



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: November 20, 2006

COUNCIL DISTRICT: 3
SNI AREA: Not Applicable

SUBJECT: GP05-03-08. General Plan amendment request to change the General Plan Land Use/Transportation Diagram designation from Combined Industrial/Commercial on approximately one acre and General Commercial on approximately 0.7 acres to Core Area on approximately 1.7 acres located on the easterly side of Stockton Avenue, approximately 300 feet northerly of West Santa Clara Street

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council defer to the Winter 2007 General Plan hearings the proposed General Plan amendment to change the General Plan Land Use/Transportation Diagram designation from Combined Industrial/Commercial on approximately one acre and General Commercial on approximately 0.7 acres to Core Area on approximately 1.7 acres on the easterly side of Stockton Avenue, approximately 300 feet north of West Santa Clara Street.

OUTCOME

Approval of the General Plan amendment request to Core Area would allow the City Council to consider a rezoning of the subject site to allow: 1) office, retail, high density residential, and entertainment uses; 2) a maximum height potentially up to Federal Aviation Administration (FAA) regulations; and 3) an exemption from the City's Transportation Level of Service Policy.

BACKGROUND

On November 13, 2006, the Planning Commission held a public hearing to consider the proposed General Plan amendment. The Director of Planning, Building and Code Enforcement recommended approval of the proposed amendment.

ANALYSIS

Three members of the public, including the applicant, spoke in favor of the proposed General Plan amendment and eleven members of the public spoke in opposition to the proposal.

Those in opposition to the General Plan amendment commented that if the General Plan amendment were approved, the Core Area designation would allow high rise buildings on the site. They also stated that there was inadequate notification of the General Plan amendment request, that a high-rise building would add cars to area traffic, that parks are not accessible, that the adjacent neighborhood needs a buffer to downtown, that approval of the amendment would encourage future new development on Stockton Avenue, that the area on the west side of the railroad tracks should not be part of downtown, and that this area is a business district that supports downtown, and it is not part of downtown itself.

In addition, many of the speakers requested that the amendment be deferred until a project is proposed, the location of the Downtown Core Area boundary can be revisited, and to allow for more community outreach.

Those who spoke in favor of the amendment request stated that the boundary has to be drawn somewhere and that the Arena and Diridon plans have the center of Stockton Avenue as their boundary. They stated that neighbors want Stockton Avenue to be revitalized, and new development, including residential, would be a welcome addition.

After the public hearing was closed, the applicant's representative, Erik Schoennauer, said that they followed the Public Outreach Policy, as required, when noticing the proposed project. He also stated that the Downtown Core Area boundary change was approved by the Planning Commission and the City Council. The neighbors that spoke in opposition to the project live approximately one mile from the subject site and are not in the immediate neighborhood.

Commissioner Platten stated that he remembered expanding the Downtown Core Area boundary. He asked the applicant whether a specific lease agreement was currently being negotiated that would be affected by the General Plan amendment. The applicant responded that they did have negotiations in progress.

Commissioner Dhillon asked staff to clarify the criteria for moving the Downtown Core Area boundary. Staff responded that the boundary change was an outcome of the Diridon Station Area Plan and the Downtown Strategy 2000 Plan processes. The Downtown Design Guidelines and General Plan policies would govern future development of the site.

Staff also clarified that the current land use designations on the site would allow a full range of commercial uses if a conventional rezoning to a commercial zoning district were approved. The proposed General Plan amendment to the Core Area land use designation and a rezoning to a Downtown Core Zoning District would expand the range of uses to allow residential uses in addition to commercial uses. However, the Zoning Ordinance would first need to be amended to expand the geographic area in which a Downtown Core Zoning District could be considered. Staff also noted that, as page 5 of the staff report states, "lower intensity commercial uses are appropriate in outer parts of the Core Area."

Commissioner Zito made a motion to defer the General Plan amendment to the Winter 2007 General Plan hearing. He stated that it appeared that most of the uses the applicant would want to do on the

site could be done under the current General Plan land use designations. This would allow the Council and residents more time to discuss the location of the Downtown Core Area boundary.

Commissioner Platten spoke on the motion saying that he supports the General Plan change, but the property owner could do a conforming rezoning now to allow for commercial uses. He therefore supports a deferral so that the democratic process could continue with additional community outreach. The only uses that the CG Commercial General Zoning District would not allow are residential.

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 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 1,000 feet of the project site and posted on the City website. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

A community meeting for the General Plan amendment request was held on Thursday, September 14, 2006 at the subject site. Attendance to this meeting was low. After receiving interest from the Shasta Hanchett Park Neighborhood Association, a second community meeting was held on November 6, 2006 at the subject site.

This General Plan amendment is subject to the State of California Tribal Consultation Guidelines. To date, staff has received no response to the letters mailed to the tribal representatives.

COORDINATION

This project 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 as further discussed in the attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

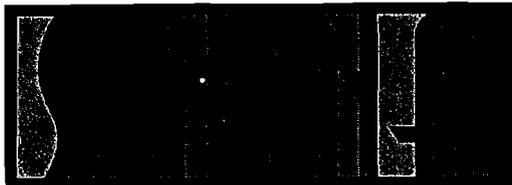
CEQA

A Mitigated Negative Declaration for File No. GP05-03-08 was adopted on November 13, 2006.


for JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Lesley Xavier at 408-535-7800.

PC 11/13, 7F



Shasta/Hanchett Park Neighborhood Association
P.O. Box 28251 • San José, CA 95159 • info@shpna.org • www.shpna.org

November 13, 2006

San José Planning Commission
200 East Santa Clara Street
San José, CA 95113

RE: GP05-03-08 General Plan Amendment for 138 Stockton Avenue

Dear Planning Commissioners,

The Shasta/Hanchett Park Neighborhood Association (S/HPNA) respectfully requests the Planning Commission defer the decision to designate the Stockton Avenue properties listed in GP05-03-08 as Downtown Core.

While our association and residents universally agree that we would like to discourage industrial uses along Stockton Avenue and re-zone the properties to allow high density residential housing and/or mix commercial uses, there is opposition to allowing buildings over 100 feet, which the Downtown Core zoning designation would allow.

There is still much confusion about the boundaries of Downtown Core, dating back to Spring 2005 General Plan hearings, where suggestions were made to include the Stockton Avenue properties. During that review process, S/HPNA and the impacted neighbors were not given the opportunity to comment on the Environment Impact Report used in those hearings. Deferring this decision and encouraging further community meetings will help resolve this confusion and while working to find a zoning designation that will meet the goals of all parties.

We appreciate your consideration of our request and look forward to your response.

Sincerely,

/s/

Joe Bentley
President
Shasta/Hanchett Park Neighborhood Association

Xavier, Lesley

From: David Barry [dalrympl@gmail.com]
Sent: Monday, November 13, 2006 8:37 AM
To: lesley.xavier@sanjoseca.gov
Subject: Planning Department

Public Comments
Folder Number: 2005 063739 AO
Project Manager: Lesley Xavier

I was unable to attend the public meeting on this matter. As a nearby resident of the subject property (777 Lenzen Avenue), I personally support the change in land use designation.

Name: David Barry
Email: dalrympl@gmail.com
Telephone Number:

Web Server: www.sjpermits.org
Client Information: Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; SV1; .NET CLR 1.1.4322; .NET CLR 2.0.50727)

Xavier, Lesley

From: Marc M [mmorris3@earthlink.net]
Sent: Friday, November 10, 2006 4:35 PM
To: Lesley.Xavier@sanjoseca.gov
Cc: jonathon.noble@sanjoseca.gov; kyeager@sanjoseca.gov
Subject: Comments on GP05-03-08

I am writing to oppose GP Amendment GP05-03-08 at this time.

This issue deserves more time for neighbors to be informed, and for there to be legitimate discussion about the future land use of the area between the railroad tracks and Stockton.

This discussion should not be pre-empted by a decision at this time on a single property.

The 2005 change to the Downtown Strategy Plan that included this area in the expansion of the Downtown Core Area is widely not known. I and I believe almost all of the nearby neighbors first heard about it on November 6th, just 1 week ago.

And we're not alone. At the Oct. 24 City Council meeting, during the discussion of the changes to the Parkland Dedication Ordinance, both Council Member Yeager and acting Planning Director Joe Horwedel mistakenly said that the Downtown Core expansion did not extend west of the railroad tracks.

On the ground, it is obvious that this small section on the east side of Stockton is much more a part of the adjoining neighborhood, than it is of downtown. Past city planning decisions, including for the HP Pavillion and the proposed ballpark, have explicitly recognized the railroad tracks as the boundary between downtown and the neighborhoods to the west. There is no reason to change that now.

My concern, and the concern of many other neighbors, is that the requested General Plan and zoning changes will allow high rise towers to be built to the sidewalk immediately on the edge of our neighborhood, with no transition. I don't object to residential/commercial use - it is a legitimate argument that this area is close to transit

but it should not be in the form of a high rise ghetto that overwhelms one of San Jose's unique historic neighborhoods and blights the major entry to downtown along The Alameda.

One possible alternative that might be discussed, given time, is to use the Downtown Core - Neighborhood Transition (DC-NT1) zoning to establish reasonable height and setback restrictions for development in this area.

The developer says that there are no current plans for a specific development on this property, so I think a delay should not impose undue hardship on him.

I believe a deferral of this change is the wisest choice at this time.

Thank you.

Marc Morris



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

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

File Number:
GP05-03-08

Council District and SNI Area:
District 3

Major Thoroughfares Map Number:
83

Assessor's Parcel Number(s):
259-28-003; -004; -005

Project Manager:
Lesley Xavier

GENERAL PLAN AMENDMENT STAFF REPORT FALL 2006 HEARING

PROJECT DESCRIPTION:

General Plan amendment request to change the Land Use/Transportation Diagram designation from Combined Industrial/Commercial on approximately one acre and General Commercial on 0.7 acres to Core Area on approximately 1.7 acres.

LOCATION: Easterly side of Stockton Avenue, approximately 300 feet north of West Santa Clara Street (106-138 Stockton Avenue).

ACREAGE: Approximately 1.7 acres

APPLICANT/OWNER:

Daniel Hudson of Moraga/Rheem, LLC, Applicant/Owner

GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: Combined Industrial/Commercial on approximately one acre and General Commercial on approximately 0.7 acres

Proposed Designation: Core Area on approximately 1.7 acres

ZONING DISTRICT(S):

Existing Designation: Heavy Industrial

SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

North: Office; Combined Industrial/Commercial

South: Auto Body Shop; General Commercial

East: Southern Pacific Railroad/Caltrain railroad tracks – east of the tracks is the HP Pavilion parking lot; Combined Industrial/Commercial on the tracks and Public/Quasi-Public on the Pavilion

West: Vacant lot; No Underlying Land Use

ENVIRONMENTAL REVIEW STATUS:

Mitigated Negative Declaration circulated on October 24, 2006.

PLANNING STAFF RECOMMENDATION:

Core Area

Approved by:

Date:

Stanley Kettner
Nov. 7, 2006

PLANNING COMMISSION RECOMMENDATION:

CITY COUNCIL ACTION:

CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:

Memoranda received for the General Plan amendment request:

- City of San José Fire Department, Bureau of Fire Prevention - provided a memorandum on January 3, 2006 that comments would be provided with subsequent permit applications.
- City of San José Public Works Department - provided a memorandum on January 6, 2006 that only an operation analysis will be required at the development permit stage.
- Santa Clara Valley Transportation Authority - provided a memorandum on January 10, 2006 that the developer should consider densities for regional cores as identified in the *Community Design and Transportation Manual* when designing a project for the site.
- City of San José Department of Transportation - provided a memorandum on April 18, 2006 that the estimated number of new PM peak hour trips resulting from the proposed land use change is below the exemption threshold for the area. Therefore, the General Plan amendment is exempt from a computer model traffic impact analysis.
- Santa Clara County Airport Land Use Commission (ALUC) - provided a memorandum on April 21, 2006 stating that the amendment request was reviewed by the Commission at their meeting on March 23, 2006. The proposed amendment was determined to be consistent with the ALUC policies with the condition that the property owner grant an avigation easement on the property and that the height restriction on new development would be imposed in conformance with the FAA Part 77 Imaginary Surface in effect at the time of development.
- City of San José Department of Parks, Recreation and Neighborhood Services (PRNS) - provided a memorandum on September 26, 2006 recommending that in-lieu parkland fees be accepted for the site.
- City of San José Parks and Recreation Commission - at their meeting on October 4, 2006 recommended that because of the concern with the lack of parklands in the area the Commission could not support the amendment or any additional residential projects within the area that would cause pedestrian traffic to cross The Alameda, a four lane street, to access a public park.

GENERAL CORRESPONDENCE:

See attached e-mail correspondence from Tessa Woodmansee, Helen Chapman, and Kay Gutknecht.

ANALYSIS AND RECOMMENDATIONS:**RECOMMENDATION**

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to change the General Plan Land Use/Transportation Diagram designation from Combined Industrial/Commercial on approximately one acre and General Commercial on approximately 0.7 acres to Core Area on approximately 1.7 acres.

BACKGROUND

On June 21, 2005, consistent with the intent of the Downtown Strategy 2000 Plan, the City Council approved a General Plan amendment, File No. GP05-03-08, and General Plan text amendment, File No. GPT05-03-01 that expanded the boundaries of the Downtown Core Area on the General Plan Land Use/Transportation Diagram. As a part of the General Plan text amendment, the boundaries were moved from Highway 87 to Stockton Avenue, and the General Plan amendment changed the land use designation on the southerly approximately 0.7-acre portion of the subject site from Combined Industrial/Commercial to General Commercial. The Downtown Core Area boundary change resulted in the inclusion of the subject site at 106-138 Stockton Avenue within the Downtown Core Area.

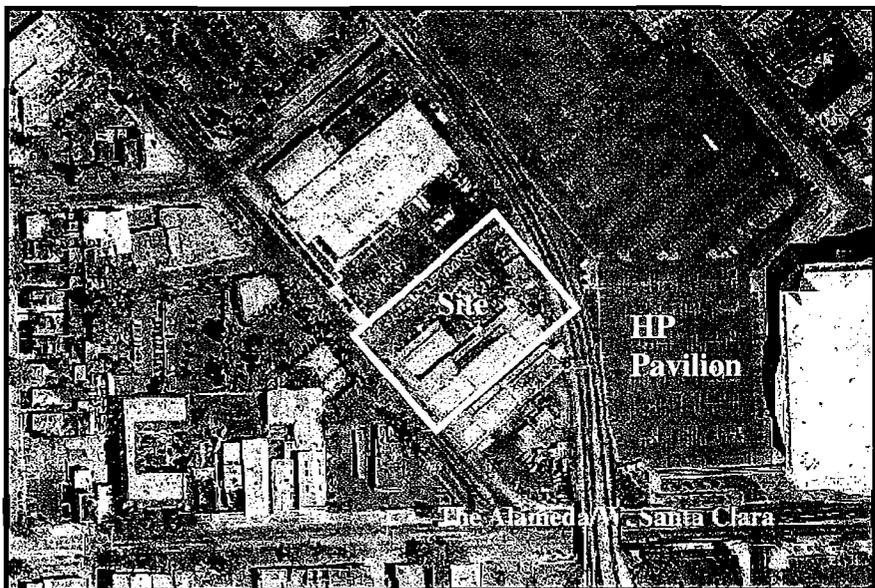
Project Description

The subject proposal is a privately initiated General Plan amendment request to change the Land Use/Transportation Diagram designation on the approximately 1.7-acre site from Combined Industrial/Commercial on approximately one acre and General Commercial on approximately 0.7 acres to Core Area. Approval of this General Plan amendment request would allow for a variety of uses on the site including office, retail, residential and entertainment. The site would also then fall under all of the Downtown Core policies including maximum heights up to Federal Aviation Administration (FAA) regulations and an exemption from the City's Transportation Level of Service Policy.

The applicant intends to facilitate the reuse and redevelopment of the site for residential, commercial, and office uses. A Conventional Rezoning from HI Heavy Industrial to DC Downtown Primary Commercial Zoning District is currently on file for this site; however, no development permit has been applied for at this time.

Site and Surrounding Uses

The subject site is located on the east side of Stockton Avenue, approximately 300 feet north of West Santa Clara Street (106-138 Stockton Avenue). The subject site is immediately surrounded by an auto body shop to the south, a vacant parcel across Stockton Avenue to the west, and office uses to the north. The site is separated from the adjacent HP Pavilion by the Union Pacific Railroad/Caltrain railroad tracks that border the site to the east.



There are two existing buildings and a surface parking lot on the site. One of the buildings is unoccupied and the other is occupied with commercial uses.

The building at 106 to 120 Stockton Avenue has a front two-story office space and a rear one story manufacturing area. The front portion of this building currently houses the Judo Studio. The building at 138 Stockton Avenue is one story with office space in the front and a manufacturing area in the rear. The site is in the Julian-Stockton Redevelopment Area and in a State Enterprise Zone.

ANALYSIS

The key issues in analyzing the proposed General Plan amendment are: 1) consistency with the *San José 2020 General Plan* Major Strategies; 2) Downtown Core and Frame Areas Special Strategy Area; 3) land use compatibility; and 4) consistency with the *Framework, as a Guideline, to Evaluate Proposed Conversions of Employment Lands to Other Uses*.

Consistency with the *San José 2020 General Plan* Major Strategies

The proposed General Plan amendment from Combined Industrial/Commercial and General Commercial to Core Area is consistent with the following City of San José 2020 General Plan Major Strategies:

Downtown Revitalization Major Strategy

Downtown San José is vital to the City's long-term economic and social well-being. A prominent and attractive Downtown is a catalyst that will bring new investment, residents, business visitors and new life to the center city. The neighborhoods and industrial areas surrounding the Downtown area also need to go through a revitalization process to counter the trends of deterioration and economic decline. The objective for Downtown represents a strategy for renewal that begins symbolically in the center city and continues outward. As the City grows there will be more emphasis on revitalization of older neighborhoods, business districts, and employment centers throughout the City.

The proposed General Plan amendment is consistent with this Strategy in that the site is currently underutilized and the proposed Core Area designation will allow for a wider variety of uses on the site. Active use of the site will bring new life to the area aiding its revitalization.

Urban Conservation/Preservation Major Strategy

The Urban Conservation/Preservation Major Strategy states that at a minimum, the City will strive to maintain adequate levels of service for existing neighborhoods by avoiding development at the fringe of the City, which could divert these services. Preservation of specific structures or special areas is a part of the Urban Conservation/Preservation Major Strategy. The objective of preservation goes beyond saving an individual structure or even a group of structures that may have architectural or historic significance. At a strategic level, preservation activities contribute visual evidence to a sense of community that grows out of the historical roots of San José's past. Historic and architectural structures add inestimable character and interest to the City's image.

The proposed General Plan amendment is consistent with this Strategy in that the Core Area designation would allow for a wider variety of uses on the site and any redevelopment of the site would be infill development at a location in the Core of the City where City services exist.

Growth Management

The purpose of the Growth Management Major Strategy is to find the delicate balance between the need to house new population and the need to balance the City's budget, while providing

acceptable levels of service. The General Plan gives direction to the growth the City will experience in the future. The location of growth in the City is established by the Greenline/Urban Growth Boundary, which defines the City's ultimate limits to urban expansion.

The Greenline/Urban Growth Boundary, Urban Reserve, and Urban Service Area policies help the City to provide urban services to existing neighborhoods without reduction in the level of services resulting from the service demands of new urban development at the fringe of the City. New development is expected to pay for the infrastructure required to support it.

The proposed General Plan amendment is consistent with this Strategy in that the site is located within the Downtown Core Area where existing services already exist. Any redevelopment of the site would be required to pay for any infrastructure required to support it.

Downtown Core and Frame Areas Special Strategy Areas

In San José, the City's Downtown Revitalization Strategy establishes a long-term commitment to development of a downtown urban environment. In order to realize the goals of the Revitalization Strategy, future downtown development in San José is directed by the Downtown Strategy Plan.

The Downtown Strategy Plan identifies a development strategy which is economically and physically realistic and which encourages significant private investments with public assistance where appropriate. Development standards for downtown encourage pedestrian use and conversely discourage automobile-oriented uses. High-rise office and residential development in the downtown creates a dramatic skyline for the City, making downtown a destination rather than a through corridor for traffic trips; thus, urban design policies favor downtown as the location for high-rise office and residential development. Whenever possible and appropriate, mixed use development incorporating a commercial, office, residential mix is encouraged in the Downtown Core and Frame areas.

The Downtown Strategy Plan does not specifically call out the subject site, but it does call for the larger area on either side of Santa Clara Street to be developed with commercial uses. The proposed Core Area General Plan designation allows for commercial uses consistent with the Downtown Strategy Plan.

Land Use Compatibility

The Core Area designation includes office, retail, service, residential, and entertainment uses in the Downtown Core Area. In the Downtown Core Area, the only limit on building intensity (and associated employment density) is expected to be the FAA height limitation, which is necessary to maintain obstruction-free air space around San José International Airport. High-density commercial development is planned for the Park Center and San Antonio Plaza redevelopment areas. Lower intensity commercial uses are appropriate in outer parts of the Core Area. General Commercial uses along major corridors of the Frame Area should support the Downtown Core Area. In areas where the Core Area designation exists, higher density residential uses at 25+ dwelling units per acre or mixed-use development of commercial and residential uses are appropriate, as is development of either use individually. Residential uses should only be allowed where they are compatible with adjacent development.

The subject site is located within the Downtown Core Area, and the request for the Core Area General Plan land use designation is consistent with this location. The area currently exhibits a mix of uses including office, commercial, industrial, and residential. The subject site is surrounded by different zoning districts including LI Light Industrial, HI Heavy Industrial, and CG Commercial General. No development has been proposed for this site. However, any of the uses permitted by the Core Area designation could be found compatible with the surrounding area, and additional mitigation measures on the subject site will be considered in the future when a Development Permit application is filed.

Evaluation of Industrial Land Conversion

Allowing the General Plan land use designation change from Combined Industrial/Commercial and General Commercial to Core Area on the subject site would support the continued conversion of the Downtown Core Area to housing, retail, mixed use, or other household-serving industries.

The Framework, as a Guideline, to Evaluate Proposed Conversions of Employment Lands to Other Uses (Framework) identifies criteria that need to be evaluated when considering conversion of Employment lands to other uses. Given that the City Council approved a General Plan amendment that expanded the boundaries of the Downtown Core Area to include the subject site, the site is also now located within the Downtown Core Subarea. The Downtown Core Subarea is categorized by the Framework for facilitation of conversion of industrial land for housing, retail, mixed use, or other household-serving industries.

In summary, the buildings on the site are predominantly unoccupied with the exception of the Judo Studio. The change in land use will allow for a wider variety of uses to be permitted on the site. The conversion of this site is consistent with City plans, strategies and policies as discussed previously in this report. There is neighborhood-serving retail (shops, restaurants and cafes) and public transit within reasonable walking distance of the site. If this site were to be developed with residential uses, the adequacy of parkland to serve the site would be a significant concern, as stated by the City of San José Parks and Recreation Commission, in that additional residential projects within the area would cause pedestrian traffic to cross The Alameda, a four lane street, to access a public park.

ENVIRONMENTAL REVIEW

A Draft Mitigated Negative Declaration (MND) was circulated on October 24, 2006 for public review and comments. Circulation ends at 5:00 PM on November 13, 2006. The MND includes mitigation to reduce any potential impacts of the future development of the site to a less than significant level per the California Environmental Quality Act (CEQA). The Mitigated Negative Declaration concluded that the General Plan amendment would have a less than significant impact with mitigation measures in the following categories: Air Quality, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Noise. A more comprehensive accounting of the environmental mitigation measures required as part of this project can be found in the project's Mitigated Negative Declaration (attached to this report). The full text of the Initial Study is available online at:
<http://www.sanjoseca.gov/planning/eir/MND.asp>

The primary issue addressed in the environmental review is the potential impact on cultural resources with the future development of the site. Because no specific development or

demolition of existing structures is proposed at this time, the MND includes project level measures to be considered at the time of development. For this reason a discussion of the impact to cultural resources is included below.

Cultural Resources

Based on California Environmental Quality Act (CEQA) thresholds and information provided in the historic evaluation, further research and integrity evaluation will be required to determine whether future development under the proposed General Plan amendment and rezoning would significantly impact historic resources as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15064.5. It is assumed for the purposes of the environmental analysis that the existing structures have the potential for adaptive re-use with Core Area uses. Future development consistent with the proposed amendment and rezoning would be subject to *San José 2020 General Plan* Historic, Archaeological, and Cultural Resources Policies 1 and 6, which require that preservation of historically or archaeologically significant sites, structures, and districts be a key consideration in the development review process.

The following are the two project level measures to be considered at the time of development:

1. Prior to future development of the project site proposing demolition of the 106-120 Stockton Avenue structure, an intensive level Historic Evaluation, including a Department of Parks and Recreation (DPR) form, shall be required for the structure to determine whether it appears to be eligible for the California Register of Historical Resources for its association with the food processing industry in San José, and to identify appropriate impacts and mitigation measures.
2. Prior to future development of the site a reconnaissance level survey should be conducted in the Stockton Avenue area to address the question of a potential historic district.

HISTORIC LANDMARKS COMMISSION

The proposed General Plan amendment was reviewed by the Historic Landmarks Commission at their November 1, 2006 meeting.

The structure located at 138 Stockton Avenue (APN 259-28-004; -005) was built in 1930 for an assembly and fabrication factory, Western Elevator Manufacturing Company, who manufactured freight and passenger elevators. The structure located at 106-120 Stockton Avenue (APN: 259-28-003) was built between 1916 and 1917 and occupied by the J.S. Smith Manufacturing Company in 1918. The historic evaluation concluded that the buildings at 138 and 106-120 Stockton Avenue did not appear to meet the eligibility criteria for individual listing in the National or California Register, or as a Candidate City Landmark, but do qualify as a Structure of Merit in the City's Historic Resources Inventory. The Historic Evaluation also states that the property is located in an area that has not been surveyed to determine the potential for a historic district. Although much of the industrial fabric of the area has been demolished, a reconnaissance survey should be conducted in the area to address the question of a potential district.

The Historic Landmarks Commission recommended that survey work be done for the entire block before a policy decision was made on this site. They also agreed with staff that, prior to development or demolition, the structure at 106-120 Stockton Ave. will need an intensive level Historic Evaluation to determine whether it appears to be eligible for the California Register of Historical

Resources for its association with the food processing industry in San José, and to identify appropriate impacts and mitigation measures.

PUBLIC OUTREACH

Property owners and tenants within a 1,000-foot radius of the subject site received a notice of the public hearings to be held on the General Plan amendment request application before the Planning Commission on November 13, 2006 and City Council on December 12, 2006. The Department web site contains information regarding the General Plan amendment process, zoning process, staff reports, and hearing schedules. This web site is available to any member of the public and contains the most current information regarding the status of the applications.

A community meeting for the General Plan amendment request was held on Thursday, September 14, 2006 at the subject site. Attendance to this meeting was low. After receiving interest from the Shasta Hanchett Park Neighborhood Association, a second community meeting was held on November 6, 2006 at the subject site. The following is a summary of primary concerns and questions raised at the meeting:

At the community meeting, area residents expressed their concerns with a potential high-rise development on the site. Although they agreed that the uses of the Core Area General Plan land use designation were appropriate, they do not want the high-density development that is allowed under the designation. Any future new development of the site should be consistent with what is developed on The Alameda and the adjacent residential neighborhoods. Those in attendance also thought that the subject General Plan amendment should be deferred to allow for the City Council to look at moving the Downtown Core boundaries back to Highway 87. They stated that high-density development west of Highway 87 was not appropriate because the area is a Neighborhood Business District and not Downtown and that designating the site for General Commercial may be more appropriate.

The Chair of the Parks Commission, Helen Chapman, was also in attendance. She stated that the Parks Commission recommended that this proposal be denied because the Commission is concerned with the lack of parklands in the area. The Commission cannot support this General Plan amendment or any other residential projects within the area that would cause pedestrian traffic to cross The Alameda, a four-lane street, to access a public park. The applicant's representative responded to the comment by pointing out that the Arena Green park is within walking distance of the site and would not require crossing a major public street. Those in attendance also expressed a concern about the developer being able to pay a reduced park fee by being located within the Downtown Core.

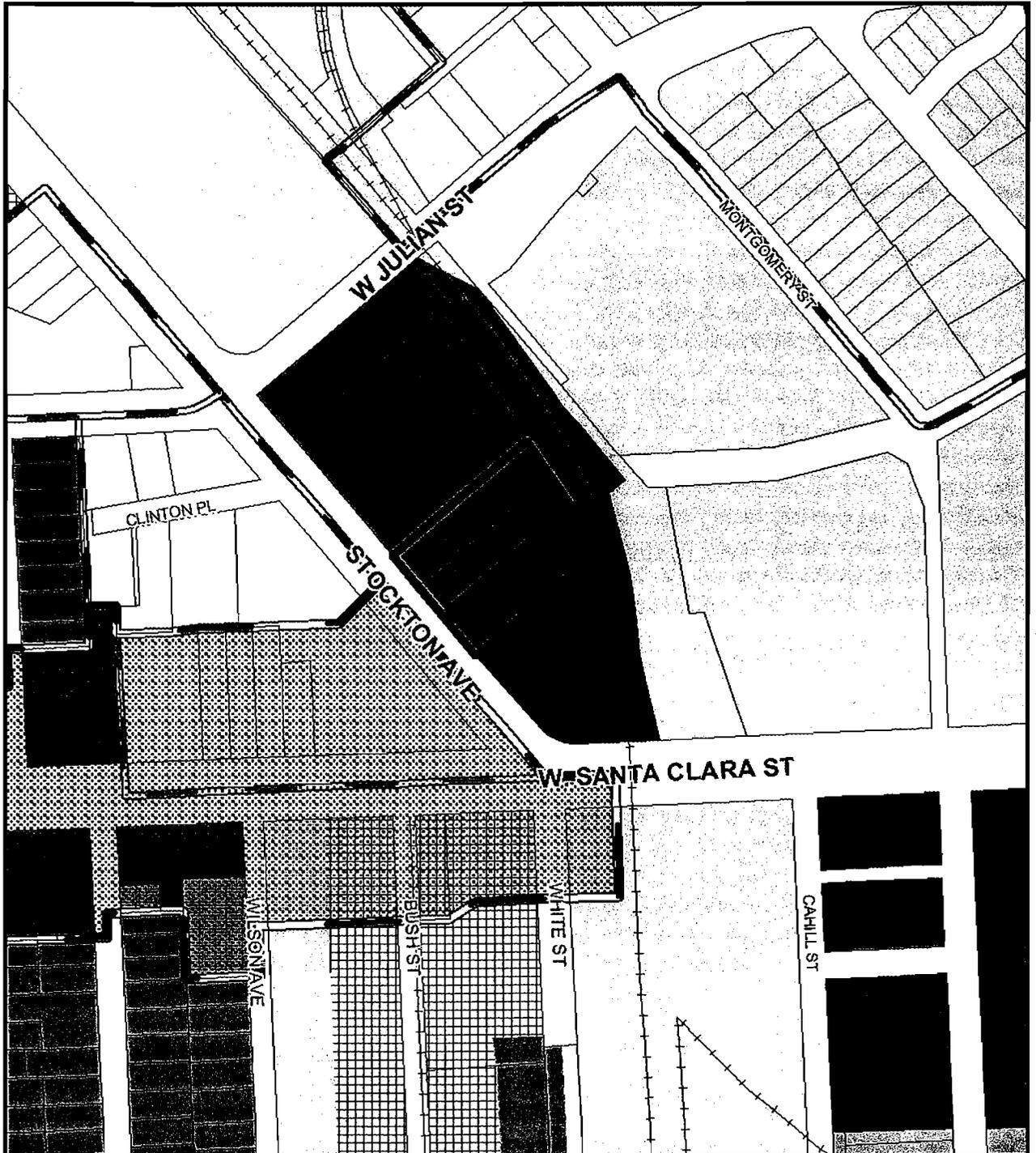
Tribal Consultation Compliance

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.

Attachments:

- I. Location Map
- II. Mitigated Negative Declaration
- III. Correspondence from City's Departments
- IV. General Correspondence
- V. Framework, as a Guideline, to Evaluate Proposed Conversions of Employment Lands to Other Uses

GP05-03-08




CITY OF
SAN JOSE
SUNSHINE AND OPPORTUNITY
10th Largest U.S. City
**Department of Planning, Building
and Code Enforcement
Planning Services Division**

 SITE


NORTH
Scale 1" = 250'
Quad: 83

**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: General Plan Amendment and Conventional Rezoning

PROJECT FILE NUMBER: GP05-03-08/C05-126

PROJECT DESCRIPTION: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Combined Industrial/Commercial on 1 acre, and General Commercial on approximately 0.7 acres to Core Area and CONVENTIONAL REZONING from HI Heavy Industrial Zoning District to DC Downtown Commercial Zoning District on an approximately 1.7 gross acre site and subsequent permits.

PROJECT LOCATION & ASSESSORS PARCEL NO.: East side of Stockton Avenue, approximately 300 feet north of West Santa Clara Street (106 Stockton Avenue); 259-28-003

COUNCIL DISTRICT: 3

APPLICANT CONTACT INFORMATION: Moraga Rheem LLC, Attn: Mr Daniel Hudson, 1451 Fruitdale Avenue, Suite 101, San Jose, CA 95128 (408) 869-3604

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- I. **AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

II. AGRICULTURE RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

III. AIR QUALITY –

- Require modeling of carbon monoxide concentrations at intersections operating at LOS D or worse as part of the project-level environmental review for future development. If the modeling finds that violations would potentially occur, measures shall be implemented to improve traffic flows, reduce congestion at impacted intersections or roadways, or otherwise reduce vehicular emissions.
- Require modeling of total project emissions for future development that generates more than 2,000 vehicle trips per day to determine if emissions exceed BAAQMD thresholds. If thresholds are exceeded based on modeling, measures shall be implemented to reduce vehicle trips or vehicle miles traveled, to encourage use of low emission vehicles, or to use other support measures based on BAAQMD CEQA Guidelines.
- Future development shall implement Transportation Control Measures (TCMs) as recommended by the BAAQMD.
- Implement standard dust control measures during construction of future development, including control measures recommended by the BAAQMD.

IV. BIOLOGICAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

V. CULTURAL RESOURCES –

- Prior to future development of the project site proposing demolition of the 106-120 Stockton Ave. structure, an intensive level Historic Evaluation, including a Department of Parks and Recreation (DPR) form, shall be required for the structure to determine whether it appears to be eligible for the California Register of Historical Resources for its association with the food processing industry in San Jose, and to identify appropriate impacts and mitigation measures.
- Prior to future development of the project site a reconnaissance level survey should be conducted in the Stockton Avenue area to address the question of a potential district.
- Prior to future development of the project site, an archaeological report shall be completed to determine the potential for archaeological deposits and to identify appropriate recommendations to assure preservation of archaeological resources.

GEOLOGY AND SOILS –

- Future development shall be designed in accordance with the specific recommendations of design-level geotechnical/foundation investigations. Prior to the issuance of a Public

Works Clearance for the project, the design-level geotechnical analysis shall be prepared to the satisfaction of the Director of the Department of Public Works.

VI. HAZARDS AND HAZARDOUS MATERIALS –

- Prior to the issuance of a development permit on the project site for structures that would exceed the FAA imaginary surface applicable to the property or that would stand 200 feet or more above ground, the following actions shall be completed:
 - The applicant shall comply with the notification requirements of Federal Aviation Regulations, Part 77, and receive a “Determination of No Hazard” from the FAA.
 - Conditions set forth in the required FAA determination of No Hazard regarding rooftop lighting or marking shall be incorporated into the final design of the structure.
 - Avigation easements, recognizing the property is subject to aircraft noise impacts and specified height restrictions, shall be dedicated to the City of San Jose.

- Prior to the issuance of a development permit on the project site, an updated Phase I Assessment shall be completed and information on site contamination confirmed to assure that current conditions do not pose a risk to human health or the environment. If the updated Phase I Assessment indicates that hazardous materials may be impacting the site, additional soil and/or groundwater investigations shall be conducted by a qualified environmental professional to assess the extent of contamination at the site to the satisfaction of the City’s Environmental Compliance Officer.

If results of the subsurface investigation indicate the presence of hazardous materials, site remediation shall be completed in accordance with state and local regulatory requirements. Preparation of a health risk assessment by a qualified environmental professional may also be required to determine the long-term effects on residential or other site occupants. Remediation may consist of soil removal, groundwater extraction/treatment, vapor barriers, or other design measures. All remediation shall reduce contamination to acceptable cleanup levels for the proposed use (office, commercial, residential) in accordance with applicable local, state, and federal requirements.

- An asbestos survey shall be performed for existing structures on the site prior to demolition. If asbestos-containing materials are found, these materials shall be removed and disposed of by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the BAAQMD.

A lead-based paint survey shall be performed for existing structures on the site prior to demolition. If lead-based paint is found, federal and state worker health/safety measures shall be implemented to protect construction workers during demolition. All loose or peeling lead-based paint shall be removed by a qualified lead abatement contractor and disposed of in accordance with hazardous waste regulations.

VII. HYDROLOGY AND WATER QUALITY –

- Future development shall obtain and comply with the NPDES General Construction Activity Storm Water Permit administered by the RWQCB. Prior to construction, the applicant shall file a Notice of Intent in accordance with the General Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) to minimize construction and post-construction runoff. The SWPPP should include the following measures:
 - Install BMPs for erosion and sediment control during and after construction.
 - Cover soil, equipment, and supplies that could contribute to water pollution.
 - Perform monitoring of discharges to the storm water system.
- Future development shall prepare and implement an erosion control plan to the San Jose Public Works Department in compliance with the City's Grading Ordinance, RWQCB regulations, and the Santa Clara Valley Urban Runoff Pollution Prevention Program.
- Future development shall include permanent, post-construction stormwater treatment measures in compliance with provision C.3 of the City of San Jose's NPDES. Post-construction BMPs and design features could include the following: infiltration basins or trenches, permeable pavements, vegetated filter strips or swales, hydromodification separators, media filtration devices, green roofs, and wet vaults.

VIII. LAND USE AND PLANNING – The project will not have a significant impact on this resource, therefore no mitigation is required.

IX. MINERAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

X. NOISE –

- A project-specific noise analysis shall be prepared for future development by an acoustical consultant to determine the noise impacts of the project from mobile and stationary sources. Appropriate design measures shall be identified and incorporated into the project to minimize impacts on any sensitive receptors. Outdoor activity areas shall be designed so that they are shielded from noise by buildings or other structures and achieve a minimum 65 dBA DNL.
- For future residential projects, a project-specific noise/vibration analysis shall be prepared by an acoustical consultant to determine specific design measures to reduce interior noise levels to conform to State Title 24 requirements and exterior noise to appropriate levels. Train noise shall be reduced by the construction of sound walls, building orientation, building attenuation measures, and mechanical ventilation systems. Outdoor common areas shall be designed so that they are shielded from noise by buildings or other structures.

- Prior to the issuance of a building permit for future development, the property owner shall grant an avigation easement to the City of San Jose in compliance with the ALUC Plan and City General Plan Aviation Policies to allow for acceptance of aircraft noise impacts.
- Implement the standard noise abatement measures during construction of future development.

- XI. POPULATION AND HOUSING** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XII. PUBLIC SERVICES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIII. RECREATION** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XIV. TRANSPORTATION / TRAFFIC** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XV. UTILITIES AND SERVICE SYSTEMS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- XVI. 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:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, San José CA 95113-1905 and include a \$100 filing fee. The written protest should make a “fair argument” based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a

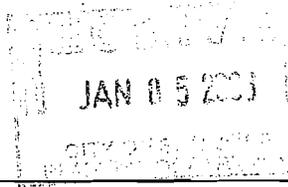
noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

Circulated on: 10/24/06
Deputy

Adopted on: _____
Deputy

MND/JAC 8/26/05



Memorandum

DATE: 01/03/06

TO: Jenny Nusbaum
FROM: Nadia Naum-Stoian

Re: Plan Review Comments

PLANNING NO: GP05-03-08

DESCRIPTION: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Combined Industrial on 1 acre and General Commercial on 0.71 acre to Downtown Core Area on a 1.71-acre site (Moraga/Rheem LLC, Owner/Moraga/Rheem LLC, Applicant)

LOCATION: north side of Stockton Avenue, approx. 300 feet from corner between Stockton Avenue and West Santa Clara Street,

ADDRESS: north side of Stockton Avenue, approx. 300 feet from corner between Stockton Avenue and West Santa Clara Street, (106 STOCKTON AV)

FOLDER #: 05 063739 AO

The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.

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

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

Memorandum

TO: Jenny Nusbaum
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

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

DATE: 01/06/06

PLANNING NO.: GP05-03-08
DESCRIPTION: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Combined Industrial on 1 acre and General Commercial on 0.71 acre to Downtown Core Area on a 1.71-acre site (Moraga/Rheem LLC, Owner/Moraga/Rheem LLC, Applicant)
LOCATION: north side of Stockton Avenue, approx. 300 feet from corner between Stockton Avenue and West Santa Clara Street,
P.W. NUMBER: 3-16850

Public Works received the subject project on 01/03/06 and submits the following comments:

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

Comments: *Only an operational analysis will be required at the site development permit stage.*

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



EBRAHIM SOHRABI
Senior Civil Engineer
Transportation and Development Services Division

WLP
ES:WLP



January 10, 2006

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

Attention: Jenny Nusbaum

Subject: City File No. GP05-03-08 / Stockton-Santa Clara GPA

Dear Ms. Nusbaum:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the General Plan Amendment for Downtown Core Area on 1.71 acres on the north side of Stockton Avenue, 300 feet from Santa Clara Street. We have the following comments.

VTA recommends the developer consider development densities for regional cores as identified in the Community Design and Transportation Manual (Appendix D) when designing this project. The Community Design and Transportation Manual is available upon request from VTA. For information, please call the Development & Congestion Management Division at (408) 321-5725.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Molseed", written in a cursive style.

Roy Molseed
Senior Environmental Planner

RM:kh

cc: Ebrahim Sohrabi, San Jose Development Services
Samantha Swan, VTA

Memorandum

TO: Laurel Prevetti
Planning, Building
and Code Enforcement

FROM: Hans F. Larsen

**SUBJECT: TRAFFIC IMPACT ANALYSIS
FOR GP05-03-08**

DATE: 4-18-06

Approved

Date

File Number: GP05-03-08

Location: N/E side of Stockton Ave., approx. 300 feet N/o W. Santa Clara St.

Acreage: 1.7 ac.

Description: Combined Industrial/Commercial and General Commercial to
Downtown Core Area
(Add 108 HH)
Outside Special Subarea (Remainder of City)

We have reviewed the subject General Plan Amendment (GPA) and submit the following comments. The estimated number of new PM peak hour trips resulting from the proposed land use change is below the exemption threshold established for this area. Therefore, this GPA is exempt from a computer model (CUBE) traffic impact analysis.

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

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



HANS F. LARSEN
Deputy Director
Department of Transportation

HFL:PM

cc: Jenny Nusbaum
Lee Butler



SANTA CLARA COUNTY

Airport Land Use Commissi

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

April 21, 2006



Lee Butler
City of San Jose
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, Tower
San Jose, CA 95113

Re: City File No. GP05-03-08

General Plan Amendment request to change the Land Use/Transportation Diagram designation from Combined Industrial on 1 acre and General Commercial on approximately 0.7 acres to Downtown Core Area on an approximately 1.7-acre site located on the northeast side of Stockton Avenue, approximately 300 feet north of West Santa Clara Street

Dear Lee:

Thank you for the City of San Jose's referral of the above-referenced project. The related rezoning project - City of San Jose File No. PDC05-126 - was reviewed by the Airport Land Use Commission (ALUC) at a regular meeting on March 23, 2006. The proposed rezoning was determined to be consistent with ALUC policies with the following conditions:

1. Property owner(s) grant aviation easement(s) for APNs 259-28-005, 259-28-004, 259-28-003 and 259-28-002 to the City of San Jose for San Jose International Airport in accordance with Policy G-3.
2. When a specific development project(s) is proposed, height restrictions on the project area shall be imposed in conformance with the FAA Part 77 Imaginary Surface in effect at that time, regardless of any No Hazard determination by the FAA.

The proposed General Plan Amendment (GP05-03-08) is part of the rezoning project cited above and can therefore also be determined to be consistent with ALUC policies, with the above stated conditions.

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

Sincerely,

Dana Peak
ALUC Staff Coordinator

October 4, 2006

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

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 fess 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 "es" written 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.

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

2. GP05-02-06

Location: Easterly side of Monterey Highway, approximately 800 feet northwest of Skyway in CD2

Size of Area: 4.5 acres

MLS Zone: 11

Current General Plan Designation: Very Low Density Residential (2.0 DU/AC) on 4.3 acres and General Commercial on 0.2 acres.

Proposed Designation: Medium Low Density Residential (8.0DU/AC)

Estimated Number of Units: 32

Maximum Fee Requirement: If single-family detached units, then \$352,000

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

3. GP06-02-02 & UGB06-001

Location: Easterly side of Piercy Road, northeasterly corner of Piercy Road and Silicon Valley Road in CD2

Size of Area: 3.2 acres

(2.6 acres proposed for modification of the Greenline/Urban Growth Boundary – UGB06-001)

MLS Zone: 2

Current General Plan Designation: Rural Residential (0.2 DU/AC)

Proposed Designation: High Density Residential (25-50 DU/AC)

Estimated Number of Units: 80 to 160 Units

Maximum Fee Requirement: If multi-family attached units, then \$588,000 to \$1,176,000

Maximum Dedication Requirement: At 160 units, it would be 1.1 acres.

Nearest Parks: Silver Leaf Park is 3/4 miles west of the amendment site

Nearest Schools: Los Paseso Elementary School is two miles to south 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 location of the future housing project and the proposed park site on the adjacent property.

District 3

4. GP05-03-08

Location: Northeasterly side of Stockton Avenue, approximately 300 feet northerly of West Santa Clara Street in CD3

Size of Area: 1.7 acres

MLS Zone: 9

Current General Plan Designation: Combined Industrial/Commercial on 1 acre and General Commercial on 0.7 acres.

Proposed Designation: Downtown Core Area

Estimated Number of Units: Unknown

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

District 8

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

10. GP05-08-01A

Location: South side of Quimby Road, approximately 1,000 feet westerly of Capitol Expressway

Size of Area: 81 acres

MLS Zone: 3

Current General Plan Designation: Public/Quasi-Public, Medium Low Density Residential (8 DU/AC), Office, Industrial Park and Public Park/Open Space

Proposed Designation: Mixed Use with No Underlying land Use Designations

Estimated Number of Units: 1875 units

Maximum Fee Requirement: If all multi-family attached units, the fee would be \$17,718,750

Maximum Dedication Requirement: 12.8 acres

Nearest Parks: Meadowfair Park is adjacent to the amendment site

Nearest Schools: Ley Va Millde School is 1/8 miles to the south of the amendment site

Staff Recommendation: If a project comes forward, staff's recommendation will be the dedication of land for a new 10 acre park at the north east corner of the project adjacent to Quimby Road and approximately 1 acre site adjacent to Meadowfair Park. The Evergreen – East Hills Vision Plan may also fund the development of the dedicated lands and a 40,000 square foot community center.

11. GP05-08-01B

Location: Northeast corner of Tully and White Road

Size of Area: 114 acres

MLS Zone: 4

Current General Plan Designation: Private Recreation

Proposed Designation: Medium Density Residential (8-16 DU/AC) Neighborhood/Community Commercial, Public Park/Open Space

Estimated Number of Units: 850 units

Maximum Fee Requirement: If single-family attached units, the fee would be \$6,247,500

Maximum Dedication Requirement: 7.4 acres

Nearest Parks: Lake Cunningham Park is adjacent to the amendment site

Nearest Schools: Valle Vista Elementary School is a 1/4 mile to the east of the amendment site

Staff Recommendation: If a project comes forward, staff's recommendation will be the dedication of parkland. The Evergreen – East Hills Vision Plan may also fund the development of the future park site.

12. GP05-08-01C

Location: Southeast corner of Fowler and Yerba Buena Road

Size of Area: 175 acres

MLS Zone: 3

Current General Plan Designation: Campus Industrial

Proposed Designation: Medium Density Residential (8-16 DU/AC), Medium Low Density Residential (8 DU/AC) or Low Density Residential (5 DU/AC) and Parks /Open Space

Estimated Number of Units: 1,100 units

Maximum Fee Requirement: If single-family detached units, the fee would be \$15,565,000

Maximum Dedication Requirement: 11.3 acres

Nearest Parks: Future Fowler Park is 1/4 mile to the west of the amendment site

Nearest Schools: Chayboya Elementary School is 1/8 mile to the west of the amendment site

Staff Recommendation: If a project comes forward, staff's recommendation will be the dedication of parkland. The Evergreen – East Hills Vision Plan may also fund the development of the future park site(s).

13. GP05-08-01D

Location: Eastside of Yerba Buena Road, opposite of Verona Road

Size of Area: 24 acres

MLS Zone: 3

Current General Plan Designation: Campus Industrial

Proposed Designation: Medium Density Residential (8-16 DU/AC), Medium Low Density Residential (8 DU/AC) and Parks /Open Space

Estimated Number of Units: 225 units

Maximum Fee Requirement: If single-family attached units, the fee would be \$2,677,500

Maximum Dedication Requirement: 1.9 acres

Nearest Parks: Montgomery Hill Park is adjacent to the amendment site

Nearest Schools: Chaboya Elementary School is 1/8 miles to the west of the amendment site

Staff Recommendation: Once a project comes forward, staff's recommendation will be the dedication of parkland. The Evergreen – East Hills Vision Plan may also fund the development of the future park site.

14. GP05-08-01E

Location: Northeast corner of Yerba Buena Road and Old Yerba Road

Size of Area: 120 acres

MLS Zone: 3

Current General Plan Designation: Campus Industrial

Proposed Designation: Medium Density Residential (8-16 DU/AC), Medium Low Density Residential (8 DU/AC) and Parks /Open Space

Estimated Number of Units: 675 units

Maximum Fee Requirement: If single-family detached units, the fee would be \$8,032,500

Maximum Dedication Requirement: 5.8 acres

Nearest Parks: Montgomery Hill Park is adjacent to the amendment site

Nearest Schools: Chaboya Elementary School is 1/3 miles to the northwest

Staff Recommendation: Once a project comes forward, staff's recommendation will be the dedication of parkland. The Evergreen – East Hills Vision Plan may also fund the development of the future park site as a little league complex of three fields.

15. GP05-08-01F

Location: Northside of Yerba Buena Road , approximately 350 feet easterly of San Felipe Road

Size of Area: 27 acres

MLS Zone: 3

Planning Commission

9-26-06

Subject: Review of General Plan Amendment Applications

Page 7

Current General Plan Designation: Public/Quasi-Public

Proposed Designation: Mixed Use with No Underlying land Use Designations

Estimated Number of Units: 500 units

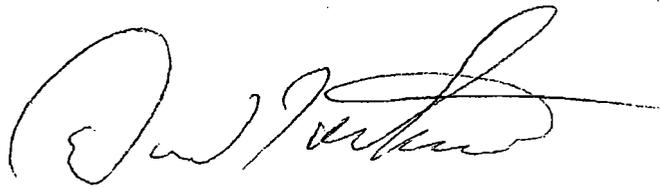
Maximum Fee Requirement: If all multi-family attached units, the fee would be \$4,725,000

Maximum Dedication Requirement: 3.4 acres

Nearest Parks: Future Falls Creek Park is adjacent to the amendment site

Nearest Schools: Laurelwood Elementary School is 1/3 mile 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 project site is adjacent to three park sites

A handwritten signature in black ink, appearing to read "David J. Mitchell". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David J. Mitchell
Parks Planning Manager

Xavier, Lesley

From: tessa Woodmansee [tessaw@mindspring.com]
Sent: Thursday, November 02, 2006 8:24 PM
To: Shasta_Hanchett_Talk@yahoogroups.com
Cc: Lesley.Xavier@sanjoseca.gov
Subject: Which is correct address?

This article in the Rose Garden Resident states the Rezoning/change of general plan of East Stockton Ave parcels to Downtown Core with therefore having the ability to build high-risers with dense residential development (of course with no parks) meeting is at 106 Stockton Ave

The other notice stated 138 Stockton Ave.

I guess having two different addresses will keep the crowds away.

Does anyone know which address it is?

Thanks,

Tessa

0645 | Thursday, November 2, 2006

News

Stockton property owners asking to rezone parcels for mixed-use

By Mary Gottschalk

A community meeting on a request to change San Jose's general plan designation and rezone three properties along Stockton Avenue will take place at 6:30 p.m. Nov. 6 at 106 Stockton Ave.

Erik Schoennauer is representing the owners of 106 Stockton and adjacent parcels between The Alameda and Julian Street across from the proposed Whole Foods. He says his clients request the changes to "reposition the property so that it can be used for purposes more compatible with the neighborhood and the neighborhood business district.

11/6/2006

"With its current heavy industrial designation, we would have to lease our property for uses such as heavy manufacturing, repair and cleaning of vehicles, outdoor storage or a truck and bus depot. The current designation does not allow for retail stores, restaurants, daycare centers, offices or other uses that support and are compatible with neighborhoods."

While there have been rumors of a high-rise residential tower planned for that site, Schoennauer says, "there is no imminent development proposed. The decision coming before the planning commission and the city council on the general plan does not authorize any development to occur. It's simply changing the designation of the property."

Schoennauer says the property owners have talked about different options on this block but no specific plans are in the works.

"Obviously residential and building a taller building is a land use option. We're in the boundaries of the downtown core area and we are only 1,000 feet from the Diridon Transit Station," he says.

With Caltrain, ACE Train, light rail and bus service already in place at Diridon and the expected addition of BART and high-speed rail in the future, Schoennauer says, residential development makes sense as one option.

Xavier, Lesley

From: Helen Chapman [4chapmanfam@sbcglobal.net]
Sent: Thursday, November 02, 2006 12:22 PM
To: lesley.xavier@sanjoseca.gov
Cc: Ken Yeager
Subject: GP05-03-08

Good Afternoon Lesley,

I understand you are the principal planner regarding GP05-03-08
I am very concerning that no message has gone out regarding a community meeting on this proposal to a broader community. I was uncomfortable reading in the Rosegarden Resident today about the community meeting planned for Monday November 6th.

The Parks Commission voted last month not to recommend the downtown core designation and Council members Yeager and Chavez incorporated comments at the October 17th Council meeting asking for the Downtown Core planning area to be moved back to Hwy 87. I feel strongly that this issue needs to be broadly communicated and I look forward to hearing from you to discuss this further.

Sincerely,

Helen Chapman
Chair, Parks Recreation Commission
4chapmanfam@sbcglobal.net

Xavier, Lesley

From: Kay Gutknecht [k.gutknecht@sbcglobal.net]
Sent: Sunday, November 05, 2006 8:19 PM
To: Lesley.Xavier@sanjoseca.gov
Subject: Fw: General Plan Admendment File Number GP05-03-08

----- Original Message -----

From: Kay Gutknecht
To: Lesley.Xavier@sanjoseca.gov
Sent: Sunday, November 05, 2006 8:17 PM
Subject: General Plan Admendment File Number GP05-03-08

Xavier,

I am unable to attend tomorrow's meetings as I just received notice of it today and my calendar is booked. Why was I not notified of something this significant happening in my neighborhood?

I want it to be know that this property is NOT DOWNTOWN CORE. This is west of the railroad tracks, the end of what is considered downtown by anyone who lives on this side of the tracks. Hence our agreement with the City regarding traffic and parking for the arena on this side of the tracks.

Please get out of your office, come down and take a look. We work so hard to protect our neighborhood from things like this, just ask the developers of other projects on Stockton Avenue. A high-rise tower is totally out of keeping with the scale of our neighborhood and would open the door to future development of this magnitude. Move a block east and do what you want. BUT NOT WEST OF THE TRACKS!

Kay

Xavier, Lesley

From: Jeffrey B. Hare [jbhlaw@pacbell.net]
Sent: Tuesday, November 07, 2006 12:25 PM
To: lesley.xavier@sanjoseca.gov
Cc: es@stanfordalumni.org
Subject: GP05-03-08 106 Stockton Avenue

Lesley:

Please add my name to the list of people who are interested in this general plan amendment proposal by Moraga Rheem LLC for the properties located at or near to 106 Stockton Avenue. With the pending application to add the Whole Foods Market across the street from this site, the proposed housing units just down the street, and the recently completed project at Cinnebar Commons, the timing appears ripe to move forward with proposals for the surrounding properties. Stockton Avenue is an area in transition, and the first step to revitalize some of the long-neglected parcels is to consider a shift away from industrial uses located near the Downtown Core and Cahill/Diridon Station area.

Thank you.

Jeffrey B. Hare
A Professional Corporation
501 Stockton Avenue
San Jose, CA 95126
408-279-3555
408-279-5888 (Fax)
jbhlaw@pacbell.net



***Framework, as a Guideline, to Evaluate Proposed
Conversions of Employment Lands to Other Uses***
(Originally Approved by the Mayor and City Council on April 6, 2004 and
Modified on November 15, 2005)

Purpose

The Framework should be used as a guideline to evaluate proposed conversions of employment lands to other uses. The intent of the Framework is to create more certainty and predictability in the review of employment land conversion proposals while retaining flexibility to respond to changing conditions, information, and policy considerations.

Framework Elements

1. Subareas to promote or facilitate conversion to housing, retail, mixed use, or other Household-Serving Industries.

- *Downtown Core Subarea:* Continue to facilitate a vibrant mix of housing, civic, retail, and employment uses.
- *Downtown Frame Subarea:* Continue to facilitate a mix of housing, civic, retail, and employment uses, however, the Julian-Stockton portion of this subarea should not include housing.
- *Midtown portion of Central San Jose 1 Subarea:* Consider additional opportunities for housing, retail, civic, and/or employment uses (beyond existing and planned land uses) to support the Downtown, transit investments, and West San Carlos Neighborhood Business District.
- *Story Road Subarea (Olinder Redevelopment Area):* Consider for conversion to retail uses, but not housing, given the existing, well-established retail uses.

2. Subareas to consider for conversion to housing, retail, mixed use, or other Household Serving Industries only in certain circumstances.

- As the employment areas intensify in North First Street and Edenvale 1, respectively, then opportunities for intensive development of supportive uses may be considered in the following subareas:

North First Street
North San Jose 2
North San Jose 3

North San Jose 4
North San Jose 6
Edenvale 1

- *North San Jose 5 subarea (east of I-880):* Consider housing, retail, or other Household Serving Industries only in areas that are close to existing residential areas and areas that could be integrated into a neighborhood framework.

- *Northeast San Jose subarea (east of Coyote Creek)*: Consider housing near the Berryessa BART station consistent with our Transit Oriented Development policies.
- *Portion of Central San Jose 1 Subarea (west of the railroad tracks and north of I-880)*: Consider conversion to housing, consistent with the existing neighborhood, the BART Station Node policies, and compatibility with the City of Santa Clara's conversion to housing.
- *Evergreen Industrial Area*: Consider uses only if recommended through the Evergreen Smart Growth Strategy process.
- *Coyote Valley*: Consider uses only if recommended through the Coyote Valley Specific Plan process.

3. Subareas to preserve for Driving and Business Support Industries.

- *North San Jose 1*
- *Airport*
- *Central San Jose 2*
- *Northeast San Jose (west of Coyote Creek)*
- *North San Jose 5 west of I-880 (i.e., North San Jose 4)*
- *Monterey Corridor 1*
- *Monterey Corridor 2*
- *Monterey Corridor 3*
- *Monterey Corridor 4*
- *Edenvale 2*
- Potential conversions should generally be discouraged, and only be considered for approval in subareas where conversions of industrial lands may:
 - Complete a transition to existing neighborhoods within or adjacent to the subarea, or
 - Buffer and provide uniformity to existing neighborhoods within or adjacent to the subarea, or
 - Further the City's smart growth policies, or
 - Aid in revitalizing declining neighborhoods within or adjacent to the subarea.

4. Criteria for the evaluation of proposed conversions to housing, mixed use, retail, and/or other Household-Serving Industries.

- Conversion to Residential or Mixed Residential/Commercial Use
- A. **Economic contribution of the subarea:** What is the economic contribution of the subarea to the San Jose and Silicon Valley economy and job base? How is the subject site currently occupied and used? Is the subject site currently used to its full potential for contributing to the San Jose economy or job base? How would this economic contribution be enhanced or reduced by the proposed conversion?
- B. **Consistency with City Policies and Strategies:** How does the proposed conversion and specific proposed use(s) and intensities advance the City's policies and strategies as contained in the General Plan, Specific Plans, and other strategic documents?

- C. Proximity to existing neighborhoods and areas in transition:** How would the new residential/mixed use knit with adjacent existing or planned residential and/or retail uses, and/or fill-in gaps in areas already partially converted or transitioning to residential use? Does the proposed conversion eliminate small islands or peninsulas of industrially designated/zoned land that would be suitable for conversion to residential to make them consistent with surrounding uses?
- D. Proximity to incompatible employment uses (e.g., manufacturing, recycling, etc.):** Where are the nearest incompatible industrial areas which might generate impacts due to hours of operation, deliveries, noise, odors, hazardous materials, etc.? How might the new residential use put pressure on the existing industrial uses to modify their operations?
- E. Potential inducement of additional conversions to residential use?** How might the proposed residential use induce or pressure adjacent or nearby properties to convert to residential use?
- F. Proximity to transit service:** Is the proposed housing site within 3000 feet of a planned BART Station or 2000 feet of an existing, funded or planned Light Rail Station?
- G. Proximity to compatible employment uses (e.g., office/R&D):** Where are the nearest existing or planned employment areas with compatible land use characteristics, thereby creating potential alternate commute (walk/bike to work) opportunities?
- H. Availability of neighborhood services, and residential and commercial mixed use drivers:** Where are the nearest existing and/or planned neighborhood serving retail, parks, libraries, schools, open space/trails, etc.? How would the proposed conversion potentially enhance city services (e.g., by creating or improving neighborhood parks)? How would the proposed residential conversion potentially strengthen neighborhood and general commercial uses in the area by adding resident population? Does the proposed conversion involve a mixed residential and commercial development on the site?
- I. Public Benefit:** Does the proposed conversion offer or facilitate a unique and significant public benefit (e.g., the delivery of or significant contribution toward public facilities, public improvements, infrastructure, or affordable housing beyond what would be required to serve the proposed development associated with the conversion)? Would the conversion result in improvements to a blighted area or contribute to the variety of housing types, including rental or ownership, in areas that have predominantly one or the other? Are there other any means to obtain this extraordinary public benefit without the conversion?
- J. Adequacy of Fire/Police service levels:** What are the anticipated service levels or other public safety performance measures to serve the proposed housing area?
- K. Utilization of bicycle and pedestrian facilities, and promote pedestrian access:** Where are the nearest existing and planned bicycle and pedestrian facilities? How does the

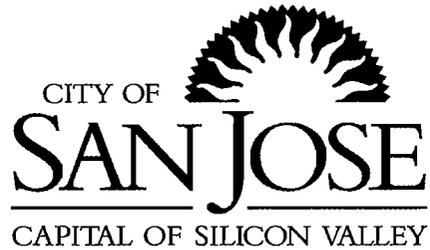
proposed residential/mixed use development support nearby jobs and commercial lands by promoting pedestrian access and minimizing vehicle trips?

- L. Potential environmental impacts and mitigation measures, including adequacy of other public infrastructure:** What are the potential environmental impacts and are mitigation measures included in the proposal? What public improvements are necessary to serve the new housing area?
- M. Potential fiscal impact:** What is the potential fiscal impact on City revenue and service costs?
- Conversion to Commercial and Other Household-Serving Industries
 - A. Economic contribution of the subarea:** What is the economic contribution of the subarea to the San Jose and Silicon Valley economy and job base? How would this economic contribution be enhanced or reduced by the proposed conversion?
 - B. Consistency with City Policies and Strategies:** How does the proposed conversion and specific proposed use(s) and intensities advance the City's policies and strategies as contained in the General Plan, Specific Plans, and other strategic documents?
 - C. Fulfilling the City's retail needs:** How does the proposed commercial retail meet the City's need for community-serving and/or neighborhood-serving retail?
 - D. Adequacy of major street access:** What streets directly serve the proposed site?
 - E. Potential to influence/encourage conversion of adjoining properties:** How might the proposed commercial use induce or pressure adjacent or nearby properties to convert to commercial use? How might the proposed conversion create a transition, thereby protecting existing industrial lands from additional conversions?
 - F. Potential negative impact to other planned commercial development areas (e.g., Downtown):** How would the proposed commercial development affect other planned commercial areas?
 - G. Adequacy of transit, bicycle, pedestrian facilities:** Where are the nearest existing and planned transit, bicycle and pedestrian facilities? How does the proposed commercial use support transit or hinder its use? How does the introduction of proposed commercial uses promote pedestrian activity and minimize vehicle trips?
 - H. Incorporation of mixed use development:** How does the proposed development incorporate a mix of compatible uses?
 - I. Potential environmental impacts and mitigation measures:** What are the potential environmental impacts and are mitigation measures included in the proposal?

J. Net fiscal impact on the City of using this parcel for retail instead of the current use:
What is the potential fiscal impact on City revenue and service costs?

Framework Application

- The Framework should be applied as early as possible in the development review process, including as part of Comprehensive Preliminary Review applications.
- Evaluation of the fiscal impact of the conversion on City revenues and service costs must be the highest priority.
- All conversion proposals would be evaluated against the criteria.
- The criteria are not in rank order. They are not scored to a point system and the weight of the individual criterion may vary by site based on individual circumstances and changing background information.
- Conversions that present opportunities for development of significant new sources of revenue may be considered in any subarea in which the development would be compatible with existing or planned uses in the subarea.
- The criteria would identify the key issues for the analysis of conversion proposals; however, there may be other criteria or factors to consider in the evaluation of individual proposals.
- The “Towards the Future” report would be one source of background information for answering the questions posed by the criteria.
- Other background information may include, but is not limited to, reports on the Silicon Valley economy, office vacancy trends, etc.
- In areas of the City that are not included in a “subarea” identified in the Strategic Economics’ report and have a long term regional planning effort that includes industrial areas, Council approved triggers and requirements are still applicable. When the planning efforts’ vision and land use plans are adopted and it shifts into the implementation phase, General Plan conversions must balance the overall goal of that planning area with creative smart growth opportunities.
- Staff shall provide an annual report and evaluation on the progress, outcome and impact of the Framework for Evaluating Proposed Conversions of Employment Lands.



HISTORIC LANDMARKS COMMISSION

HEARING SYNOPSIS

WEDNESDAY NOVEMBER 1, 2006

Council Wing, Room W118/119

200 East Santa Clara Street

San Jose, CA

6:00 P.M.

COMMISSION MEMBERS

EDWARD JANKE, CHAIR

PATRICIA COLOMBE

HELENE LAVELLE

SCOTT CUNNINGHAM

VACANT VACANT

VACANT

**JOSEPH HORWEDEL, ACTING DIRECTOR
DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT**

agreement with the CBRE studies, then it would not have stated that the alternatives are potentially feasible. The studies are included in the document at this point to receive maximum public review. Vice Chair Colombe noted that the HLC could request the EIR could more clearly focus on the weaknesses in the CBRE report. When Akoni Danielsen noted that Planning Staff was not in the position to comment on the feasibility of the project, Vice Chair Colombe replied that the body of the EIR could include language clarifying that the report was included for information only.

Deputy Director Jeannie Hamilton asked whether Commissioners felt that the CBRE report had already passed into the project level discussion at this point, and were looking for an explicit statement in the EIR that the alternatives included in the document are assumed to be feasible until clearly proven otherwise.

Commissioner Cunningham asked whether a structural engineering report had been included in the Appendices.

Sally Zarnowitz stated that the HLC could adopt the Staff Recommendation to compose a letter based on comments this evening, or they could appoint a subcommittee to draft a comment letter. Chair Janke moved that a subcommittee of two or more Commissioners, chaired by Colombe work to produce an enhanced outline for a comment letter. Commissioner Cunningham and LaVelle volunteered to sit on the subcommittee.

MOTION APPROVED 4-0-0

- b. **GP05-03-08 / C06-126**. General Plan Amendment and Conventional Rezoning application to change the land use designation from Combined Industrial/Commercial and General Commercial to Downtown Core and to change the zoning designation from HI Heavy Industrial to DC Downtown Core on a 1.72-acre site located on the east side of Stockton Avenue, approximately 300 feet north of W. Santa Clara Street. Council District 3. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Historic Landmarks Commission to forward comments to the Planning Commission and City Council regarding the identified Historic Resources located on the site.

Sally Zarnowitz introduced the Initial Study, including slides of the existing industrial and commercial buildings on the east-side of Stockton Avenue.

Deputy Jeannie Hamilton stated that the faces in the context of the streetscape and perhaps separate from the industrial buildings behind them, tell a story.

Chair Janke agreed that the area was interesting, and resembled a western town with the east side backing up to the Railroad yards. Jeannie Hamilton noted that with the Downtown Strategy 2000 set the stage for expanding the Core Area into this area.