



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: May 30, 2006

COUNCIL DISTRICT: 8
SNI AREA: N/A

SUBJECT: GP05-08-02 and C05-125. THE ITEMS BEING CONSIDERED ARE LOCATED AT THE SOUTHWEST CORNER OF CAPITOL EXPRESSWAY AND TULLY ROAD.

- 1. GENERAL PLAN AMENDMENT REQUEST TO CHANGE THE LAND USE/TRANSPORTATION DIAGRAM DESIGNATION FROM INDUSTRIAL PARK TO REGIONAL COMMERCIAL ON A 1.4 ACRE-PORTION OF A 7.0-ACRE PARCEL.**
- 2. ADOPTION OF A RESOLUTION OVERRIDING A DETERMINATION BY THE SANTA CLARA COUNTY AIRPORT LAND USE COMMISSION THAT CONFORMING REZONING FILE No. C05-125, IS INCONSISTENT WITH THE *Land Use Plan for Areas Surrounding Santa Clara County Airports*.**
- 3. CONFORMING REZONING FROM A AGRICULTURE ZONING DISTRICT TO IP INDUSTRIAL PARK ON 4.2 ACRES AND CG COMMERCIAL GENERAL ZONING DISTRICT ON 2.8 ACRES TO ALLOW INDUSTRIAL AND COMMERCIAL USES ON A 7.0 GROSS-ACRE SITE.**

RECOMMENDATION

1. General Plan Amendment

Tentative approval of General Plan Amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to Regional Commercial on a 1.4-acre portion of a 7.0 acre parcel located at the southwest corner of Capitol Expressway and Tully Road. (General Growth Properties, LLC, Owner/Rajyer Properties, Applicant) CEQA: Mitigated Negative Declaration adopted on May 24, 2006. SNI: N/A. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval to change the existing General Plan Land Use/Transportation Diagram from Industrial Park to Regional Commercial on a 1.4-acre site located at the southwest corner of Capitol Expressway and Tully Road. (5-0-1, Platten absent).
GP05-08-02 – District 8.

2. Override of Airport Land Use Commission Determination

Adoption of a resolution overriding a determination by the Santa Clara County Airport Land Use Commission that Conforming Rezoning File No. C05-125, relating to this property, is inconsistent with

the policies found in the Land Use Plan for Areas Surrounding Santa Clara County Airports. (Planning, Building and Code Enforcement).

As noted in the Planning's staff report for this item (provided to Council under separate transmittal), California Public Utilities Code (CPUC) Section 21676 requires that the City forward proposed General Plan Amendments and Rezoning to the Airport Land Use Commission (ALUC) for review and a determination of consistency or inconsistency with the ALUC's land use plan, with which provisions the Administration has complied. The initial referral letter was sent to ALUC on December 21, 2005. A second referral with more detail information was sent on February 8, 2006. ALUC heard this item in their hearing on April 26, 2006. Staff received a letter on April 28, 2006 with their recommendation on the General Plan amendment and Conforming Rezoning. The ALUC determined that the General Plan amendment (File No. GP05-08-02) was consistent with their policies as defined in the Land Use Plan for Areas Surrounding Santa Clara County Airports, with the following conditions:

1. Property owner grant an avigation easement for APN 491-04-046 to the County of Santa Clara for Reid-Hillview Airport in accordance with Policy G-3.
2. When specific development projects are proposed, all development shall be located outside Reid-Hillview Airport South Safety Area I.
3. When specific development projects are proposed, height restrictions on the project area shall be imposed in conformance with the FAA Part 77 Imaginary Surface in effect at the time, regardless of any Non Hazard determination by the FAA.

Conforming Rezoning File No. C05-125 was determined to be inconsistent with ALUC policies, as defined in the Land Use Plan for Areas Surrounding Santa Clara County Airports, because the rezoning would allow incompatible land uses within Reid-Hillview Airport South Safety Area I. The requirements of South Safety Area I state that no new objects should be permitted to be erected above the elevation of the primary runway surface. The proposed rezoning from A Agriculture Zoning District to IP Industrial Park and CG Commercial General Zoning Districts would allow both industrial and commercial uses on the site.

CPUC Section 21676 allows the City to override (by a 2/3rds vote of the Council) the ALUC's determination on inconsistency with the ALUC land use plan if the Council finds that its action is consistent with the purposes of this State law, which is to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards around airports. Pursuant to state law, the Planning Division has provided at least 45 days notice to the ALUC of the proposed override action, together with a proposed decision and findings. Planning staff mailed a resolution indicating their intentions to request overriding ALUC's determination. Planning staff has not received any comments as of today.

Planning staff recommends that the City Council adopt a resolution to override the determination of inconsistency with the ALUC land use plan found by the ALUC. First of all, because the proposed 2.8-acre area to be rezoned to Commercial General is located outside of the ALUC safety areas. As such, buildings constructed in this portion of the project site should be consistent with the ALUC safety policies. In addition, the ALUC's finding of inconsistency is also based on inaccurate assumptions as it relates to the westerly 5.6-acre portion of the site to be rezoned to IP-Industrial Park, which is within Area I of the South Safety Area. The Commission stated their assumption that buildings would be constructed to support future development in the IP Zoning District. In fact, the proposed rezoning does not approve

any specific development. The current application is a rezoning and not a development permit. Upon review of a subsequent development permit, the City will take into consideration all relevant ALUC policies. Staff believes that there are subsequent development opportunities that would comply with ALUC policies. In particular, automobile parking is identified as a use consistent with ALUC policies for Area I of the South Safety Area, a use that does not require the construction of any buildings. For these reasons, Planning staff believes that the proposed rezoning is consistent with the purposes of State law to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards around airports.

3. Rezoning

Consideration of an ordinance rezoning the real property located at the southwest corner of Capitol Expressway and Tully Road (General Growth Properties, LLC, Owner) from A Agricultural Zoning District to IP Industrial Park on 4.2 acres and CG Commercial General Zoning District on 2.8 acres to allow industrial and commercial uses on a 7.0 gross-acre site. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (5-0-1, Platten absent). CEQA: Mitigated Negative Declaration adopted on May 24, 2006.

C05-125 – District 8

BACKGROUND

On May 24, 2006, the Planning Commission held a public hearing to consider a privately-initiated General Plan amendment request, File No. GP05-08-02, to change the General Plan Land Use/Transportation Diagram designation from Industrial Park to Regional Commercial, and a Conforming Rezoning, File No. C05-125, from A Agricultural to CG Commercial General. The Director of Planning, Building and Code Enforcement recommended approval of the General Plan amendment and Conforming Rezoning application.

At the hearing, staff briefly explained the proposed amendment.

Commissioner Dhillon asked the applicant to clarify the project description. The applicant's representative, Tom Armstrong of HMM Engineers, clarified the location on the site of both applications.

Commissioner Campos asked if there was any concern in terms of traffic. Staff responded that the Department of Transportation had provided a memo indicating that the General Plan amendment was exempt from a computer model run for traffic analysis. In addition, staff mentioned that the Department of Public Work had indicated that a near-term traffic impact analysis was required prior to development.

Commissioner Zito asked about the difference between this project and a previously denied project located west of the subject site also within the Airport Safety Area. Staff responded that the previous project proposed one and two story buildings within the Safety Area. There is no development proposal on file to compare to that project. Commissioner Zito also asked that if the General Plan and Conforming Rezoning were to be approved, would there be future opportunities for the ALUC to comment on development permits. The City Attorney responded that General Plan and Rezonings are subject to be referred to the Airport Land Use Commission but not development permits.

The public hearing was then closed.

May 30, 2006

Subject: GP05-08-02 & C05-125

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ALTERNATIVES

Not applicable.

PUBLIC OUTREACH

Public outreach has been conducted in conformance with the City's Outreach Policy. The property owners and occupants within a 1,000-foot radius of the subject site were sent a notice regarding the public hearings with the Planning Commission and City Council. On-site noticing, information on the City's website, and correspondence between staff and community members also occurred.

COORDINATION

The review of this General Plan amendment request was coordinated with the San Jose Department of Public Works, Fire Department, Department of Transportation, Environmental Services Division, Police Department, Building Division, and the Office of Economic Development. This project was also coordinated with the Airport Land Use Commission.

COST IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

Environmental clearance for the proposed General Plan amendment was completed with a Mitigated Negative Declaration, which was adopted on May 24, 2006 by the Director of Planning, Building and Code Enforcement.

Planning staff received comments to the Mitigated Negative Declaration from the State Department of Transportation (DOT), Division of Aeronautics. In summary the comments made by DOT concur with the Santa Clara County Airport Land Use Commission (ALUC) determination concerning this proposal (see attached). The comments do not raise new issues that would affect the validity of the Mitigated Negative Declaration.


for JOSEPH HORWEDEL, SECRETARY
Planning Commission



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

Hearing Date/Agenda Number:
P.C. May 24, 2006 Item: *7a.142*

File Number:
GP05-08-02 and C05-125

Council District and SNI Area:
District 8

Major Thoroughfares Map Number:
84

Assessor's Parcel Number(s):
491-04-046

Project Manager:
Ben Corrales and Reena Mathew

GENERAL PLAN AMENDMENT AND REZONING STAFF REPORT SPRING 2006 HEARING

PROJECT DESCRIPTION:

General Plan amendment request to change the Land Use/Transportation Diagram designation on a 1.4 acre-portion of a 7.0-acre parcel from Industrial Park to Regional Commercial. Conforming Rezoning from A Agriculture Zoning District to IP Industrial Park on 4.2 acres and CG Commercial General Zoning District on 2.8 acres to allow industrial and commercial uses on a 7.0 gross-acre site.

LOCATION: southwest corner of Capitol Expressway and Tully Road

ACREAGE: 7.0

APPLICANT/OWNER:

Rayjer Properties/General Growth Properties, LLC

GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: Industrial Park on 5.6 acres and Regional Commercial on 1.4 acres

Proposed Designation: Industrial Park on 4.2 acres and Regional Commercial on 2.8 acres

ZONING DISTRICT(S):

Existing Designation: Agricultural

Proposed Designation: Industrial Park and Commercial General

SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

North: Reid-Hillview Airport / Public/Quasi-Public

South: Eastridge Mall / Regional Commercial

East: Shopping Center / Neighborhood/Community Commercial

West: Vacant / Industrial Park

ENVIRONMENTAL REVIEW STATUS:

Mitigated Negative Declaration circulated on April 24, 2006.

PLANNING STAFF RECOMMENDATION:

Industrial Park and Regional Commercial General Plan Land Use/Transportation Diagram designations and Industrial Park and Commercial General Zoning Districts

Approved by:

Date:

May 17, 2006

PLANNING COMMISSION RECOMMENDATION:

CITY COUNCIL ACTION:

CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:

Memoranda received for the General Plan amendment request:

- San Jose Fire Department, Bureau of Fire Prevention indicated on January 3, 2006 that comments will be provided with subsequent permit applications.
- The Roads and Airports Department of the County of Santa Clara provided a memorandum on January 4, 2006 indicating that any commercial facility should not have an ingress/egress access to and from Capitol Expressway, and that a set of plans of future development should be submitted to them for review.
- The Airport Land Use Commission (ALUC) provided a memorandum on January 9, 2006 requesting more details about the project and requested maps indicating the existing and proposed land use designations, and description of allowed uses in the Industrial Park and Regional Commercial Zoning Districts. They also indicated that this project had to be referred and heard at the ALUC hearing.
- Santa Clara Valley Transportation Authority (VTA) provided a memorandum on January 10, 2006 indicating that the proposed project is directly adjacent to the proposed Downtown East Valley Eastridge Light Rail station, transit center, and parking facility. They also requested a set of plans of future development should be submitted to them for review.
- The U. S. Fish and Wildlife Office, Endangered Species Program sent an electronic mail indicating that further studies and surveys shall be conducted to address the existence on the site of the tiger salamander, horned lark, for the nesting of raptors, burrowing owls, and the loggerhead shrike. Such surveys shall be conducted prior to development.
- The Department of Transportation (DOT) provided a memorandum on April 18, 2006 indicating that this General Plan amendment is exempt from a computer model traffic impact analysis.
- The Public Utilities Commission provided a memorandum on May 4, 2006 indicating that any development project planned adjacent to or near the rail corridor in the County be planned considering pedestrian circulation patterns/destinations with respect to railroad right-of way. Safety factors to consider include, but are not limited to, rail corridor, pedestrian circulation, grade separations, and fencing. They also request to work closely with Commission staff in the early conceptual design phase.
- The Department of Public Works (DPW) provided a memorandum on May 15, 2006 indicating that the subject site is in a State Liquefaction Zone, and that a Near-Term Traffic Impact Analysis is required at the development permit stage. Staff recommends early coordination with DPW.

GENERAL CORRESPONDENCE:

None received.

ANALYSIS AND RECOMMENDATIONS:

RECOMMENDATION

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to:

1. Change the General Plan Land Use/Transportation Diagram designation from Industrial Park to Regional Commercial on a 1.4-acre site.

2. Adopt a resolution overriding the ALUC finding that the rezoning application File No. C05-125 is inconsistent with the safety policies of the “Land Use Plan for Areas Surrounding Santa Clara County Airports” and that the City Council make specific findings that the proposed project is consistent with the purposes of PUC Section 21670 regarding the protection of public health, safety and welfare in areas surrounding airports.
3. If the General Plan amendment is approved, approve the proposed rezoning from A Agricultural to IP Industrial Park on 4.2 acres and CG Commercial General Zoning District on 2.8 acres.

PROJECT DESCRIPTION

This staff report addresses two pending privately initiated applications: 1) a General Plan amendment request (File No. GP05-08-02) to change the Land Use/Transportation Diagram designation from Industrial Park to Regional Commercial on a 1.4 acre-portion of a 7.0-acre parcel. An existing remaining 1.4-acre portion of the parcel is Regional Commercial, and an existing remaining 4.2-acre portion of the parcel is designated Industrial Park, and 2) Conforming Rezoning (File No. C05-125) from A Agriculture Zoning District to IP Industrial Park and CG Commercial General Zoning Districts to allow industrial and commercial uses on a 7.0 gross-acre site.

As noted above, this staff report also includes a recommendation that the City Council adopt a resolution to override the Santa Clara County Airport Land Use Commission determination that the proposed rezoning is inconsistent with ALUC policies.

The proposal to change the Land Use/Transportation Diagram designation to expand the Regional Commercial designation is intended to facilitate expanded commercial uses in support of the existing regional commercial center.

The applicant’s intent is to develop an automobile dealership on the subject site, which will be subject to future development permits, should the proposed General Plan amendment and rezoning be approved.

BACKGROUND

The proposal consists of applications for a General Plan amendment to Regional Commercial and conforming rezoning to IP Industrial Park for an approximately 7.0-acre site that is currently undeveloped. The site is located at the southwest corner of Capitol Expressway and Tully Road, just south of the Reid Hillview County Airport. The portion to expand to Regional Commercial land use designation is completely outside of the airport’s safety zone.

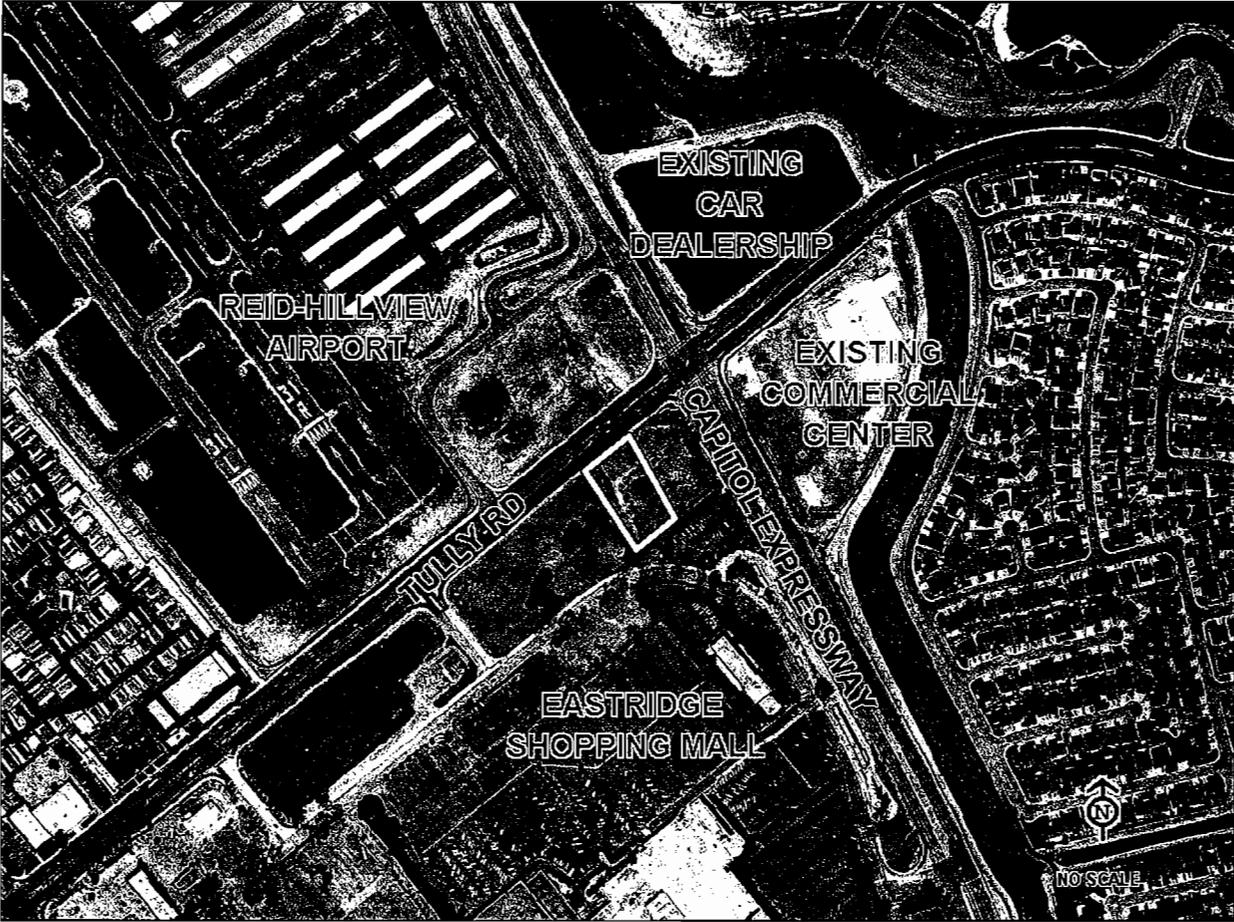
The proposed rezoning includes two parts: 1) the westerly 5.6-acre portion of the site is proposed to be rezoned from A-Agriculture Zoning District to the IP Industrial Park Zoning District to allow industrial and other uses as identified in the Zoning Ordinance, and 2) the easterly 1.4-acre portion of the site, which is also proposed for a General Plan Amendment to Regional Commercial, is proposed to be rezoned from A-Agriculture Zoning District to CG-Commercial General Zoning District to allow a variety of commercial uses.

Site and Surrounding Uses

The subject site is located at the southwest corner of Capitol Expressway and Tully Road, and is surrounded by Reid Hillview airport to the north, Eastridge Shopping Mall to the south, a vacant property to the west, and a car dealership and commercial center to the east.

General Plan Amendment

(Source: Department of Public Works, 2001, City of San Jose)
Existing



(Existing car dealership and commercial center not shown. Development occurred after this aerial photo was taken.)



Subject Site



Subject Site



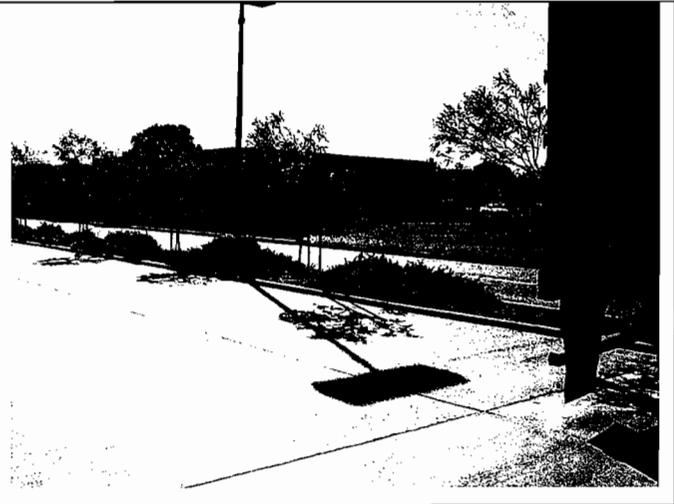
North of the subject site



East of the subject site



South of the subject site



West of the subject site

ANALYSIS

The key issues in analyzing the proposed General Plan amendment and rezoning are: 1) consistency with the *San Jose 2020 General Plan* Major Strategies, goals, and policies; 2) land use compatibility; 3) consistency with the Evergreen Development Policy, 4) conformance with Airport Land Use Commission policies, and 5) appropriateness of the proposed zoning districts.

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

The following Major Strategies, goals, and policies of the General Plan are applicable to the applicant's proposed General Plan amendment:

Economic Development Major Strategy

The *San Jose 2020 General Plan* states that the City of San Jose has historically served as a bedroom community for employment located in other cities. The City has provided the bulk of the County's housing, and has, at the same time, lagged behind the rest of the County in terms of job growth. This development pattern has contributed to County-wide traffic congestion conditions and has deprived the City of San Jose of an adequate tax base for providing desired service levels since residential development cannot generate sufficient revenues to pay for the services it requires. The proposed amendment would provide an incremental contribution to City tax revenues to support the services required by the City's residents and businesses. It would also provide the opportunity for expanded commercial development adjacent to the future Light Rail expansion.

Economic Development Goal No. 2. The proposal to change the existing land use designation from Industrial Park to Regional Commercial furthers *Economic Development Goal No. 2* to create a stronger municipal tax base by obtaining a greater share of total commercial development in the County by nurturing and encouraging the expansion of commercial development in the City. The subject site conforms to this goal because it would facilitate expanded commercial uses in support of the existing regional commercial center, contributing to the expanded economic base of the City.

Commercial Land Use Goal and Policies

The *San Jose 2020 General Plan's* Commercial Land Use policies reflect the need to locate new commercial uses in the community to facilitate convenient shopping and easy access to professional services and to contribute to the economic base of the City. The proposed addition of 1.4 acres of Regional Commercial is an incremental expansion of the existing regional commercial center and is consistent with this policy.

Commercial Land Use Policy No. 2 states, "New commercial uses should be located in existing or new shopping centers or in established strip commercial areas." The proposed amendment is consistent with this policy.

Commercial Land Use Policy No. 6. The proposal is compatible with this policy because it is consistent with the Airport Land Use Commission's (ALUC) policies. The policy states, "New commercial uses or expansion of existing uses within the referral areas of the ALUC should give appropriate consideration to their policies."

Land Use Compatibility

The project site is surrounded by a shopping mall, a shopping center, a car dealership, and Reid Hillview Airport. Allowing the General Plan land use amendment from Industrial Park to Regional Commercial would potentially expand the commercial uses located outside of the airport's safety zone. The proposed Regional Commercial designation is compatible with the existing shopping and commercial areas.

Capitol Avenue/Expressway Corridor

The subject site is located on the Capitol Avenue/Expressway Transit Oriented Development Corridor. Transit Oriented Development Corridors are areas designated in the General Plan as generally suitable for higher residential densities, for more intensive non-residential uses, and for mixed uses; these areas are centered along existing or planned light rail transit (LRT) lines and/or major bus routes and at future Bay Area Rapid Transit (BART) stations. Approval of this General Plan amendment would satisfy the general purposes of the Corridor by intensifying the uses in proximity to public transit. The Capitol Avenue/Expressway Corridor is structured around a future light rail line and would ultimately link large portions of eastern San Jose with Downtown and central San Jose.

Evergreen Development Policy

The 1995 Revised Evergreen Development Policy provides the policy framework for development in the Evergreen area. A "near-term" transportation impact analysis shall be submitted to the Department of Public Works with an application for any subsequent development permit. The determination that the project meets the Level of Service (LOS) standards contained in the policy is a prerequisite for approval for any subsequent development permit.

Airport Land Use Commission Policies.

This General Plan amendment was referred to the Airport Land Use Commission (ALUC) for comments. The ALUC requested additional information to evaluate the project. The ALUC reviewed the proposed General Plan amendment at a hearing on April 26, 2006 and it was determined that the proposed General Plan amendment is consistent with the ALUC policies.

Rezoning

Upon approval of the pending General Plan amendment to Regional Commercial on the easterly 1.4 acres, the related rezoning to the CG-Commercial General Zoning District would conform to the General Plan. The 5.6-acre portion of the site proposed for rezoning to IP-Industrial Park conforms to its current General Plan land use designation of Industrial Park. At their hearing on April 26, 2006, the Airport Land Use Commission determined that the rezoning proposal was inconsistent with ALUC policies, as defined in the Land Use Plan for Areas Surrounding Santa Clara County Airports, because the westerly 5.6 acre portion of the site to be rezoned to Industrial Park is located entirely within Area I of the South Safety Area for Reid-Hillview Airport. The ALUC concluded that the proposed rezoning would allow the construction of new buildings to accommodate such uses, and therefore would not be consistent with the applicable

safety policy for that area, which indicates that no objects be erected above the elevation of the primary runway surface.

Staff disagrees with the ALUC's determination of inconsistency. The proposed 2.8-acre area to be rezoned to Commercial General is located outside of the ALUC safety areas. As such, buildings constructed in this portion of the project site should be consistent with the ALUC safety policies. In addition, the ALUC's finding of inconsistency is also based on inaccurate assumptions as it relates to the westerly 5.6-acre portion of the site to be rezoned to IP-Industrial Park, which is within Area I of the South Safety Area. The Commission stated their assumption that buildings would be constructed to support future development in the IP Zoning District. In fact, the proposed rezoning does not approve any specific development. This proposal is a rezoning and not a development permit. Upon review of a subsequent development permit, the City will take into consideration all relevant ALUC policies. Staff believes that there are subsequent development opportunities that would comply with ALUC policies. In particular, automobile parking is identified as a use consistent with ALUC policies for Area I of the South Safety Area, a use that does not require the construction of any buildings.

Staff recommends that the City Council adopt a resolution to override the ALUC finding that the proposed rezoning is inconsistent with the ALUC safety policies as defined by the "Land Use Plan for Areas Surrounding Santa Clara County Airports."

The proposed rezoning would allow for a subsequent development that could achieve compatibility with the surrounding neighborhood through the site-specific implementation of the Commercial Design Guidelines and the Commercial General Zoning District's required development standards.

ENVIRONMENTAL REVIEW

A Draft Mitigated Negative Declaration was circulated on April 24, 2006 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, Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise.

PUBLIC OUTREACH

Property owners and tenants within a 1000 foot radius of the subject site received a notice of the public hearings to be held on the General Plan amendment request and rezoning application before the Planning Commission on May 24, 2006 and City Council on June 20, 2006. 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.

As a result of the recently updated *City Council Policy on Public Outreach* (Public Outreach Policy), staff requested the installation of an on-site sign describing the proposed project, large enough so it is legible from the street. The sign was intended to provide information about a proposed project to the public early in the planning review process. The sign conformed to the requirements prepared by the City of San Jose. The sign will be maintained while the proposal is

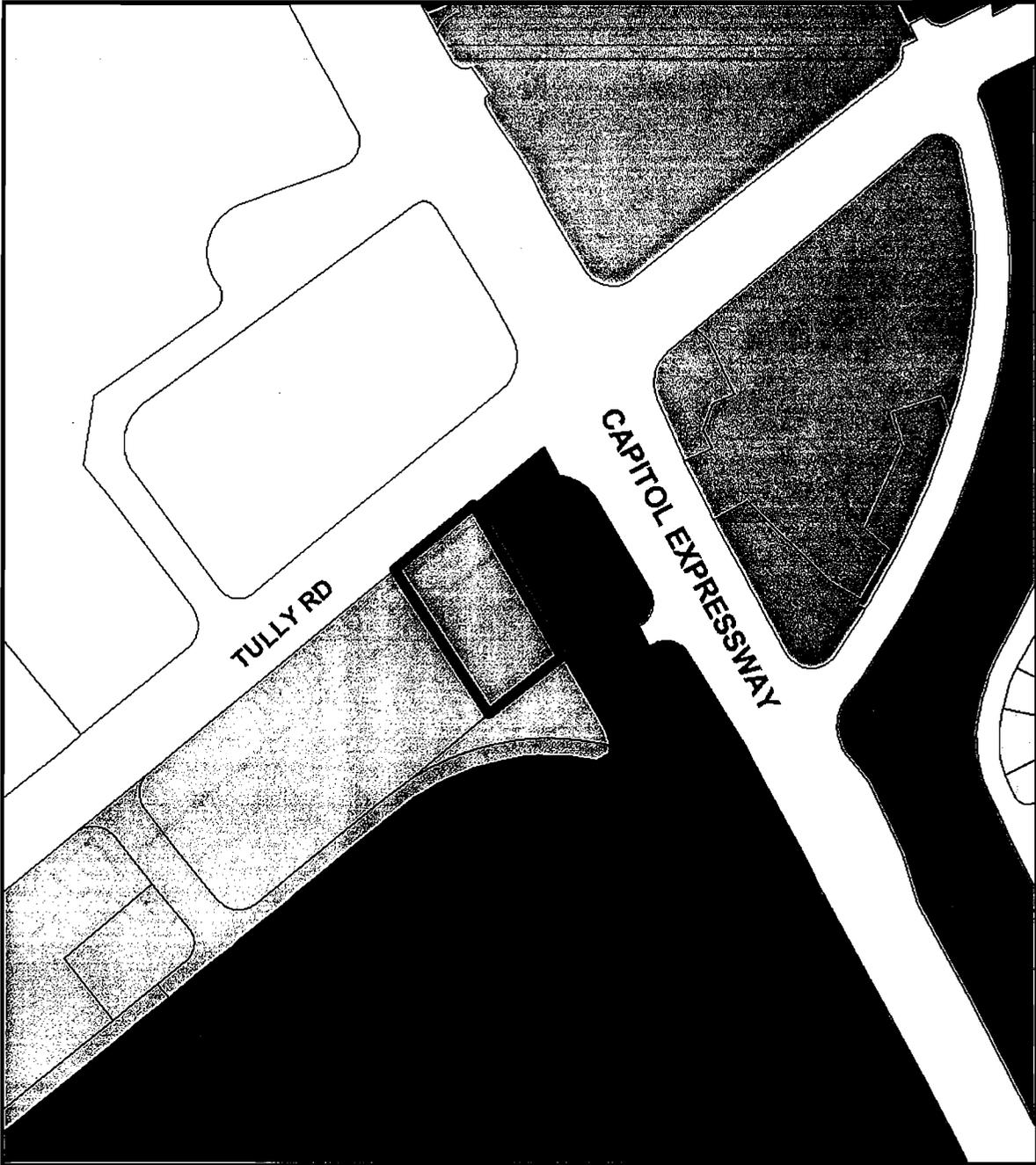
under consideration by the City, and then removed within 10 days of a decision on the proposed project.

This General Plan amendment is subject to the State of California Tribal Consultation Guidelines. For all General Plan amendments and Specific Plans initiated after February 2005, at least a 90-day consultation request period is required, unless a shorter timeframe has been agreed to by the tribe, as well as noticing of the scheduling of the Planning Commission Hearing and City Council hearing at least 45 days prior to the proposed adoption date of the General Plan amendment or Specific Plan. As of the writing of this staff report, no comments from tribal representatives have been received by Planning staff on the subject General Plan amendment.

Attachments

- I. Mitigated Negative Declaration
- II. ALUC agenda and staff recommendation
- III. Correspondence from City's Departments

GP05-08-02

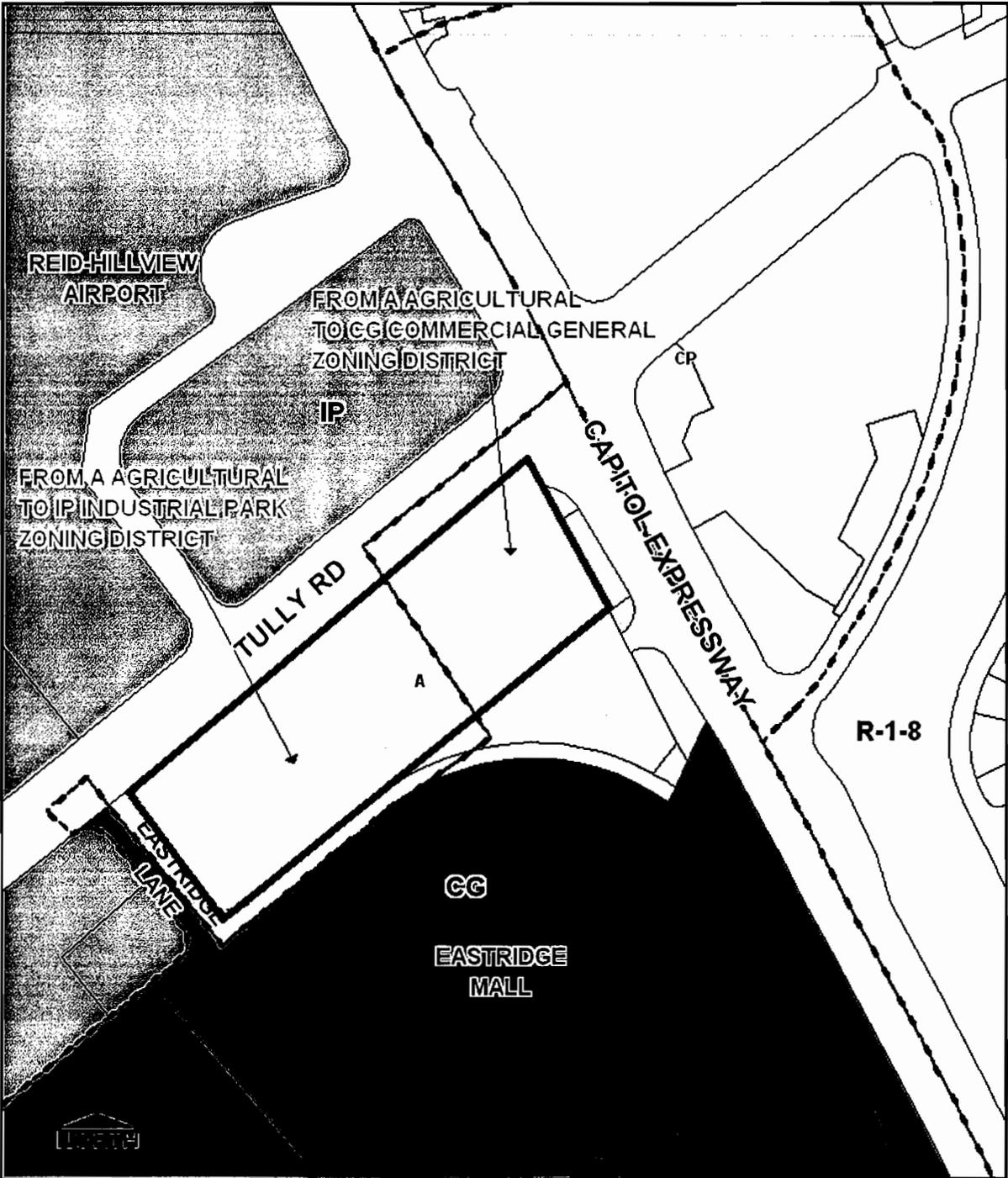



**Department of Planning, Building
and Code Enforcement
Planning Services Division**

 **SITE**


NORTH
Scale 1" = 250'
Quad: 84

ZONING C05-125



 Department of Planning, Building and Code Enforcement Planning Services Division	<input type="checkbox"/> SITE	<input checked="" type="checkbox"/> Commercial General
	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Commercial Pedestrian
	<input type="checkbox"/> R-1-8	<input checked="" type="checkbox"/> Industrial Park

**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: Beshoff Motors

PROJECT FILE NUMBER: GP05-08-02 & C05-125

PROJECT DESCRIPTION: Proposal to amend the General Plan land use designation on a site located on a vacant land at the southwest corner of Tully Road and Capitol Expressway to allow for a change from Industrial Park on a 1.4 acre-portion of a 7.0-acre parcel to Regional Commercial. Conventional Rezoning from A Agriculture Zoning District to IP Industrial Park on a 3.3-acres and CG Commercial General Zoning Districts on a 2.3-acres site to allow industrial and commercial uses on a 7.0 gross acre site.

PROJECT LOCATION & ASSESSORS PARCEL NO.: Southwest corner of Tully Road and Capitol Expressway. Assessor's Parcel No: 491-04-046

COUNCIL DISTRICT: 8

APPLICANT CONTACT INFORMATION:

Rayjer Properties, 3000 E Capitol Expressway, San Jose, CA 95148
Phone: (408) 239-2300; Fax (408) 239-2351

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

1. Commercial Land Use Policy 1. Commercial land in San Jose should be distributed in a manner that maximizes community accessibility to a variety of retail commercial outlets and services, and minimizes the need for automobile travel. New commercial development should be located near existing centers of employment or population, or in close proximity to transit facilities and should be designed to encourage pedestrian and bicycle access through techniques such as minimizing building separation from the street, providing safe, accessible, convenient and pleasant pedestrian connections, secure bike storage, etc. Employee intensive uses should be encouraged to locate along multi-modal transit corridors.
2. Commercial Land Use Policy 2. New commercial uses should be located in existing or new shopping centers or in established strip commercial areas. Isolated spot commercial developments and the creation of new strip commercial areas should be discouraged.
3. Commercial Land Use Policy 4. The City should encourage the upgrading, beautifying, and revitalization of existing strip commercial areas and shopping centers.
4. Commercial Land Use Policy 6. New commercial uses or expansion of existing uses within the referral areas of the Airport Land Use Commission should give appropriate consideration to A.L.U.C. policies.
5. Urban Design Policy 1. The City should continue to apply strong architectural and site design controls on all types of development for the protection and development of neighborhood character and for the proper transition between areas with different types of land uses.
6. Urban Design Policy 6. Proposed structures adjacent to existing residential areas should be architecturally designed and sited to protect the privacy of the existing residences.
7. Urban Design Policy 22. Design guidelines adopted by the City Council should be followed in the design of development projects.
8. Balanced Community Policy 1. The City should foster development patterns which will achieve a whole and complete community in San José, particularly with respect to improving the balance between jobs and economic development on the one hand, and housing resources and a resident work force on the other. A perfect balance between jobs and housing may not be achievable but the City should attempt to improve this balance to the greatest extent feasible.
9. Balanced Community Policy 2. Varied residential densities, housing types, styles, and tenure opportunities should be equitably and appropriately distributed through the community and integrated with the transportation systems, including roads, bicycle and pedestrian facilities. Higher densities are encouraged near passenger rail lines and other major transportation facilities to support the use of public transit.

10. Air Quality Policy 1. The City should take into consideration the cumulative air quality impacts from proposed developments and should establish and enforce appropriate land uses and regulations to reduce air pollution consistent with the region's Clean Air Plan and State law.

IV. BIOLOGICAL RESOURCES

11. Species of Concern Policy 2. Habitat areas that support Species of Concern should be retained to the greatest extent feasible.
12. Species of Concern Policy 4. New development on undeveloped properties throughout the City contributes to the regional loss of Burrowing Owl habitat. To offset this loss of habitat, the City should require either habitat preservation on or off site or other appropriate measures for habitat acquisition, habitat enhancement and maintenance of local habitat bank.
13. Urban Forest Policy 2. Development projects should include the preservation of ordinance-sized, and other significant trees. Any adverse effect on the health and longevity of native oaks, ordinance sized or other significant trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement. In support of these policies the City should:
 - Continue to implement the Heritage Tree program and the Tree Removal Ordinance.
 - Consider the adoption of Tree Protection Standards and Tree Removal Mitigation Guidelines.
14. Urban Forest Policy 3. The City encourages the maintenance of mature trees on public and private property as an integral part of the urban forest. Prior to allowing the removal of any mature tree, all reasonable measures which can effectively preserve the tree should be pursued.
15. Urban Forest Policy 5. The City should encourage the selection of trees appropriate for a particular urban site. Tree placement should consider energy saving values, nearby power lines, and root characteristics.
16. Urban Forest Policy 6. Trees used for new plantings in urban areas should be selected primarily from species with low water requirements.
17. Urban Design Policy 2. Private development should include adequate landscaped areas. Landscaped areas should utilize water efficient plant materials and irrigation systems. Energy conservation techniques such as vegetative cooling and wind shielding should also be utilized. All landscaped areas should include provision for ongoing landscape maintenance.
18. Urban Design Policy 7. Where appropriate, trees that benefit urban wildlife species by providing food or cover should be incorporated in urban plantings.
19. Urban Design Policy 15. In order to realize the goal of providing street trees along all residential streets, the City should:
 - Continue to update, as necessary, the master plan for street trees which identifies approved varieties.
 - Require the planting and maintenance of approved varieties of street trees as a condition of development.
 - Continue the program for management and conservation of street trees which catalogs street tree stock replacement and rejuvenation needs.
 - Continue to work with volunteer urban forestry programs (San José Beautiful/Our Urban Forest) to promote tree planting and maintenance by residents.

20. Urban Design Policy 24. New development projects should include the preservation of ordinance-sized and other significant trees. Any adverse affect on the health and longevity of such trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, the project should include appropriate tree replacement.

V. CULTURAL RESOURCES

21. Historic, Archaeological, and Cultural Resources Policy 1. Because historically or archaeologically significant sites, structures and districts are irreplaceable resources, their preservation should be a key consideration in the development review process.
22. Historic, Archaeological, and Cultural Resources Policy 8. For proposed development sites which have been identified as archaeologically sensitive, the City should require investigation during the planning process in order to determine whether valuable archaeological remains may be affected by the project and should also require that appropriate mitigation measures be incorporated into the project design.
23. Historic, Archaeological, and Cultural Resources Policy 9. Recognizing that Native American burials may be encountered at unexpected locations, the City should impose a requirement on all development permits and tentative subdivision maps that upon discovery of such burials during construction, development activity will cease until professional archaeological examination and reburial in an appropriate manner is accomplished.

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 –

24. Transportation Policy 47. Development in the vicinity of airports should be regulated in accordance with Federal Aviation Administration guidelines to:
- Maintain the airspace required for the safe operation of these facilities.
 - Avoid reflective surfaces, flashing lights and other potential hazards to air navigation.
25. Transportation Policy 48. Development in the vicinity of airports should take into consideration the safety areas identified in Airport Land Use Commission (ALUC) policies.

VIII. HYDROLOGY AND WATER QUALITY

26. Level of Service Goal 2. Achieve the following level of service for these City services:
- For storm drainage, to minimize flooding on public streets and to minimize property damage from storm water.
27. Level of Service Policy 2. Capital and facility needs generated by new development should be financed by new development. The existing community should not be burdened by increased taxes or by lowered service levels to accommodate the needs created by new growth. The City Council may provide a system whereby funds for capital and facility needs may be advanced and later repaid by the affected property owners.

28. Level of Service Policy 12. New projects should be designed to minimize potential damage due to storm waters and flooding to the site and other properties.
29. Flooding Policy 7. The City should require new urban development to provide adequate flood control retention facilities.
30. Storm Drainage and Flood Control Policy 12. New projects should be designed to minimize potential damage due to storm waters and flooding to the site and other properties.
31. Bay and Baylands Policy 5. The City should continue to participate in the Santa Clara Valley Non-Point Source Pollution Control Program and take other necessary actions to formulate and meet regional water quality standards which are implemented through the National Pollution Discharge Elimination System Permits and other measures.
32. Water Resources Policy 4. The City should not permit urban development to occur in areas not served by a sanitary sewer system.
33. Water Resources Policy 8. The City should establish policies, programs and guidelines to adequately control the discharge of urban runoff and other pollutants into the City's storm drains.
34. Water Resources Policy 9. The City should take a proactive role in the implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program.
35. Water Resources Policy 12. For all new discretionary development permits for projects incorporating large paved areas or other hard surfaces (e.g., building roofs), or major expansion of a building or use, the City should require specific construction and post-construction measures to control the quantity and improve the water quality of urban runoff.

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

36. Noise Policy 1. The City's acceptable noise level objectives are 55 DNL as the long-range exterior noise quality level, 60 DNL as the short-range exterior noise quality level, 45 DNL as the interior noise quality level, and 76 DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. These objectives are established for the City, recognizing that the attainment of exterior noise quality levels in the environs of the San José International Airport, the Downtown Core Area, and along major roadways may not be achieved in the time frame of this Plan. To achieve the noise objectives, the City should require appropriate site and building design, building construction and noise attenuation techniques in new residential development.
37. Noise Policy 9. Construction operations should use available noise suppression devices and techniques.

38. Noise Policy 12. Noise studies should be required for land use proposals where known or suspected peak event noise sources occur which may impact adjacent existing or planned land uses.

39. Urban Design Policy 18. To the extent feasible, sound attenuation for development along City streets should be accomplished through the use of landscaping, setback and building design rather than the use of sound attenuation walls. Where sound attenuation walls are deemed necessary, landscaping and an aesthetically pleasing design shall be used to minimize visual impact.

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 have a significant impact on this resource, therefore no mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on May 23, 2006, 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, Acting Director
Planning, Building and Code Enforcement

Circulated on: April 24, 2006



Deputy

Adopted on: _____

Deputy

MND/JAC 8/26/05

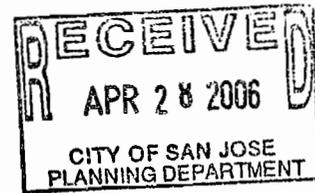


Airport Land Use Commission

County Government Center, 70 W. Hedding Street, East Wing, 7th Fl., San Jose, CA 95110
(408) 299-5798 FAX (408) 288-9198

SANTA CLARA COUNTY

April 27, 2006



Ben Corrales, Project Manager
City of San Jose
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, Tower 3
San Jose, CA 95113

**Re: City of San Jose No. GP05-08-02
General Plan Amendment request to change the Land Use/Transportation Diagram designation from Regional Commercial on .3 acres and Industrial Park on xxx acres to Regional Commercial on 1.1 acres located on the southern corner of Capitol Expressway and Tully Road (APN 491-04-046.)**

**City of San Jose No. C05-125
Conventional Rezoning from A Agriculture Zoning District to IP Industrial Park and CG Commercial Zoning Districts to allow industrial and commercial uses on a 6.6 gross acre site located on the southern corner of Capitol Expressway and Tully Road (APN 491-04-046.)**

Dear Ben:

Please find enclosed a copy of the agenda and staff recommendation for the above-cited projects reviewed by the Santa Clara County Airport Land Use Commission (ALUC) on April 26, 2006 (ALUC File Number 8969-06R-01).

General Plan Amendment GP05-08-02 was determined to be consistent with ALUC policies, as defined in the *Land Use Plan for Areas Surrounding Santa Clara County Airports*, with the following conditions:

1. Property owner grant an avigation easement for APN 491-04-046 to the County of Santa Clara for Reid-Hillview Airport in accordance with Policy G-3.
2. When specific development projects are proposed, all development shall be located outside Reid-Hillview Airport South Safety Area I.
3. When specific development projects are proposed, height restrictions on the project area shall be imposed in conformance with the FAA Part 77 Imaginary Surface in effect at that time, regardless of any Non Hazard determination by the FAA.

Conventional Rezoning C05-125 was determined to be inconsistent with ALUC policies, as defined in the *Land Use Plan for Areas Surrounding Santa Clara County Airports*, because the rezoning would allow incompatible land uses within Reid-Hillview Airport South Safety Area I. The requirements of South Safety Area I state that no new objects



Airport Land Use Commission

County Government Center, 70 W. Hedding Street, East Wing, 7th Fl., San Jose, CA 95110
(408) 299-5798 FAX (408) 288-9198

SANTA CLARA COUNTY

should be permitted to be erected above the elevation of the primary runway surface. The proposed rezoning from A (Agriculture) Zoning District to IP (Industrial Park) and CG (Commercial General) Zoning Districts would allow both industrial and commercial uses on the site, an intensification of land uses presently allowed which would be inconsistent with the intent of the Safety Area.

If you have any questions, please do not hesitate to contact me at (408) 299-5798.

Sincerely,

A handwritten signature in black ink that reads "Dana Peak". The signature is written in a cursive, flowing style.

Dana Peak,
ALUC Staff Coordinator

Cc: Jenny Nusbaum, City of San Jose
Renna Mattew, City of San Jose



Memorandum

DATE: 01/03/06

TO: Reena Mathew

FROM: Nadia Naum-Stoian

Re: Plan Review Comments

PLANNING NO: GP05-08-02

DESCRIPTION: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Regional Commercial on 1.1 acre-site to Regional Commercial on a 2.4-acre site. (General Growth Properties, LLC, Owner/Rayjer Properties, Applicant)

LOCATION: Southern corner of Capitol Expressway and Tully Road

ADDRESS: Southern corner of Capitol Expressway and Tully Road

FOLDER #: 05 063726 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.

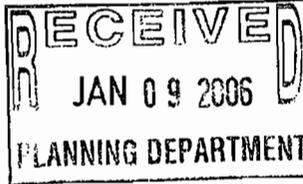
The application provided does not include adequate information for our review; Fire Department staff will provide further review and comments when additional information is received as part of subsequent permit applications.

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

County of Santa Clara

Roads and Airports Department
Land Development and Permits

101 Skyport Drive
San Jose, California 95110-1302
(408) 573-2460 FAX (408) 441-0275



January 4, 2006

Jenny Nusbaum
City of San Jose
Department of Planning and
Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113-1905

Subject: CSJ File # GP05-08-02
Southwest corner of Tully Road and Capitol Expressway
APN: 491-04-046

Dear Ms. Nusbaum,

We have reviewed your submission for a General Plan Amendment proposed changed on the above subject and we have the following comments:

- The commercial facility should not have an ingress/egress access to and from Capitol Expressway (too close to the intersection). The development Plan needs to be submitted to the County Roads and Airports Department for review.

Should you have any questions, please contact me at (408) 573-2450.

Sincerely,

A handwritten signature in black ink, appearing to read "Carmelo Peralta".

Carmelo Peralta
Project Manager

Cc: AP, MA, WRL



SANTA CLARA COUNTY

Airport Land Use Commission

County Government Center, 70 W. Hedding Street, East Wing, 7th Fl., San Jose, CA 95110
(408) 299-5798 FAX (408) 288-9198

January 9, 2006

Jenny Nusbaum, Project Manager
City of San Jose
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, Tower 3
San Jose, CA 95113

**Re: City of San Jose No. GP05-08-02
General Plan Amendment request to change the Land Use/Transportation Diagram designation from Regional Commercial on .3 acres and Industrial Park on xxx acres to Regional Commercial on 1.1 acres located on the southern corner of Capitol Expressway and Tully Road (APN 491-04-046.)**

Dear Jenny:

Thank you for the City of San Jose's referral of the above-referenced project. The proposal will require review by the Santa Clara County Airport Land Use Commission (ALUC) because the project site is located within the referral boundary for Reid-Hillview Airport, and the project involves a general plan amendment.

Review by the ALUC at a regular meeting will be deferred pending receipt of supplemental information. Please submit the following information in order to provide the ALUC with a full understanding of the proposed project:

- Map indicating the existing Land Use/Transportation Diagram designation for the subject 6.6-acre parcel.
- Map indicating the proposed Land Use/Transportation Diagram designation for the subject 6.6-acre parcel. (Referral indicates that .3 acres is proposed for Industrial Park designation and 1.1 acres is proposed for Regional Commercial designation on a 6.6-acre parcel. How are these designations allocated on the parcel?
- Allowed uses in the proposed Industrial Park and Regional Commercial designations.
- Description of proposed use of subject site by General Growth Properties, LLC and Rayier Properties.

Please be advised that the ALUC charges a fee for the review of referred projects. Please remit payment of \$805.00 for Major Project review to the County of Santa Clara at the above address within 30 days of the date of this letter. The ALUC file number is 8969-06R-01. If you have any questions, please do not hesitate to contact me at (408) 299-5798.

Sincerely,

A handwritten signature in black ink that reads "Dana Peak". The signature is written in a cursive, flowing style.

Dana Peak, ALUC Staff Coordinator



January 10, 2006

City of San Jose
Department of Planning and Building
200 East Santa Clara Street
San Jose, CA 95113

Attention: Jenny Nusbaum

Subject: City File No. GP05-08-02 / Tully-Capitol Commercial

Dear Ms. Nusbaum:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the General Plan Amendment for Regional Commercial on 1.1 acres at the southeast corner of Capitol Expressway and Tully Road. We have the following comments.

The proposed project is directly adjacent to the proposed Downtown East Valley Eastridge LRT station, transit center, and parking facility. Project plans for the site should be forwarded to VTA for review in order to coordinate the design and circulation for this project with VTA's facilities.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Molseed".

Roy Molseed
Senior Environmental Planner

RM:kh

cc: Ebrahim Sohrabi, San Jose Development Services

Memorandum

TO: Laurel Prevetti
Planning, Building
and Code Enforcement

FROM: Hans F. Larsen

**SUBJECT: TRAFFIC IMPACT ANALYSIS
FOR GP05-08-02**

DATE: 4-18-06

Approved

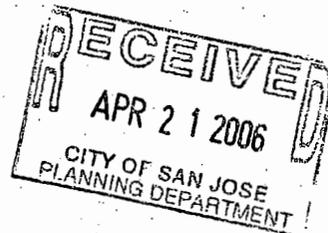
Date

File Number: GP05-08-02
Location: S/W corner of Capitol Expressway and Tully Rd.
Acreage: 1.2 ac.
Description: Industrial Park to Regional Commercial
(Delete 40 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.



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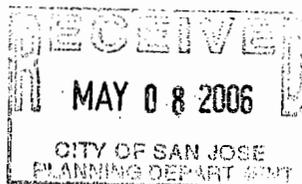
HANS F. LARSEN
Deputy Director
Department of Transportation

HFL:PM
cc: Jenny Nusbaum
Ben Corrales

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298



May 4, 2006

Ben Corralas
City of San Jose
200 E. Santa Clara St., 3rd Flr.
San Jose, CA 95113

Dear Mr. Corralas:

Re: SCH# 2006042141; GP05-08-02, etc.

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way. Of particular concern is that the project takes into account the Santa Clara Valley Transportation Authority's future Capitol Expressway light rail extension currently in design.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin Boles".

Kevin Boles
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Bill Evans, VTA

Memorandum

TO: Ben Corrales
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

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

DATE: 05/15/06

PLANNING NO.: GP05-08-02 and C05-125
DESCRIPTION: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park on a 1.4 acre-portion of a 7.0-acre parcel to Regional Commercial. An existing remaining 1.2-acre portion of the parcel is Regional Commercial, and an existing remaining 4.2-acre portion of the parcel is Industrial Park. (General Growth Properties, LLC, Owner/Rayjer Properties, Applicant)
LOCATION: Southwest corner of Capitol Expressway and Tully Road
P.W. NUMBER: 3-06839

THIS MEMO SUPERSEDES THE MEMOS DATED 01/06/06 AND 01/25/06.

Public Works received the subject project on 01/05/06 and submits the following comments:

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

Comments: A traffic report is required at the Planning permit stage.

Please contact the Project Engineer, Ryan Do, at 408-535-6897 if you have any questions.



EBRAHIM SOHRABI
Senior Civil Engineer
Transportation and Development Services Division

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