, representing the owner, stated that no new tenants have occupied the existing building on the subject site for the last four years, and that the uses surrounding the subject site are neighborhood-serving businesses that are an ideal match with the proposed residential uses.

Commissioner Zito asked Mr. Dhillon why the project being proposed includes high-density residential and if high-density residential was discussed with staff. Mr. Dhillon stated that the proposed project is consistent with the principles of the North San Jose Area Development Policy, but that staff wanted to keep the industrial uses on the site for other potential tenants.

Four community members spoke in support of the proposed General Plan amendment. They indicated several reasons for supporting the project including: neighborhood compatibility, relationship with existing commercial uses in the project's vicinity, access to the bus lines on Murphy Avenue and East Brokaw Road, the need to promote more housing for new immigrants to the community, and a general benefit to the City's economy, housing supply and retail activity.

Four community members spoke in opposition to the proposed General Plan amendment, and in support of the staff recommendation for no change to the General Plan. These neighborhood members stated that they opposed the project because of the existing over concentration of high-density housing, traffic congestion in the area, the site's poor accessibility, and traffic/circulation conflicts with adjacent uses.

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Satindar Dhillon concluded the public testimony stating that this proposal was not the result of a domino effect from previously approved General Plan amendments, and that the idea is not to create an island of industrial uses adjacent to the existing residential uses.

Staff Response to Public Testimony and Commission Discussion

Staff stated that the North San Jose Area Development Policy does not support adding residential uses on the east side of Highway 880. Staff said that the site will create a poor interface between industrial and residential uses, and that the project generates major public access constraints. Staff stated that because the North San Jose Area Development Policy has a unit cap, adding units on this site will divert them away from transit oriented residential sites identified in the Policy, therefore diminishing the Policy's intent for smart growth.

Staff commented that removing the industrial-commercial uses allowed on the site would contribute to the elimination of the retail tax base for the City and reduce additional employment opportunities. Staff noted that this proposal was a consequence of the domino effect that began in 2001 when industrial lands in the area started to be converted to residential uses at a rapid rate.

Commissioner Kalra asked if there are any future plans for the adjacent site. Planning staff responded that there are no pending plans on file for the adjacent site and that the land use designation is Medium Density Residential (8 to 16 dwelling units per acre).

Commissioner Zito asked if the staff recommendation would have been different if the proposal for the subject site had been Medium Density Residential (8 to 16 dwelling units per acre). Staff responded that the staff recommendation would have been the same because there would still be constraints to creating an adequate buffer between industrial and residential uses on the subject site.

Commissioner Zito expressed concern that the site lacks adequate internal circulation, and the interface with existing professional office and commercial uses is problematic. Staff noted that the site has been through previous General Plan amendments to accommodate a mix of industrial and commercial uses and that the proposed high-density residential is not at the right location.

Commissioner Zito stated that he may have supported the proposal if the residential uses were of a lesser density, such as 8 to 16 dwelling units per acre, which is a density that is more compatible with the surrounding area.

Commissioner Jensen stated that she visited the site, that it is clear that it is part of a business park, and that businesses are active. She stated that the site is isolated from the existing nearby residential development.

POLICY ALTERNATIVES

Not applicable.

PUBLIC OUTREACH/INTEREST



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

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(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 notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The notice of General Plan public hearing was also published in the Post-Record. Staff has been available to respond to questions from the public.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department, and City Attorney's Office.

FISCAL/POLICY ALIGNMENT

Not applicable.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

A Negative Declaration was adopted on March 28, 2007.

for Andrew Cristofree
JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Ben Corrales at 408-535-7868 in the Planning, Building and Code Enforcement Department.



Department of Planning, Building and Code Enforcement
200 E Santa Clara Street, 3rd Floor
San Jose, CA 95113

Hearing Date/Agenda Number:
P.C. 03/28/2007 Item: 7. b

File Number:
GP05-04-09

Council District and SNI Area:
District 4

Major Thoroughfares Map Number:
51

Assessor's Parcel Number(s):
241-17-009

Project Manager:
Ben Corrales

GENERAL PLAN AMENDMENT STAFF REPORT SPRING 2007 HEARING

PROJECT DESCRIPTION:

General Plan amendment request to change the Land Use/Transportation Diagram designation from Combined Industrial/Commercial on a 4.0-acre site to Neighborhood/Community Commercial on 0.8 acres and High Density Residential (25-50 dwelling units per acre) on 3.2 acres.

LOCATION: South side of Murphy Avenue, approximately 550 feet easterly of the intersection of Murphy Avenue and Oakland Road (1172 – 1180 Murphy Avenue).

ACREAGE: 4.0 acres

APPLICANT/OWNER:

Anthony Ho / Bob Dhillon

GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: Combined Industrial/Commercial on 4.0 acres.

Proposed Designation: Neighborhood/Community Commercial on 0.8 acres and High Density Residential (25-50 DU/AC) on 3.2 acres.

ZONING DISTRICT(S):

Existing Designation: A(PD) Planned Development Zoning District on 4.0 acres.

Proposed Designation: N/A

SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

North: Single-family residences and commercial (Berryessa Planned Community)– General Commercial, Medium High Density Residential (12-25 DU/AC) and Medium Density Residential (8-12 DU/AC)

South: Public golf course – Public Park and Open Space

East: Single-family residences and public golf course –Medium Density Residential (8-12 DU/AC) and Public Park and Open Space

West: Commercial and Industrial – Industrial Park with a Mixed Industrial Overlay

ENVIRONMENTAL REVIEW STATUS:

Mitigated Negative Declaration circulated on March 7, 2007

PLANNING STAFF RECOMMENDATION:

No change to the General Plan

Approved by:

Date:

PLANNING COMMISSION RECOMMENDATION:

CITY COUNCIL ACTION:

CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:

- San Jose Fire Department, Bureau of Fire Prevention stated on December 12, 2005 that comments will be provided with subsequent permit applications.
- The Department of Public Works (DPW) stated on January 20, 2006 that the site is in a State Liquefaction Zone, that this project is located within the boundaries of Maintenance District 11, and that changes to High Density Residential may change the assessment amounts.
- The Department of Transportation (DOT) stated on March 21, 2007 that this General Plan amendment is exempt from a computer model traffic impact analysis.

GENERAL CORRESPONDENCE:

- Phone call from neighbor Loanne Luu requesting general information about the project.
- Electronic mail from neighbor Mark Alden received on February 19, 2007 stating his concerns about environmental impacts such as traffic and noise due to construction. He also inquired about the type of future development for this project.
- Electronic mail from LinYi Lee asking if the site plan for this project was available online.

ANALYSIS AND RECOMMENDATIONS:**RECOMMENDATION**

Planning staff recommends that the Planning Commission forward a recommendation to the City Council for no change to the existing San Jose 2020 General Plan Land Use/Transportation Diagram designation of Combined Industrial/Commercial on a 4.0-acre site (denial of the proposed General Plan amendment).

PROJECT DESCRIPTION

This staff report addresses a privately initiated General Plan amendment request (File No. GP05-04-09) to change the Land Use/Transportation Diagram designation from Combined Industrial/Commercial on 4 acres to Neighborhood/Community Commercial on 0.8 acres and High Density Residential (25 – 50 DU/AC) on 3.2 acres of a site located at 1172, 1180 and 1188 Murphy Avenue.

The existing Combined Industrial/Commercial land use designation is intended for commercial, office, or industrial development or a compatible mixture of these uses. The uses of the Industrial Park, Light Industrial, General Commercial, and Neighborhood/Community Commercial land use designations are consistent with this designation.

The proposed Neighborhood/Community Commercial land use designation applies primarily to shopping centers of a neighborhood or community scale. The proposed High Density Residential (25-50 DU/AC) designation is typified by three-to four-story apartments or condominiums over parking. This density is planned primarily near the Downtown Core Area, near commercial centers with ready access to freeways and expressways and in the vicinity of the rail stations within the Transit-Oriented Development Corridors Special Strategy Area. Sites within reasonable walking distance of a passenger rail station (2,000 feet) may be appropriate for

vertical commercial/residential mixed-use development under a Planned Development zoning. The commercial component should be well integrated and well designed in the context of the overall development, with the commercial uses serving the surrounding neighborhood and rail passengers.

BACKGROUND

Site and Surrounding Uses

The subject site is located along Murphy Road, approximately 550 feet easterly of the intersection with Oakland Road (1172 – 1188 Murphy Avenue), and is surrounded by a mix of uses including residential/commercial uses to the north, recreational uses to the south (Municipal Golf Course), professional office and industrial uses to the west, and residential uses to the east.

The site is currently developed with a 53,010 square-foot warehouse/office building and 150-stall parking lot. A Planned Development Permit (PD03-021) was approved in 2003 allowing a 6,000 square-foot banquet facility within the existing building. The remaining square feet is maintained as a warehouse and office. The site is located within the Rincon de Los Esteros Redevelopment Area and the North San Jose Development Policy Area. The Rincon de Los Esteros Redevelopment Area was first established in 1974 to maximize economic development potential and to promote industrial growth in the northerly area of San Jose. The updated North San José Area Development Policy (Policy) will guide the ongoing growth and development of the North San José area as an important employment center for San José. The updated Policy provides additional industrial development capacity for 20 million square feet of transferable floor area credits that can be allocated to specific properties within the Policy area. The Policy supports the conversion of specific sites from industrial use to high-density residential use, based upon specific criteria compatible with industrial activity.

General Plan Amendment History

This site was the subject of two previous General Plan amendments approved by City Council. In 1995, General Plan amendment, GP95-04-08d, added a Mixed Industrial Overlay to a larger 17.4-acre area that included this site. The Mixed Industrial Overlay was approved to designate appropriate areas for compatible non-industrial uses and to maintain certain priority areas as exclusively industrial. This overlay provides clear direction regarding where non-industrial uses may or may not locate and supports the City's economic development goals of preserving the supply of prime industrial land.

In 2005, General Plan amendment, GP04-04-08, deleted the Mixed Industrial Overlay from the site and changed the base land use designation from Industrial Park to Combined Industrial/Commercial to allow greater flexibility in allowable commercial land uses on the site, provided that they are compatible with the existing and planned land uses in the surrounding area.

Site and surrounding land uses
(Aerial photo source: Department of Public Works, 2001, City of San Jose)



Looking north (main access) to subject site.



Mixed uses north of subject site.



View of the site, looking southwest.



Residential uses to the east.



Adjacent office uses to the south.



View of offices west of the subject site.

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; 2) land use compatibility; 3) consistency with the North San Jose Area Development Policy; and, 4) consistency with the “Framework, as a Guideline, to Evaluate Proposed Conversions of Employment Land to Other Uses” (Framework).

Consistency with the San Jose 2020 General Plan Economic Development Major Strategy

The General Plan’s Economic Development Major Strategy encourages the attraction of a large share of area wide economic development; otherwise, the City will face increasing pressures for housing and population growth without a solid financial base. Conversion of the site to

residential uses would eliminate the potential for future commercial and industrial uses to balance the existing residential development in the City and would reduce the potential for tax revenues. Therefore, the proposed land use change of 3.2 acres from Combined Industrial/Commercial to High Density Residential (25-50 DU/AC) is inconsistent with the Economic Development Major Strategy.

Maintaining the existing Combined Industrial/Commercial land use designation would preserve the potential to attract tax revenues, and preserve the land for employment.

Consistency with the San Jose 2020 General Plan Goals and Policies.

The proposed project is inconsistent with the following San Jose 2020 General Plan goals and policies:

Residential Land Use Policy No. 2

- *Residential neighborhoods should be protected from the encroachment of incompatible activities or land uses, which may have a negative impact on the residential living environment. In particular, non-residential uses, which generate significant amounts of traffic, should be located only where they can take primary access from an arterial street.*

Given the existing site configuration, future residential development and existing office development would share ingress and egress to the subject site, and generate additional traffic which may negatively impact future residential quality of life. Therefore this proposed amendment is inconsistent with this policy.

Residential Land Use Policy No. 3

- *Higher residential densities should be distributed throughout the community. Locations near commercial and financial centers, employment centers, and the rail transit stations and along bus transit routes are preferable for higher density housing. There are a variety of strategies and policies in the General Plan that encourages the construction of high density housing and supportive mixed uses. For example, the Housing Initiative and Transit-Oriented Development Corridor Special Strategy Areas encourage high density housing and mixed use development in close proximity to existing and planned transit routes. In addition, residential development located within 2,000 feet of a planned or existing rail station should occur at the upper end of the allowed density ranges and should typically be at least 25 DU/AC unless the maximum density allowed by the existing land use designation is less than 25 DU/AC).*

As described previously in this staff report, High Density Residential (25-50 DU/AC) is intended to be located primarily near the Downtown Core Area, near commercial centers with ready access to freeways, and in the vicinity of rail stations within the Transit-Oriented Development Corridors Special Strategy Areas.

Although the subject site is near a commercial center with ready access to freeways, this site is not near the Downtown Core Area nor in the vicinity of rail stations within the Transit-Oriented Development Corridors Special Strategy Areas. Therefore, this proposed amendment is not consistent with this policy.

Industrial Land Use Policy No. 9

- *The City should encourage industrial supplier/service business retention and expansion in appropriate areas in the City.*

Industrial Land Use Policy No. 11

- *Because of the importance in retaining viable industrial supplier/service lands and the inherent incompatibility between residential or non-industrial uses and industrial uses, new land uses that may restrict development of land reserved exclusively for industrial uses should not be allowed to locate adjacent to these areas of the City, and in particular, sensitive receptors, should not be located near primary industrial areas.*

The proposed amendment is inconsistent with the two policies mentioned above because the proposal involves an industrial to residential land conversion that would discourage the preservation of Driving and Business Support Industries adjacent to the site and in the immediate area. If approved an eighty percent of the site would restrict development of land reserved for industrial uses.

Land Use Compatibility

The project site is surrounded by a mix of uses already existing in the area. The proposed Neighborhood Community/Commercial designation is compatible with the existing uses and very similar to the ones allowed under the existing Combined Industrial/Commercial designation. However, the proposed High Density Residential (25-50 DU/AC) land use designation could be incompatible with the industrial uses adjacent to the site.

The adjacent site to the west is designated Industrial Park with Mixed Industrial Overlay, which is appropriate for a mixture of primarily industrial with compatible commercial or public/quasi-public uses, or alternatively entirely industrial uses in accordance with the base designation. The relatively small size of the subject site allows minimal opportunities for a buffer between future high density Residential development and Industrial Park uses. This lack of a buffer area could create challenges for future Industrial Park operations.

North San Jose Development Policy Area

The North San Jose Area Development Policy establishes a policy framework to guide the ongoing development of the North San Jose area as an important employment center for San Jose. It identifies specific areas where future residential development could occur adjacent to existing residential development, close to jobs, and to the west of Interstate 880, to provide a traffic benefit where a number of access points to regional highways exist.

The conversion of additional industrial land to residential use in areas not already considered by the Policy generally is in conflict with the City's goal of promoting the North San Jose Development Policy Area as an important employment center for the City. Conversion of industrial land to residential use diminishes the opportunity for new industrial development and can lead to incompatibility issues with land use. Although, The Policy recognizes that some industrial conversion to residential may occur, generally any property south or east of Interstate 880 or north of State Route 237 does not provide a significant benefit to regional or North San Jose area traffic conditions and is not intentionally supported by the Policy because it focuses on placing development near existing housing sites where residential support services are available.

Prior to redevelopment of the site with residential uses an amendment to the North San Jose Area Development Policy would be required to analyze the near term traffic impacts and address the inconsistency with the Policy.

Evaluation of Industrial Land Conversion

The General Plan amendment site is located in the North San Jose 5 sub-area identified in the City's 2004 Fiscal Study. As a conversion from an industrial use to a non-industrial use, the proposal must be evaluated using the *Framework, as a Guideline, to Evaluate Proposed Conversions of Employment Lands to Other Uses* (Framework) which classifies employment lands into three different categories: **1)** subareas to promote or facilitate conversion to housing, retail, mixed use, or other Household-Serving industries; **2)** subareas to consider for conversion to housing, retail, mixed use, or other Household-serving industries in certain circumstances; and **3)** subareas to preserve for Driving and Business Support Industries. The subject site is listed in the second category. Industrial land conversions to residential are discouraged in this category unless the site is not likely to induce additional conversions to residential and provided that the site can be integrated into a neighborhood framework.

The Framework identifies key criteria that need to be evaluated when considering conversion of Employment lands to other uses. The following is an analysis of the proposed amendment based on the established criteria:

- 1. Economic contribution of the subarea:** the existing land uses of the project site are uses that support industrial and commercial activity in the area. Currently the site is fully developed. Removing the industrial-commercial uses allowed on the site would contribute to the elimination of the retail tax base for the City and reduce additional employment opportunities.
- 2. Consistency with the City's Policies, Goals, and Strategies:** the proposed General Plan amendment does not support General Plan goals and policies as analyzed previously in this staff report.
- 3. Fulfilling the City's retail needs:** approval of this amendment would discourage commercial and industrial development that is compatible with the surrounding existing uses, would reduce the potential to provide commercial uses to meet the City's need for community-serving retail, and would not provide an equivalent benefit to the City.
- 4. Adequacy of major street access:** the site is located near the intersection of two major arterials, Murphy Avenue and Oakland Road, which are designated as Major Arterials (115 to 130-foot right of way) on the General Plan Land Use/Transportation Diagram. Arterial streets are designed mainly for the movement of through traffic, but also normally perform a secondary function of providing access to abutting properties. Having one point of access creates a major access constraint to the site; additional analysis of traffic operations would be required to address the site access issue when a development application is submitted.
- 5. Potential environmental impacts and mitigation measures:** The proposed General Plan amendment was analyzed in an Initial Study that resulted in a Mitigated Negative Declaration that was circulated on March 7, 2007, and is scheduled to be adopted on

March 28, 2007. The Initial Study determined that the change in land use would not have significant impacts with the inclusion of General Plan policy mitigation.

6. Net fiscal impact on the City of using this parcel for retail instead of the current use: The site is currently developed. Removal of the development on the site has the potential to decrease sales tax dollars as well as eliminate employment opportunities.

ENVIRONMENTAL REVIEW

A Draft Mitigated Negative Declaration was circulated on March 7, 2007 for public review and comments. The Mitigated Negative Declaration included 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 mitigation measures in the following categories: Aesthetics, Agriculture Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation and Traffic, and Utilities and Service Systems.

PUBLIC OUTREACH

A community meeting was held at the Rosewater Hall located at 1180 Murphy Avenue on March 5, 2007. Approximately ten neighbors attended the meeting. The major concerns addressed were:

- The idea that this area is being piecemealed. Residents wanted to know if there was a master plan for this area. Staff explained that the North San Jose Area Development Policy includes this area, and the site is intended by the Policy to remain Combined Industrial/Commercial.
- If this project were to be approved, it would generate residential development adjacent to the existing commercial and office uses to the west of the site. Staff responded that future proposals could involve redevelopment of the site. However, at this time there was no development proposal on file; the applicant also expressed not having definitive plans for a rezoning proposal.

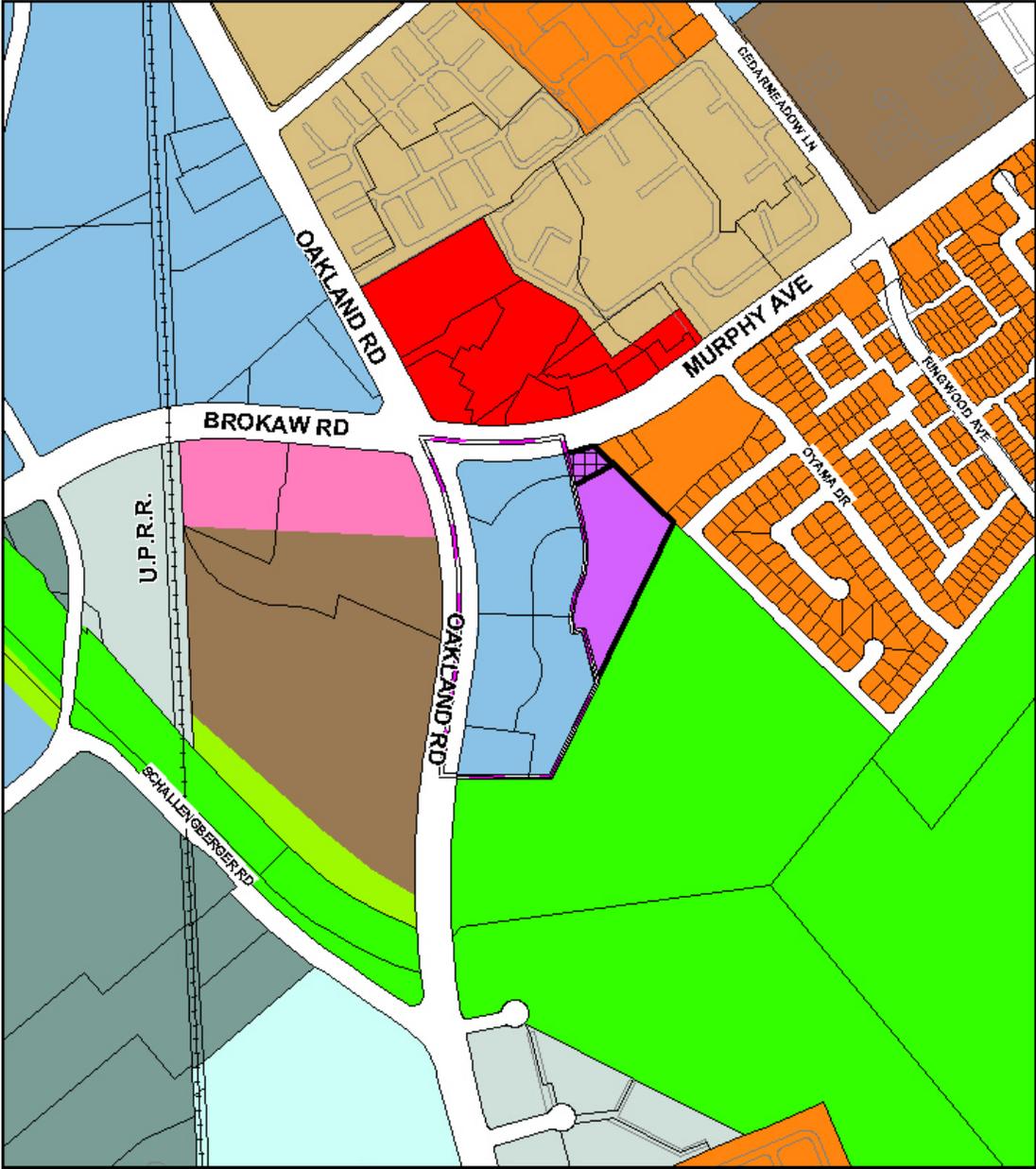
Property owners and tenants within a 500-foot radius of the subject site received a notice of the public hearings to be held on the General Plan amendment request before the Planning Commission on March 28, 2007 and City Council on April 24, 2007. The Department web site contains information regarding the General Plan amendment process, zoning process, staff reports, and hearing schedules. This web site is available to any member of the public and contains the most current information regarding the status of the applications.

Consistent with the updated City Council Policy on Public Outreach, staff requested the installation of an on-site sign describing the proposed project, large enough so it is legible from the street. Proof of installation was submitted to Planning staff on April 18, 2006.

Tribal Consultation

This General Plan amendment is subject to the State of California Tribal Consultation Guidelines. No comments from tribal representatives were received by Planning staff on the subject General Plan amendment.

GP05-04-09



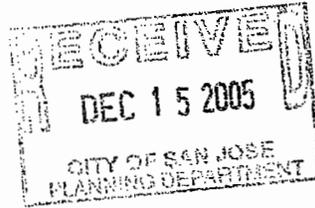
 <p>CITY OF SAN JOSE SANTA CLARA COUNTY Department of Planning, Building and Code Enforcement Planning Services Division</p>	<p> Proposed Neighborhood Community/Commercial</p> <p> Proposed High Density Residential (25-50 DU/AC)</p>	<p> No Scale Quad: 51</p>
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Memorandum

DATE: 12/12/05

TO: Ben Corrales

FROM: Nadia Naum-Stoian



Re: Plan Review Comments

PLANNING NO: GP05-04-09

DESCRIPTION: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Combined/Industrial-Commercial to High Density Residential (25-50 DU/AC) on a 4.01 acre-site. (Anthony Ho, Applicant/Bob Dhillon, Owner)

LOCATION:

ADDRESS: 1172 MURPHY AV

FOLDER #: 05 061071 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.

A handwritten signature in black ink, appearing to read "Nadia Naum-Stoian".

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

Memorandum

TO: Ben Corrales
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

SUBJECT: RESPONSE TO GENERAL PLAN
AMENDMENT APPLICATION

DATE: 01/20/06

PLANNING NO.: GP05-04-09
DESCRIPTION: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Combined/Industrial-Commercial to High Density Residential (25-50 DU/AC) on a 4.01 acre-site. (Anthony Ho, Applicant/Bob Dhillon, Owner)
LOCATION: south side of Murphy Avenue, approximately 550' easterly of the intersection of Murphy Avenue and Oakland Road.
P.W. NUMBER: 3-05346

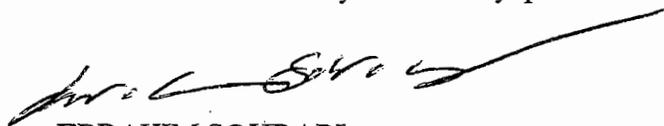
Public Works received the subject project on 12/05/05 and submits the following comments:

[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 (will be evaluated at the zoning stage)
[NO] Near-Term Traffic Impact Analysis (maybe required at zoning stage)

Comments:

Assessments: This project is located within the boundaries of Maintenance District 11. The 2005-06 assessment for assessor parcel number 241-19-009 is \$1,160.50 based on the current land use and parcel configuration and is adjusted annually by the Consumer Price Index. A change in zoning to High Density Residential may change the assessment amounts. Future year assessments will be apportioned based on the Engineers Report for the maintenance district and will continue to be collected through the County property tax bills.

Please contact the Project Engineer, Andrew Turner at 535-6899 if you have any questions.



EBRAHIM SOHRABI
Senior Civil Engineer
Transportation and Development Services Division

Memorandum

TO: Jenny Nusbaum
Planning, Building
and Code Enforcement

FROM: P. Paul Ma

**SUBJECT: TRAFFIC IMPACT ANALYSIS
FOR GP05-04-09**

DATE: 3-21-07

Approved

Date

File Number: GP05-04-09

Location: S/o Murphy Ave., approx. 550 feet E/o the intersection of Murphy Ave. and Oakland Rd.

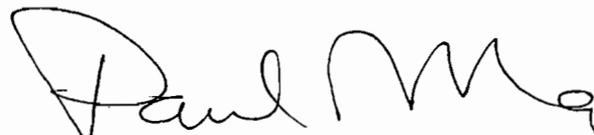
Acreage: 4.0 ac.

Description: Combined Industrial/Commercial to Neighborhood/Community Commercial and High Density Res. (25-50 DU/AC)
(Add 144 HH, Delete 63 J)
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: Ben Corrales

Corrales, Ben

From: Mark Alden [malden11@pacbell.net]
Sent: Monday, February 19, 2007 3:00 PM
To: ben.corrales@sanjoseca.gov
Subject: GP05-04-09

Hello Ben,

I'm writing to address the General Plan Amendment File at 1172 Murphy Avenue (No. GP05-04-09). According to Mr. Dhillon and Mr. Ho's request/plans, we could see as many as 90 new residential units be built on 3.2 acres located directly next to my neighborhood. Most, if not all of my neighbors are worried about the environmental/traffic/noise impact that could result from this construction. 3.2 acres is very little space for so many units, which means you'd need to build up. Do you know how many stories this condo/appt complex would be? I cannot imagine the existing business center and an appt/condo complex residing next to each other -- is this the plan?

I will be attending the March 5 meeting to voice my concerns and desire not to see this area re-zoned.

Thanks in advance for your reply.

Mark Alden
1530 Parkmont Drive
San Jose, CA 95131
408-436-1346

Corrales, Ben

From: Lin Yi Lee [llee@barryswensonbuilder.com]
Sent: Monday, February 26, 2007 3:37 PM
To: ben.corrales@sanjoseca.gov
Subject: GP05-04-09

We received the notice of community meeting on this GPA. Can you please tell me if the site plan with the building heights is accessible online for this project? If so, please direct me to where I can view it.

Thank You.

LinYi Lee

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408 280.5177 Fax
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777 N. First St., 5th floor
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Framework, as a Guideline, to Evaluate Proposed Conversions of Employment Lands to Other Uses
(Originally Approved by the Mayor and City Council on April 6, 2004 and Modified on November 15, 2005)

Purpose

The Framework should be used as a guideline to evaluate proposed conversions of employment lands to other uses. The intent of the Framework is to create more certainty and predictability in the review of employment land conversion proposals while retaining flexibility to respond to changing conditions, information, and policy considerations.

Framework Elements

1. Subareas to promote or facilitate conversion to housing, retail, mixed use, or other Household-Serving Industries.

- *Downtown Core Subarea:* Continue to facilitate a vibrant mix of housing, civic, retail, and employment uses.
- *Downtown Frame Subarea:* Continue to facilitate a mix of housing, civic, retail, and employment uses, however, the Julian-Stockton portion of this subarea should not include housing.
- *Midtown portion of Central San Jose 1 Subarea:* Consider additional opportunities for housing, retail, civic, and/or employment uses (beyond existing and planned land uses) to support the Downtown, transit investments, and West San Carlos Neighborhood Business District.
- *Story Road Subarea (Olinder Redevelopment Area):* Consider for conversion to retail uses, but not housing, given the existing, well-established retail uses.

2. Subareas to consider for conversion to housing, retail, mixed use, or other Household Serving Industries only in certain circumstances.

- As the employment areas intensify in North First Street and Edenvale 1, respectively, then opportunities for intensive development of supportive uses may be considered in the following subareas:

North First Street
North San Jose 2
North San Jose 3

North San Jose 4
North San Jose 6
Edenvale 1

- *North San Jose 5 subarea (east of I-880):* Consider housing, retail, or other Household Serving Industries only in areas that are close to existing residential areas and areas that could be integrated into a neighborhood framework.

- *Northeast San Jose subarea (east of Coyote Creek)*: Consider housing near the Berryessa BART station consistent with our Transit Oriented Development policies.
- *Portion of Central San Jose 1 Subarea (west of the railroad tracks and north of I-880)*: Consider conversion to housing, consistent with the existing neighborhood, the BART Station Node policies, and compatibility with the City of Santa Clara's conversion to housing.
- *Evergreen Industrial Area*: Consider uses only if recommended through the Evergreen Smart Growth Strategy process.
- *Coyote Valley*: Consider uses only if recommended through the Coyote Valley Specific Plan process.

3. Subareas to preserve for Driving and Business Support Industries.

- *North San Jose 1*
- *Airport*
- *Central San Jose 2*
- *Northeast San Jose (west of Coyote Creek)*
- *North San Jose 5 west of I-880 (i.e., North San Jose 4)*
- *Monterey Corridor 1*
- *Monterey Corridor 2*
- *Monterey Corridor 3*
- *Monterey Corridor 4*
- *Edenvale 2*
- Potential conversions should generally be discouraged, and only be considered for approval in subareas where conversions of industrial lands may:
 - Complete a transition to existing neighborhoods within or adjacent to the subarea, or
 - Buffer and provide uniformity to existing neighborhoods within or adjacent to the subarea, or
 - Further the City's smart growth policies, or
 - Aid in revitalizing declining neighborhoods within or adjacent to the subarea.

4. Criteria for the evaluation of proposed conversions to housing, mixed use, retail, and/or other Household-Serving Industries.

- Conversion to Residential or Mixed Residential/Commercial Use
- A. **Economic contribution of the subarea:** What is the economic contribution of the subarea to the San Jose and Silicon Valley economy and job base? How is the subject site currently occupied and used? Is the subject site currently used to its full potential for contributing to the San Jose economy or job base? How would this economic contribution be enhanced or reduced by the proposed conversion?
- B. **Consistency with City Policies and Strategies:** How does the proposed conversion and specific proposed use(s) and intensities advance the City's policies and strategies as contained in the General Plan, Specific Plans, and other strategic documents?

- C. Proximity to existing neighborhoods and areas in transition:** How would the new residential/mixed use knit with adjacent existing or planned residential and/or retail uses, and/or fill-in gaps in areas already partially converted or transitioning to residential use? Does the proposed conversion eliminate small islands or peninsulas of industrially designated/zoned land that would be suitable for conversion to residential to make them consistent with surrounding uses?
- D. Proximity to incompatible employment uses (e.g., manufacturing, recycling, etc.):** Where are the nearest incompatible industrial areas which might generate impacts due to hours of operation, deliveries, noise, odors, hazardous materials, etc.? How might the new residential use put pressure on the existing industrial uses to modify their operations?
- E. Potential inducement of additional conversions to residential use?** How might the proposed residential use induce or pressure adjacent or nearby properties to convert to residential use?
- F. Proximity to transit service:** Is the proposed housing site within 3000 feet of a planned BART Station or 2000 feet of an existing, funded or planned Light Rail Station?
- G. Proximity to compatible employment uses (e.g., office/R&D):** Where are the nearest existing or planned employment areas with compatible land use characteristics, thereby creating potential alternate commute (walk/bike to work) opportunities?
- H. Availability of neighborhood services, and residential and commercial mixed use drivers:** Where are the nearest existing and/or planned neighborhood serving retail, parks, libraries, schools, open space/trails, etc.? How would the proposed conversion potentially enhance city services (e.g., by creating or improving neighborhood parks)? How would the proposed residential conversion potentially strengthen neighborhood and general commercial uses in the area by adding resident population? Does the proposed conversion involve a mixed residential and commercial development on the site?
- I. Public Benefit:** Does the proposed conversion offer or facilitate a unique and significant public benefit (e.g., the delivery of or significant contribution toward public facilities, public improvements, infrastructure, or affordable housing beyond what would be required to serve the proposed development associated with the conversion)? Would the conversion result in improvements to a blighted area or contribute to the variety of housing types, including rental or ownership, in areas that have predominantly one or the other? Are there other any means to obtain this extraordinary public benefit without the conversion?
- J. Adequacy of Fire/Police service levels:** What are the anticipated service levels or other public safety performance measures to serve the proposed housing area?
- K. Utilization of bicycle and pedestrian facilities, and promote pedestrian access:** Where are the nearest existing and planned bicycle and pedestrian facilities? How does the

proposed residential/mixed use development support nearby jobs and commercial lands by promoting pedestrian access and minimizing vehicle trips?

L. Potential environmental impacts and mitigation measures, including adequacy of other public infrastructure: What are the potential environmental impacts and are mitigation measures included in the proposal? What public improvements are necessary to serve the new housing area?

M. Potential fiscal impact: What is the potential fiscal impact on City revenue and service costs?

• Conversion to Commercial and Other Household-Serving Industries

A. Economic contribution of the subarea: What is the economic contribution of the subarea to the San Jose and Silicon Valley economy and job base? How would this economic contribution be enhanced or reduced by the proposed conversion?

B. Consistency with City Policies and Strategies: How does the proposed conversion and specific proposed use(s) and intensities advance the City's policies and strategies as contained in the General Plan, Specific Plans, and other strategic documents?

C. Fulfilling the City's retail needs: How does the proposed commercial retail meet the City's need for community-serving and/or neighborhood-serving retail?

D. Adequacy of major street access: What streets directly serve the proposed site?

E. Potential to influence/encourage conversion of adjoining properties: How might the proposed commercial use induce or pressure adjacent or nearby properties to convert to commercial use? How might the proposed conversion create a transition, thereby protecting existing industrial lands from additional conversions?

F. Potential negative impact to other planned commercial development areas (e.g., Downtown): How would the proposed commercial development affect other planned commercial areas?

G. Adequacy of transit, bicycle, pedestrian facilities: Where are the nearest existing and planned transit, bicycle and pedestrian facilities? How does the proposed commercial use support transit or hinder its use? How does the introduction of proposed commercial uses promote pedestrian activity and minimize vehicle trips?

H. Incorporation of mixed use development: How does the proposed development incorporate a mix of compatible uses?

I. Potential environmental impacts and mitigation measures: What are the potential environmental impacts and are mitigation measures included in the proposal?

J. Net fiscal impact on the City of using this parcel for retail instead of the current use:
What is the potential fiscal impact on City revenue and service costs?

Framework Application

- The Framework should be applied as early as possible in the development review process, including as part of Comprehensive Preliminary Review applications.
- Evaluation of the fiscal impact of the conversion on City revenues and service costs must be the highest priority.
- All conversion proposals would be evaluated against the criteria.
- The criteria are not in rank order. They are not scored to a point system and the weight of the individual criterion may vary by site based on individual circumstances and changing background information.
- Conversions that present opportunities for development of significant new sources of revenue may be considered in any subarea in which the development would be compatible with existing or planned uses in the subarea.
- The criteria would identify the key issues for the analysis of conversion proposals; however, there may be other criteria or factors to consider in the evaluation of individual proposals.
- The “Towards the Future” report would be one source of background information for answering the questions posed by the criteria.
- Other background information may include, but is not limited to, reports on the Silicon Valley economy, office vacancy trends, etc.
- In areas of the City that are not included in a “subarea” identified in the Strategic Economics’ report and have a long term regional planning effort that includes industrial areas, Council approved triggers and requirements are still applicable. When the planning efforts’ vision and land use plans are adopted and it shifts into the implementation phase, General Plan conversions must balance the overall goal of that planning area with creative smart growth opportunities.
- Staff shall provide an annual report and evaluation on the progress, outcome and impact of the Framework for Evaluating Proposed Conversions of Employment Lands.

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

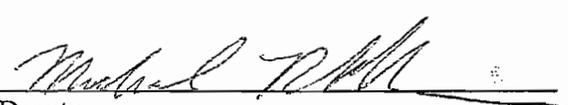
GP05-04-09. General Plan Amendment to change the Land Use/Transportation Diagram designation on a site located south side of Murphy Avenue, approximately 550 feet easterly of the intersection of Murphy Avenue and Oakland Road to allow for a change from Combined Industrial/Commercial on approximately 4.0 acres to Neighborhood/Community Commercial on 0.8 acres and High Density Residential (25-50 dwelling units per acre) on 3.2 acres. (Bob Dhillon, Owner/Anthony Ho, Applicant). Council District: 4

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **March 28, 2007**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **March 7, 2007** and ends on **March 27, 2007**.

A public hearing on the project described above is tentatively scheduled for **March 28, 2007** at 6:30 p.m. in the City of San Jose Council Chambers, 200 East Santa Clara Street, San Jose, CA 95113. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando Street, San José, CA 95112, and the **Educational Park Branch Library**, 1770 Educational Park Drive, San José, CA, 95133 and online at <http://www.sanjoseca.gov/planning/eir/MND.asp> Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Ben Corrales** at (408) 535-7868.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: 3/7/07


Deputy

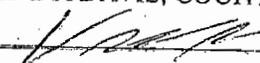
MNDPN/SBA/2/11/03
REV. sba 1/9/06

ENDORSED

MAR 06 2007

REGINA ALCOMENDRAS, County Clerk-Recorder
Santa Clara County
By  Deputy

POSTED ON 3-6-07 THROUGH 3-26-07
IN THE OFFICE OF THE COUNTY CLERK-RECORDER
BRENDA DAVIS, COUNTY CLERK

BY  DEPUTY

VERONICA AGUIRRE

**DRAFT
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: 1172 Murphy Avenue

PROJECT FILE NUMBER: GP05-04-09

PROJECT DESCRIPTION: A General Plan amendment request to change the Land Use/Transportation Diagram designation from Combined Industrial/Commercial to Neighborhood/Community Commercial on 0.8 acres and High Density Residential (25 – 50 dwelling units per acre) on 3.2 acres of an approximately 4.0-acre site.

PROJECT LOCATION & ASSESSORS PARCEL NO.: South side of Murphy Avenue, approximately 550 feet easterly of Old Oakland Road (1172, 1180 and 1188 Murphy Avenue); APN 241-17-009.

COUNCIL DISTRICT: 4

APPLICANT CONTACT INFORMATION: Bob Dhillon, 2705 Peachwood Court, San Jose, CA 95132, 408-568-0034.

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** - The project will not have a significant impact on this resource, therefore no mitigation is required.
- II. AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.

III. AIR QUALITY - The project will not have a significant impact on this resource, therefore no mitigation is required.

IV. BIOLOGICAL RESOURCES - The project will not have a significant impact on this resource, therefore no mitigation is required.

V. CULTURAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

VI. GEOLOGY AND SOILS - The project will not have a significant impact on this resource, therefore no mitigation is required.

VII. HAZARDS AND HAZARDOUS MATERIALS - The project will not have a significant impact on this resource, therefore no mitigation is required.

VIII. HYDROLOGY AND WATER QUALITY - The project will not have a significant impact on this resource, therefore no mitigation is required.

IX. LAND USE AND PLANNING – The project will not have a significant impact on this resource, therefore no mitigation is required.

X. MINERAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

XI. NOISE - The project will not have a significant impact on this resource, therefore no mitigation is required.

XII. POPULATION AND HOUSING – The project will not have a significant impact on this resource, therefore no mitigation is required.

XIII. PUBLIC SERVICES – The project will not have a significant impact on this resource, therefore no mitigation is required.

XIV. RECREATION – The project will not have a significant impact on this resource, therefore no mitigation is required.

XV. TRANSPORTATION / TRAFFIC – The project will not have a significant impact on this resource, therefore no mitigation is required.

XVI. UTILITIES AND SERVICE SYSTEMS – The project will not have a significant impact on this resource, therefore no mitigation is required.

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.

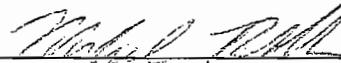
PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **March 27, 2007** any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) 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
- (3) 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

Circulated on: March 7, 2007



Deputy

Adopted on: _____

Deputy

MND/JAC 8/26/05

Dhillon Family Trust
2705 Peachwood Court
San Jose, CA 95132
408-802-4706
satindar@gmail.com

March 26, 2007

Honorable Chair and Members of The City of San Jose Planning Commission
200 East Santa Clara Street
San Jose, CA 95113

RE: General Plan Amendment Proposal # GP05-04-09

Our proposal to change the land use designation on Murphy Avenue from 4.0 acres of Combined Industrial/Commercial to a mix of High Density Residential and Neighborhood/Community Commercial provides a unique opportunity to create a community that offers a live/work lifestyle, a walk to work lifestyle, and the chance to live alongside a golf course setting.

The location of the parcel is what makes it so unique and why it provides so many lifestyle opportunities to the residents that will live there. The highlights of the property are:

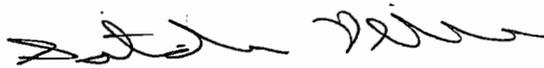
- The eastern boundary is bounded mainly by The San Jose Municipal Golf Course along with a residential neighborhood and agriculture land that is destined to one day become residential
- The western boundary faces the PS Business Park which is characterized by suites occupied by small businesses that are best described as neighborhood serving commercial offices. Typical tenants of the spaces includes places of worship, several travel agencies, a dry cleaner, two restaurants, a fitness center, a language learning center, a wheelchair supply center, two printing an copy shops, two car audio shop, a limousine rental shop, a photographers studio, a community newspaper office, several CPA offices, several real estate and mortgage brokerage offices, several insurance brokerages, and a jewelry store. This creates a perfect walk to work situation for small business owners and not just employees of larger corporations as is typically the case.
- A large shopping center, including a full size grocery store, exists across Murphy Avenue and will serve the residents of the development.
- Over 25 acres have already been approved for the same designation on the SW comer of Brokaw and Oakland Road which just on the other side of the street from the PS Business Park. This is not a domino effect because this application was actually filed *after* the GP Amendment proposal that is in front of you. Approval of this GP amendment proposal will eliminate a single tenant industrial property that is no longer appropriate in a mixed use neighborhood.

- The building that exists on the land is old and obsolete. The few tenants that occupy the building are a large banquet hall and a few small businesses that rent spaces on a month to month basis. The existence of the banquet hall has become a very controversial subject within the neighborhood and with the operating conditions that are currently imposed it is unlikely that any operator will be successful at the location. The other tenants within the building are not considered driving industries and if they have to relocate they will most likely do so within a mile of the current location at one of the numerous vacant industrial spaces. The cost to run the building is enormous due to high utility costs and high maintenance costs. The building is on the verge of economic and physical obsolescence.
- The site is located on a major arterial which gives it easy access to three freeways and will not increase traffic flow through the existing residential neighborhoods. The shape of the parcel also gives residences a private and secluded feel even though it is located on a major arterial.

At this time there is no Zoning application on file but we have prepared a conceptual site plan and conceptual elevation views to give a ballpark idea of what we will be developing on the site and how it will interface with the adjacent parcels, streets, and public parks. The Eastern boundary has trees alongside it that are at an average height of 50 feet which will screen the building from the existing and future residential developments along the boundary. The interface with the boundary with the PS Business Park will consist of ground floor commercial retail and live/work units which will preserve the commercial feel of the park overall.

With all due respect to The Staff of The Planning Department, we disagree with the staff's recommendation and analysis of this GP Amendment Proposal. The project actually meets the guidelines that The Planning Department has laid out when considering conversions from industrial land use designations to residential land use designations. The project fits The North San Jose Policy well because it provides housing next to existing residential districts where residential support services are already in place and will support the additional residents. Please review the attached document so you can better understand how well the project fits the criteria laid out by The Planning Department.

Sincerely,



Satindar Dhillon

Evaluation of the Conversion of Murphy Property as it Relates to, “Framework, as a Guideline, to Evaluate Proposed Conversions of Employment Lands to Other Uses”

2. Subareas to consider for conversion to housing, retail, mixed use, or other Household

Serving Industries only in certain circumstances.

- As the employment areas intensify in North First Street and Edenvale 1, respectively, then opportunities for intensive development of supportive uses may be considered in the following subareas:

North First Street

North San Jose 2

North San Jose 3

North San Jose 4

North San Jose 6

Edenvale 1

- *North San Jose 5 subarea (east of I-880):* Consider housing, retail, or other Household Serving Industries only in areas that are close to existing residential areas and areas that could be integrated into a neighborhood framework.

Murphy project lies within this sub-area and meets the criteria listed above. Property is adjacent to an existing residential area, adjacent to public open space, in close proximity to San Jose schools, and adjacent to neighborhood commercial (including a grocery store). All of these conditions create a scenario that makes integration into a neighborhood framework possible.

3. Subareas to preserve for Driving and Business Support Industries.

- *North San Jose 1*
- *Airport*
- *Central San Jose 2*
- *Northeast San Jose (west of Coyote Creek)*
- *North San Jose 5 west of I-880 (i.e., North San Jose 4)*
- *Monterey Corridor 1*
- *Monterey Corridor 2*
- *Monterey Corridor 3*
- *Monterey Corridor 4*
- *Edenvale 2*
- Potential conversions should generally be discouraged, and only be considered for approval in subareas where conversions of industrial lands may:

- Complete a transition to existing neighborhoods within or adjacent to the subarea, or
- Buffer and provide uniformity to existing neighborhoods within or adjacent to the subarea, or
- Further the City's smart growth policies, or
- Aid in revitalizing declining neighborhoods within or adjacent to the subarea.

Property lies within the North San Jose 5 Sub-Area but East of I-880. Framework guidelines dictate that properties West of I-880 should be preserved for driving industries. This preservation does not apply to the subject property.

4. Criteria for the evaluation of proposed conversions to housing, mixed use, retail, and/or other Household-Serving Industries.

- Conversion to Residential or Mixed Residential/Commercial Use

A. Economic contribution of the subarea: What is the economic contribution of the subarea to the San Jose and Silicon Valley economy and job base? How is the subject site currently occupied and used? Is the subject site currently used to its full potential for contributing to the San Jose economy or job base? How would this economic contribution be enhanced or reduced by the proposed conversion?

Sub-Area consists mainly of residential, including high density residential, and neighborhood commercial centers. A General Plan Amendment has been approved less than one block from the subject site that called for the conversion of over 25 acres of land to high density residential. The site adjacent to the subject property is zoned as an industrial park but the majority of the tenants in the park are in industries such as accounting, real estate, insurance brokers, a church, and a fitness center. These are tenants that are usually found in neighborhood commercial centers and not typically an industrial park comprised of tenants that are mainly serving driving industries. The current tenants serve mainly neighborhood needs. The benefits of having residential adjacent to these tenants include the ability to create a scenario where residents are able to walk to work and also increases the customer base for the existing tenants.

Currently the subject site is used primarily as a banquet hall along with small offices. The operating costs of running the offices are extraordinarily high due to the low vacancy and the condition of the building. Under the current situation the building can't be operated for very much longer. The proposed conversion will add up to 11,000 square feet of commercial space as well as create an opportunity to develop live/work units.

B. Consistency with City Policies and Strategies: How does the proposed conversion and specific proposed use(s) and intensities advance the City's policies and strategies as contained in the General Plan, Specific Plans, and other strategic documents?

The proposed conversion supports the North San Jose policy because the policy focuses on placing development near existing house sites where residential support services are available. The site meets that criteria perfectly because it is adjacent to an existing neighborhood with a variety of housing types, adjacent to neighborhood commercial centers, adjacent to an office park, and adjacent to a large public park.

Although the site was not specifically identified in the North San Jose policy as a site that could be converted to residential it meets the criteria better than any other property within San Jose and was overlooked when the policy was drafted.

C. Proximity to existing neighborhoods and areas in transition: How would the new residential/mixed use knit with adjacent existing or planned residential and/or retail uses, and/or fill-in gaps in areas already partially converted or transitioning to residential use? Does the proposed conversion eliminate small islands or peninsulas of industrially designated/zoned land that would be suitable for conversion to residential to make them consistent with surrounding uses?

Since the site is adjacent to a residential neighborhood it will not create a peninsula but only expand the boundary of the neighborhood. Access to the site is from a major arterial and will not add any new traffic within existing neighborhoods. The shape of parcel also creates a situation where new residences will be readily accessible from a major street but will still have the privacy and views of the adjacent golf course.

D. Proximity to incompatible employment uses (e.g., manufacturing, recycling, etc.): Where are the nearest incompatible industrial areas which might generate impacts due to hours of operation, deliveries, noise, odors, hazardous materials, etc.? How might the new residential use put pressure on the existing industrial uses to modify their operations?

No incompatible employment uses exist near the site. The adjacent industrial park is characterized as mainly a commercial office center. Most of the tenants in the park rent spaces there because they live near the site. The addition of residential units next to the site will create a perfect live/work opportunity.

E. Potential inducement of additional conversions to residential use? How might the proposed residential use induce or pressure adjacent or nearby properties to convert to residential use?

Surrounding properties are mainly residential already. The adjacent industrial site has a relatively low vacancy rate and conversion of the site is highly unlikely because it would not be financially beneficial to the property owner.

F. Proximity to transit service: Is the proposed housing site within 3000 feet of a planned BART Station or 2000 feet of an existing, funded or planned Light Rail Station?

Site is along two major bus routes that can transport residents to a light rail station within minutes.

G. Proximity to compatible employment uses (e.g., office/R&D): Where are the nearest existing or planned employment areas with compatible land use characteristics, thereby creating potential alternate commute (walk/bike to work) opportunities?

Site is adjacent to PS Business Park which is mainly characterized by commercial offices. Residents will be able to walk to work in less than a minute.

H. Availability of neighborhood services, and residential and commercial mixed use drivers: Where are the nearest existing and/or planned neighborhood serving retail, parks, libraries, schools, open space/trails, etc.? How would the proposed conversion potentially enhance city services (e.g., by creating or improving neighborhood parks)? How would the proposed residential conversion potentially strengthen neighborhood and general commercial uses in the area by adding resident population? Does the proposed conversion involve a mixed residential and commercial development on the site?

Existing and planned neighborhood retail exists within less than a quarter mile in every direction. A large portion of the perimeter of the site is bounded by The San Jose Municipal Golf Course which will create a beautiful view for residents. The conversion of the site will improve general commercial at the adjacent business park by adding a resident population that can walk to work within minutes. The proposed conversion does include commercial development within the site.

I. Public Benefit: Does the proposed conversion offer or facilitate a unique and significant public benefit (e.g., the delivery of or significant contribution toward public facilities, public improvements, infrastructure, or affordable housing beyond what would be required to serve the proposed development associated with the conversion)? Would the conversion result in improvements to a blighted area or contribute to the variety of housing types, including rental or ownership, in areas that have predominantly one or the other? Are there other any means to obtain this extraordinary public benefit without the conversion?

The greatest public benefit that this site will provide is the ability of residents to be able to walk to work and also the opportunity to provide live/work units.

J. Adequacy of Fire/Police service levels: What are the anticipated service levels or other public safety performance measures to serve the proposed housing area?

Fire/Police service levels are anticipated to be adequate for the area.

K. Utilization of bicycle and pedestrian facilities, and promote pedestrian access: Where are the nearest existing and planned bicycle and pedestrian facilities? How does the proposed residential/mixed use development support nearby jobs and commercial lands by promoting pedestrian access and minimizing vehicle trips?

Bike lanes, sidewalks, and bus stops are all readily accessible from the site. By providing housing near jobs the number of vehicle trips will be reduced because residents have plenty of alternate ways to commute to work.

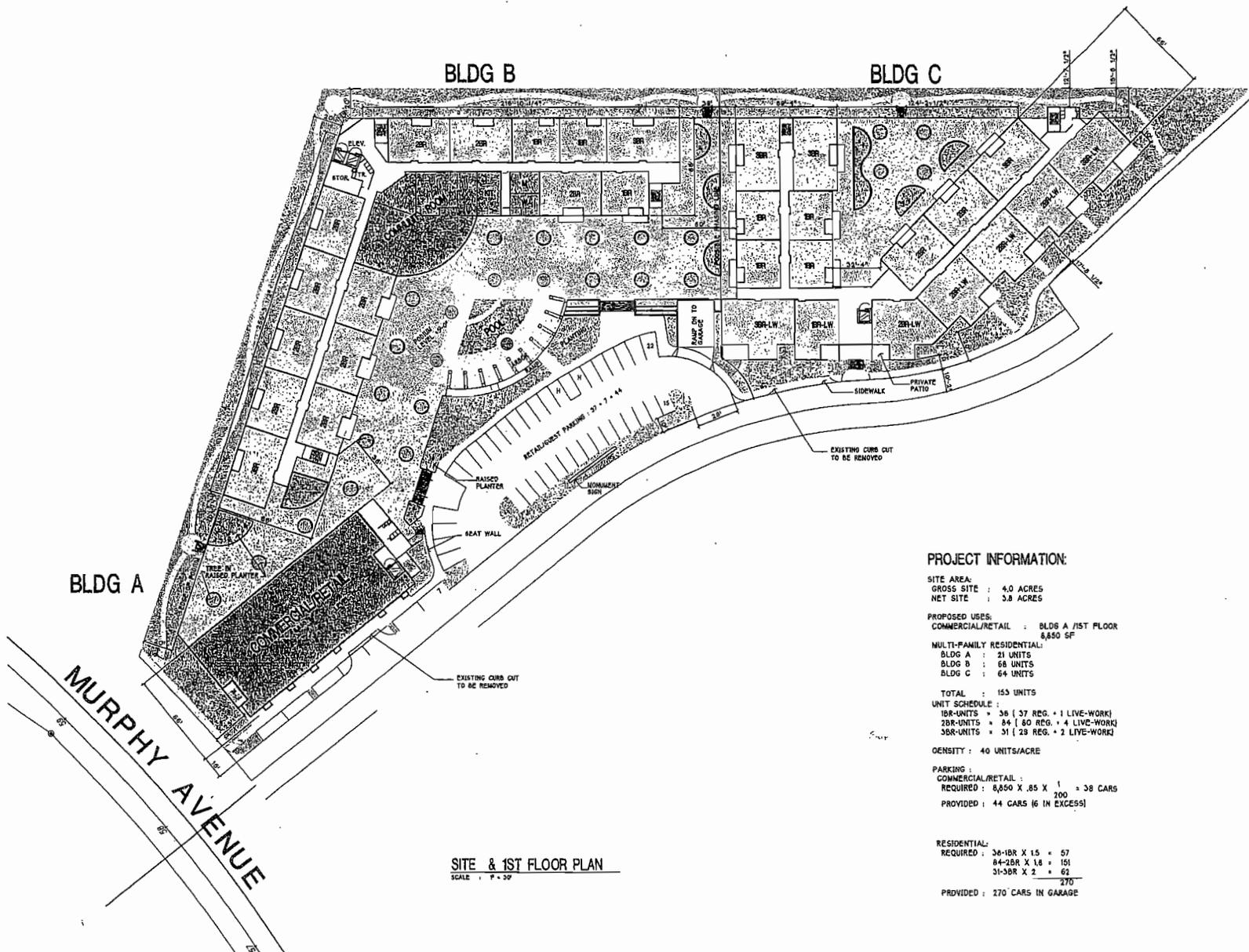
L. Potential environmental impacts and mitigation measures, including adequacy of other public infrastructure:

What are the potential environmental impacts and are mitigation measures included in the proposal? What public improvements are necessary to serve the new housing area?

Environmental impacts have been found to be less than significant. Minimal public improvements will be required to serve the site.

M. Potential fiscal impact: What is the potential fiscal impact on City revenue and service costs?

Property Tax revenue from the residential units will be increased. Sales Tax revenue from the neighborhood commercial portion will also be increased.



SITE & 1ST FLOOR PLAN
 SCALE : 1/8" = 1'-0"

PROJECT INFORMATION:

SITE AREA:
 GROSS SITE : 4.0 ACRES
 NET SITE : 3.8 ACRES

PROPOSED USES:
 COMMERCIAL/RETAIL : BLDG A /1ST FLOOR
 8,850 SF

MULTI-FAMILY RESIDENTIAL:
 BLDG A : 21 UNITS
 BLDG B : 68 UNITS
 BLDG C : 64 UNITS

TOTAL : 153 UNITS

UNIT SCHEDULE :
 1BR-UNITS = 36 (37 REG. + 1 LIVE-WORK)
 2BR-UNITS = 84 (80 REG. + 4 LIVE-WORK)
 3BR-UNITS = 31 (29 REG. + 2 LIVE-WORK)

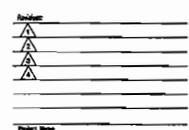
DENSITY : 40 UNITS/ACRE

PARKING :
 COMMERCIAL/RETAIL :
 REQUIRED : 8,850 X .85 X 1 = 38 CARS
 200
 PROVIDED : 44 CARS (6 IN EXCESS)

RESIDENTIAL:
 REQUIRED : 36-1BR X 15 = 57
 84-2BR X 18 = 151
 31-3BR X 2 = 62
 270

PROVIDED : 270 CARS IN GARAGE

PRELIMINARY DESIGN



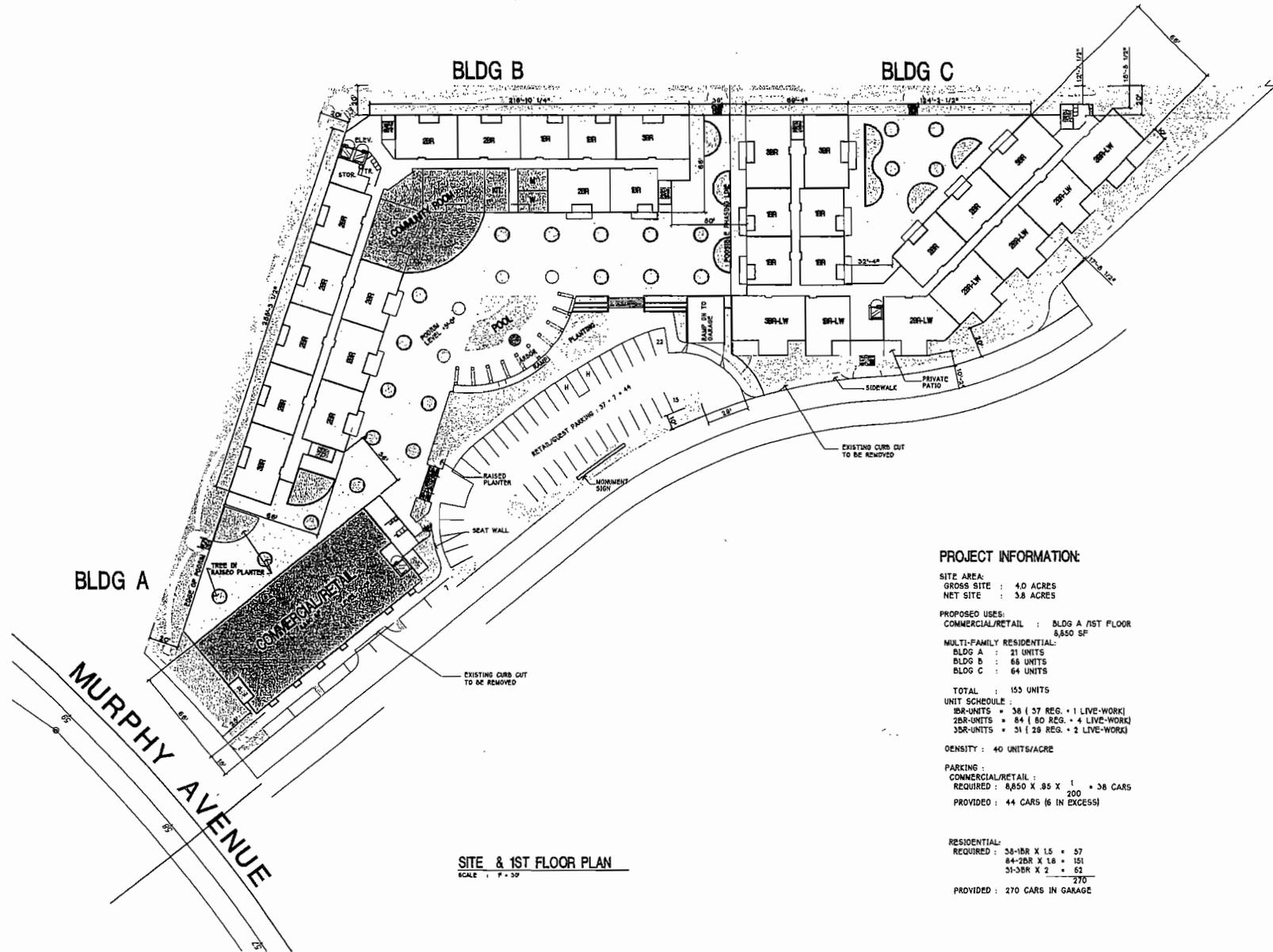
MURPHY PLACE
 A MIXED USE DEVELOPMENT
 MURPHY AVENUE
 SAN JOSE, CALIFORNIA

Project No: _____ Date: 12-18-2008
 Sheet No: _____

SITE & 1ST FLOOR PLAN

Scale: 1/8" = 1'-0"
 Sheet No: _____

1B



SITE & 1ST FLOOR PLAN
SCALE : 1" = 30'

PROJECT INFORMATION:

SITE AREA:
GROSS SITE : 4.0 ACRES
NET SITE : 3.8 ACRES

PROPOSED USES:
COMMERCIAL/RETAIL : BLDG A 1ST FLOOR
8,850 SF

MULTI-FAMILY RESIDENTIAL:
BLDG A : 21 UNITS
BLDG B : 68 UNITS
BLDG C : 64 UNITS

TOTAL : 153 UNITS

UNIT SCHEDULE :
1BR-UNITS = 38 (37 REG. + 1 LIVE-WORK)
2BR-UNITS = 84 (80 REG. + 4 LIVE-WORK)
3BR-UNITS = 31 (28 REG. + 2 LIVE-WORK)

DENSITY : 40 UNITS/ACRE

PARKING :
COMMERCIAL/RETAIL :
REQUIRED : 8,850 X .85 X 1 = 38 CARS
PROVIDED : 44 CARS (6 IN EXCESS)

RESIDENTIAL:
REQUIRED : 38-1BR X 1.5 = 57
84-2BR X 1.8 = 151
31-3BR X 2 = 62
270
PROVIDED : 270 CARS IN GARAGE

PRELIMINARY DESIGN

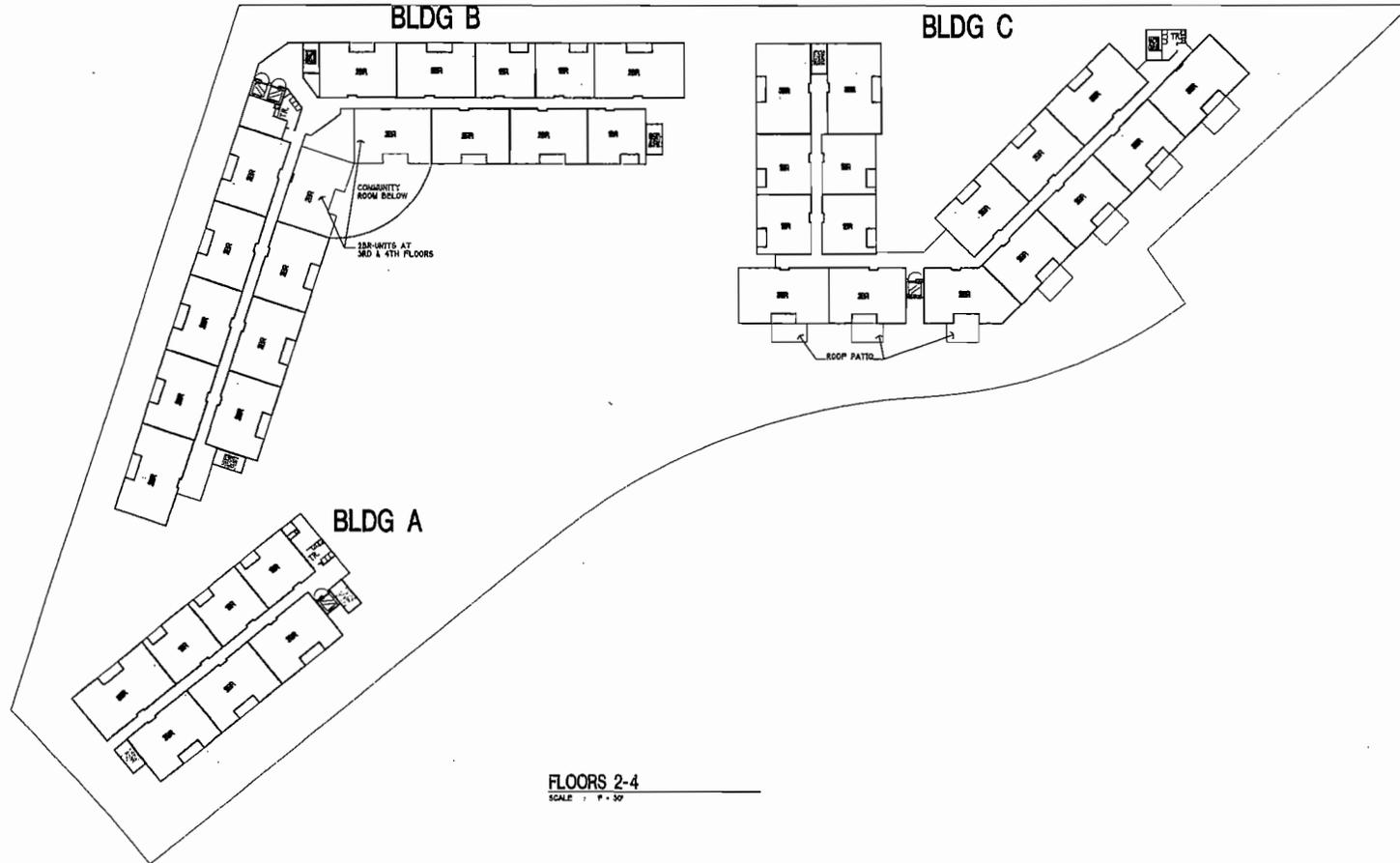


MURPHY PLACE
A MIXED USE DEVELOPMENT
MURPHY AVENUE
SAN JOSE, CALIFORNIA

Project No: _____ Date: 12-29-2006
Sheet Title: _____

SITE & 1ST FLOOR PLAN

Scale: 1" = 30'
Sheet No: _____



PRELIMINARY DESIGN

Revisions	_____
▲	_____
▲	_____
▲	_____
_____	_____
_____	_____

Project Name
MURPHY PLACE
A MIXED USE DEVELOPMENT
MURPHY AVENUE
SAN JOSE, CALIFORNIA

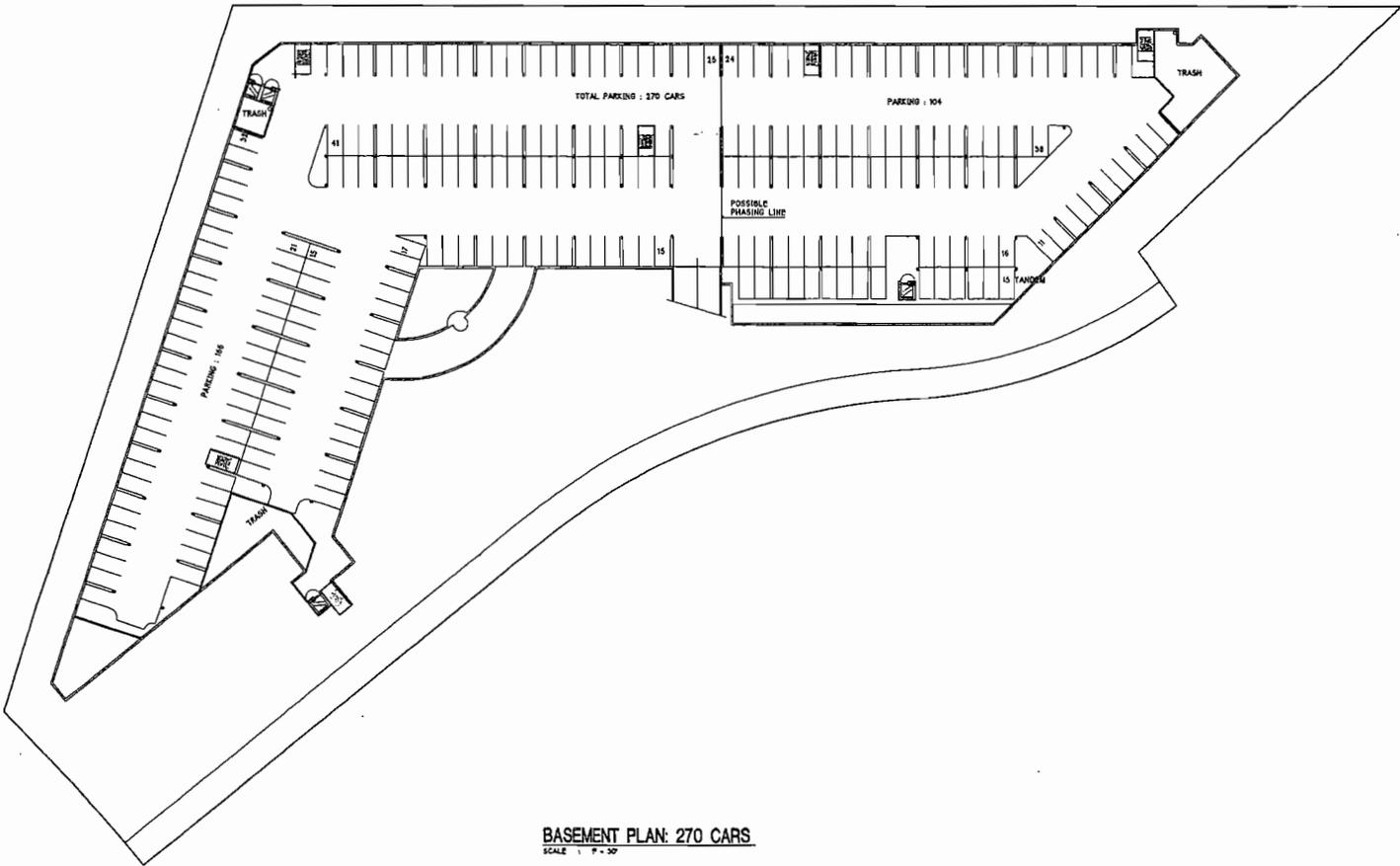
Project No. _____ Date: 12-28-2009
Sheet Title

UPPER FLOOR PLANS

Scale: 1/8" = 1'-0"
Sheet No.

2B

of _____ Sheets



BASEMENT PLAN: 270 CARS
 SCALE : 1/8" = 1'-0"

PRELIMINARY DESIGN DESIGN

Architect	_____
Client	_____
Contractor	_____
Engineer	_____
Inspector	_____

Project Name: **MURPHY PLACE**
 A MIXED USE DEVELOPMENT
 MURPHY AVENUE
 SAN JOSE, CALIFORNIA

Project No. _____ Date: 12-18-2005
 Sheet Title: _____

BASEMENT PLAN

Scale: 1/8" = 1'-0"
 Sheet No. _____

3B

of _____

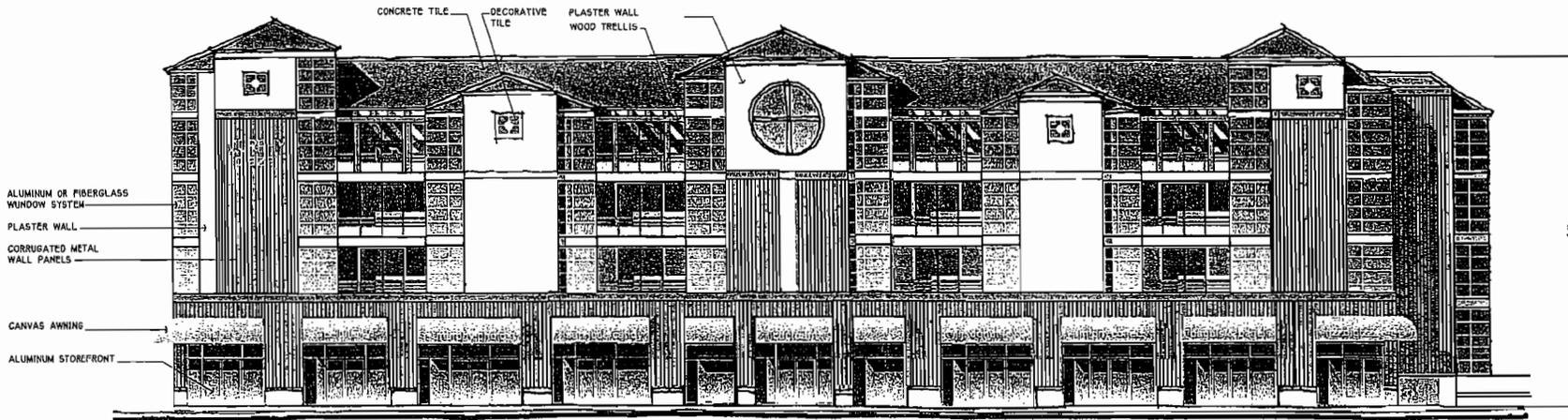
130
 464
 847
 849
 1-2001

ACE
 DEVELOPMENT
 1400
 100000
 12-18

LAN



ELEVATION - BUILDING C
SCALE : 1/8" = 1'-0"



ELEVATION - BUILDING A
SCALE : 1/8" = 1'-0"

PRELIMINARY DESIGN

Revisions:
 1. _____
 2. _____
 3. _____
 4. _____

Project Name
MURPHY PLACE
 A MIXED USE DEVELOPMENT
 MURPHY AVENUE
 SAN JOSE, CALIFORNIA

Project No. _____ Date 12-18-2003
 Draw No. _____

SITE PLAN

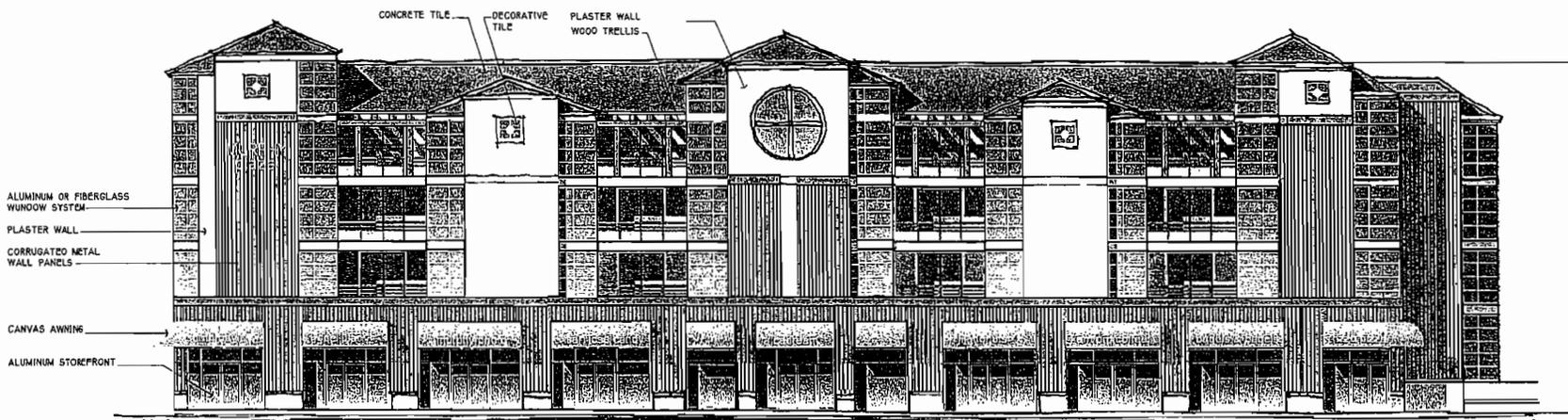
Scale 1" = 50'
 Sheet No. _____

of _____ Sheets



ELEVATION - BUILDING C

SCALE : 1/8" = 1'-0"



ELEVATION - BUILDING A

SCALE : 1/8" = 1'-0"

PRELIMINARY DESIGN

Number	Description
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

Project Name:
MURPHY PLACE
A MIXED USE DEVELOPMENT
MURPHY AVENUE
SAN JOSE, CALIFORNIA

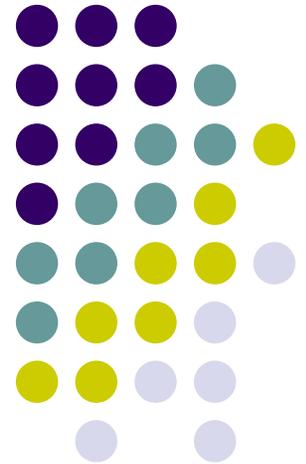
Project No. _____ Date: 11-18-2009
Sheet No. _____

SITE PLAN

Scale: 1/8" = 1'-0"
Sheet No. _____

Sheet No. _____

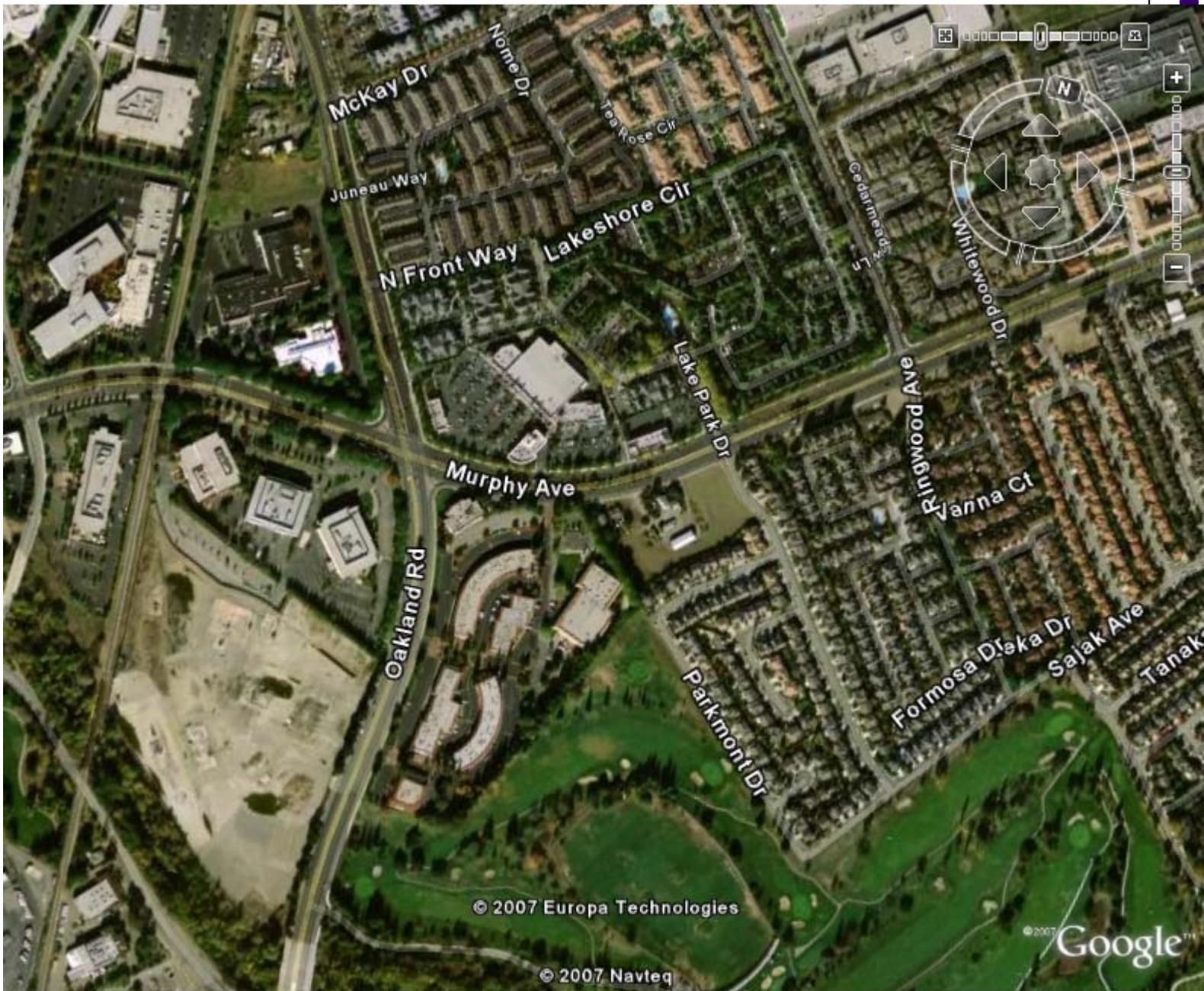
General Plan Amendment 1180 Murphy Avenue



Surrounding Properties



- Residential and public golf course to east
- Neighborhood office park and high density residential to west
- Golf course to the south
- Neighborhood Commercial including a major grocery store and residential to north



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Character of Neighborhood



- PS Business park consists of neighborhood serving offices
- No driving or supporting industrial uses exist in the area
- Apartment rental units
- Mixed Industrial Overlay was added in 1995 because of the changing character of the neighborhood

Typical Neighboring Businesses



- Restaurants
- Places of Worship
- Dry Cleaner
- Real Estate and Loan Offices
- Fitness Center
- Language Learning Center
- Title Company
- Printing Shops
- Small Accounting Firms
- Travel Agencies
- Limousine Rental Service
- Wheelchair Retail Sales
- Photography Studio
- Insurance Brokerages
- Jewelry Store
- Car Audio Installations
- Community Newspaper Office

Traffic Impacts and Accessibility



- 2 points of entry from Oakland Road
- 1 point of entry from Murphy Avenue
- Readily accessible from 101, 880, and 680
- I.S. shows no significant impact on traffic

North San Jose Policy



- Residential conversions are supported on sites next to existing residential and where support services are available
- Adjacent to residential
- Across the street from Grocery Store
- Meets conversion criteria better than other sites identified for residential (Sony, Cisco, etc.)

Framework Guidelines



- Meets most of the criteria used when evaluating conversions to residential
- North San Jose Sub Area 5 East of I-880 is specifically identified as an area where residential conversions should occur
- No additional residential support services will be required

Summary



- Site is not considered prime industrial land
- Neighborhood has changed dramatically over the last 20 years – No industrial uses exist
- Retail component and Live/Work units will create a good interface with the PS Business Park to create a community that integrates living spaces and work spaces.
- We ask you to support this proposal!