



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: August 18, 2004

COUNCIL DISTRICT: 4
SNI AREA: None

SUBJECT: GP04-04-03: General Plan amendment request to change the *San Jose 2020 General Plan Land Use/Transportation Diagram* designation from Light Industrial to Medium High Density Residential (12-25 DU/AC) on a 3.96-acre site located on the northwest corner of Mabury Road and North King Road. As an alternative to the applicant's request, staff proposes a change to Transit Corridor Residential (20+ DU/AC).

RECOMMENDATION

The Planning Commission voted 4-0-2-1 (Commissioners Campos and Platten absent, Commissioner Dhillon abstained) to recommend approval of the staff proposed alternative to change the *San Jose 2020 General Plan Land Use/Transportation Diagram* designation from Light Industrial to Transit Corridor Residential (20+ DU/AC).

BACKGROUND

On August 11, 2004, the Planning Commission held a public hearing to consider a privately initiated General Plan amendment request to change the General Plan Land Use/Transportation Diagram designation from Light Industrial to Medium High Density Residential (12-25 DU/AC) on a 3.96-acre site located on the northwest corner of Mabury Road and North King Road. The General Plan definition of a BART Station Area Node is the area within a radius of 3,000 feet from a planned BART station; the subject site is approximately 1,000 to 1,200 feet from the planned Berryessa BART station.

Staff received a letter from Tom Armstrong from HMH Engineers, the applicant, on behalf of Ralph Borelli-Cherry Acres Partnership, the owner of the subject site (see attached). At issue in the letter is whether the subject site and the BART Station Area Node are in a suburban or urban context. In response to the letter, staff stated the following at the Planning Commission hearing:

Transit Corridor Residential (20+ DU/AC) has two types of residential development identified in the General Plan: Urban Transit Corridor Residential, which states that within reasonable walking distance of a BART station, residential density should generally exceed 45 DU/AC; and

Suburban Transit Corridor Residential, which would support the applicant's desire to designate the property Medium High Density Residential (12-25 DU/AC). The General Plan indicates that the determination of the intensity and scale of development on specific sites should be decided at the zoning stage. Staff is asking that direction be included that future development of the site should achieve a minimum density of 45 dwelling units per acre.

Existing General Plan policies specifically indicate that the density for properties designated Transit Corridor Residential (20+ DU/AC) within a BART Station Area Node should generally exceed 45 dwelling units per acre for residential sites. Staff's recommendation of Transit Corridor Residential (20+ DU/AC) is also consistent with the objectives of the master plan effort for the Berryessa BART station and surroundings currently underway in conjunction with proposed development of the Flea Market property. The Director of Planning, Building and Code Enforcement recommended approval of the staff alternative to acknowledge the importance of land uses and transit-oriented development needed to support BART operations and ridership. The regional draw of the Flea Market (approximately 70,000 patrons each weekend and approximately 4 million each year) is also significant.

ANALYSIS

Public Testimony

Tom Armstrong, representing the applicant, addressed the Planning Commission and stated that the owner (Cherry Acres/Borelli Investments) expects to build at a density between 20-25 dwelling units per acre — the high end of Medium High Density Residential (12-25 DU/AC) or the low end of Transit Corridor Residential (20+ DU/AC). Mr. Armstrong indicated that he does not agree with staff's determination that the site meets the General Plan definition of Urban Transit Corridor Residential. This definition states that residential density should generally exceed 45 dwelling units per acre. Mr. Armstrong contended that density was meant for areas within a safe and convenient 2,000-foot walking distance (not shortest distance between to points) from the planned station. Mr. Armstrong indicated that if a higher density than 20-25 DU/AC were required, the applicant would abandon future plans to propose residential development on the subject site. Mr. Armstrong also stated that he believes Santa Clara Valley Water District and Union Pacific Railroad ownership of properties in the area limits options on the site.

Two area residents expressed concerns regarding the following: lack of applicant initiation of community involvement in the planning process; the site being used as an experimental site for testing the Transit Corridor Residential (20+ DU/AC) designation in the area; legal issues regarding changing designations to Transit Corridor Residential (20+ DU/AC) in anticipation of BART with no confirmation that BART will occur and no other transit except buses in the area; the City abandoning promises to deliver parks and pedestrian and bike paths in the area; Mercury News reports that BART could stop in Milpitas; and pressure to convert the site to retail uses leading to intensification of traffic congestion in the area.

Staff noted that the site is located within the 3000-foot BART Station Area Node, but that the determination of the intensity and scale of development within the Transit Corridor Residential (20+ DU/AC) designation on specific sites would be decided at the zoning stage: such

determination will be based on the outcomes of the Berryessa BART station area master planning study currently being conducted. Staff's current recommendation is that direction be included in the approval of the proposed Transit Corridor Residential designation that future development of the site should achieve a minimum density of 45 dwelling units per acre.

In response to residents' concerns, staff indicated that the Berryessa Light Rail Station on the Tasman East/Capitol Light Rail Line is approximately one mile from the site, that with the approval last year of the General Plan Amendment on the Flea Market site, over 50 acres of land adjacent to the planned location for Berryessa BART station were designated Transit Corridor Residential (20+ DU/AC) and that one Council-initiated Housing Opportunities Study Phase III site is within this BART Station Area Node and proposed for designation as Transit Corridor Residential.

Commission Discussion

Commissioner Zito asked staff to explain the difference between Medium High Density Residential (12-25 DU/AC) and Transit Corridor Residential (20+ DU/AC) as the two overlap in density. Staff responded that Transit Corridor Residential allows commercial uses on the first two floors of development and that commercial can serve as a transition between two potentially incompatible uses: residential and industrial, as stated in the staff report. Commissioner James asked for clarification regarding whether Transit Corridor Residential (20+ DU/AC) allowed or required a commercial component. Staff stated that the designation allows, but does not require commercial uses.

Commissioner Levy indicated caution in relying on BART coming to San Jose and mentioned that he therefore had difficulty identifying this site as supportive of the planned Berryessa BART station. Commissioner James replied that as long as Transit Corridor Residential (20+ DU/AC) has no requirement for commercial uses or 45 dwelling units per acre minimum, the Planning Commission had nothing to lose by recommending Transit Corridor Residential. Commissioner Zito added that the applicant could accomplish his goal of 20-25 dwelling units per acre under either designation and confirmed the statement with the applicant. Commissioners Zito and Levy agreed with staff that the added flexibility allowed with the Transit Corridor Residential (20+ DU/AC) designation was a plus, especially in terms of showing support for the BART project and future ridership.

The Commission then voted 4-0-2-1 (Commissioners Campos and Platten absent; Commissioner Dhillon abstained) to recommend the staff proposed alternative designation of Transit Corridor Residential (20+ DU/AC).

PUBLIC OUTREACH

The property owners and occupants within a 1,000-foot radius were sent a newsletter regarding the two community meetings that were held on June 24 and 30, 2004. They also received a notice of the Mitigated Negative Declaration and a notice of the public hearings to be held on the subject amendment before the Planning Commission on August 11, 2004 and City Council on September 21, 2004. The Department web site contains information regarding the General Plan

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process, amendments, staff reports, and hearing schedules. This site is available to any member of the public and contains the most current information regarding the status of the amendments.

Staff has received written correspondence from the Independence High Neighborhood Association on the proposed amendment. The letter is included in the Planning Commission staff report (see attached). In response to this letter, staff contacted the applicant encouraging outreach to the community. Additionally, staff spoke to the author of the letter in person.

COORDINATION

The review of this General Plan amendment was coordinated with the Department of Public Works, the Fire Department, Department of Transportation, City Attorney, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, Pacific Gas and Electric, the Parks, Recreation and Neighborhood Services Department, and the Parks and Recreation Commission.

CEQA

A Mitigated Negative Declaration was adopted on August 11, 2004.


for STEPHEN M. HAASE
Secretary, Planning Commission