



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: November 20, 2006

COUNCIL DISTRICT: 4
SNI AREA: None

SUBJECT: GP06-04-04. GENERAL PLAN AMENDMENT REQUEST TO CHANGE THE SAN JOSE 2020 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM DESIGNATION FROM NEIGHBORHOOD/COMMUNITY COMMERCIAL ON APPROXIMATELY 6.4 ACRES, HIGH DENSITY RESIDENTIAL (25-50 DU/AC) ON APPROXIMATELY 7.2 ACRES, AND MEDIUM DENSITY RESIDENTIAL (8-16 DU/AC) ON APPROXIMATELY 0.9 ACRES TO MEDIUM HIGH DENSITY RESIDENTIAL (12-25 DU/AC) ON APPROXIMATELY 14.5 ACRES AND MAINTAIN THE EXISTING NEIGHBORHOOD/COMMUNITY COMMERCIAL DESIGNATION ON THE REMAINING APPROXIMATELY 3 ACRES OF THE APPROXIMATELY 17.5-ACRE PROPERTY LOCATED AT THE SOUTHEASTERLY CORNER OF BERRYESSA ROAD AND NORTH JACKSON AVENUE. (APN: 254-15-072, -073, -074, -066, and -067.)

RECOMMENDATION

The Planning Commission voted 6-0-1 (Commissioner Pham, absent) to recommend approval of the applicant's General Plan amendment request.

OUTCOME

If the City Council were to approve the General Plan amendment to change the Land Use/Transportation Diagram designations from Neighborhood/Community Commercial, High Density Residential (25-50 DU/AC), and Medium Density Residential (8-16 DU/AC) to Medium High Density Residential (12-25 DU/AC) as recommended by the Planning Commission and the Director of Planning, the General Plan amendment could potentially allow uses such as two-story apartments and condominiums with surface parking. In some cases taller buildings balanced with open space could be allowed on the subject site.

BACKGROUND

On November 13, 2006, the Planning Commission held a public hearing to consider the proposed General Plan amendment request to change the *San Jose 2020 General Plan* Land/Use Transportation Diagram designations. The Director of Planning, Building and Code Enforcement recommended approval.

PUBLIC TESTIMONY

The applicant's representative, Erik Schoennauer, stated that about a year ago, the City Council denied a proposed General Plan amendment (File No. GP03-04-07) to Medium High Density Residential (12-25 DU/AC) on the adjacent Nola property. As per the Council's direction after denying that application, a conceptual master plan for the approximately 20-acre site including the Nola property was presented to the community. The Office of Economic Development made an assessment of the site for commercial use and confirmed that approximately three acres of commercial use was appropriate for the site including the potential to accommodate a large sit-down restaurant.

Responding to a question from Commissioner Zito on how development could interface with the surrounding single-family properties, the applicant stated a right-of-way separated the property from its west side neighbors, and a fence existed in between the subject property and residential neighbors to the south. The applicant's proposal to lower the density on the site would be more in character with the surrounding single-family residential neighborhoods. Mr. Schoennauer explained that development with garden town homes would include front porches, would not be gated, and would be integrated with a neighborhood-focused retail center facilitating pedestrian connectivity.

Commissioner Kamkar asked if the proposed density was the right one for the site's relatively short distance from the light rail station and future Berryessa BART station; in response, Mr. Schoennauer noted that the site was separated by more than half a mile and an overpass from the Light Rail Station, and more than a mile away from the future BART station.

Commissioner Kalra asked if the community was connected to existing parks. Mr. Schoennauer pointed out to the nearest parks; he also stated that the Parks Commission had recommended collection of in-lieu fees to support development of Penitencia Park.

Speaking on behalf of the Berryessa Citizen Advisory Committee (BCAC), Kerri Hamilton stated that her Committee supported the amendment. However, she stated BCAC had concerns about the site access, which should be provided at the southern most part of the site on North Jackson Avenue. She also stated that when BART becomes a reality, there would be demand for a full-service grocery store. In response to the question on the parks issue, she said that the Berryessa children's park located adjacent to the County Park had maintenance issues, but it could serve the neighborhood.

Tai Greeves, also speaking on behalf of BCAC, expressed concerns about the site access; but he supported the staff recommendation.

Office of Economic Development (OED) staff giving feedback on the project, stated that this site had very specific opportunities and also constraints, including ingress and egress issues, and its location on the west side of I-680 interchange which poses constraints on this site for the development of a larger commercial development.

POLICY ALTERNATIVES

Not applicable.

PUBLIC OUTREACH/INTEREST

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

Although this item does not meet any of the above criteria, staff followed City Council Policy 6-30: Public Outreach Policy. The property owners and occupants located within 1000-foot radius of the subject site were mailed a notice informing them about a community meeting which was held on October 5, 2006 at Vinci Park Elementary School to discuss the proposed General Plan amendment.

They also received a notice of the Mitigated Negative Declaration and a joint notice of public hearings to be held on the subject General Plan amendment before the Planning Commission on November 13, 2006 and City Council on December 12, 2006. The attached staff report for the General Plan amendment contains a detailed summary of the discussion at the community meeting. The Planning Department web site contains information regarding the General Plan process, amendments, staff reports, and hearing schedules. This web site is available with the most current information regarding the status of the General Plan amendments.

This General Plan amendment request is subject to the State of California Tribal Consultation Guidelines. As of November 20, 2006, Planning staff has not received any comments from Tribal Representatives.

COORDINATION

This project was coordinated with the Office Economic Development, Department of Public Works, Fire Department, Department of Transportation, Department of Parks, Recreation and Neighborhood Services, Parks and Recreation Commission, Environmental Services Department, Santa Clara Valley Water District and Berryessa Union School District.

FISCAL/POLICY ALIGNMENT

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

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

A Mitigated Negative Declaration, File No. GP06-04-04, was adopted on November 13, 2006.


for JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Principal Planner, Stan Ketchum at 535-7876.

Attachments.

Marc B. Liebman, Ph.D.
Superintendent

1376 Piedmont Road
San Jose, CA 95132-2427



Phone: (408) 923-1800
Fax: (408) 923-0623

November 9, 2006

GP06-04-04

PCH 11/13/06

Item # 7d

Meera Nagaraj
Project Manager
City of San Jose
Department of Planning, Building and Code Enforcement
200 E. Santa Clara St
San Jose, CA 95113

RE: General Plan Amendment GP06-04-04, corner of Berryessa Road and Jackson Avenue

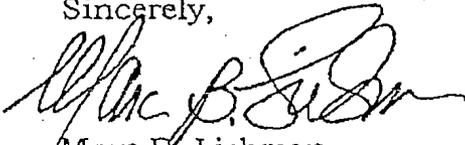
This letter is in reference to the General Plan Amendment request to change the Land Use/Transportation Diagram filed by Pepper Lane-Berryessa, LLC as Owner and Pulte Home Corporation as Applicant (file No. GP06-04-04).

The Berryessa Union School District has reviewed and discussed this application with the representatives of both the Owner and the Applicant during a meeting held on September 28, 2006.

The District supports the proposed General Plan Amendment. However, the District reserves the right to comment on this project at future stages of the entitlement process.

If you have any questions or need additional comments please contact our office at (408) 923-1815.

Sincerely,


Marc B. Liebman
Superintendent

Board of Trustees

Kansen Chu

John Coyle

Francine Davis

Ray Kwok

Rudy Nasol



GENERAL PLAN AMENDMENT STAFF REPORT FALL 2006 HEARING

Hearing Date/Agenda Number:
P.C. 11/13/06 Item: **7d**

File Number:
GP06-04-04

Council District and SNI Area:
District 4

Major Thoroughfares Map Number:
51

Assessor's Parcel Number(s):
254-15-072, -073, -074, -066, and -067

Project Manager:
Meera Nagaraj

PROJECT DESCRIPTION:

General Plan amendment request to change the Land Use/Transportation Diagram designation from Neighborhood/Community Commercial, High Density Residential (25-50 dwelling units/acre), and Medium Density Residential (8-16 dwelling units/acre) to Medium High Density Residential (12-25 dwelling units/acre) on an approximately 14.5-acre site and maintain the existing Neighborhood/Community Commercial land use designation on the remaining approximately 3 acres of the approximately 17.5-acre larger property.

LOCATION: Southeasterly corner of Berryessa Road and North Jackson Avenue.

ACREAGE: Approximately 14.5 acres

APPLICANT/OWNER:

Pulte Home Corporation-Dan Carrol, Applicant/ Pepper Lane-Berryessa, LLC., Owner.

GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: Neighborhood/Community Commercial, High Density Residential (25-50 DU/AC), and Medium Density Residential (8-16 DU/AC)

Proposed Designation: Medium High Density Residential (12-25 DU/AC)

ZONING DISTRICT:

Existing District: R-1-5 (PD) - Residential use

SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

North: Vacant land; Neighborhood/Community Commercial, and Single-family residential across Berryessa Road; Medium Low Density Residential (8 DU/AC)

South: Single-family residential; Medium Low Density Residential (8 DU/AC)

East: Single-family residential; Medium Density Residential (8-16 DU/AC)

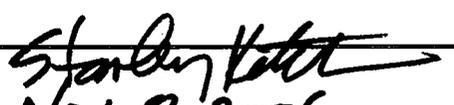
West: Single-family residential; Medium Low Density Residential (8 DU/AC)

ENVIRONMENTAL REVIEW STATUS:

Mitigated Negative Declaration circulated on October 25, 2006.

PLANNING STAFF RECOMMENDATION:

Medium High Density Residential (12-25 DU/AC)

Approved by: 

Date: **Nov. 8, 2006**

PLANNING COMMISSION RECOMMENDATION:

CITY COUNCIL ACTION:

CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:

- **Department of Public Works:** Memo dated on May 19, 2006 stated that the subject site is in AO-2, B Flood Zone; a Near-Term Traffic Impact Analysis is required at Planned Development Zoning or environmental clearance stage. This project shall coordinate with Nola Property, at the northeast corner of this project site, to provide common access off of Berryessa Road (See attached memo.)
- **Department of Transportation:** Memo dated June 20, 2006 stated that the proposed land use change is exempt from a long-range computer model traffic impact analysis. (See attached memo.)
- **San José Fire Department:** Memo dated May 12, 2006 stated that comments will be provided with subsequent permit applications and that the site flow requirement may be as high as 4,500 gallons per minute. (See attached e-mail memo.)
- **Parks, Recreation, and Neighborhood Services (PRNS):** Memo dated Sept. 26, 2006 stated that in-lieu fees will be collected to build out Penitencia Creek Park (Reach 6).
- **Parks Commission:** Memo dated October 4, 2006 stated that in-lieu fees will be collected to build out Penitencia Creek Park (Reach 6).
- **Santa Clara Valley Water District (SCVWD):** Memo dated May 19, 2006 stated that the District's 66-inch-diameter pipeline is located in a District easement within Berryessa Road. Construction over or adjacent to this pipeline will require District review and permitting.
- **Berryessa Union School District:** Memo dated May 22, 2006 requested the Planning Commission recommend denial of the project. The schools that serve this project are currently at or above capacity and any new development will create a facility impact.

GENERAL CORRESPONDENCE:

Staff received one telephone call from a community member complaining about the current traffic congestion on Jackson Avenue and Berryessa Road during peak work hours. There were several general inquiries about the project.

RECOMMENDATION

Planning staff recommends the Planning Commission forward to the City Council a recommendation to approve a change in the General Plan Land Use/Transportation Diagram designation from Neighborhood/Community Commercial, High Density Residential (25-50 DU/AC), and Medium Density Residential (8-16 DU/AC) to Medium High Density Residential (12- 25 DU/AC) on the subject site and retain approximately 3 acres with the Neighborhood/Community Commercial land use designation at the southeasterly corner of Berryessa Road and North Jackson Avenue.

PROJECT DESCRIPTION

This is a privately-initiated General Plan amendment request to change the *San Jose 2020 General Plan* Land Use/Transportation Diagram designation from Neighborhood/Community Commercial on approximately 6.4 acres, High Density Residential (25-50 DU/AC) on approximately 7.2 acres, and Medium Density Residential (8-16 DU/AC) on approximately 0.9 acres to Medium High Density Residential (12-25 DU/AC) on approximately 14.5 acres and maintain the existing Neighborhood/Community Commercial land use designation on the remaining approximately 3 acres of the approximately 17.5-acre property located at the southeasterly corner of Berryessa Road and North Jackson Avenue.

The proposed residential land use designation of Medium High Density Residential (12-25 DU/AC) is typified by two-story apartments and condominiums with surface parking. In some cases taller buildings balanced with open space are allowed. Medium High Density Residential (12-25 DU/AC) uses are planned primarily for locations on major streets and near major activity centers. Sites with this land use designation located in Transit-Oriented Development Corridors or along arterials containing major bus routes should be developed at the high end of the density range to support these transit facilities. Properties located within a reasonable walking distance (approximately 2,000 feet along a safe pedestrian route) of a planned or existing rail station should be developed at a minimum density of 20 units per acre under this designation.

BACKGROUND

In October 2005 the City Council denied a proposed General Plan amendment (File No. GP03-04-07) from Medium Density Residential (8-16 DU/AC) to Medium High Density Residential (12-25 DU/AC) on the adjacent approximately 3-acre Nola property. As a part of their action on the amendment, the Council accepted the attached memo from Council Member Reed (see attachment,) directing that the proposed uses and design for the entire 20-acre site (incorporating both the Nola and Pepper Lane properties) be reviewed before considering a change in the General Plan land use designation on any individual parcel within that larger area. In addition, the Council directed that the community review the combined plan and that the Office of Economic Development should evaluate the potential for commercial uses on the site.

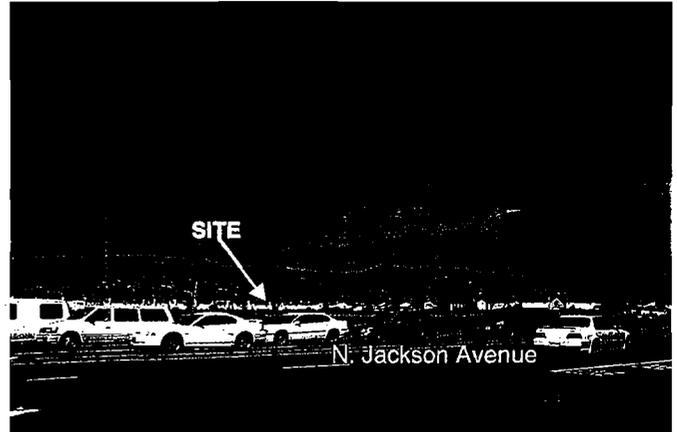
Working towards this objective, Planning staff has arranged many meetings with representatives of each of the properties and conducted various interdepartmental meetings with the Office of Economic Development (OED), Department of Parks, Recreation, and Neighborhood Services (PRNS), and Department of Transportation (DOT) to help formulate an action plan to accomplish the Council direction. OED has found that retaining a 3-acre portion of the existing 6.4-acre commercial site would provide adequate commercial service for the existing single-family residential neighborhoods in the vicinity of the site. A conceptual plan illustrating how the two properties could jointly develop (there is presently no development proposal on file on the Nola property) the overall 20-acre site was prepared by the applicants and presented to the community for their review. Community feedback on the proposed General Plan Amendment is described in the Public Outreach Section of this report.

Site and Surrounding Uses

The subject site was historically used for agricultural purposes -- orchards (cherry and apricot) and row crops. According to the Phase I Soils Study (dated October 4, 2006), orchards appear to have been removed in the early 1980s. Currently there are structures on the part of the site facing Berryessa Road. One of these structures houses a flower shop; another structure has been used as storage for seasonal sales on the site (both these areas are reportedly leased). Two other structures



Existing temporary structures on the site.



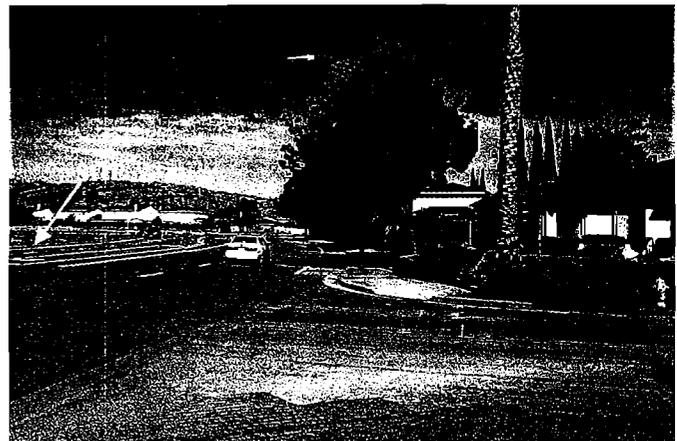
View looking east across North Jackson Avenue.

and a fenced lot are used for outdoor storage of farm equipment and other miscellaneous items. These structures, located to the north of the flower shop, were reportedly constructed and used during the 1970s for office and storage purposes by the homebuilder that developed the adjacent property to the north and east of the site. The rest of the site is flat and vacant.

Both Berryessa Road and Jackson Avenue, located to the north and west of the site are four lane arterials. The subject site is surrounded by single-family residences on all four sides. The adjacent Nola property has a Medium Density Residential (8-16 DU/AC) land use designation.



Single-family residences along Ensign Way off of North Jackson Avenue.



Single-family residences across North Jackson Avenue.

General Plan Amendment History

Since the annexation of the land into the City in 1969 (Berryessa No. 7), there has been no change in the General Plan land use designation on the site.



Aerial Exhibit of the Subject Site and Vicinity

ANALYSIS

The key issues in analyzing the proposed General Plan amendment are: 1) consistency with the *San José 2020 General Plan* Major Strategies, goals, and policies, and 2) land use compatibility.

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

The *San Jose 2020 General Plan* has seven Major Strategies that identify the principal objectives of the Plan. Of those seven, this proposed General Plan amendment directly relates to four Major Strategies: (1) Sustainable City; (2) Growth Management; (3) Economic Development; and (4) Urban Conservation/Preservation.

General Plan Major Strategies

The Major Strategies, goals and policies of the City's General Plan support infill residential development in appropriate areas of the City and encourage sustainable practices, such as orienting residential development near transit facilities and existing retail and commercial uses. The Sustainable City Major Strategy seeks to reduce traffic congestion, pollution, wastefulness, and environmental degradation of our living environment. The amendment site is located within proximity to the Capitol Corridor Light Rail Transit Corridor. Locating developments in already urbanized areas near transit contributes to sustainability by reducing the number of vehicular trips, shortening trip lengths, and providing for the availability of different modes of transportation such as public transit, biking, and walking. This in turn helps to conserve energy and improve air quality.

The proposed amendment is supportive of the Growth Management Major Strategy that seeks to find the balance between the need to house new population and the need to balance the City's budget, while providing acceptable levels of service. The amendment site is located within an area where urban facilities and services are already available; infill development on this site would support the intent of the Growth Management Major Strategy.

The proposed change to the General Plan Land Use/Transportation Diagram designation is somewhat consistent with the Economic Development Major Strategy. This Major Strategy is designed to maximize the economic potential of the City's land resources while providing employment opportunities for San José's residents. San José continues to support development and revitalization of non-residential areas that are essential to the economic health of the community. The combination of industrial areas, Downtown, regional and local centers, and other commercial and office development along major streets constitutes the City's economic base. The success of other Major Strategies of the General Plan depends to a great extent on the success of economic development in the City.

If the General Plan amendment were to be approved, the commercial employment opportunities that could be generated on the existing Neighborhood/Community Commercial land use designated portion of the site would be reduced approximately by 6.4 acres. However, the commitment by the applicant to retain an appropriately located portion of the larger site at the southeasterly corner of Berryessa Road and Jackson Avenue for commercial use would result in maximizing the economic potential of the land, which could contribute to the economic health of the community. Therefore, the proposed General Plan amendment is somewhat consistent with the Economic Development Major Strategy.

The proposed General Plan amendment would be partially consistent with the urban Conservation/Preservation Major Strategy, which recognizes the value in protecting and enhancing San Jose's neighborhoods and historic buildings to promote community identity and pride. The current proposal is considered an infill development projects that would integrate with existing neighborhoods and enable the City to maintain adequate levels of service for existing neighborhoods by avoiding development at the fringe of the City, which could divert these services.

General Plan Goals and Policies

The proposed land use change on the subject site is somewhat consistent with the General Plan's goals and policies. Of particular importance is consistency with the following residential land use policies:

Residential Land Use Policy No. 3. Higher residential densities should be distributed throughout the community. Locations near commercial and financial centers, employment centers, light rail transit stations, and along bus transit routes are preferable for higher density housing. There are a variety of strategies and policies in the General Plan that encourage the construction of high density housing and supportive mixed uses.

Residential Land Use Policy No. 9. This policy states that when changes in residential densities are proposed, the City should consider such factors as neighborhood character and identity, compatibility of land uses and impacts on livability, impacts on services and facilities, including schools, to the extent permitted by law, accessibility to transit facilities, and impacts on traffic levels on both neighborhood streets and major thoroughfares.

The proposed reduced residential density from High Density Residential (25-50 DU/AC) to Medium High Density Residential (12-25 DU/AC) would slightly reduce the maximum residential potential on the site. Overall, spreading the proposed density over 14.5 acres would allow up to approximately 363 units; the existing 7.2-acre portion of the site, if it should develop at 50 dwelling units per acre would allow up to approximately 374 units. The proposed change to Medium High Density Residential (12-25 DU/AC) is consistent with the above residential land use policies in that the proposed General Plan land use designation is compatible with the existing surrounding land uses and the surrounding neighborhood character. It forms a buffer/transitional area between Berryessa Road and the single-family homes to the south of the site.

Commercial Land Use Policy No. 1. 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 policy indicates that the 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 that minimizes the need for automobile travel.

If the General Plan amendment is approved, access to future commercial uses on site by the surrounding resident population would be reduced by 6.4 acres. A three-acre Neighborhood/Community Commercial site has been set aside for future commercial uses at the southeast corner of Berryessa Road and Jackson Avenue. Given the anticipated demand for commercial services in the vicinity of the subject site, the proposed General Plan amendment to eliminate 6.4 acres of vacant commercial land would not significantly impact the overall balance of commercial services provided to the community. However, provision of future commercial services to the immediate neighborhood would be reduced by 6.4 acres. Therefore, the proposed General Plan amendment is somewhat inconsistent with Commercial Land Use Policy No. 1.

Urban Conservation Policy No. 2. The *San Jose 2020 General Plan's* urban conservation policy states the city should encourage new development, which enhances the desirable qualities of the community and existing neighborhoods. The proposed General Plan amendment would enhance future housing options available in the surrounding neighborhood, while retaining the commercial land use on the subject property for the retail needs of the community. Therefore, the proposed

General Plan amendment is consistent with the policy.

Land Use Compatibility

The Residential and Commercial Design Guidelines provide guidance for locating new higher density residential uses adjacent to non-residential uses, (e.g., commercial and major transportation facilities). Typical uses within the Neighborhood/Community Commercial land use designation are neighborhood-serving retail and service establishments. A future development for residential and retail commercial uses on the amendment site could be designed to be compatible with the surrounding existing single-family residential uses.

ENVIRONMENTAL REVIEW

A Draft Mitigated Negative Declaration was circulated on October 25, 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, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Public Services and Utilities, Transportation/Traffic, and Service System.

PUBLIC OUTREACH

Community Meeting

The property owners and occupants located within 1000-foot radius of the subject site were mailed a notice informing them about a community meeting which was held on October 5, 2006 at Vinci Park Elementary School to discuss the proposed General Plan amendment. They also received a notice of the Mitigated Negative Declaration and a joint notice of public hearings to be held on the subject General Plan amendment before the Planning Commission on November 13, 2006 and City Council on December 12, 2006. The Planning Department web site contains information regarding the General Plan process, amendments, staff reports, and hearing schedules. This web site is available with the most current information regarding the status of the General Plan amendments.

The community meeting was attended by approximately twenty people representing the adjacent single-family residential neighborhoods and the adjoining Nola property owners. Erika Salum, representing the applicant, Pulte Homes, made a presentation about a potential future residential project that could be proposed subsequent to the City's approval of the pending General Plan amendment application for the subject site.

The community members in attendance expressed concerns including:

1. Concerns about the potential for increasing traffic and decreasing safety on Jackson Avenue and Berryessa Road that would aggravate the existing poor traffic conditions resulting from the new development off of Interstate-680 east.
2. Concerns about degrading the quality of life with no parks, and the poor condition of school buildings in the area.

3. Concerns about the incompatibility of higher density housing with the existing single-family residential neighborhood.
4. The high water table and potential for increased flooding.
5. Doubts about loading operations in the commercial area not negatively impacting the adjoining residential development.

The developer pointed out the proposed residential density is less than that currently allowed on the site. Staff pointed out that details related to near-term traffic impacts would be addressed during rezoning and development application review.

Tribal Consultation Compliance

This General Plan amendment is subject to the State of California Tribal Consultation Guidelines and was referred to the tribal representatives. To date, no comments from tribal representatives on the subject General Plan amendment request have been received by staff.

CONCLUSION

The amendment site is an infill site surrounded by existing urban development. The site is appropriate for the proposed Medium High Density Residential (12-25 DU/AC), which could be designed with an effective interface with the surrounding existing single-family residential uses. The proposed conversion of 6.4 acres of Neighborhood/Community Commercial use to Medium High Density Residential (12-25 DU/AC) would not significantly impact the overall balance of commercial services provided to the community. Future development could include the incorporation of new Neighborhood/Community Commercial uses on the approximately 3-acre portion of the subject property.

Staff recommends that the Planning Commission forward a recommendation to the City Council to change the Land Use/Transportation Diagram designation from Neighborhood/Community Commercial on approximately 6.4 acres, High Density Residential (25-50 DU/AC) on approximately 7.2 acres, and Medium Density Residential (8-16 DU/AC) on approximately 0.9 acres to Medium High Density Residential (12-25 DU/AC) on an approximately 14.5-acre site, and retain approximately 3 acres of the property at the corner of Berryessa Road and North Jackson Avenue for Neighborhood/Community Commercial use.



Memorandum

Chuck Reed

TO: Mayor and City Council
SUBJECT: GP03-04-07

FROM: Chuck Reed -
DATE: October 17, 2005

APPROVED:

DATE:

RECOMMENDATION:

No change in the General Plan.

BACKGROUND:

This parcel is one piece of one of the largest undeveloped sites in the Berryessa area. The site has been planned for housing and commercial use for many years. The adjacent parcel owner is now processing an application for increased housing and reduced commercial use on the adjoining parcel.

Because of the size of the site and the need for commercial uses that generate sales taxes, the design and uses on the entire site need to be considered before changes are made to the General Plan on any individual parcel.

The community should have an opportunity to consider the entire site and express their opinions on what would be best for the neighborhood. The Office of Economic Development should consider whether or not commercially planned property should be converted to residential uses.

Development on the site could proceed as already planned, but changes to the General Plan need more consideration and analysis.

cc: City Clerk
City Manager
City Attorney



Memorandum

TO: Meera Nagaraj
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

SUBJECT: RESPONSE TO GENERAL PLAN
AMENDMENT APPLICATION

DATE: 05/19/06

PLANNING NO.: GP06-04-04
DESCRIPTION: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Neighborhood/Community Commercial and High Density Residential (25-50 DU/AC) to Medium High Density Residential (12-25 DU/AC) on 14.28 acres of a 17.48-acre site. (Pulte Home Corp., Applicant/Pepper Lane-Berryessa, LLC, Owner)
LOCATION: east side of Jackson Avenue, approximately 200 feet south of Berryessa Road. (APNs 254-15-066, -067, -072, -073 & -074).
P.W. NUMBER: 3-12552

Public Works received the subject project on 05/08/06 and submits the following comments:

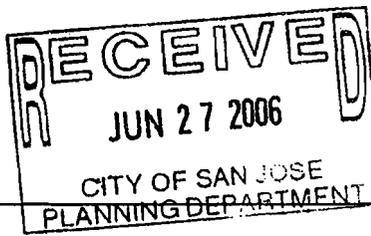
<u>AO-2, B</u>	Flood Zone
<u>NO</u>	Geological Hazard Zone
<u>NO</u>	State Landslide Zone
<u>NO</u>	State Liquefaction Zone
<u>NO</u>	Inadequate Sanitary capacity
<u>NO</u>	Inadequate Storm capacity
<u>YES</u>	Major Access Constraints (see comments below)
<u>YES</u>	Near-Term Traffic Impact Analysis (At PDC or environmental clearance stage).

Comments: This project shall coordinate with Nola Property, at the northeast corner of this project site, to provide common access off of Berryessa Road.

Please contact the Project Engineer, Winnie Pagan at (408) 535-6824 if you have any questions.

EBRAHIM SOHRABI
Senior Civil Engineer
Transportation and Development Services Division

WP
ES:WP:jw
6065_14379506033



Memorandum

TO: Jenny Nusbaum
Planning, Building
and Code Enforcement

FROM: P. Paul Ma

SUBJECT: TRAFFIC IMPACT ANALYSIS
FOR GP06-04-04

DATE: 06-20-06

Approved

Date

File Number: GP06-04-04
Location: S/E corner of Berryessa Rd. and Jackson Ave.
Acreage: 17.48 ac.
Description: Neighborhood/Community Comm. and High Density Res. (25-50 DU/AC) to
Neighborhood/Community Comm. and Medium High Density Res. (12-25 DU/AC)
(Delete 6 HH, Delete 98 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 traffic impact analysis.

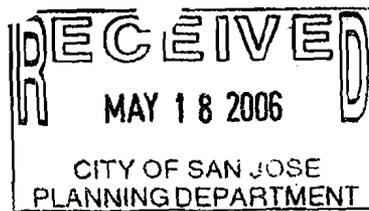
If an Environmental Impact Report (EIR) is required for this GPA for other reasons, the EIR must include a traffic impact analysis report for the project and a cumulative analysis for all GPAs on file this year. Additional traffic data will be provided to the applicant's traffic engineering consultant for the preparation of the report.

Please contact Paul Ma at 975-3272 if you have any questions.

P. PAUL MA
Transportation Systems Planning Manager
Department of Transportation

PM

cc: Meera Nagaraj



Memorandum

DATE: 05/12/06

TO: Meera Nagaraj

FROM: Nadia Naum-Stoian

Re: Plan Review Comments

PLANNING NO: GP06-04-04

DESCRIPTION: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Neighborhood/Community Commercial and High Density Residential (25-50 DU/AC) to Medium High Density Residential (12-25 DU/AC) on 14.28 acres of a 17.48-acre site. (Pulte Home Corp., Applicant/Pepper Lane-Berryessa, LLC, Owner)

LOCATION: east side of Jackson Avenue, approximately 200 feet south of Berryessa Road. (APNs 254-15-066, -067, -072, -073 & -074).

ADDRESS: east side of Jackson Avenue, approximately 200 feet south of Berryessa Road. (APNs 254-15-066, -067, -072, -073 & -074).

FOLDER #: 06 013310 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.

Planner to check with Hazardous Materials Division, , Michael Murtiff, for Environmental concerns, and Fire Administrative Officer Geoff Cady for response impact.

Site flow requirement may be as high as 4,500 GPM.

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

October 4, 2006

City of San José Planning Commission
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113

*See page # 2 & 3 for
GIP06-04-04*

Subject: Fall 2006 General Plan Amendment Review

Dear Planning Commissioners:

The Parks and Recreation Commission (hereinafter "Commission") reviewed the proposed Fall 2006 General Plan Amendments in a study session on September 20, 2006 and formally acted on recommendations in response to the amendments at their regular meeting on October 4, 2006. This letter transmits the Commission's comments regarding the following General Plan Amendments to be considered by the Planning Commission and the City Council.

1) **GP05-02-05:** General Plan Amendment request to change the San José 2020 Land Use/Transportation Diagram designation from Very Low Density Residential (2.0 DU/AC) to Medium Density Residential (8-12 DU/AC) on 4.7 acres, located on at the terminus of Skyway Drive in Council District Two. The nearest park site is Danna Rock Park, which is adjacent to the proposed amendment site.

Commission's Recommendation: *Due to the size of the proposed housing project will likely to be under 51 units, the City can only request the collection of in-lieu fees from the developer.*

2) **GP05-02-06:** General Plan Amendment request to modify the San José 2020 Land Use/Transportation Diagram designation from Very Low Density Residential (2.0 DU/AC) on 4.3 acres and General Commercial on 0.2 acres to Medium Low Density Residential (8.0DU/AC) on 4.5 acres of land, located on the easterly side of Monterey Highway, approximately 800 feet northwesterly of Skyway Drive in Council District Two. The nearest park to the proposed amendment site is Danna Rock Park.

Commission's Recommendation: *Due to the size of the proposed housing project will likely to be under 51 units, the City can only request the collection of in-lieu fees from the developer.*

3) **GP06-02-02 & UGB06-001:** General Plan Amendment request to modify the Greenline/Urban Growth Boundary to include 2.6 acres into the urban area and to modify the San José 2020 Land Use/Transportation Diagram designation from Rural Residential (0.2 DU/AC) to High Density Residential (25-50 DU/AC) on 3.2 acres of land, located on the easterly side Piercy Road, at the northeasterly corner of Piercy Road and Silicon Valley Road in

Council District Two. The nearest park to the proposed amendment site is Basking Ridge Park to the south.

Commission's Recommendation: *The Commission does not support any changes to the Greenline/Urban Growth Boundary. If the boundary adjustment is approved by City Council, the Commission requests that a one acre public park site be required from the developer.*

4) **GP05-03-08:** General Plan Amendment request to change the San José 2020 Land Use/Transportation Diagram designation from Combined Industrial/Commercial and General Commercial to Downtown Core Area on 1.7 acres, located on the northeasterly side of Stockton Avenue, approximately 300 feet northerly of Santa Clara Street in Council District Three. This amendment could allow a mix-use project at this site. The nearest park is Cahill Park, approximately 1/8 mile to the south of the proposed amendment site, which requires the crossing of The Alameda.

Commission's Recommendation: *The Commission is concerned with the lack of parklands in this area. The Commission cannot support this amendment or any additional residential projects within this area that would cause pedestrian traffic to cross The Alameda, a four lane street, to access a public park.*

5) **GP06-03-01:** General Plan Amendment request to modify the San José 2020 Land Use/Transportation Diagram designation from Light Industrial to Transit Corridor Residential (20+ DU/AC) on 24.8 acres, located on the northeasterly side of North King Road and Dobbin Drive, approximately 640 feet south of Mabury Road in Council District Three. The nearest park is Overfelt Gardens, approximately 1/2 mile to the south of the proposed amendment site.

Commission's Recommendation: *Due to the size of the proposed housing project will likely to be over 51 units, the City should request the maximum land dedication possible from the developer.*

6) **GP06-04-02:** General Plan Amendment request to modify the San José 2020 Land Use/Transportation Diagram designation from Industrial Park to High Density Residential (25-50 DU/AC) on 21.4 acres and 6 acres of Neighborhood/Community Commercial, located at the southeast corner side of East Brokaw Road and Old Oakland Road in Council District Four. The nearest park is Townsend Park, approximately 3/4 mile to the north of the proposed amendment site.

Commission's Recommendation: *Due to the size of the proposed housing project will likely to be over 51 units, the City should request the maximum land dedication possible from the developer.*

✓ 7) **GP06-04-04:** General Plan Amendment request to modify the San José 2020 Land Use/Transportation Diagram designation from Neighborhood/Community Commercial and High Density Residential (25-50 DU/AC) to Medium High Density Residential on 14.28 acres and 3.2 acres of Neighborhood/Community Commercial, located at the southeast corner side of Berryessa Road and Jackson Avenue in Council District Four. The nearest park is Vinci Park, approximately 1/3 mile to the northwest of the proposed amendment site.

✓ **Commission's Recommendation:** *Due to the location of the proposed housing project, the recommendation is the collection of in-lieu fees for the build out of Penitencia Creek Park (Reach 6), which is a block south of the proposed amendment site on Jackson Avenue.*

8) **GP06-07-02:** General Plan Amendment request to modify the San José 2020 Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Medium Density Residential (8-16 DU/AC) on 1.5 acres, located at the northeast side of McLaughlin Road, approximately 640 feet southeast of Tully Road in Council District Seven. The nearest park is the Tully Ballfields/Stonegate Park Complex, approximately 1/2 mile to the west of the proposed amendment site.

Commission's Recommendation: *Due to the size of the proposed housing project will likely to be under 51 units, the City can only request the collection of in-lieu fees from the developer.*

9) **GP06-07-03:** General Plan Amendment request to modify the San José 2020 Land Use/Transportation Diagram designation from Combined Industrial/Commercial to Medium High Density Residential (12-25 DU/AC) on 2.35 acres, located at the south side of Umbarger Road, approximately 200 feet northeast of Monterey Road in Council District Seven. The nearest parks are the Solari and Stonegate Parks, approximately 1/2 mile away from the proposed amendment site.

Commission's Recommendation: *Due to the size of the proposed housing project will likely to be under 51 units, the City can only request the collection of in-lieu fees from the developer. Such collection should be used for a partial acquisition of the County Fairgrounds for a neighborhood park on Umbarger Road.*

The following amendments are also associated with the Evergreen-East Hills Vision Plan Project.

10) **GP05-08-01A:** General Plan Amendment request to modify the San José 2020 Land Use/Transportation Diagram designation from Public/Quasi-Public, Medium Low Density Residential (8 DU/AC), Office, Industrial Park and Public Park/Open Space to Mixed Use with No Underlying Land Use Designations on 81.0 acres, located on the south side of Quimby Road, approximately 1,000 feet westerly of Capitol Expressway in Council District Eight. The nearest park is Meadowfair Park, which is adjacent to the south boundary of the proposed amendment site.

Commission's Recommendation: *Due to the size of the proposed housing project will likely to be around 1875 units, the City should request the maximum land dedication possible from the developer, which could be around 12 acres.*

11) **GP05-08-01B:** General Plan Amendment request to modify the San José 2020 Land Use/Transportation Diagram designation from Private Recreation to Medium Density Residential (8-16 DU/AC), Neighborhood/Community Commercial, and Public Park/Open Space on 114 acres, located at the northeast corner of Tully and White Roads in Council District Eight. The nearest park is Lake Cunningham Regional Park, just across White Road from the proposed amendment site.

Commission's Recommendation: *Due to the size of the proposed housing project will likely to be around 750 units, the City should request the maximum land dedication possible from the developer, which could be around 7 acres.*

12) GP05-08-01C: General Plan Amendment request to modify the San José 2020 Land Use/Transportation Diagram designation from Campus Industrial to Medium Low Density Residential (8.0 DU/AC), and Public Park/Open Space on 175 acres, located at the southeast corner of Fowler and Yerba Buena Road in Council District Eight. The nearest park is the future Fowler Park, now under construction, around a 1/4 mile to the west from the proposed amendment site.

Commission's Recommendation: *Due to the size of the proposed housing project will likely to be around 1,100 units, the City should request the maximum land dedication possible from the developer, which could be around 11 acres.*

13) GP05-08-01D: General Plan Amendment request to modify the San José 2020 Land Use/Transportation Diagram designation from Campus Industrial to Medium Density Residential (8-16 DU/AC), and Public Park/Open Space on 24 acres, located at the eastside of Yerba Buena Road, opposite of Verona Road in Council District Eight. The nearest park is Montgomery Hill Park, across Yerba Buena Road from the proposed amendment site.

Commission's Recommendation: *Due to the size of the proposed housing project will likely to be around 225 units, the City should request the maximum land dedication possible from the developer, which could be around 2 acres.*

14) GP05-08-01E: General Plan Amendment request to modify the San José 2020 Land Use/Transportation Diagram designation from Campus Industrial to Medium Density Residential (8-16 DU/AC), Medium Low Density Residential (8 DU/AC) and Public Park/Open Space on 120 acres, located at the northeast corner of Yerba Buena Road and Old Yerba Road in Council District Eight. The nearest park is Montgomery Hill Park, across Yerba Buena Road from the proposed amendment site.

Commission's Recommendation: *Due to the size of the proposed housing project will likely to be around 675 units, the City should request the maximum land dedication possible from the developer, which could be around 6 acres.*

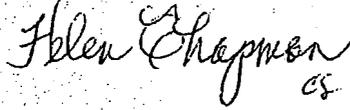
15) GP05-08-01F: General Plan Amendment request to modify the San José 2020 Land Use/Transportation Diagram designation from Public/Quasi-Public to Mixed Use with No Underlying Land Use Designations on 27 acres, located at the north side of Yerba Buena Road, approximately 350 feet easterly of San Felipe Road in Council District Eight. The nearest parks, Evergreen park, the future Falls Creek Park and Montgomery Hill Park, are within walking distance from the proposed amendment site.

Commission's Recommendation: *Due to the location of the proposed housing project, the recommendation is the collection of in-lieu fees to enhance the surrounding parks.*

Planning Commission
October 4, 2006
Summer 2006 General Plan Amendment Review
Page 5

The Parks and Recreation Commission will be glad to answer any questions the Planning Commission may have regarding these recommendations.

Sincerely,

A handwritten signature in cursive script that reads "Helen Chapman" with a small "CS" or similar mark below the name.

Helen Chapman
Chair, Parks and Recreation Commission

cc: Albert Balagso, PRNS
Joseph Horwedel, PBCE

Memorandum

TO: PLANNING COMMISSION

FROM: David J. Mitchell

**SUBJECT: REVIEW OF GENERAL PLAN
AMENDMENT APPLICATIONS**

DATE: 9-26-06

Approved

M. J. Mitchell

Date

10-4-06

RECOMMENDATION

Accept the Department of Parks, Recreation, and Neighborhood Services (PRNS) recommendations regarding the General Plan Amendments for the Fall-2006 Cycle Review.

BACKGROUND

On November 8 and 15, 2006, the Planning Commission may consider the General Plan Amendments for the Fall Cycle. On December 5, 2006 the City Council may also deliberate on the proposed amendments to the General Plan. There are 15 requests that may generate new residential units and therefore are subject to either the Park Impact Ordinance or the Parkland Dedication Ordinance, Chapters 14.25 and 19.38 respectively of the San José Municipal Code. In order to meet the requirements of either Ordinance, PRNS has made its recommendations as noted below.

(see page nos. 3 & 4 for GP06-04-04)

District 2

1. **GP05-02-05**

Location: Terminus of Skyway Drive in CD2

Size of Area: 4.7 acres

MLS Zone: 11

Current General Plan Designation: Very Low Density Residential (2.0 DU/AC)

Proposed Designation: Medium Density Residential (8-12 DU/AC)

Estimated Number of Units: 37 to 56 Units

Maximum Fee Requirement: If single-family detached units, then \$407,000 to \$616,000

Maximum Dedication Requirement: Zero due to number of possible units will most likely be under 50 units

Nearest Parks: Danna Rock Park is adjacent to the amendment site.

Nearest Schools: South Valley Christian School and Christopher Elementary School

Staff Recommendation: If a project comes forward, staff's recommendation will be the collection of in-lieu fees due to the proposed size of a future housing project

Maximum Fee Requirement: Unknown

Maximum Dedication Requirement: Unknown

Nearest Parks: Cahill Park 1/4 mile to the south of the amendment site

Nearest Schools: Hoover Middle School is 1.5 miles to the west of the amendment site

Staff Recommendation: If a project comes forward, staff's recommendation will be the collection of in-lieu fees due to the proposed size of a future housing project

5. GP06-03-01

Location: Northeastly side of North King Road and Dobbin Drive, approximately 640 feet south of Mabury Road in CD3.

Size of Area: 24.8 acres

MLS Zone: 5

Current General Plan Designation: Light Industrial

Proposed Designation: Transit Corridor Residential (20+ DU/AC)

Estimated Number of Units: 469+ multi-family attached units

Maximum Fee Requirement: \$3,939,600

Maximum Dedication Requirement: 3.4 acres

Nearest Parks: Overfelt Gardens is 1/2 mile to the south east of the amendment site

Nearest Schools: Independences High School is 1/4 miles to the east of the amendment site

Staff Recommendation: If a project comes forward, staff's recommendation will be the dedication of land for a future park site.

District 4

6. GP06-04-02

Location: Southwest corner of East Brokaw Road and Old Oakland Road

Size of Area: 27.4 acres

MLS Zone: 5

Current General Plan Designation: Industrial Park

Proposed Designation: High Density Residential on 21.4 acres (25-50 DU/AC) and 6 acres of Neighborhood/Community Commercial

Estimated Number of Units: 535 to 1,073 multi-family attached units

Maximum Fee Requirement: \$4,494,000 to \$9,013,200

Maximum Dedication Requirement: 3.6 to 7.4 acres

Nearest Parks: Townsend Park is 3/4 miles to the east of the amendment site

Nearest Schools: Orchard School is 3/4 miles to the north of the amendment site

Staff Recommendation: If a project comes forward, staff's recommendation will be the dedication of land for a future park site along the creek.

7. GP06-04-04

Location: Southwest corner of Berryessa Road and Jackson Avenue

Size of Area: 17.8 acres

MLS Zone: 5

Current General Plan Designation: Neighborhood/Community Commercial and High Density Residential (25-50 DU/AC)

Proposed Designation: Medium High Density Residential on 14.28 acres (12-25 DU/AC)

Estimated Number of Units: 171 to 357 multi-family attached units

Maximum Fee Requirement: \$1,436,400 to \$2,998,800

Maximum Dedication Requirement: 1.1 to 2.4 acres

Nearest Parks: Vinci Park is 1/3 miles to the northwest of the amendment site

Nearest Schools: Vinci School is 1/3 miles to the northwest of the amendment site

Staff Recommendation: If a project comes forward, staff's recommendation will be the collection of in-lieu fees to build out Penitencia Creek Park (Reach 6).

District 7

8. GP06-07-02

Location: Northeast side of McLaughlin Avenue, approximately 640 feet southeast of Tully Road

Size of Area: 1.5 acres

MLS Zone: 11

Current General Plan Designation: Medium Low Density Residential (8 DU/AC)

Proposed Designation: Medium Density Residential (8-16 DU/AC)

Estimated Number of Units: 12 to 24 multi-family attached units

Maximum Fee Requirement: \$88,200 to \$176,400

Maximum Dedication Requirement: Zero due to number of possible units is under 50 units

Nearest Parks: Tully Ball Fields and Stonegate Park are 1/2 mile west of the amendment site

Nearest Schools: Stonegate School is 1/2 miles to the west of the amendment site

Staff Recommendation: If a project comes forward, under either the PDO or the PIO, the City can only request the collection of in-lieu fees from this housing project.

9. GP06-07-03

Location: South Side of Umbarger Road, approximately 200 feet northeast of Monterey Road

Size of Area: 2.35 acres

MLS Zone: 11

Current General Plan Designation: Combined Industrial/Commercial

Proposed Designation: Medium High Density Residential (12-25 DU/AC)

Estimated Number of Units: 28 to 58 multi-family attached units

Maximum Fee Requirement: \$205,800 to \$426,300

Maximum Dedication Requirement: Zero due to number of possible units will most likely be under 50 units

Nearest Parks: Solari and Stonegate Parks are 1.5 miles away from the amendment site

Nearest Schools: Franklin School is 1/2 miles to the northeast of the amendment site

Staff Recommendation: If a project comes forward, staff's recommendation will be the collection of in-lieu fees to purchase and develop a neighborhood park site on the Fairgrounds property adjacent to Umbarger Road

Nagaraj, Meera

From: Samuel Yung [SYung@valleywater.org]
Sent: Friday, May 19, 2006 1:57 PM
To: meera.nagaraj@sanjoseca.gov
Subject: GP06-04-04

Meera,

With regards to the subject project, please note that the District's 66-inch-diameter pipeline is located in a District easement within Berryessa Road. Construction over or adjacent to this pipeline will require District review and permitting.

Thanks,

Samuel Yung
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3686

Ph. (408)265-2607 ext. 3174
Fax (408)979-5635

Marc B. Liebman, Ph.D.
Superintendent

1376 Piedmont Road
San Jose, CA 95132-2427



Phone: (408) 923-1800
Fax: (408) 259-3869

May 22, 2006

Meera Nagaraj
Project Manager
City of San Jose
Department of Planning, Building and Code Enforcement
801 North First Street
San Jose, CA 95110-1795

RE: City File No. GP06-04-04 APN: 25415072

The District is in receipt of a General Plan Amendment request to change the Land Use/Transportation Diagram designation from Neighborhood/Community Commercial and High Density Residential (25-50 DU/AC) to NCC on a 3.2 acres and MHDR (12-25 DU/AC on 14.28 acres on a 17.48 site. (Pepper Lane-Berryessa, LLC, Owner/Pulte Home Corp., Applicant) located at the SE corner of Berryessa Road and Jackson Ave. (APNs 254-15-067, -072, -073 & -074). The schools that serve this project are currently at or above capacity and any new development will create a facility impact.

The Berryessa Union School District is opposed to this project. Developer fees will only cover a small percentage of the real cost of additional students from these new homes.

We request that the Department of Planning recommend a denial of the project.

If you have any questions, or need additional comments please contact me at 408-923-1861.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Jew', written over a horizontal line.

Chris Jew
Assistant Superintendent,
Business Services

CJ:ms
CITYOFSJ PDC05-060

Board of Trustees

Kansen Chu

John Coyle

Francine Davis

Ray Kwok

Rudy Nasol

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: Pepper Lane General Plan Amendment

PROJECT FILE NUMBER: GP06-04-04

PROJECT DESCRIPTION: General Plan amendment request to change the Land Use/Transportation Diagram designations from Neighborhood/Community Commercial on 6.4 acres, Medium Density Residential (8-16 dwelling units/acre) on 0.9 acre, and High Density Residential (25-50 dwelling units/acre) on 7.2 acres to Medium High Density Residential (12-25 dwelling units/acre) on approximately 14.5 acres and maintain the existing Neighborhood/Community Commercial on the remaining 3.0 acres of the approximately 17.5-acre property. (Owner: Pepper Lane - Berryessa, LLC/Applicant: Pulte Home Corporation.)

PROJECT LOCATION & ASSESSORS PARCEL NO.: Southeasterly quadrant of Berryessa Road and Jackson Avenue. APN: 254-15-072, 073, 074, 066, and 067.

COUNCIL DISTRICT: 4

APPLICANT CONTACT INFORMATION: Pulte Home Corporation, 6210 Stoneridge Mall Road, 5th Floor, Pleasanton, CA 94566; Contact: Erika Salum (925) 249-4318.

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** – Conformance with General Plan Policies will ensure that aesthetics impacts would be reduced to a less than significant level at the time of future development of the site.

- II. **AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- III. **AIR QUALITY** – Conformance with General Plan Policies will ensure that air quality impacts would be reduced to a less than significant level at the time of future development of the site.
- IV. **BIOLOGICAL RESOURCES** – Conformance with General Plan Policies will ensure that biological resources impacts would be reduced to a less than significant level at the time of future development of the site.
- V. **CULTURAL RESOURCES** – Conformance with General Plan Policies will ensure that cultural resources impacts would be reduced to a less than significant level at the time of future development of the site.
- VI. **GEOLOGY AND SOILS** – Conformance with General Plan Policies will ensure that geological and soils impacts would be reduced to a less than significant level at the time of future development of the site.
- VII. **HAZARDS AND HAZARDOUS MATERIALS** – Conformance with General Plan Policies will ensure that hazards and hazardous materials impacts would be reduced to a less than significant level at the time of future development of the site.
- VIII. **HYDROLOGY AND WATER QUALITY** – Conformance with General Plan Policies will ensure that hydrology and water quality impacts would be reduced to a less than significant level at the time of future development of the site.
- IX. **LAND USE AND PLANNING** – Conformance with General Plan Policies will ensure that land use and planning impacts would be reduced to a less than significant level at the time of future development of the site.
- X. **MINERAL RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XI. **NOISE** – Conformance with General Plan Policies will ensure that noise impacts would be reduced to a less than significant level at the time of future development of the site.
- XII. **POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIII. **PUBLIC SERVICES** – Conformance with General Plan Policies will ensure that public services impacts would be reduced to a less than significant level at the time of future development of the site.
- XIV. **RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.

- XV. TRANSPORTATION/TRAFFIC** – Conformance with General Plan Policies will ensure that transportation / traffic impacts would be reduced to a less than significant level at the time of future development of the site.
- XVI. UTILITIES AND SERVICE SYSTEMS** – Conformance with General Plan Policies will ensure that utilities and service systems impacts would be reduced to a less than significant level at the time of future development of the site.
- XVII. MANDATORY FINDINGS OF SIGNIFICANCE** – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **November 13, 2006**, any person may:

Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

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

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: _____

Deputy

Adopted on: _____

Deputy

MND/JAC 8/26/05