



Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number:
P.C. 4/26/04 Item: 4b

File Number:
GP03-03-01a/GPT03-03-01a & GP03-03-01b

Council District and SNI Area:
3 - N/A

Major Thoroughfares Map Number:
83

Assessor's Parcel Number(s):
Various

Project Manager: Lesley Xavier

GENERAL PLAN REPORT

2004 Spring Hearing

PROJECT DESCRIPTION:

General Plan amendment request to change the Land Use/Transportation Diagram designation from General Commercial on 6.2 acres, Combined Industrial/Commercial on 1.0 acre, and Residential Support for the Core Area (25+ DU/AC) on 1.8 acres to Core Area. This request also includes a proposed realignment of Julian Street between Market and Saint James Streets and an associated text amendment to redefine the Downtown Core Area and Downtown Frame Area boundaries.

LOCATION: Generally bounded by the Union Pacific Railroad tracks, Market Street, Julian Street, and Highway 87.

ACREAGE: 9.0

APPLICANT/OWNER:

San Jose Redevelopment Agency/Various

GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: General Commercial; Combined Industrial/Commercial; Residential Support for the Core Area (25+ DU/AC)

Proposed Designation: Core Area

EXISTING ZONING DISTRICT(S): LI – Light Industrial; HI - Heavy Industrial; CG - General Commercial; IP - Industrial Park

SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

North: Union Pacific Railroad tracks and multi-family residential – Residential Support for the Core Area (25+ DU/AC)

South: Offices and vacant land – Core Area

East: Multi-family residential – Residential Support for the Core Area (25+ DU/AC)

West: Highway 87 (Guadalupe Parkway) – Combined Industrial/Commercial

ENVIRONMENTAL REVIEW STATUS:

Brandenburg Mixed Use Project/North San Pedro Housing Sites Environmental Impact Report - Certified on February 25, 2004, Resolution #04-019

PLANNING STAFF RECOMMENDATION:

Approval of the proposed Core Area designation, with the exception of the 0.5-acre portion located west of Highway 87; the realignment of Julian Street, the proposed Core Area Boundary text amendment.

Approved by:

Date:

PLANNING COMMISSION RECOMMENDATION:

CITY COUNCIL ACTION:

CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:

- Department of Transportation (DOT) – The proposed land use changes would result in a long-term traffic impact, as analyzed in the Draft EIR for this amendment.
- Valley Transportation Authority (VTA) - A bus stop and light rail station are located within walking distance of the subject area.
- Santa Clara County Airport Land Use Commission (ALUC) - The ALUC reviewed the proposed General Plan amendment at their regular meeting on March 24, 2004. A summary of their recommendation is included in the Background section below.

GENERAL CORRESPONDENCE:

- Letter from John Blair (attached)

ANALYSIS AND RECOMMENDATIONS:

PROJECT DESCRIPTION

The Redevelopment Agency initiated three General Plan amendments to **(1) Change the Land Use/Transportation Diagram** on a 9-acre site generally bounded by the Union Pacific Railroad tracks to the north, Market Street to the east, Julian Street to the south, and Highway 87 to the west from General Commercial on 6.2 acres, Combined Industrial/Commercial on 1.0 acre, and Residential Support for the Core Area (25+ DU/AC) on 1.8 acres to Core Area; **(2) Realign Julian Street** between Market and Saint James Streets; and **(3) Redefine the Downtown Core Area and Downtown Frame Area boundaries** in the text of the *San Jose 2020 General Plan*.

The subject site is currently comprised of three General Plan land use designations. The Residential Support for the Core Area (25+ DU/AC) designation is intended for high density residential uses in and near the Downtown Core. It also allows for commercial uses on the first two floors and residential above. The General Commercial designation is intended to permit a wide range of commercial uses, including retail as well as offices. The Combined Industrial/Commercial designation is designed to allow for developments of either commercial or industrial uses or a development with a compatible mix of commercial and industrial uses.

The proposed land use designation of Core Area allows for a mix of office, retail, service, high density residential, and entertainment uses in the Downtown Core Area to facilitate a vibrant urban environment. The only limit on building intensity is the Federal Aviation Administration (FAA) height limitation necessary for the air space around the San Jose International Airport.

The Redevelopment Agency is also proposing to expand the Downtown Core Area boundary, which presently follows Julian Street, to include the subject site. Associated with this change is a text amendment that would reflect the changes in the boundary in the General Plan text.

With this change comes all the benefits of being in the Core including no height restrictions, except for the FAA height limitations, and no transportation Level of Service (LOS) constraints.

BACKGROUND

Site and Surrounding Uses

There are several uses currently on the subject site including a parking lot, a few industrial/warehouse buildings, and a large amount of vacant land. Uses surrounding the site include the Union Pacific Railroad tracks and multi-family residential to the north, multi-family residential to the east, vacant land and an office-building parking lot to the south, and Guadalupe Parkway (Highway 87) to the west.

ANALYSIS

Land Use Compatibility/Policy Consistency

The amendment site is located within the boundaries of the Julian Stockton Redevelopment Area, and within the scope of the “The Downtown Strategy Plan 2010” and the “Strategy 2000 - San Jose Greater Downtown Strategy for Development.” All of these Plans have the common objective of promoting and guiding development in greater Downtown San Jose. They also focus on revitalizing and promoting the Downtown by expanding all land use intensities to bring new investment, residents, and visitors to the center City. The proposed amendment is consistent with the above plans.



The proposed land use change is consistent with the General Plan’s Downtown Revitalization, Growth Management, and Sustainable City Major Strategies. The Downtown Revitalization Major Strategy encourages new investment in and around the Downtown to create a prominent and attractive place with a vibrant mix of uses. The proposed land use change would encourage investment through the expanded range of development options as allowed under the Core Area designation. The purpose of the Growth Management Major Strategy is to address the City’s need to balance the demand of new development on urban services with the need to balance the City’s budget and provide acceptable levels of service. The subject site is currently located in the Downtown Frame Area. Any development on the site would be infill development, which supports the purpose of the Growth Management Major Strategy by recycling land that is already served by urban services. The subject site is also located near light rail and bus transit services, as well as near the employment opportunities of Downtown. The proximity to transit and employment supports the Sustainable City Major Strategy, which emphasizes orienting development around transit facilities to reduce traffic congestion.



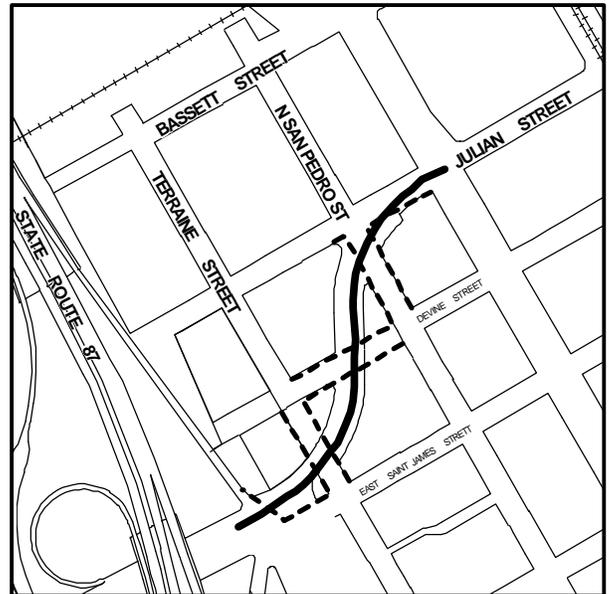
Land Use Amendment

The proposed land use designation of Core Area allows a variety of uses including hotel, office, commercial, recreational, cultural activities, and either wholly residential development or vertical mixed-use development with commercial uses at street level and high density residential above. This land use designation requires high-density residential development at a density of 25+ DU/AC. The Core Area designation is also only applied to properties that are located within the Downtown Core Area. The 0.5-acre portion of the amendment site located on the west side of Highway 87 is outside the proposed expanded Core Area boundary. This area, therefore is recommended to remain designated Combined Industrial/Commercial (see map, attached). This proposed amendment would also expand the definition of the Downtown Core Area to include the subject site (see discussion below).

The existing land use designations allow for only one type of development on each property. The proposed land use change would create new development opportunities on the subject site by creating the ability to develop multiple uses on each property. The opportunity for mixed-use development within the subject area would facilitate the redevelopment of the area with uses that are consistent with the existing downtown environment and the Downtown Strategy Plans. Located to the north and east of the site is multi-family residential, to the south are office uses and to the west is Highway 87. The proposed land use designation is compatible with the existing surrounding land uses because the designation itself allows for those same land uses, as well as a variety of other compatible uses.

Julian Street Realignment

Currently Julian Street traverses diagonally between Market Street and Highway 87. The proposed realignment of Julian Street would restore the grid street pattern to the area (see Julian Street Realignment Map). The restoration of the grid street pattern would create rectangular blocks, which would facilitate redevelopment of the properties. The grid street pattern would also provide better access in and around the subject site and enhance the walkability of the area for pedestrians, which is consistent with the General Plan's Pedestrian Facilities policies.



Julian Street Realignment

Downtown Core Area Boundary Expansion

The Redevelopment Agency is also requesting a text amendment to expand the Downtown Core Area to include the subject site. The existing northern boundary of the Downtown Core lies along Julian Street. This request would relocate that northern boundary to the railroad tracks. (see Downtown Core Boundary Expansion Map)

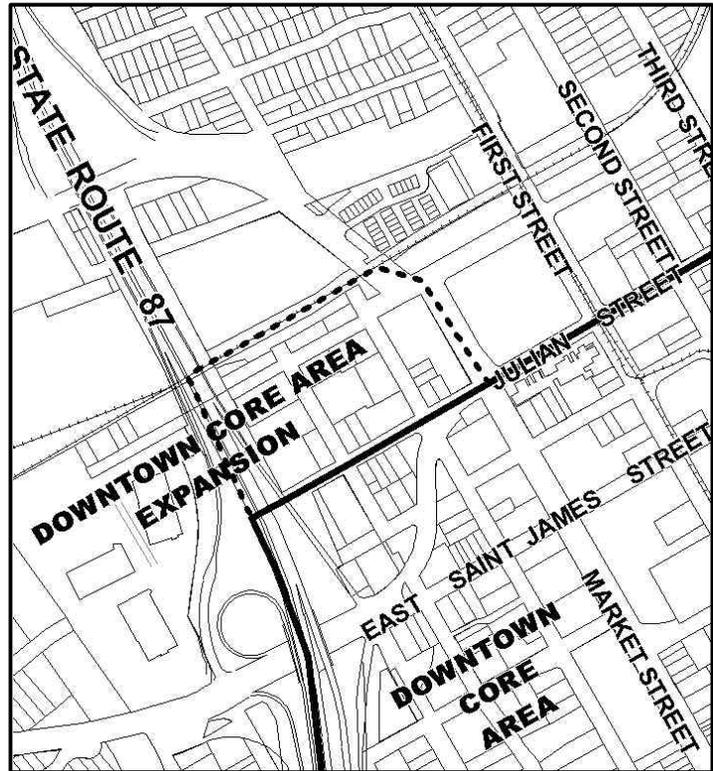
Upon the expansion of the Downtown Core Area, General Plan policies pertaining to the Downtown Core Area would also apply to the expanded area. These policies include the following:

Community Identity Policy #2 - The City should promote the revitalization of the Downtown Core Area as a major focal point for the identity of San Jose.

Residential Land Use Policy #4 - Due to the limited supply of land available for multiple family housing, public/quasi-public uses, such as schools and churches, should be discouraged in areas designated for residential densities exceeding twelve units per acre on the Land Use/Transportation Diagram except in the Downtown Core Area.

Commercial Land Use Policy #3 - Any new regional-scale commercial development should be encouraged to locate in the Downtown Core Area rather than in suburban locations.

Commercial Land Use Policy #7 - The City should encourage retail and service establishments to locate in the Downtown Core Area in order to serve residents and employees. In this regard, consideration should be given to providing appropriate assistance to such small businesses.



Downtown Core Area Expansion

Urban Design Policy #10 - The maximum building heights set forth are intended to address urban design considerations only. Other factors, such as compatibility with nearby land uses, may result in more restrictive height limitations. Building height, including all elements of a building whether occupied space or building features, should not exceed 50 feet, with the following exceptions:

- **DOWNTOWN:** In the Downtown Core Area, the maximum building height is defined by the airspace requirements of the San Jose International Airport as established by the Federal Aviation Administration. In the Downtown Frame Area, the maximum building height is 120 feet.

Urban Design Policy #19 - In the Downtown Core Area, a pedestrian orientation should be fostered by appropriate design techniques, including:

- The location of retail and commercial uses at street level.
- Building entrances should be easily identifiable, accessible, and located on street frontages or paseos.
- Improvements to sidewalks and other pedestrian ways should include attractive and interesting streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented signage, clocks, fountains, landscaping, and street trees that provide shade.
- Development should have an attractive street presence at a pedestrian scale, creating an engaging and diverse walking environment.
- Sidewalk elevators should be strongly discouraged in areas of high pedestrian usage.
- Sidewalks, plazas and other pedestrian ways should be spacious and of ample width.
- Commercial uses oriented to occupants of vehicles, such as drive-up service windows, are discouraged.

Housing Policy #5 - Single-Room Occupancy (SRO) developments are an important and necessary component of the City's affordable housing stock. SROs should be planned and dispersed throughout San Jose. While SROs are allowed in the Frame Area, they are discouraged in the Downtown Core Area. All SROs should be within a reasonable walking distance of public transportation, have an approved management plan, and have standard amenities such as a communal kitchen, laundry facilities, and meeting space on site. (A reasonable walking distance is defined as approximately 2,000 feet along a safe pedestrian route).

Level of Service Policy #5 - The minimum overall performance of City streets during peak travel periods should be level of service "D".

- In recognition of the unique position of the Downtown Core Area as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, development within the Downtown Core area currently bounded by Julian Street, Fourth Street, Interstate 280 and State Route 87 is exempted from traffic mitigation requirements. Intersections within and on the boundary of this area are also exempted from the level of service "D" performance criteria.

Transportation Policy #17 - Pedestrian travel should be encouraged as a mode of movement between residential and non-residential areas throughout the City and in activity areas such as schools, parks, transit stations, and in urban areas, particularly the Downtown Core and Frame Areas and neighborhood business districts by providing pedestrian facilities that are pleasant, safe, accessible to people with disabilities, and convenient.

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 Jose 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.

If the amendment is approved, two of the most significant policies that would pertain to the subject site are Urban Design Policy No. 10 and the Level of Service Policy No. 5. Urban Design Policy No. 10 establishes the allowable building height limit in the Downtown Core Area. Once the Core Area is expanded to include the subject site, the maximum height limit would become the air space requirements of the San Jose International Airport as established by the Federal Aviation administration (FAA). The Level of Service Policy establishes the minimum overall performance of City streets during peak travel periods as a level of service "D." New development is required to provide transportation improvements to mitigate project impacts to maintain a level of service "D" at affected intersections. However, this policy also includes an exemption for the Downtown Core Area from the level of service "D" performance criteria and the requirement for traffic mitigation measures. Once the Core Area is expanded to include the subject site, new development within this area would also be exempt from the level of service "D" performance criteria.

Environmental Issues

The Brandenburg Mixed Use Project/North San Pedro Housing Sites Environmental Impact Report (EIR) was prepared in conformance with the California Environmental Quality Act (CEQA). The EIR provides program level environmental review appropriate for the adoption of the proposed amendments to the *San Jose 2020 General Plan*. The EIR analyzed impacts and proposed mitigation measures, where possible, on the following items:

- Land Use
- Transportation and Circulation
- Shade and Shadow
- Aesthetics
- Vegetation and Wildlife
- Geology
- Cultural Resources
- Hazards
- Air Quality
- Noise
- Public Facilities and Services
- Hydrology and Flooding
- Utilities and Infrastructure Service Systems
- Energy

The EIR identified two significant and unavoidable impacts: transportation and circulation, and air quality. The General Plan has many policies that can help mitigate the transportation and air quality impacts. The results of the traffic analysis indicate that the proposed amendment would add traffic to streets that are already operating at unacceptable levels. In addition, if this amendment were to be approved, the subject area would then be located within the Downtown Core Area and therefore, would be exempt from the City's Transportation Level of Service Policy. Air quality is considered a significant unavoidable impact because the project proposes additional population that is not reflected in the Bay Area Air Quality Management District (BAAQMD) regional Clean Air Plan. The inclusion of identified mitigation measures would reduce the impacts on regional air quality, but because the proposed General Plan amendment would add population not already reflected in the regional Clean Air Plan, the air quality impacts of their approval would still be considered a significant impact.

The proposed amendment would allow building heights up to the Federal Aviation Administration (FAA) height regulations. The maximum height for structures on the site would be 173 feet based on FAA regulations. The shade and shadow study indicates that no substantial shading of the adjacent Pellier Park and Ryland Park would occur even under the worst case conditions presented in the December time period. In addition, a potential park on the amendment site was analyzed in the EIR. Given the maximum building height, this space would experience approximately 75 to 100 percent shading at various times during the winter months. However, any new public open space proposed by a new project would be subject to the goals and policies of the *San Jose 2020 General Plan*, which would ensure that shade and shadow effects on the proposed park would remain less than significant.

Santa Clara County Airport Land Use Commission (ALUC)

On March 24, 2004, the Santa Clara County Airport Land Use Commission (ALUC) reviewed the proposed General Plan amendment for conformance with the noise and building height policies of the "Land Use Plan for Areas Surrounding Santa Clara County Airports." The westerly half of the site is located within the 65dB CNEL noise contour surrounding Mineta San Jose International Airport. The ALUC Plan states that, "residential land uses located inside the 65dB CNEL Contour for the San Jose International Airport should be avoided unless they are related to airport services." This is not consistent with the *San Jose 2020 General Plan* Land Use Compatibility Guidelines for Community Noise in San Jose, which state that residential uses within the 65 - 70dB DNL contour are permitted when it can be

demonstrated that a maximum interior noise level of 45 dB DNL will be maintained and that on-site outdoor activities are limited to acoustically protected areas.

The project site lies within the Federal Aviation Administration (FAA) Part 77 height-restricted area surrounding the airport. As a result, future building heights may require review and approval of the FAA.

The ALUC voted to find the project consistent with ALUC noise and height policies, with the following conditions:

1. All development within the 65dB CNEL Contour for San Jose International Airport, as referenced by the 2010 Master Plan with Amendment, shall be designed to comply with applicable ALUC policies for acceptable noise levels.
2. Residential uses shall be located outside the 65dB CNEL Contour for San Jose International Airport, as referenced by the 2010 Master Plan with Amendment
3. Property owners within the project site shall grant an avigation easement to the City of San Jose for San Jose International Airport in accordance with Policy G-3 when specific development projects are proposed.
4. Height restrictions on the project site shall be imposed in conformance with the FAA Part 77 restrictions in effect when specific development projects are proposed.

As noted above, the ALUC recommendations (Conditions No. 1 and 2, above) requiring future residential development to comply with applicable ALUC policies regarding acceptable noise levels and restricting residential development to outside the 65dB CNEL Contour are not consistent with the *San Jose 2020 General Plan* Noise policies which would allow residential land use in these areas. Therefore, Planning staff recommends the City Council adopt a resolution overriding the ALUC action, as provided for in the ALUC Plan and the State Aeronautics Act.

Conclusion

The proposed land use change from General Commercial on 6.2 acres, Combined Industrial/ Commercial on 1.0 acre, and Residential Support for the Core Area (25+ DU/AC) on 1.8 acres to Core Area, the realignment of Julian Street, and the text amendment to include the subject site within the Downtown Core Area, are consistent with the goals and policies of the General Plan and the vision of the Julian Stockton Redevelopment Area, the “The Downtown Strategy Plan 2010” and the “Strategy 2000 - San Jose Greater Downtown Strategy for Development.”

PUBLIC OUTREACH

The property owners within the amendment site boundaries and/or property owners within a 1000-foot radius of the amendment site were sent a newsletter regarding the two community meetings that were held on March 25th and 29th, 2004 to discuss the proposed General Plan amendment. They also received a public hearing notice regarding the public hearings to be held on the subject amendment before the Planning Commission in April and City Council in June. During the community meetings, the public commented that the land use change would increase traffic in the area. The following are comments on the realignment of Julian Street:

- The existing alignment of Julian Street is a convenient thoroughfare. Changing the alignment would cause more traffic to back-up at the intersections leading to the Highway 87 on-ramp.
- Restoring the grid pattern to the street system is a good idea.
- The new alignment would provide a more walkable neighborhood for pedestrians in the area.

In addition, the community can be kept informed about the status of amendments on the Department's web site, which contains information on the General Plan process, each proposed amendment, staff reports, and hearing schedule.

RECOMMENDATION

Planning staff recommends Core Area on 8.5 acres (the 0.5-acre portion of the amendment site located on the west side of Highway 87 to remain designated Combined Industrial/Commercial); the realignment of Julian Street, and the adoption the proposed text amendment.

Attachments

PBCE002/GP_Team/2003 Annual Review/GP03-03-01a,b/Staff Reports/GP03-03-01.doc

PROPOSED SAN JOSE 2020 GENERAL PLAN
TEXT AMENDMENT

Amend Chapter V. Land Use Transportation Diagram; Special Strategy Areas; Downtown Core and Frame Areas; page 138 as follows:

SPECIAL STRATEGY AREAS

Downtown Core and Frame Areas

The “downtown” of a city is traditionally a major center for employment and commercial activities, often supported by high density housing. It is also the city’s central location for cultural and recreational activities, a place where people can meet and satisfy the human desire for social interaction. An established downtown serves as a focal point for business and vacation travelers and thus improves a city’s economic and cultural image. The difference between a suburban community and a great city can be distinguished by the presence of a vital downtown.

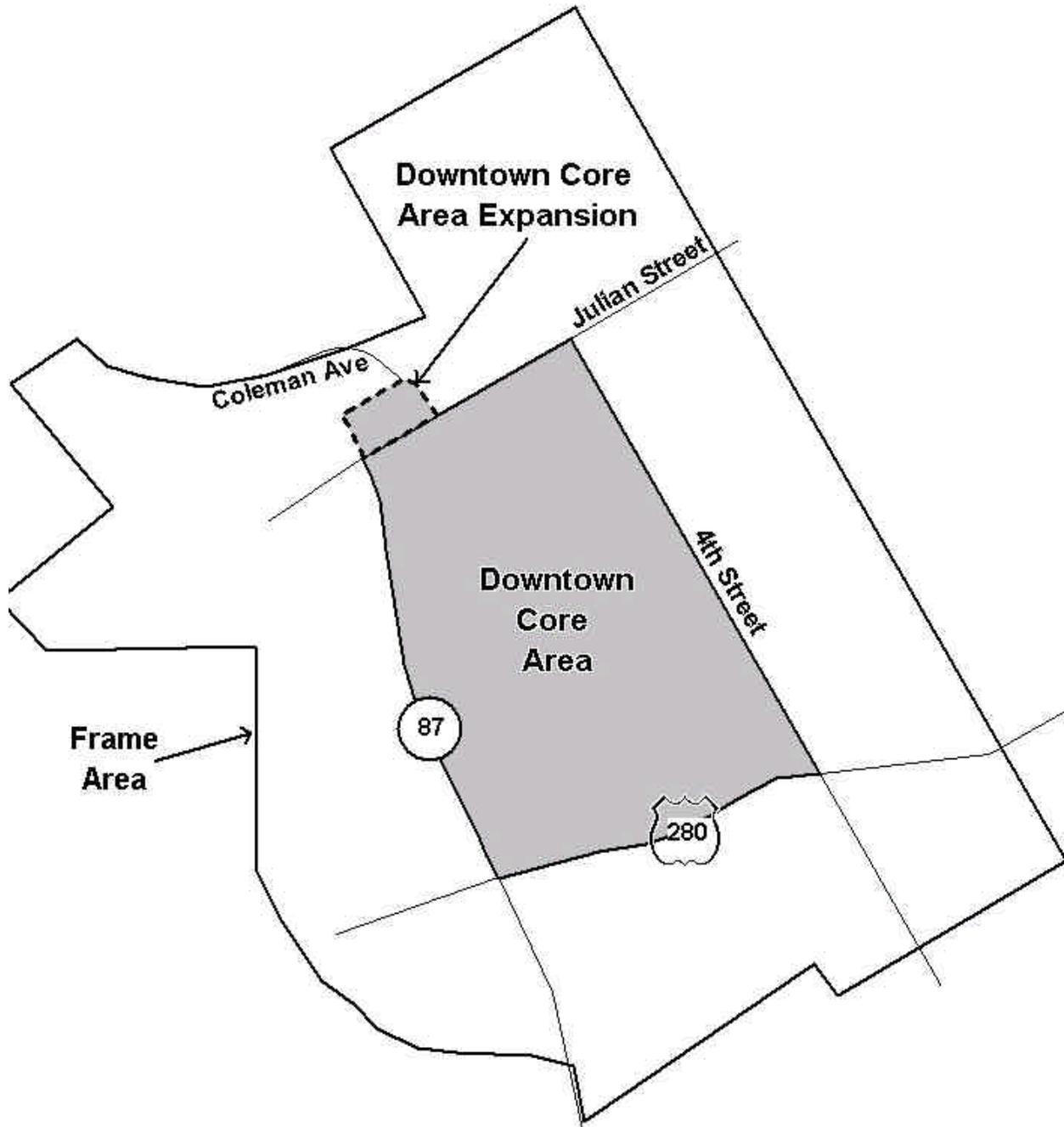
In San José, the City’s Downtown Revitalization Strategy establishes a longterm commitment to development of a downtown urban environment where the highest social, cultural and economic achievements of city dwellers can find expression. The Downtown Revitalization Strategy is intended to revitalize San José as a whole by promoting new investment and business opportunities and renewing older businesses. In order to realize the aims of the Revitalization Strategy, future downtown development in San José is directed by the Downtown Strategy Plan.

The Downtown Strategy Plan guides development in the Downtown Core and Frame Areas through the year 2010. The major goals of the Strategy Plan include: attracting new retail development as well as retaining existing retail downtown, emphasizing the need for downtown housing, developing corporate office headquarters downtown, continuing to locate major hotel development in the downtown, and providing downtown civic and cultural facilities. Integrating the adjacent San José State University community within the downtown fabric is also an integral element of the Downtown Strategy Plan.

The Downtown Strategy Plan concentrates on the core of the central business district and the neighborhoods that frame it. The Downtown Core Area is bounded by the Union Pacific Railroad tracks, Market Street, and Julian Street to the north, 4th Street to the east, State Route 280 to the south, and State Route 87 to the west. The Core is a fairly compact area, approximately one mile north to south and about three-fourths of a mile east to west. The Frame Area is generally bounded by Taylor Street to the north, 11th Street to the east, Keyes/Willow Streets to the south and the Southern Pacific Railroad tracks/The Alameda to the west. Map 3 depicts both the Core and Frame Areas.

PROPOSED SAN JOSE 2020 GENERAL PLAN
TEXT AMENDMENT CONTINUED

Amend Chapter V. Land Use Transportation Diagram; Special Strategy Areas; Downtown Core and Frame Areas; Map 3. Downtown Core Area and Frame Area Boundaries; page 140 as follows:



PROPOSED SAN JOSE 2020 GENERAL PLAN
TEXT AMENDMENT CONTINUED

Amend Chapter IV. Goals and Policies; Level of Service; Traffic; Level of Service Policy #5; page 89 as follows:

5. The minimum overall performance of City streets during peak travel periods should be level of service “D”.
- In recognition of the unique position of the Downtown Core Area as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, development within ~~the area bounded by Julian Street, Fourth Street, Interstate 280 and State Route 87~~ the Downtown Core Area boundary is exempted from traffic mitigation requirements. Intersections within and on the boundary of this area are also exempted from the level of service “D” performance criteria.