



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** May 4, 2007

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**COUNCIL DISTRICT:** 6  
**SNI AREA:** N/A

**SUBJECT:** GP06-T-04. GENERAL PLAN TEXT AMENDMENT REQUEST TO REVISE THE TEXT OF THE GENERAL PLAN AS IT RELATES TO THE URBAN DESIGN POLICIES TO ALLOW AN INCREASE IN THE MAXIMUM BUILDING HEIGHT FROM 50 FEET TO 65 FEET ON 53 ACRES AT THE VALLEY FAIR SHOPPING MALL SITE, BOUNDED BY FOREST AVENUE TO THE NORTH, STEVENS CREEK BOULEVARD TO THE SOUTH, WINCHESTER BOULEVARD AND CITY OF SANTA CLARA TO THE WEST, AND STATE ROUTE 17 TO THE EAST.

## **RECOMMENDATION**

The Planning Commission voted 6-0-0 to recommend approval of the subject General Plan text amendment request.

## **OUTCOME**

If approved, the proposed General Plan text amendment would allow a maximum building height of 65 feet at the Valley Fair Shopping Mall site.

## **BACKGROUND**

On May 2, 2007, the Planning Commission held a public hearing to consider the proposed General Plan text amendment. The Director of Planning, Building and Code Enforcement recommended approval.

## **ANALYSIS**

Staff commented on additional correspondence received by email dated May 2, 2007, from Kirk Vartan, a resident of District 6. Mr. Vartan expressed concern about the validity of the traffic study that was completed as part of the Environmental Impact Report (EIR) for the proposed text amendment and pending site development permit. In particular, Mr. Vartan, commented on congestion issues with the I-880/I-280/State Route 17 interchange, the project's relationship to the Bay Area Research Extension Center (BAREC) property west of the Valley Fair site, and cumulative impacts to the area as a whole. He also expressed interest in the possibility of a pedestrian overpass

connecting Valley Fair and Santana Row. Staff responded that the traffic analysis was covered in the EIR, which was certified by the Planning Commission on April 25. No appeal was filed, so the issue as it relates to the validity of the traffic study is closed. Comments about not allowing new development to occur until the I-880/I-280/State Route 17 interchange is improved can be considered for discussion at the Site Development Permit hearing. The Stevens Creek pedestrian overpass was discussed at the EIR certification hearing last week, and though it is not a relevant issue for this General Plan text amendment hearing, it can be raised again at the future Site Development Permit hearing. Cumulative impacts to the site area are accounted for in traffic studies and project analysis, and are addressed in the EIR. Comments about the BAREC property are not relevant to the General Plan text amendment discussion, but can be directed to the City Council to consider if San Jose will take any action related to the BAREC property.

Scott Vallee, the applicant, commented that the additional height is essential for design of retail store interior heights and modern parking garages to accommodate the number of expected vehicles that the new square footage would attract. Mr. Vallee also commented on landscaping, planting and public access improvements that would be implemented as part of the Site Development Permit to reduce the perception of massing for pedestrians on Stevens Creek Boulevard.

Commissioner Zito, acknowledging that site design and improvements were not relevant to the General Plan text amendment hearing, expressed his interest in the pedestrian bridge concept as a reasonable request from the community which would result in increased economic vitality for both sites. He requested that it be considered during subsequent application review processes. Staff responded that the additions and improvements currently going forward through the pending Site Development Permit application do not include a pedestrian overpass, but that many more studies would occur over time as Valley Fair and Santana Row continue to mature and street sections change, allowing for future consideration of the pedestrian bridge concept.

The proposed General Plan text amendment request is consistent with the Economic Development and Sustainable City Major Strategies, as well as the Commercial Land Use and Balanced Community goals and policies in the General Plan. Approval of this General Plan text amendment will enhance the City's ability to provide community-serving retail services, preserve employment opportunities, maintain a diverse economy, and provide long-term growth potential for a tax base.

### **POLICY ALTERNATIVES**

Not applicable.

### **PUBLIC OUTREACH/INTEREST**

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a

Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Property owners and occupants located within a 1,000-foot radius of the subject site received a notice of public hearings to be held on the subject General Plan amendment before the Planning Commission on May 2, 2007 and City Council on May 22, 2007. The Department of Planning, Building and Code Enforcement web site also contains information regarding the General Plan process, amendments, staff reports, and hearing schedules. This web site is available with the most current information regarding the status of the General Plan amendments.

A community meeting was held on July 19, 2006 for the associated Site Development Permit (File No. H06-027). Meeting attendees expressed concern about impacts caused by the existing shopping center, and the proposed expansion, on adjacent residential neighborhoods to the north and west, and on the residential/commercial area to the south. Topics discussed included concerns about traffic, noise, parking in the neighborhoods by mall customers and construction employees, and intersection/freeway impacts. These concerns have been addressed in the Environmental Impact Report as well as through design objectives in the pending Site Development Permit.

#### **COORDINATION**

Review of this General Plan amendment was coordinated with the Public Works Department, Fire Department, the City Attorney's Office and Valley Transportation Authority.

#### **FISCAL/POLICY ALIGNMENT**

This project is consistent with General Plan policies as discussed in the attached staff report.

#### **COST SUMMARY/IMPLICATIONS**

Not applicable.

#### **BUDGET REFERENCE**

Not applicable.

#### **CEQA**

An Environmental Impact Report for GP06-T-04 and H06-027 was certified on April 25, 2007.

JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions please contact Licinia McMorrow, Department of Planning, Building and Code Enforcement at 535-7800.