



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Debra Figone
Harry S. Mavrogenes

SUBJECT: SEE BELOW

DATE: August 24, 2007

COUNCIL DISTRICT: 4
SNI AREA: Not Applicable

SUPPLEMENTAL MEMORANDUM

SUBJECT: ITEMS RELATED TO NORTH SAN JOSE AND A PROPOSED ORDINANCE REZONING A 38.7 GROSS ACRE SITE AT THE SOUTHEAST CORNER OF ZANKER ROAD AND RIVER OAKS PARKWAY (PDC06-038).

REASON FOR SUPPLEMENTAL

On August 14, 2007, the Council voted to continue the subject rezoning request to August 28, 2007, to allow for the Council consideration of a Work Program (attached) for the North San José Neighborhoods Taskforce. The Taskforce is contributing to the preparation of an Implementation Strategy for the adopted North San José Vision Policy. In addition, staff is also recommending that the Council appoint the members of the North San José Neighborhoods Planning Taskforce as advisory to the City Council regarding the North San José Implementation Strategy.

RECOMMENDATION

Staff recommends:

- (a) Approval of the Work Program, including schedule, for the North San José Neighborhoods Planning Taskforce and its contributions to an Implementation Strategy for the recently updated North San Jose Area Development Policy; and,
- (b) Appointment of North San José Neighborhoods Planning Taskforce; and,
- (c) Approval of the subject rezoning proposal as originally recommended by staff, including a centrally located, 5-acre park.

OUTCOME

The approval of the Work Program and appointment of the Taskforce members will facilitate community engagement in the completion of an Implementation Strategy for the North San Jose Vision Policy. The Strategy is expected to be ready to be brought forward by staff for City Council consideration in February 2008.

The approval of the Planned Development Rezoning on the subject site would allow up to 1,900 single-family attached residential units, up to 15,000 square feet of retail commercial uses, up to 16,360 square feet of leasing office and resident clubhouse uses, and a 5-acre public park. These uses are consistent with the adopted *North San Jose Area Development Policy*.

BACKGROUND

The applicant, Irvine Apartment Communities, is requesting to rezone the subject site from IP – Industrial Park Zoning District to A (PD) Planned Development Zoning District to allow up to 1,900 multi-family attached residential units on a 38.71 acre site (approximately 78 dwelling units per acre on the net site area after dedication for public streets and public park). A corresponding Planned Development Permit for the project (File No. PD07-006) and a Tentative Map (File No. PT07-004) are currently on file and under review. The Planned Development Zoning application was filed on May 5, 2006.

The adopted *North San Jose Area Development Policy* provides for the development of up to 32,000 new residential dwelling units within North San Jose, including the potential conversion of up to 285 acres of existing industrial lands to residential use at minimum densities of either 55 DU/AC (up to 200 acres) or 90 DU/AC (up to 85 acres). The subject project was found to be consistent with the Policy and recommended for approval by staff as outlined in the original staff report. The Planning Commission recommended that the City Council defer consideration of the proposed project until the completion of a “master plan” for the North San José area to identify the location of schools, parks and the needs for other essential services, including fire and police protection.

During the Council recess in July, the North San José Neighborhoods Planning Taskforce was formed, which has thus far conducted meetings on July 25, 2007 and August 23, 2007. The Taskforce is a forum for the residents and stakeholders in the North San Jose Area to contribute comments and make recommendations to further the development of livable neighborhoods for Vision North San Jose. Within this scope of work are items and issues such as parks and open space, retail amenities, schools, community centers, police and fire services, bicycle and pedestrian facilities, and the design and integration of residential development. The recommended Taskforce is composed of 20 participants representing neighborhoods, economic and business interests.

The North San José Implementation Strategy is proposed to be prepared with the assistance of the Taskforce and will address issues such as public safety, public improvements, retail types and location, schools, parks, and the integration of residential development through the Urban Design Guidelines.

ANALYSIS

The North San Jose Taskforce Work Program reflects input from the July 25th Taskforce meeting regarding the topics of most interest to the members and the Council's intention that the group work as expeditiously as possible. The Work Program assumes 11 meetings over a six month period for the group to consider issues and craft recommended solutions. The Implementation Strategy preparation process will occur concurrently with the review of pending projects and staff will continue to review and bring forward to the Council those projects deemed to comply with the provisions of the *North San Jose Area Development Policy*. The Policy includes guidance with respect to the size and placement of neighborhoods parks as well as the timing by which other public facilities and services must be in place.

The Taskforce membership was selected by Councilmember Chu and is representative of a cross section of residents and business owners in North San Jose. The membership should be approved by the full Council to ensure that the Council concurs with the appointments. The Taskforce will consider the broader policy implementation issues, but is not being created to act as another review body to consider individual development proposals.

As indicated in previous Irvine rezoning staff reports, approval of the proposed project will further the goals of the Vision North San Jose project, is consistent with the adopted *North San Jose Area Development Policy* and is generally consistent with the key elements of the design guidelines under preparation.

Staff is not supportive of any modifications to the project that would reduce the size of the centrally located, contiguous 5-acre park that is currently proposed. As previously stated, a park of the proposed size and location provides the needed area to maximize the functionality of the park and allows for the eventual expansion of the park (and realignment of River Oaks Parkway) in conjunction with the eventual redevelopment of parcels to the north of the site. Staff is not supportive of the City assuming maintenance responsibility for a separate one-acre park (with no potential for expansion), as it would be of limited value to residents outside the immediate area.

POLICY ALTERNATIVES

Refer to the original memo dated July 24, 2007 regarding the policy alternatives.

PUBLIC OUTREACH/INTEREST

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

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

COORDINATION

The preparation of this memorandum and the associated work was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department, and the City Attorney.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies, North San José Development Policy and City Council approved design guidelines as further discussed in the original staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

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CEQA

CEQA: North San José Policy Update EIR certified June 21, 2005 per City Council Resolution No 72768.



DEBRA FIGONE
City Manager



HARRY S. MAVROGENES
Executive Director

For questions please contact Richard Buikema at 408-535-7800.

Attachment

NORTH SAN JOSÉ NEIGHBORHOODS PLANNING TASKFORCE WORK PROGRAM

BACKGROUND

The purpose of the North San José Neighborhoods Planning Taskforce (Taskforce) is to actively engage the North San José (NSJ) residential and business communities in a Taskforce to contribute to the preparation of an Implementation Strategy for the North San José Area Development Policy. The Taskforce is a forum for the residents and stakeholders of the Rincon de Los Esteros Redevelopment Project Area to make comments and recommendations to further the development of livable neighborhoods and strong business centers within North San José. Within this scope of work are items and issues such as parks and open space, retail amenities, schools, community centers, police and fire, bicycle and pedestrian facilities, and the design and integration of residential development while retaining economic development opportunities and viability.

PRODUCT

The final product is an Implementation Strategy for the North San José Area Development Policy. When the work program of the Taskforce is complete, this Implementation Strategy will be brought to Planning Commission for their review, and then presented to the City Council and Redevelopment Agency Board for their consideration.

The Implementation Strategy will include:

- ❑ Urban Design Guidelines for new industrial, retail and residential development,
- ❑ Parks and Recreation Plan including Neighborhood Parks, Community Parks and Facilities, and Trails
- ❑ Public Art component outlining the approach to public art,
- ❑ Schools component including assessment of students generation, resulting school needs, and potential school sites,
- ❑ Funding and financing strategy addressing land acquisition, design, and construction of capital improvements outlined in the various plan components, and
- ❑ Timing/Phasing approach delineating the time frame for implementation of identified capital improvements.

NORTH SAN JOSÉ NEIGHBORHOODS PLANNING TASKFORCE WORK PROGRAM

TASKFORCE PROCESS

The community engagement process will follow a six-month schedule of meetings to develop the Implementation Strategy. The schedule will follow four phases, summarized below, and will include a process that provides the Taskforce with the information needed to make informed recommendations. At the conclusion of the Taskforce’s work program, its comments and recommendations will be integrated into the North San José Area Development Policy. The Taskforce efforts will contribute to the implementation of the North San José Area Development Policy that was adopted by the City Council in June 2005; and meet the objectives of the Policy, including transforming NSJ from a suburban industrial park to a mixed-use, transit-oriented, livable community.

| PHASE | DESCRIPTION | TIME FRAME |
|--|---|-----------------------|
| I. Defining Vision , Interests and Priorities | The initial task is to clarify Taskforce vision for neighborhoods and understand their key interests and priorities. The vision, interest and priorities will drive the subsequent data gathering and presentation phase | July- August |
| II. Understanding Neighborhood Development: Housing, Parks, Schools, Retail, Infrastructure, etc. | The provision of information, data, expert opinion and context by staff and consultants on North San José and the Urban Design Guidelines is the core task for this phase. The Taskforce needs to develop a common understanding of the issues and a common language to discuss them. | August- November |
| III. Exploring Alternatives | This is the phase of developing alternatives and options for the plan and the Urban Design Guidelines (and objective criteria for evaluating them.) | November- December |
| IV. Recommendations | In the final phase the primary task is crafting a set of preferred recommendations for the Neighborhood Plan and Urban Design Guidelines. | December – January |

UNDERLYING ASSUMPTIONS

- ❑ The creation of a neighborhood master plan to guide the residential and retail growth in North San José is essential.
- ❑ The planning process will include the active involvement of neighborhood, property owners, business, the school district and other community stakeholders.
- ❑ The process must be open and transparent, with relevant information readily available to all.
- ❑ All Taskforce meetings will be open to the public, and those interested can participate through public comment.
- ❑ The process will be supported by existing consultants providing technical assistance in urban and land use planning, parks and open space, and school planning.
- ❑ The Taskforce will make recommendations on the Urban Design Guidelines, parks, schools, and appropriate land-use and public facility plans.
- ❑ During the course of the Taskforce, staff will continue to review and bring forward to the Council those projects deemed to comply with the provisions of the North San José Area Development Policy.

NORTH SAN JOSÉ NEIGHBORHOODS PLANNING TASKFORCE WORK PROGRAM

This community engagement framework envisions a thorough and thoughtful process of outreach, education, and interaction. Redevelopment Agency, City, and Council District connections with the North San José companies, property owners, and stakeholders will help facilitate the necessary level of involvement.

DECISION MAKING PROCESS

The decision making process is to emphasize consensus building and consensual decision making. The formal recommendations of the Taskforce would require either consensus or general agreement. Minority (or Majority short of general agreement) opinions will not be reported out.

Strong Recommendation = Consensus, defined as 100% of Taskforce either agreeing or not objecting.

Recommendation = General agreement, defined as 75% of Taskforce agreeing or not objecting. (16 of 21 members)

Other key stakeholders, such as the various school districts, will be invited as necessary to work with the Taskforce.

**NORTH SAN JOSÉ NEIGHBORHOODS PLANNING TASKFORCE
WORK PROGRAM**

SCHEDULE AND WORK PROGRAM

The schedule and work program outlined below have been developed in collaboration with the Taskforce. With exceptions for Holidays, standing Taskforce meetings are the 2nd and 3rd Tuesday of the month from 6 – 8 p.m. Location of the Taskforce Meetings will rotate to different sites in North San José. The precise date that certain topics are addressed is subject to change based on readiness of work product for the Taskforce to consider. Additional hours or topics *may* be added with the consent of the Taskforce, but will require that additional meetings be added into the schedule prior to the final January 24, 2008 meeting of the Taskforce. In addition to the hours within the formal Taskforce meetings, it is anticipated that sub-committees of Taskforce members will be formed to work on the topics such as Parks, Design Guidelines, Retail, and Schools.

| DATE | MEETING | TOPICS/OUTCOMES |
|---------------------------------------|--|---|
| 25 July 2007 | #1 Taskforce Kickoff | <input type="checkbox"/> Understand purpose of Taskforce <input type="checkbox"/> Understand expectations of Taskforce members <input type="checkbox"/> Develop priority work plan items |
| 23 Aug. 2007 | #2 Taskforce Meeting | <input type="checkbox"/> Work Program <input type="checkbox"/> Parks and Recreation |
| 13 Sept. 2007 | #3 Taskforce Meeting | <input type="checkbox"/> Schools <input type="checkbox"/> Design Guidelines |
| 27 Sept. 2007 | #4 Taskforce Meeting | <input type="checkbox"/> Transportation <input type="checkbox"/> Retail |
| 11 Oct. 2007 | #5 Taskforce Meeting | <input type="checkbox"/> Schools <input type="checkbox"/> Parks and Recreation |
| 25 Oct. 2007 | #6 Taskforce Meeting | <input type="checkbox"/> Design Guidelines <input type="checkbox"/> Transportation <input type="checkbox"/> Police, Fire |
| 8 Nov. 2007 | #7 Taskforce Meeting | <input type="checkbox"/> Water Supply/Flood Control <input type="checkbox"/> Future Uses of Agnews Site |
| 15 Nov. 2007 | Informational Memo to City Council/Agency Board | <input type="checkbox"/> Update on Taskforce Work to Date |
| 29 Nov. 2007 *Special Date | #8 Taskforce Meeting | <input type="checkbox"/> Financing/Phasing <input type="checkbox"/> Schools <input type="checkbox"/> Parks and Recreation |
| 13 Dec. 2007 | #9 Taskforce Meeting | Draft Implementation Plan and Recommendations |
| 10 Jan. 2008 | #10 Taskforce Meeting | <input type="checkbox"/> Financing/Phasing <input type="checkbox"/> Wrap up issues |
| 24 Jan. 2008 | #11 Final Taskforce Meeting | Final input into Implementation Strategy and Recommendations |
| February 2008 | Planning Commission | Review of Implementation Strategy and Recommendations |
| February 2008 | City Council/Agency Board | Consideration of Implementation Strategy and Recommendations |

**NORTH SAN JOSÉ NEIGHBORHOODS PLANNING TASKFORCE
WORK PROGRAM**

APPENDIX A

TASKFORCE MEMBERS

| SEAT | NAME/COMPANY |
|----------------------------------|------------------------------|
| 1. District 4, Chair | Kansen Chu |
| 2. River Oaks | Jean Marlowe |
| 3. River Oaks | Mike Bertram |
| 4. Rosemary Gardens | Joséph Fota |
| 5. Rincon South | Lillian Dennis |
| 6. Northpark | Stephan Mahnke |
| 7. Northpark | Sukhdeep Sidhu |
| 8. Renaissance | Arthur Boudeville |
| 9. Renaissance | Rita Aguilar-Cayo |
| 10. Lamplighter Mobile Home Park | Tom McCarter |
| 11. Westwinds Mobile Home Park | Jeff Hiatt |
| 12. Alviso (environmental) | Bob Gross |
| 13. Alviso | Lurdes Rivera-Murphy |
| 14. Berryessa | Lonnie Gross |
| 15. Berryessa | Mike Flagher |
| 16. NSJ industrial company | Magma AD, David Stanley |
| 17. NSJ property owner | Sobrato, Tim Steele |
| 18. NSJ residential developer | Legacy, Steve Dunn/Greg Hall |
| 19. NSJ residential developer | IAC, Don Bragg |
| 20. Retail developer | Hunter/Storm, Curtis Leigh |
| 21. NSJ property owner | CarrAmerica, Art Kennedy |

**NORTH SAN JOSÉ NEIGHBORHOODS PLANNING TASKFORCE
WORK PROGRAM**

APPENDIX B

At their initial meeting on July 25, 2007 the Taskforce established the following list of priority issues to be analyzed as part of their work program.

| TOPICS SUGGESTED BY TASKFORCE | VOTES | WORK PROGRAM PRIORITY | ESTIMATED HOURS OF MEETING TIME |
|---|--------------|------------------------------|--|
| Design Guidelines (Buildings, Walkability, Parking, Pedestrian Safety, Urban Core, Location and Program) | 14 | A | 3-4 |
| Transportation (Local, Regional, Transit) | 13 | A | 2-3 |
| Parks (Community Centers, Sports Fields for community, Aquatics) | 11 | A | 3-4 |
| Financing | 7 | B | 1 (and throughout) |
| Police | 6 | B | 1 |
| Retail (Grocery Store, Movie) | 6 | B | 2 |
| Schools | 5 | B | 3-4 (and throughout) |
| Environmental Design (Construction, Recycling of Building Materials) | 5 | B | .5 (within design guidelines) |
| Water Supply and Flood Control | 5 | B | 1-2 |
| Future Use of Agnews | 2 | C | 1 |
| Coordination with Alviso | 2 | C | throughout |
| Environmental Impact (Trees) | 2 | C | (in parks, design, water supply) |
| Co-Existing with Industry | 1 | C | in design guidelines |
| Hospital | 1 | C | none |
| Fire | 0 | D | with Police |
| 49ers | 0 | D | none |
| Coordination | 0 | D | throughout |
| Emergency Plan | 0 | D | with Police |

The table above displays the results of prioritization exercises conducted at the initial meeting with some clumping of similar topics into a broader category. Each topic was then ranked either A (high – 10+ votes), B (medium – 5-9 votes), C (low - 1-4 votes) or, D (very low – no votes) in terms of priority for placement on the taskforce work program (not a reflection of the overall priority or importance of the topic). For each topic an estimate was developed of the number of hours of taskforce time needed including information/presentation, debate and discussion, and crafting of solutions/recommendations. The estimates for hours were developed based on a combination of the priority of the topic and complexity of the subject within the constraint set by the overall Taskforce schedule. The cumulative total hours completely uses all the available time of the Taskforce.