



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: November 20, 2006

COUNCIL DISTRICT: 4

SNI AREA: None

SUBJECT: GP06-04-03. GENERAL PLAN AMENDMENT REQUEST TO CHANGE THE SAN JOSE 2020 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM DESIGNATION FROM INDUSTRIAL PARK WITH MIXED INDUSTRIAL OVERLAY TO COMBINED INDUSTRIAL/COMMERCIAL ON AN APPROXIMATELY 36.3-ACRE SITE AT THE SOUTHEASTERLY QUADRANT OF HIGHWAY 237 AND NORTH FIRST STREET IN AN AREA BOUND BY HIGHWAY 237, NORTH FIRST STREET AND HEADQUARTERS DRIVE.

STAFF ALTERNATIVE: PROPOSAL TO AMEND THE GENERAL PLAN LAND USE DESIGNATION ON THE APPROXIMATELY 36-ACRE SITE TO ALLOW FOR A CHANGE FROM INDUSTRIAL PARK WITH MIXED INDUSTRIAL OVERLAY TO INDUSTRIAL PARK ON APPROXIMATELY 10 ACRES, COMBINED INDUSTRIAL/COMMERCIAL ON APPROXIMATELY 12 ACRES AND NO CHANGE ON THE REMAINING PART OF THE SITE.

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend approval of a General Plan amendment to change the *San Jose 2020 General Plan Land Use/Transportation Diagram* designation from Industrial Park with Mixed Industrial Overlay to Combined Industrial/Commercial on an approximately 9.7-acre portion of the site at the northeasterly corner of North First Street and Headquarters Drive; retain Industrial Park and remove the Mixed Industrial Overlay on an approximately 12.6-acre portion of the site approximately 590 feet easterly of North First Street on the northerly side of Headquarters Drive; and retain Industrial Park with Mixed Industrial Overlay on an approximately 14-acre portion of the site at the northeasterly corner of North First Street and Holger Way.

OUTCOME

If the City Council were to approve the General Plan amendment to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to Industrial

Park on approximately 10 acres, Combined Industrial/Commercial on approximately 12 acres and no change on the remaining part of the subject site as recommended by the Planning Commission and Planning staff, commercial, office, or industrial development or a compatible mixture of these uses and non-industrial uses such as a big-box retailer would be allowed on the subject site while retaining the option of future industrial development.

If the City Council were to approve the applicant's proposal to change the land use designation to Combined Industrial/Commercial on the entire subject site, both commercial and industrial uses would be allowed on the site; new proposed uses could be 100% retail commercial, resulting in a loss of the entire site for any new industrial uses.

BACKGROUND

On November 13, 2006, the Planning Commission held a public hearing to consider the applicant's proposed General Plan amendment change from Industrial Park with Mixed Industrial Use to Combined Industrial/Commercial. The Director of Planning, Building and Code Enforcement recommended an alternative proposal to allow changes from Industrial Park with Mixed Industrial Overlay to Combined Industrial/Commercial on a portion of the site at the northeasterly corner of North First Street and Headquarters Drive; retain Industrial Park and remove the Mixed Industrial Overlay on a portion of the site approximately 590 feet easterly of North First Street on the northerly side of Headquarters Drive; and retain Industrial Park with Mixed Industrial Overlay on the remainder portion of the site at the northeasterly corner of North First Street and Holger Way.

Deke Hunter, the applicant, stated that he accepted the staff amended recommendation to allow Industrial Park and Combined Industrial/Commercial on the identified portions of the subject site with no change on the remaining portion.

Mike Ray, representing the mobile home park residents located across the site on North First Street expressed concerns about the traffic congestion on North First Street. He requested a stop-light at the intersection of Holger Way and North First Street which had been a condition for the previously approved development on the subject site.

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

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

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Department of Transportation, Office of Economic Development, Environmental Services Department, the City Attorney, Santa Clara Valley Water District, and Valley Transportation Authority.

Attached letters from the San Jose Redevelopment Agency, dated November 13, 2006 and the State Department of Toxic Substances Control, dated November 13, 2006 were distributed to the Commissioners at the meeting. Staff also received two letters/comments on the proposed amendment's Administrative Draft Initial Study from the State Department of Transportation, dated November 13 and 14, 2006 (see attachments). Staff is preparing responses to these agencies and their comments do not affect the validity of the Planning Commission's recommendation to adopt the proposed amendment's Negative Declaration.

FISCAL/POLICY ALIGNMENT

Consistency with applicable General Plan policies is discussed in the attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

HONORABLE MAYOR AND CITY COUNCIL

November 20, 2006

Subject: GP06-04-03

Page 4

BUDGET REFERENCE

Not applicable.

CEQA

A Mitigated Negative Declaration, File No. GP06-04-03, was adopted on November 13, 2006.


 JOSEPH HORWEDEL, SECRETARY
Planning Commission

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

Attachments.

cc: Derek Hunter and Edward Storm, Junter/Storm, LLC., 20725 Valley Green Drive, Cupertino, CA 95014
Linda Callon, 10 Almaden Blvd., Suite 1100, San Jose, CA 95113
Ed Axelsen, Director of Real Estate, Palm, Inc., 950 West Maude Avenue, Sunnyvale, CA 94085

DEPARTMENT OF TRANSPORTATION

P. O. BOX 23660
 OAKLAND, CA 94623-0660
 (510) 286-4444
 (610) 286-4454 TDD



*Flex your power!
 Be energy efficient!*

November 14, 2006

SCL-237-6.91
 SCL237156
 SCH2006102062

Ms. Meera Nagaraj
 City of San José
 200 East Santa Clara Street, 3rd Floor
 San José, Ca 95113

*GPO6-04-03
 Attachment*

Dear Ms. Nagaraj:

Palm Site General Plan Amendment – Initial Study/ Mitigated Negative Declaration (IS/MND)

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed project. We have reviewed the IS/MND and have the following additional comments to offer.

Highway Operations

The Department requests that the Traffic Impact Analysis include cumulative conditions for all future development allowed by the proposed land use designation in the General Plan Amendment.

Should you require further information or have any questions regarding this letter, please call José L. Olveda of my staff at (510) 286-5535.

Sincerely,

signed for *Christian Boshong*

TIMOTHY C. SABLE
 District Branch Chief
 IGR/CEQA

c: Scott Morgan (State Clearinghouse)

DEPARTMENT OF TRANSPORTATION

F. O. BOX 23660
OAKLAND, CA 94623-0660
(510) 286-4444
(510) 286-4454 TDD



*Flex your power!
Be energy efficient!*

November 13, 2006

SCL-237-6.91
SCL237156
SCH2006102062

Ms. Mcera Nagaraj
City of San José
200 East Santa Clara Street, 3rd Floor
San José, Ca 95113

*GPO604-03
Attachment*

Dear Ms. Nagaraj:

Palm Site General Plan Amendment – Initial Study/ Mitigated Negative Declaration (IS/MND)

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed project. We have reviewed the IS/MND and have the following comments to offer.

Traffic

For your information, an accident analysis was conducted for the five freeway segments listed on pages 49 and 50. Two of the five segments, State Route (SR) 237 between N. 1st St. and Great American Parkway eastbound and SR237 between Zanker Road and McCarthy Blvd. westbound, experienced higher than the statewide average accident rates for similar facilities. It appears that traffic congestion is a contributing factor.

Additional comments, if any, from our other functional review branches will be forwarded as soon as they are received.

Should you require further information or have any questions regarding this letter, please call José L. Olveda of my staff at (510) 286-5535.

Sincerely,

TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: Scott Morgan (State Clearinghouse)



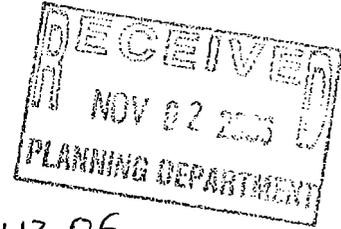
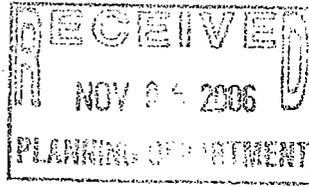
DEPARTMENT OF FISH AND GAME

http://www.dfg.ca.gov

POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500



October 25, 2006



Ms. Meera Nagaraj
City of San Jose
200 East Santa Clara Street, Third Floor
San Jose, CA 95113-1905

PGH NOV 13, 06
Item No. 79; 9P06-04-03

Dear Ms. Nagaraj:

Subject: Palm Site General Plan Amendment, SCH 2006102062, San Jose,
Santa Clara County

The Department of Fish and Game (DFG) has reviewed the document for the subject project. Please be advised this project may result in changes to fish and wildlife resources as described in the California Code of Regulations, Title 14, Section 753.5(d)(1)(A)-(G). Therefore, a de minimis determination is not appropriate, and an environmental filing fee as required under Fish and Game Code Section 711.4(d) should be paid to the Santa Clara County Clerk on or before filing of the Notice of Determination for this project.

Please note that the above comment is only in regard to the need to pay the environmental filing fee and is not a comment by DFG on the significance of project impacts or any proposed mitigation measures.

If you have any questions, please contact Mr. Dave Johnston, Environmental Scientist, at (831) 466-0234 or Mr. Greg Martinelli, Acting Habitat Conservation Supervisor, at (707) 944-5570.

Sincerely,

Robert W. Floerke
Regional Manager
Central Coast Region

cc: State Clearinghouse



Nagaraj, Meera

From: Nagaraj, Meera
Sent: Monday, November 20, 2006 2:33 PM
To: 'rsunga@dtsc.ca.gov'
Cc: Clark, Jodie; Nusbaum, Jenny
Subject: SCH #2006102062_GP06-04-03 Palm Site GP amendment; Response to your comments

Attention: Remedios Sunga

GP06-04-03

Dear Mr. Piros

Thank you for your comments (dated November 13, 2006) on the Initial Study and Draft Mitigated Negative Declaration for the Palm Site General Plan amendment, located at the southeast quadrant of Highway 237 and North First Street. Your comments have been noted. Below is our response:

The project is required to conform to the City's General Plan Policies including Hazards Policy No. 1 and Hazardous Material Policy No. 3.

The recommendation for additional studies to confirm the presence/absence of hazardous materials on the project site was presented as a conservative approach, since the original Phase II work was conducted over 10 years ago and may be out-of-date. Any future studies would incorporate DTSC's recommendations for sampling and remediation.

If you were to have any more questions or comments regarding the above matter please contact me.

Meera Nagaraj, AICP
Project Manager
Planning Services Division
200 East Santa Clara Street
City of San Jose, CA 95110
www.sanjoseca.gov <<http://www.sanjoseca.gov>>
Phone: 408 535-7867



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gorsen, Director
700 Heinz Avenue
Berkeley, California 94710-2721



Arnold Schwarzenegger
Governor

November 13, 2006

PCH November 13, 2006
Item No. 79; GP06-04-03

Ms. Meera Nagaraj
City of San Jose
200 East Santa Clara Street
San Jose, California 95113-1905

**PALM SITE GENERAL PLAN AMENDMENT, SAN JOSE, SANTA CLARA COUNTY -
INITIAL STUDY, SCH #2006102062**

Dear Ms. Nagaraj:

Thank you for the opportunity to comment on the Initial Study and Draft Mitigated Negative Declaration for the Palm Site General Plan Amendment, City of San Jose, Santa Clara County, California. As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential Responsible Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project pursuant to the California Environmental Quality Act (CEQA) adequately addresses any remediation of hazardous substance releases that may be necessary.

The project site consists of 36.3-acres located on the south side of SR 237, between N. First Street and Headquarters Drive. The project proposes to change the San Jose 2020 General Plan Land Use for the site from Industrial Park with a Mixed Industrial Overlay to Combined Industrial/Commercial that would allow for commercial, office, and industrial park development. Phase I and Phase II Environmental Site Assessments (ESA) were conducted on the property in 2001 and 1996, respectively. During the Phase II ESA, soil and groundwater samples were collected and tested for pesticides, PCBs, hydrocarbons, volatile organic compounds and lead. Pesticides, petroleum hydrocarbons and lead were detected in the soil samples at concentrations that were deemed insignificant to warrant further investigation. However, the document states that additional studies may be required prior to construction of the future development to confirm that the hazardous materials found on the project site do not pose a risk to human health or the environment. The reason that further studies are recommended should be identified. It appears that further studies may be recommended because the sampling performed during the Phase II ESA was not adequate to fully characterize and be representative of the site's conditions. Future soil samples should also be tested for

Ms. Meera Nagaraj
November 13, 2006
Page 2 of 3

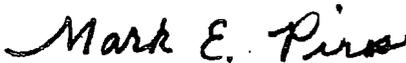
other chemicals that could be present at the site based on its historical use such as arsenic and herbicides. Arsenic has been a component of some fertilizer and weed control products that could have been used at the site and has been found at other former agricultural sites in San Jose where DTSC is or has been involved with investigation and cleanup activities.

If the future soil sampling results indicate that remediation is required, the impacts associated with remediation will need to be addressed as part of the CEQA evaluation for the development project. For example, if remediation activities include the need for soil excavation, the project-specific CEQA document should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should be there an accident at the Site during remediation.

DTSC can assist your agency in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. In an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

If you have any questions or would like to schedule a meeting, please contact Remedios Sunga at (510) 540-3840 or by e-mail at rsunga@dtsc.ca.gov. Thank you in advance for your cooperation in this matter.

Sincerely,



Mark E. Piros, P.E.
Unit Chief
Northern California
Coastal Cleanup Operations Branch

Enclosure

cc: See next page

Ms. Meera Nagaraj
November 13, 2006
Page 3 of 3

cc: without enclosure

Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street
Sacramento, California 95814

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

MEMORANDUM

TO: Stan Ketchum, Planning, Building, and Code Enforcement

FROM: Donald Rocha, Redevelopment Agency, Industrial Development

RE: GPA06-04-03 comments

DATE: November 13, 2006

PCH November 13, 2006

Item No. 79; GPA06-04-03

Thank you for the opportunity to provide comments on GP06-04-03. The Agency is in support of PBCE's staff alternative recommendation which offers the applicant the flexibility to provide for retail commercial development on portions of the site while retaining land for employment and industrial uses.

The Agency is in opposition to the applicants GPA for Combined Industrial/Commercial which could potentially result in the loss and conversion of all of the 36 acres of prime industrial land. The site in question is considered to be located at the gateway to the North San Jose industrial area also known as the Innovation Triangle. PBCE's staff alternative recommendation to provide for a designation of 12.6 acres of Industrial Park with the removal of the Mixed Industrial Overlay is critical to ensure development opportunities for "driving" industries.

The following Design Review comments provided by the Agency's Urban Design Associate are also being submitted to provide staff and the applicant the Agency's position on the future site layout. These comments are based on the 'Master Site Plan 7' dated 09.18.06 as prepared by Kenneth Rodrigues & Partners / Hunter Storm Developers and a meeting with the applicant and Agency staff. The project is a commercial development with retail, restaurant, office buildings and a hotel. The site is bounded by State Highway 237 to the North-East, North First Street to the West and Headquarters Drive to the South. Main Street, running East-West, bisects the site.

1. This prominent and strategic location should be emphasized through distinctive site layout and inspiring architecture. The frontage along North First Street is a key in creating an active and interesting streetscape. The architectural design and building materials & finishes should be of very high quality in order to create a unique and strong architectural statement.
2. The big-box retail on the northern side of the site is located such that the main entrance faces inward and the loading and service areas face North First Street. This is undesirable for creating an active and interesting streetscape along North First Street. The low screen wall, though it hides the loading and service docks, does not create a truly active space. We urge you to investigate and apply creative architectural solutions to this issue.
3. The retail pads, on the Southern side of the site, create an inward-looking environment with the backs of the retail facing N. First Street. As the intent is to create an active,

urban streetscape, it is highly undesirable to locate delivery, loading and services on First Street. We encourage you to locate more active uses along N. 1st Street, like outdoor dining, main entrances, patios and pedestrian-friendly sidewalks.

4. The type of retail uses, whether neighborhood-oriented convenience stores, regional shopping center, fast-food chains and restaurants, or a mix of all these will be critical for the success of the project. We would like to request more information and data regarding this for a better design analysis.

5. The layout of the four office buildings and parking garages lacks any particular order, and the design intent is not very evident. The "Employee Recreation Area" is more of a left-over space than an intentionally designed space. Also, clarify and define the quality and nature of spaces between the office buildings. We urge you to create a more distinctive layout for the offices, integrating the office buildings, parking and landscaping in a creative manner. As a single tenant may take all four buildings, a campus-like environment would be appropriate. A central open space can organize the site, provide focus and identity, and link to the commercial uses. To open up land for such an open space, the parking structures may need to be more than three stories.

6. On the Southern part of the site, the retail component and the office development is divided by a service street and visually and physically separated by the parking garage. We understand the intent of breaking up the site thus and placing the parking garage so that it can be used by the retail as well as the offices. But the layout is not favorable in creating a walk-able environment, and severs desired links between the offices and retail. We feel that the office employees will prefer a shorter, direct walk to the retail, to the longer walk along Main Street. It will be beneficial to create a more direct visual and physical connection between the office development and retail development.

7. The hotel site shows a very small building footprint, probably without restaurant or meeting space. There is a need in this area for a four or five-star hotel with significant restaurant and meeting space. This implies a much larger building footprint with structured parking and/or a larger development site.

8. The traffic pattern and location of entrances do not coordinate well with the layout of buildings, especially in the retail and big-box major tenant. A significant site feature, the traffic circle is arbitrarily placed, and does not serve the potential design intent. We urge you to rethink the location and placement of entrances, driveways and pedestrian walkways for efficient traffic flow.

9. As the site slopes towards State Highway 237, we encourage you to investigate potential impacts on building footprints as a result of flooding and/ or runoff. The natural grade of the site may also give rise to creative architectural solutions to address some of the concerns mentioned earlier.

Thank you for allowing us the opportunity to provide comments on GPA 06-04-03.



Department of Planning, Building and Code Enforcement
200 E. Santa Clara Street
San José, California 95113-1905

Hearing Date/Agenda Number:
P.C. November 13, 2006 Item: 7g

File Number:
GP06-04-03

Council District and SNI Area:
District 4

Major Thoroughfares Map Number:
35

Assessor's Parcel Number(s):
097-03-066, -079, -081, -085, -087,
-093, -100, -101, -105, and -108.

Project Manager:
Meera Nagaraj

GENERAL PLAN AMENDMENT STAFF REPORT FALL 2006 HEARING

PROJECT DESCRIPTION:

General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to Combined Industrial/Commercial on an approximately 36.3-acre site.

LOCATION: Southeasterly quadrant of Highway 237 and North First Street, area bounded by Highway 237, North First Street and Headquarters Drive.

ACREAGE: Approximately 36.3 acres.

APPLICANT/OWNER:

Hunter/Storm LLC, Applicant/ Palm Inc., Owner

GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: Industrial Park with Mixed Industrial Overlay

Proposed Designation: Combined Industrial/Commercial

Proposed staff alternative: Combined Industrial/Commercial on an approximately 9.7-acre portion of the site at the northeasterly corner of North First Street and Headquarters Drive; retain Industrial Park and remove the Mixed Industrial Overlay on an approximately 12.6-acre portion of the site approximately 590 feet easterly of North First Street on the northerly side of Headquarters Drive; and retain Industrial Park with Mixed Industrial Overlay on an approximately 14-acre portion of the site at the northeasterly corner of North First Street and Holger Way.

ZONING DISTRICT:

Existing District: Industrial Park

SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

North: Industrial Park; Industrial Park with Mixed Industrial Use Overlay and Combined Industrial/Commercial

South: Industrial Park; Industrial Park

East: Industrial Park; Industrial Park

West: Mobilehome park, multi family residential, and Industrial Park across North First Street; Industrial Park

ENVIRONMENTAL REVIEW STATUS:

Mitigated Negative Declaration circulated on October 13, 2006.

PLANNING STAFF RECOMMENDATION: Combined Industrial/Commercial on an approximately 9.7-acre portion of the site at the northeasterly corner of North First Street and Headquarters Drive; retain Industrial Park and remove the Mixed Industrial Overlay on an approximately 12.6-acre portion of the site approximately 590 feet easterly of North First Street on the northerly side of Headquarters Drive; and retain Industrial Park with Mixed Industrial Overlay on an approximately 14-acre portion of the site at the northeasterly corner of North First Street and Holger Way.

Approved by:

Date:

Stanley Kett
Nov. 8, 2006

PLANNING COMMISSION RECOMMENDATION:

CITY COUNCIL ACTION:

CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:

- **Department of Public Works:** The Transportation and Development Services Division (DPW) has stated that the project is subject to In-Lieu Under-grounding and Reimbursement Fees. Also per the Assessor's map, a high pressure gas pipeline currently goes through the property. (See attached memo June 22, 2006.)
- **Department of Transportation:** Staff has completed the analysis for the subject GPA, and the results of the analysis indicate that the impact from the proposed land use change is less than significant based on established criteria. (See attached memo October 26, 2006.)
- **Environmental Services Department:** No comments.
- **San José Fire Department:** The Fire Department has stated further review and comments will be provided when a development application is submitted (See attached memo May 22, 2006.)
- **Santa Clara Valley Water District (SCVWD):** The District has stated that the site is located in the Guadalupe River watershed. A portion of the site is within Zone A and Zone A99. The proposal will not directly impact any district facility; therefore a District permit is not required. Any activity or work within 50 feet of a District facility will require a District permit. (See attached memo June 7, 2006.)
- **Valley Transportation Authority (VTA):** VTA recommends future development provide improvements for the existing two northbound bus stops at Headquarters Drive and Holger Way, and locate buildings near First Street and around transit stops. A Transportation Impact Analysis is required for any development proposal that is expected to generate 100 or more new peak-hour trips.

GENERAL CORRESPONDENCE:

Staff received approximately five telephone calls from the nearby residents and developers inquiring about the project specifics.

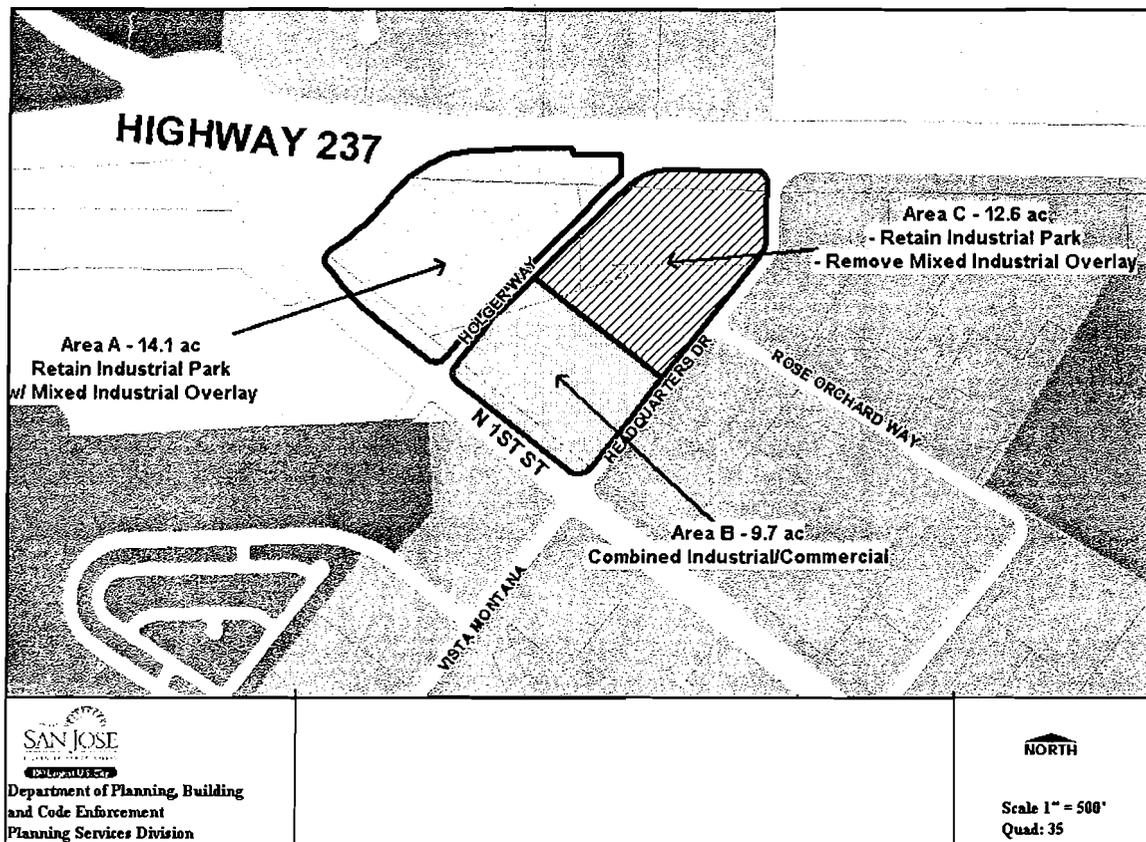
RECOMMENDATION

Planning staff does not recommend approval of the applicant's proposed change from Industrial Park with Mixed Industrial Overlay to Combined Industrial/ Commercial General Plan Land Use/ Transportation Diagram designation on the subject 36.3-acre site.

Instead, staff proposes an alternative recommendation of Combined Industrial/Commercial on an approximately 9.7-acre portion of the site at the northeasterly corner of North First Street and

Headquarters Drive; retain Industrial Park and remove the Mixed Industrial Overlay on an approximately 12.6-acre portion of the site approximately 590 feet easterly of North First Street on the northerly side of Headquarters Drive; and retain Industrial Park with a Mixed Industrial Overlay on an approximately 14-acre portion of the site at the northeasterly corner of North First Street and Holger Way.

GP06-04-03 - Staff Recommendation



PROJECT DESCRIPTION

This is a privately-initiated General Plan amendment request to change the *San José 2020 General Plan* Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to Combined Industrial/Commercial land use designation on an approximately 36.3-acre site bounded by Route 237, North First Street, and Headquarters Drive. The property is located in the North San José Development Policy Area and within the Rincon de Los Esteros Redevelopment Area. The Rincon de Los Esteros Redevelopment Area was first established in 1974 to maximize economic development potential and to promote industrial growth in the northerly area of San José. The North San José Area Development Policy (Policy) was originally adopted to address the resulting regional traffic congestion in the area with practical standards for development tailored for this area. The Policy was recently revised to allow greater intensities of industrial development and more mixed-use opportunities with high density residential development in proximity to Light Rail Transit, consistent with the City of San José's Vision for North San José.

There is no concurrent rezoning application on file for the subject site. Based on a Preliminary Review submittal, the applicant's plans for the site include a retail commercial center with at least one major anchor, a number of smaller retail and service establishments, a hotel with approximately 200 rooms, and retention of at least 12 acres of the site for Industrial Park land uses, intended for industrial and office uses.

If approved, the proposed General Plan amendment to Combined Industrial/Commercial could allow commercial, office, or industrial development or a compatible mixture of these uses. The uses of the Industrial Park, Light Industrial, General Commercial, and Neighborhood/Community Commercial land use designations are consistent with this use category. These uses should be sited to avoid land use incompatibilities with surrounding exclusively Industrial Park land uses.

BACKGROUND

The subject site is located within the North San José Development Policy Area. A Development Agreement (DA-3COM) was originally executed between the City and 3COM Corporation in 1997 and, later, between the City and Palm, Inc., for an industrial development on part of a larger approximately 72-acre site. The Development Agreement required that at least 200,000 square feet of the industrial development be occupied as a corporate campus no later than, June 1, 2006 or otherwise, the agreement terminated. No corporate campus was developed and the Development Agreement expired.

A site development permit (File No. HSH 96-089) was approved as a master plan permit for the development of 2.2 million square feet of industrial park space on the larger 72-acre site. Of that, 604,000 square feet of speculative tenant space was then developed under the permit to the south and east of the amendment site. The DA was later amended to permit Palm Inc. to develop approximately 1.6 million square feet of industrial uses on the site.

Site and Surrounding Uses

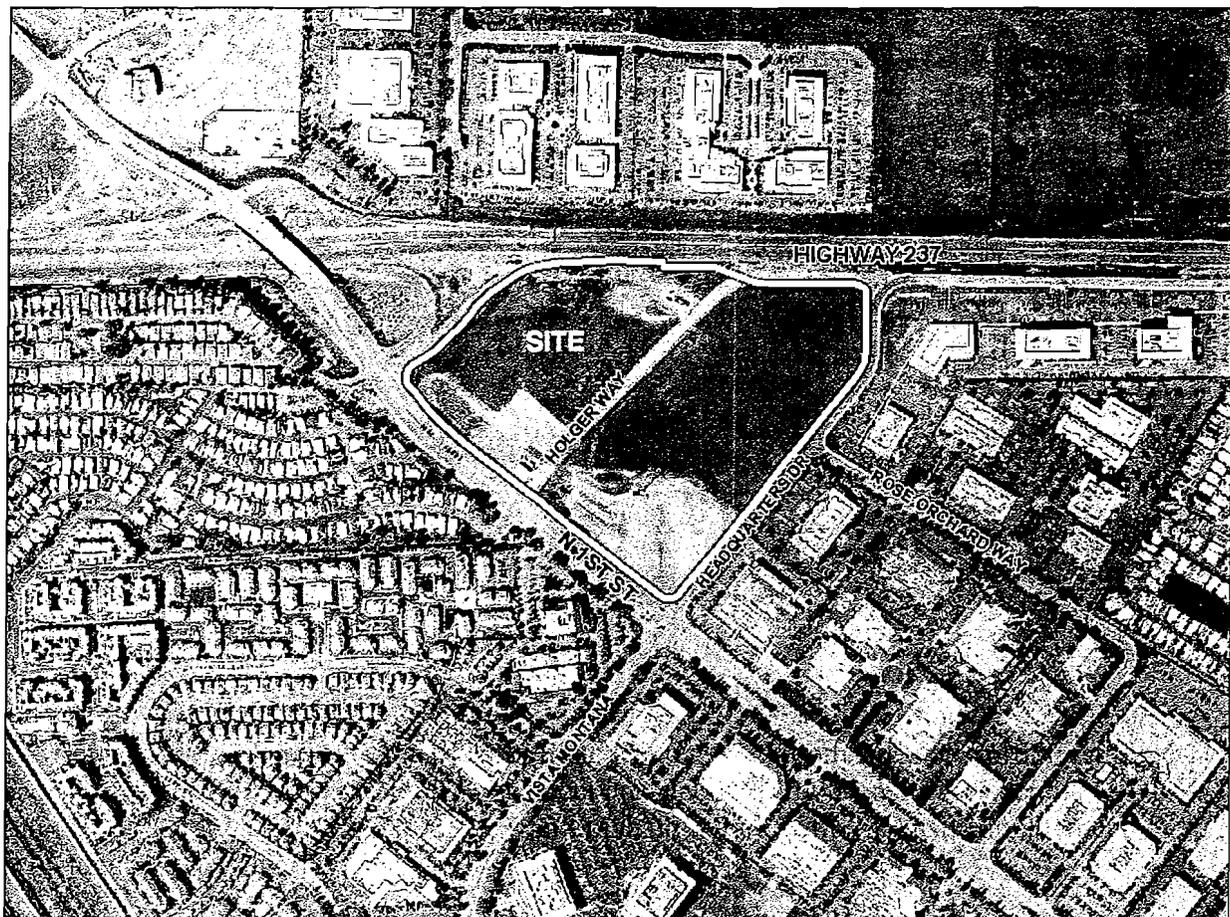
The site, a vacant property, has an existing land use designation of Industrial Park with Mixed Industrial Overlay. Industrial Park is an exclusive land use designation intended for a wide variety of industrial uses such as research and development, manufacturing, assembly, testing and offices. Industrial areas designated with the Mixed Industrial Overlay may be appropriate for a mixture of primarily industrial with compatible commercial or public/quasi-public uses, or may be developed entirely with industrial uses in accordance with the base industrial designation. Examples of non-industrial uses include, but are not limited to, hotels and motels, big box retailers, large gymnasiums, and various assembly uses.

The subject site is a gateway to the North San José industrial area also known as Innovation Triangle. It is located at the southeasterly corner of State Route 237 and North First Street in an area bounded by State Route 237, North First Street, and Holger Way. This part of North First Street is a two- to four-lanes Arterial with a raised center median. Access to the subject site is provided by North First Street and Zanker Road via Holger Way, which bisects the site.

The existing General Plan Land Use/Transportation Diagram land use designations surrounding the site are predominantly industrial: Industrial Park lies to the east and northeast across State Route 237, and to the south across Headquarters Drive; Combined Industrial/Commercial under

the Alviso Specific Plan lies to the north of State Route 237 on both sides of North First Street. Land use designations west of North First Street are Medium Low Density Residential (8 DU/AC), High Density Residential (25-50 DU/AC), and Industrial Park with a Transit Employment Residential District Overlay.

The existing uses surrounding the site include industrial/office and research and development, except for the uses located to the west across North First Street where a mobile home park and a multi-family residential development are located. An industrial use is located southerly of the multi-family development. There is a pending rezoning application on this industrial site with a proposal for a 992-unit residential development.



Aerial Exhibit of the Subject Site and Vicinity

ANALYSIS

The key issues in analyzing the proposed General Plan amendment are: 1) consistency with the *San José 2020 General Plan* Major Strategies, goals, and policies; 2) consistency with the City of San José's Economic Development Strategy; 3) consistency with Industrial Conversion *Framework* criteria; and 4) consistency with the North San José Area Development Policy.

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

The *San José 2020 General Plan* has seven Major Strategies that identify the principles of the General Plan. The applicant's proposed amendment directly relates to two of the Major Strategies: Economic Development and Sustainable City.

Economic Development Major Strategy

The Economic Development Major Strategy is designed to maximize the economic potential of the City's land resources while providing employment opportunities for San José's residents. The Strategy calls for identifying opportunities for expanding the community's economic base, promoting a balance between "driving" industries and the service/supplier firms that support them, and actively marketing San José as a location for a wide range of businesses. The Economic Development Major Strategy encourages a mix of industrial, commercial and residential uses in the City. The applicant's proposed Combined Industrial/Commercial designation would retain the property in the City's economic base, maintaining the opportunity for compatible industrial or commercial development in the future.

However, the applicant's proposed General Plan amendment is somewhat inconsistent with the General Plan's Economic Development Major Strategy because the proposed change from Industrial Park with a Mixed Industrial Overlay to a Combined Industrial/Commercial land use designation could potentially allow the subject site to be developed entirely with commercial uses and could result in a shift of jobs from Driving Industries to Household-Serving businesses, which would result in fewer and lower paid retail jobs on the site. Consequently, the applicant's proposed General Plan amendment could potentially reduce the economic benefits to the City offered by this strategically placed piece of land in North San José.

By retaining a portion of the site with the Industrial Park land use designation, and removing the Mixed Industrial Overlay from a portion of the Industrial Park acreage, staff's alternative recommendation would still allow the applicant to achieve the objectives for commercial development of the site, but would protect part of the site exclusively for future industrial uses. Therefore, staff's alternative is more consistent with the General Plan's Economic Development Major Strategy, while still addressing the applicant's stated intent for future development of the subject site.

Sustainable City Major Strategy

The Sustainable City Major Strategy encourages a mix of complementary land uses to reduce traffic congestion, pollution, wastefulness, and environmental degradation. Changing a portion of the site to Combined Industrial/Commercial would allow new uses that could meet the commercial and retail needs of employees and residents in the surrounding vicinity. Therefore, both the applicant's and the staff's alternative General Plan amendment proposals are consistent with this Strategy.

General Plan Goals and Policies

General Plan Economic Development goals and policies encourage the development of industrial land to provide sufficient opportunities for job growth and for expansion of the City's industrial tax base. Approval of the applicant's General Plan amendment request would reduce Industrial Park land resources, could potentially discourage existing Industrial Park uses from expanding,

and new industries from locating in the Industrial Park areas to the east of North First Street due to the potential new competition and displacement by commercial uses, which could locate on the subject site under the proposed Combined Industrial/Commercial land use designation.

The General Plan's *Industrial Land Use Goal* stresses the importance of maintaining a sufficient amount of land for a variety of industrial uses. The City realizes that there is a need to identify areas where mixed industrial uses are appropriate. However, the applicant's proposal would potentially reduce the amount of land for industrial uses by approximately 36 acres on a site in a highly visible location that serves as a gateway to one of the City of San José's premier "Driving Industry" employment areas. The potential loss of 36 acres of Driving Industry-related uses is significant; these uses generally provide well-paying jobs, and generate related economic investment in the City. For this reason, in particular, staff's proposed alternative is formulated to preserve a portion of the site for exclusively Industrial Park uses.

The applicant's proposal and staff's alternative are consistent with *Economic Development Goal No. 2* to create a stronger municipal tax base by obtaining a greater share of total commercial development in the County by nurturing and encouraging the expansion of commercial development in the City.

The applicant's proposal and staff's alternative are consistent with the *Commercial Land Use Goal*, which emphasizes the need to locate new commercial uses in the community to facilitate convenient shopping and easy access to professional services and to contribute to the economic base of the City.

The applicant's proposal and staff's alternative are consistent with *Commercial Land Use Policy No. 1* which states that commercial land in San José should be distributed in a manner that maximizes community accessibility to a variety of retail commercial outlets and services and minimizes the need for automobile travel, and states that new commercial development should be located near existing centers of employment.

Economic Development Policy No. 1 seeks to obtain and maintain an improved balance between jobs and workers residing in San José. Approval of the applicant's proposed General Plan amendment could result in total retail commercial development on the site which would eliminate future industrial employment opportunities for fewer, and lower paid, retail jobs. It could potentially result in a net loss of jobs, as well. Losing industrial jobs would be inconsistent with this policy.

Economic Development Policy No. 2 states, to enhance its economic development goals and increase employment opportunities for San José citizens, the City should:

- Seek to attract businesses and industries which are particularly suited to the area.
- Protect the industrial lands designated exclusively for industrial uses.
- Attract a diverse mixture of businesses and industries that can provide jobs suitable for the City's unemployed and under-employed labor force.

The applicant's proposal is potentially inconsistent with this policy. If approved, the applicant's proposed General Plan amendment could facilitate the elimination of 36.3 acres of Industrial Park land.

Economic Development Policy No. 4 states that the City should actively promote economic development by providing areas for exclusive and mixed industrial uses. The proposed change of a portion or all of the site to Combined Industrial/Commercial could facilitate economic development opportunities within the City by increasing the range of development options. Staff's alternative proposal would supplement these opportunities by also providing an area exclusively for industrial uses.

Economic Development Policy No. 7 states that the City should encourage a mix of land uses in appropriate locations which contribute to a balanced economic base, by allowing a variety of industrial and commercial support services as well as high tech manufacturing and other related industrial uses. The proposed land use designation supports a healthy economy by encouraging commercial or industrial growth to balance existing and planned residential development, providing potential employment opportunities, and potential sales tax revenue to the City of San José. However, the land use change from Industrial Park with Mixed Industrial Overlay would result in a potential net loss of land for well-paying Driving Industry type jobs. Typically, there are more employees per acre on Industrial Park designated sites, than on sites designated Combined Industrial/Commercial.

City of San José Economic Development Strategy

The Economic Development Strategy adopted by City Council in November 2003 includes fifteen (15) Strategic Initiatives and identifies tactics to achieve these initiatives. Strategic Initiative No. 13 is to "Develop retail to full potential, maximizing revenue impact and neighborhood livability." One of the tactics identified to achieve this initiative is identifying sites of at least 20 acres to accommodate larger retailers offering home furnishings, general merchandise, consumer electronics, and apparel. These sites should be located strategically at the edges of San José and in high-growth areas so that resident dollars will be retained in San José and new shoppers will be attracted from nearby cities.

The City's Office of Economic Development and the Redevelopment Agency have identified this site as one that offers a rare opportunity for redevelopment with Community Retail uses. There are very few sites within the City that meet the criteria for Community Retail. Typically, a Community Retail Center requires at least 20 acres of land appropriately configured to accommodate large-format (big box) stores. The subject site is more than 20 acres in size and consists of large assembled parcels in single ownership, with convenient access to freeways and arterial streets.

The existing General Plan land use designations on the subject site provide the opportunity for community-serving retail uses to address the City's unmet retail needs as identified in the adopted Economic Development Strategy.

The site is unique in size, location, and proximity to transportation to serve the retail needs of both a local and regional population and is within close and convenient access to State Route 237.

Redevelopment of the site with Community Retail uses would be consistent with the City's Economic Development Strategic Initiatives. The City's *Economic Development Strategy*, *The San José Neighborhood Retail Model Summary Report*, the *San José 2020 General Plan*, and analyses provided by the Association of Bay Area Governments, show that approximately 10 million square feet of building area for retail uses will be needed to support Driving Industries and Business-Support/People-Serving Industries through 2020.

The 2004 Retail Study shows that the City of San José is under-served by retail throughout many areas of the City. The subject site could support commercial retail development to help recapture the retail leakage to nearby cities and offer North San José residents a destination to meet their shopping needs within San José.

However, the site's size and gateway location to the Innovation Triangle area make it a prime location for an Industrial Park campus for a company headquarters. Developing the site with commercial uses would reduce opportunities for the site to be developed with Industrial Park uses. Therefore, there is a trade-off in addressing the City's Community Retail needs on the subject site. Staff's alternative, which proposes exclusively Industrial Park use on one portion of the site and either Industrial or compatible Commercial uses on the remainder of the site, is intended to better align the future development of the site and optimize uses with the Strategic Initiatives of the City's Economic Development Strategy.

Industrial Conversion Framework

The City's *Framework, as a Guideline, for Evaluating Proposed Conversions of Employment Lands to Other Uses (Framework)*, was adopted by the City Council in April 2004 and updated in November 2005, for the purpose of evaluating proposed conversions of employment lands to other uses.

The City has been working to preserve the industrial lands and strengthen the City's economic base. The site is located in an area designated as subarea North San José 2 by the *City's Framework to Evaluate Proposed Conversions of Employment Lands to Other Uses*. According to the Framework, properties within this subarea can be considered for conversion only under certain circumstances. Opportunities for intensive development of supportive uses may be considered in this subarea as the employment areas intensify in North First Street and Edenvale, respectively.

The conversion of the amendment site to the Combined Industrial/Commercial designation and the associated loss or gain of a potential number of jobs on the site depends on the specifics of a future development proposal. The applicant's proposed land use designation would allow the site to be developed entirely with commercial uses. Therefore there is the potential for a shift of jobs from Driving Industries to Household-Serving businesses resulting in fewer, lower paid jobs located on the site in future.

The proposed amendment would fulfill a need for community-serving and neighborhood-serving retail in this community. As discussed, this proposal is consistent with the General Plan's Commercial goals and policies but is not fully consistent with the Industrial Land Use policies. The proposed change has the potential to add to the loss of employment land.

Consistency with the North San José Development Area Policy

The subject site is located within the North San José Development Policy Area. The North San José Area Development Policy establishes a policy framework to guide the ongoing development of the North San José area as an important employment center for San José.

North San Jose Area Development Policy Currently in Effect (2003)

The North San Jose Development Policy was updated by the City Council in June, 2005. The revised policy was subject to litigation that has not been resolved. While the dispute over the

revised policy is still unresolved, staff evaluated the proposed General Plan amendment under both the policy currently in effect and the revised policy, pending the outcome of the dispute.

The North San Jose Policy currently in effect establishes a Floor Area Ratio (FAR) cap of .35 for lands not within 2000 feet of a transit station. Certain uses which support the prevailing industrial uses, and both internalize trips and encourage ridersharing or transit usage, are exempt from being considered part of the FAR cap. These uses include retail and service commercial, restaurants, and hotels. Therefore, the proposed General Plan amendment would be consistent with the current North San Jose Policy in effect.

North San Jose Area Development Policy, revised June, 2005, pending resolution of litigation

The Policy provides for the development of up to 1.7 million square feet of new commercial uses that support the industrial and residential uses in the Policy area. Supporting commercial uses that would potentially reduce vehicle trips (e.g. food service, financial services, gymnasiums, child care) are strongly encouraged within the Policy area and should be included as a part of all new residential and industrial development within the Core Area, as feasible. The Policy does not limit the FAR of such uses. The Core Area and residential area General Plan designations support such mixed-use development. Limited opportunities for mixed-use commercial development may also arise in other locations within the Policy area. Qualifying commercial development can be incorporated as a supporting use into a mixed-use industrial or residential development in which the industrial or residential use is the predominant use on the site.

These commercial uses are generally limited to retail and services activities that support the industrial and residential uses in the Policy area and that are consistent with the General Retail, Food Service and General Service uses, as defined in the City's Zoning Ordinance. Large format (big box) commercial uses, which would potentially draw significant numbers of people from outside of the Policy area, are not supported by this Policy and require additional environmental review.

The Policy does not directly address the construction of new hotels within the Policy area. The construction of new hotels needs to conform to the General Plan and undergo separate environmental review.

To summarize, the types of uses allowed under the applicant's proposed General Plan amendment for the Combined Industrial/Commercial land use designation are consistent with the North San Jose Area Development Policy currently in effect. The proposed General Plan amendment is partially consistent with the North San José Area Development Policy revised June, 2005, pending resolution of litigation. Future development for some of the commercial uses allowed under the proposed Combined Industrial/Commercial land use designation, as well as development of some of the types of uses allowed under the existing Industrial Park designation with a Mixed Industrial Overlay, such as hotels and large-format retail, would require additional environmental review beyond that covered by the North San José Area Development Policy environmental clearance documentation.

ENVIRONMENTAL REVIEW

A Draft Mitigated Negative Declaration was circulated at the State Clearing House on October 13, 2006 for public review and comments. The Mitigated Negative Declaration included mitigation to reduce any potential impacts to a less than significant level per the California Environmental

Quality Act (CEQA). The Mitigated Negative Declaration concluded that the project would have a less than significant impact with mitigation measures in the following categories: Aesthetics, Air Quality, Biological, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Public Services and Utilities and Service System.

STAFF ALTERNATIVE

The Combined Industrial/Commercial land use designation is very flexible. There is no mechanism to ensure that any of the site would be developed with industrial uses. Instead, the site could be developed with a 100% retail commercial development resulting in a loss of the entire site for industrial uses. Therefore the staff proposes the following alternative:

1. Combined Industrial/Commercial on an approximately 9.7-acre portion of the site at the northeasterly corner of North First Street and Headquarters Drive; retain Industrial Park and remove the Mixed Industrial Overlay on an approximately 12.6-acre portion of the site approximately 590 feet easterly of North First Street on the northerly side of Headquarters Drive; and retain Industrial Park with Mixed Industrial Overlay on an approximately 14-acre portion of the site at the northeasterly corner of North First Street and Holger Way.
2. The Industrial Park designation proposed on 12.6 acres allows industrial uses, including research and development, manufacturing and assembly, and offices. Retaining the potential to intensify industrial use on this site is consistent with the intent of the North San José Area Policy and the significance of the site as a gateway to a prime employment area.
3. The Industrial Park with Mixed Industrial Overlay proposed on 14.1 acres allows a wide variety of industrial uses, including research and development, manufacturing and assembly, and offices. The Mixed Industrial Overlay changes the industrial character to a mixed use designation and allows a broader range of uses. Areas with the Mixed Industrial Overlay may be appropriate for a mixture of primarily industrial with compatible commercial or public/quasi-public uses, or may be developed entirely with industrial uses in accordance with the Industrial Park designation.

The Combined Industrial/Commercial designation proposed on 9.7 acres is intended for commercial, office, or industrial developments or a compatible mixture of these uses. The uses of the Industrial Park, Light Industrial, General Commercial and Neighborhood/Community Commercial land use designations are consistent with this designation. "Big Box" retail as a stand-alone use or as part of a larger retail development is appropriate in this designation. Uses should be arranged on the site in a manner that avoids land use incompatibilities.

PUBLIC OUTREACH

Community Meeting

The property owners and occupants located within 1000-foot radius of the subject site were mailed a notice informing them about a community meeting which was later held on September 12, 2006 at Novellus Campus, 3960 North First Street to discuss the proposed General Plan amendment. They also received a notice of the Mitigated Negative Declaration and a joint notice of public hearings to be held on the subject General Plan amendment before the Planning Commission on November 13, 2006 and City Council on December 12, 2006. The Planning Department web site contains information regarding the General Plan process, amendments, staff reports, and hearing schedules. This web site is available with the most current information regarding the status of the General Plan amendments.

Approximately fifteen community members representing the adjacent industrial business and residential neighborhoods attended the meeting. Linda Callon, representing the applicant, made a presentation about a potential future combined commercial and industrial development that could be proposed if the City were to approve the current General Plan amendment application on the subject site.

A Novellus company representative was present at the meeting. (Novellus is located to the south of the subject site across Headquarters Drive.) The company is concerned that retail use could impact the image of the presence of corporate sectors on North First Street. The Novellus representative questioned Planning staff about the City's vision of identifying the subject site a gateway to the Golden Triangle for use by corporate headquarters.

The community members in attendance expressed concerns including:

1. Delay in exiting out of Lamplighter due to increase in traffic; the traffic light at Holger Way was initially promised during the previous project meetings. They would like to see that happen now.
2. The community wants to see a grocery store or a supermarket, such as a Whole Foods store or Trader Joes.
3. Potential noise from construction, additional traffic, and future operations.
4. Insufficient parks.
5. Parking concerns.
6. The need to increase the pedestrian and bike trail connections to the Coyote Creek behind River Oaks.
7. Bike paths along north and south sides of State Route 237 should be provided; there is a gap between North First Street and Zanker Road in the Class I Bike Route.
8. Flooding issues on the site.

Ed Storm, the developer, pointed out future development could provide both retail and restaurants. There would be one large retailer with other services provided to serve residents' basic needs. The facilities would serve as amenities to office users between 9 and 5 p.m. and the residents between 5 and 10 p.m.

Staff pointed out that the City still considered this a gateway site, and the environment was still conducive to Industrial Park type corporations operating in the area, even with commercial uses on the site. Staff emphasized that the City's top priority was on retaining the existing employers in the

area. Staff also explained that details related to near term traffic would be addressed during future rezoning and development application review.

Tribal Consultation

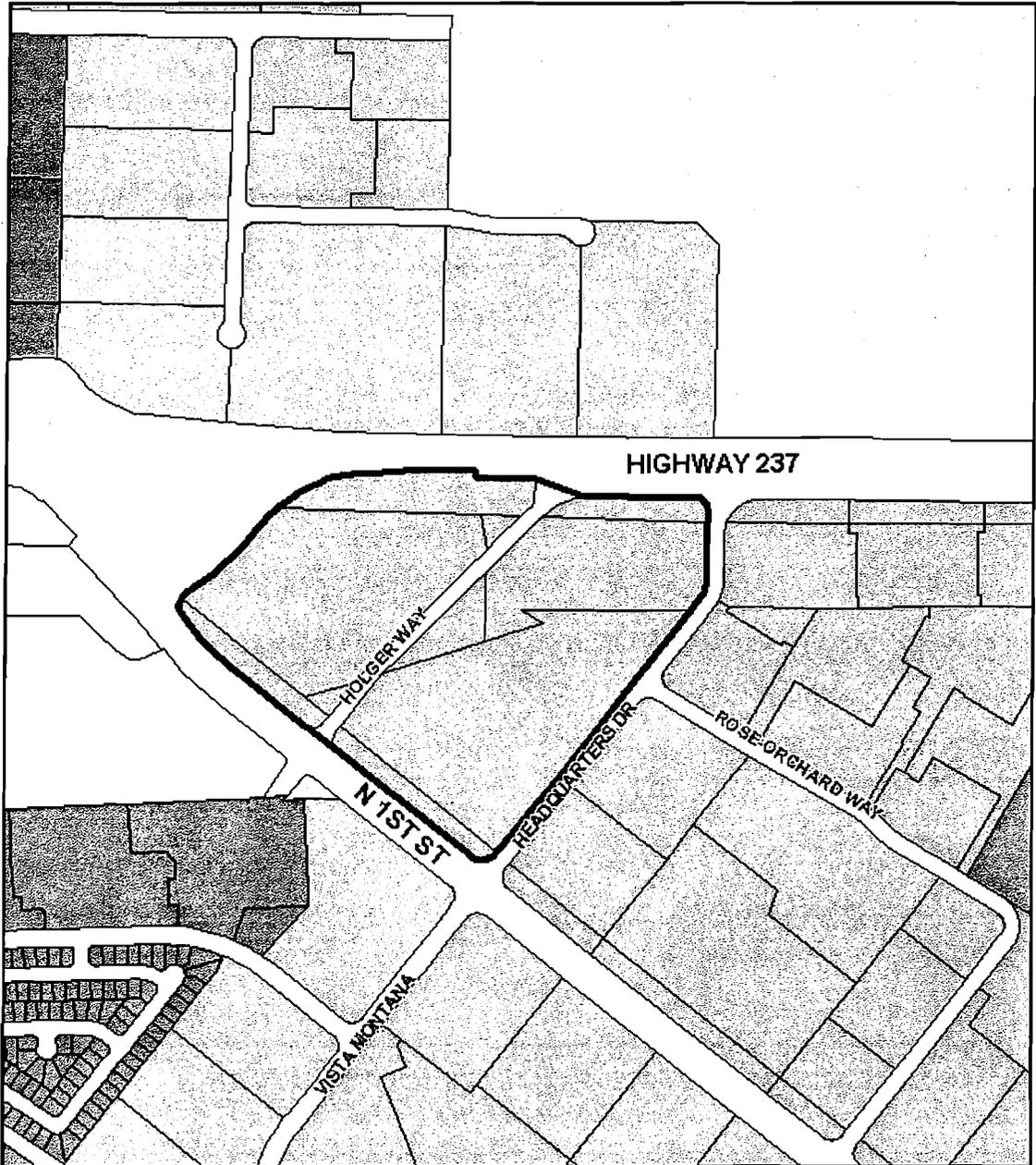
This General Plan amendment is subject to the State of California Tribal Consultation Guidelines and was referred to the tribal representatives. To date, no comments from tribal representatives on the subject General Plan amendment request have been received by staff.

CONCLUSION

Retention of potential Industrial Park uses such as office, research, and development uses on this “gateway” property in North San José should be a priority for the City. The Combined Industrial/Commercial land use designation is very flexible. If approved, the applicant’s proposed General Plan amendment could potentially allow the site to be developed with a 100% retail commercial development resulting in a loss of more than 36 acres of prime employment land. There is no guarantee that any industrial use would be a part of the future development proposal on the site.

Allowing retail commercial uses on the site could also discourage retention and expansion of existing surrounding industrial uses within close proximity to the subject site. To address this issue and preserve the potential for Industrial Park uses on the site, the staff proposed alternative would retain a portion of the site for exclusively Industrial Park uses by removing the Mixed Industrial Overlay on the existing Industrial Park designated portion of the site located at the southeasterly side of the property, Area C. Retaining the existing Mixed Industrial Overlay on the northerly portion of the site, Area A as specified in the staff alternative, would allow the applicant an option for a big box retailer in addition to various other non-industrial uses. Retail, public eating establishments, and other service uses would be allowed on the Combined Industrial/Commercial designated southerly portion of the site, Area B, as recommended in the staff alternative.

GP06-04-03/GPT06-04-03

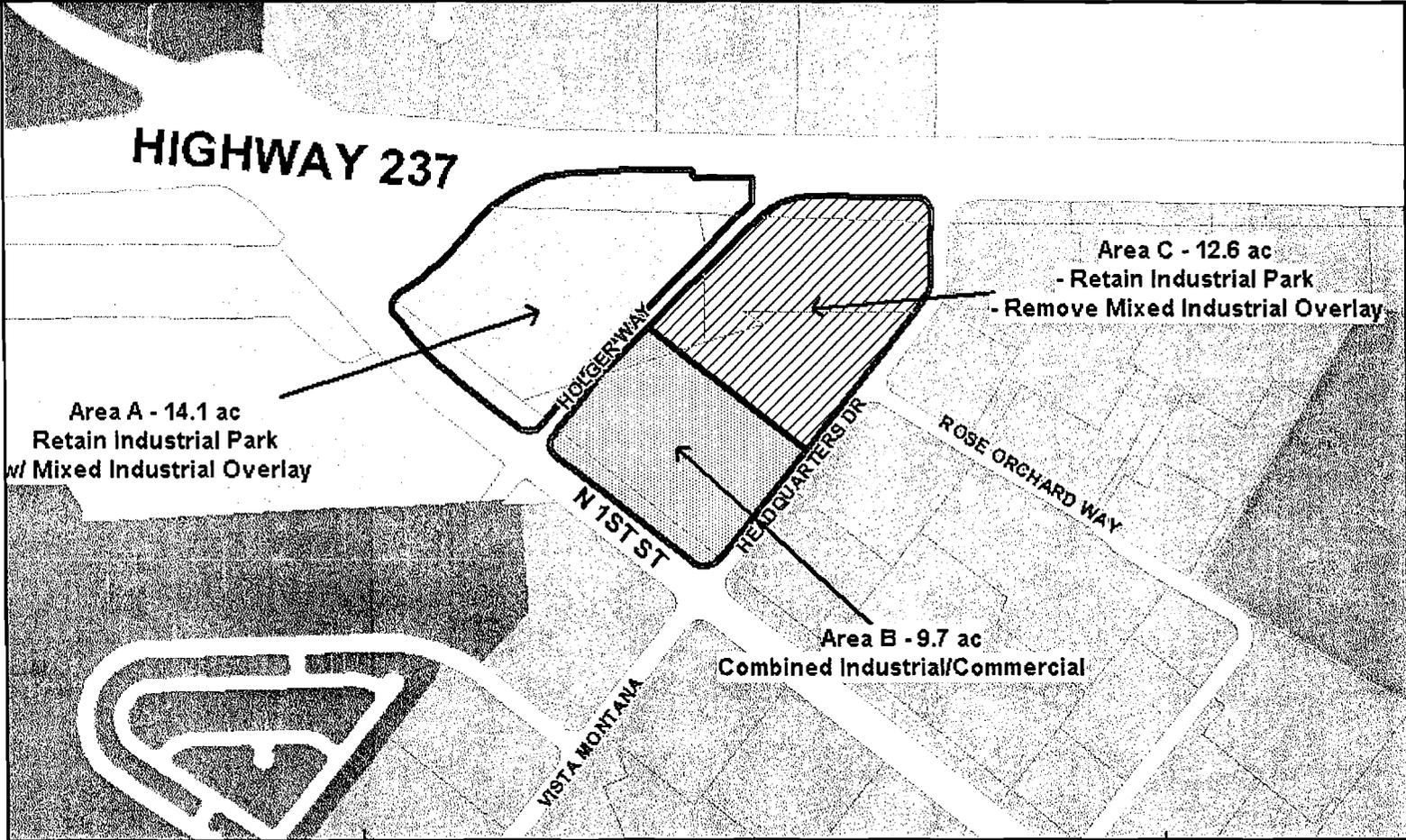



SAN JOSE
 OFFICIAL CITY SEAL
 1850
City of San Jose
 Department of Planning, Building
 and Code Enforcement
 Planning Services Division


SITE


NORTH
 Scale 1" = 500'
 Quad: 35

GP06-04-03 - Staff Recommendation




SAN JOSE
CITY OF SAN JOSE
CALIFORNIA
Department of Planning, Building
and Code Enforcement
Planning Services Division


NORTH
Scale 1" = 500'
Quad: 35

Memorandum

TO: Meera Nagaraj
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

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

DATE: 06/22/06

PLANNING NO.: GP06-04-03
DESCRIPTION: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park and Mixed Industrial Overlay to General Commercial on 28.2 acres (Palm, Inc., Owner/ Hunter/Storm, LLC., Applicant)
LOCATION: southeast corner of State Route 237 and North First Street; area bound by State Route 237, North First Street and Headquarters Drive
P.W. NUMBER: 3-11445

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

[AI] 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
[NO] Near-Term Traffic Impact Analysis

Please contact the Project Engineer, Ryan Do, at 408-535-6897 if you have any questions.



Ebrahim Sohrabi
Senior Civil Engineer
Transportation and Development Services Division

FTD
ES:rd:gf

Memorandum

TO: Stan Ketchum
Planning, Building
and Code Enforcement

FROM: Manuel Pineda

**SUBJECT: TRAFFIC IMPACT ANALYSIS
FOR GP06-04-03 (Revised)**

DATE: 10-26-06

Approved

Date

File Number: GP06-04-03 (Revised)
Location: S/E corner of SR-237 and N. First St.
Acreage: 36.3 ac.
Description: Industrial Park to Combined Industrial Commercial
(Delete 1079 J)
Special Sub Area – North San Jose

We have reviewed the subject General Plan Amendment (GPA) and submit the following comments. Due to special circumstances, we have determined this GPA requires a computer model traffic impact analysis. Considering the large increase of retail employment and retail related traffic, standard exemption analysis based on change of peak hour trips does not apply. We have completed the analysis for the subject GPA, and the results of the analysis indicate that the impact from the proposed land use change is less than significant based on established criteria.

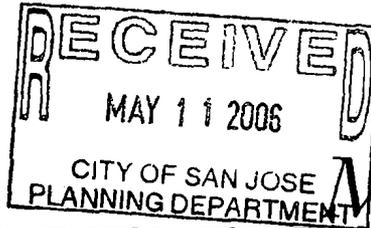
Please contact Paul Ma at 975-3272 if you have any questions.



MANUEL PINEDA
Senior Civil Engineer
Department of Transportation

MP:PM

cc: Jenny Nusbaum
Meera Nagaraj



Memorandum

DATE: 05/09/06

TO: Meera Nagaraj
FROM: Nadia Naum-Stoian

Re: Plan Review Comments

PLANNING NO: GP06-04-03
DESCRIPTION: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park to General Commercial on 28.2 acres (Palm, Inc, Owner/ Hunter/Storm, LLC, Applicant)
LOCATION: southeast corner of State Route 237 and North First Street
ADDRESS: southeast corner of State Route 237 and North First Street (101 HOLGER WY)
FOLDER #: 06 012669 AO

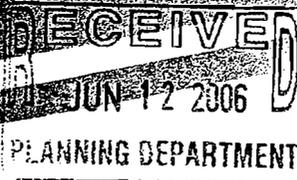
The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic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

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

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

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

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



File: 24315
Guadalupe River

June 7, 2006

Ms. Meera Nagaraj
City of San Jose
Department of Planning
200 East Santa Clara Street
San Jose, CA 95113

Subject: General Plan Amendment, City File No. GP06-04-03, in the City of San Jose

Dear Ms. Nagaraj:

The Santa Clara Valley Water District (District) has reviewed the subject project documents received on May 10, 2006.

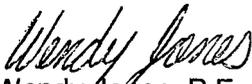
The site is located in the Guadalupe River watershed. According to the Federal Emergency Management Agency Flood Insurance Rate Map, a portion of the site is within Zone A, a special flood hazard zone inundated by 100-year flood event and Zone A99, a special flood hazard area that will be protected from 100-year flood by Federal flood protection system under construction. Base flood elevations have not been determined at this time.

The proposed general plan amendment will not directly impact any District facility; therefore, a District permit is not required.

According to the District Ordinance 83-2, any activity or work within 50 feet of a District facility will require a District permit. If site drainage is to be directed into a District facility, detailed plans should be sent for our review and issuance of a permit prior to the start of any construction.

If you have any further questions, my number is (408) 265-2607, extension 3135.

Sincerely,


Wendy Jones, P.E.
Assistant Engineer
Community Projects Review Unit

cc: B. Goldie, S. Tippets, U. Chatwani, W. Jones, M. Mahoney, File (2)
wj:fd
0607c-pl.doc



May 18, 2006

City of San Jose
Department of Planning and Building
801 North First Street
San Jose, CA 95110

Attention: Meera Nagaraj

Subject: City File No. GP06-04-03 / GPA @ SR237 – North First Street

Dear Ms. Nagaraj:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the project referenced above for a General Plan change to General Commercial on 28.2 acres at the southeast corner of State Route 237 and North First Street, north of Headquarters Drive. We have the following comments.

Bus Service

VTA provides bus service on North First Street and maintains two northbound bus stops, at Headquarters Drive and Holger Way, directly adjacent to the proposed project. In order to provide convenient transit service for these stops, VTA recommends that the City condition the developer to provide the following improvements for both bus stops:

- A 10' X 55' PCC bus stop pavement pad north of the intersection consistent with *VTA Bus Stop Pavement Details (Figure 26 and Technical Specifications, attached)*.
- A minimum 8-foot wide sidewalk adjacent to the bus stops to allow ease of wheelchair accessibility per Americans with Disabilities Act (ADA) requirements.
- Curb ramps at the intersections to facilitate ease of pedestrian travel per ADA requirements.
- Street lights at bus stops to improve security and safety of boarding passengers.

Site Layout

Given the nearby transit and demand for neighborhood-serving retail, VTA recommends that commercial development on this site be pedestrian friendly. This can be done by embracing design components such as locating buildings near First Street and around transit stops, creating or improving pedestrian linkages and encouraging retail that meets daily needs.

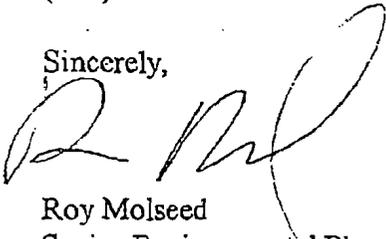
City of San Jose
May 18, 2006
Page 2

Transportation Impact Analysis

VTA's Congestion Management Program (CMP) requires a Transportation Impact Analysis (TIA) for any project that is expected to generate 100 or more new peak-hour trips. From the information provided about the project it is unclear if a TIA will be required. VTA's *Transportation Impact Analysis Guidelines* should be used when preparing the TIA, and may be downloaded from <http://www.vta.org/news/vtacmp/> under "Technical Guidelines". For more information on TIA guidelines, please call Murali Ramanujam, Development & Congestion Management Division, at 408-952-8905.

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

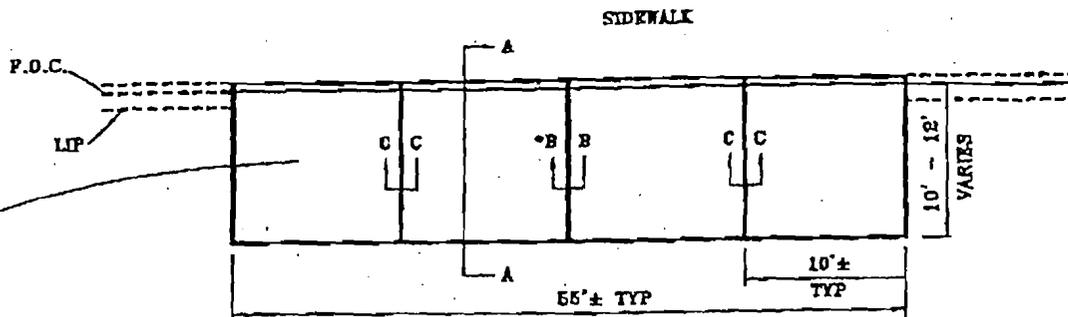
Sincerely,



Roy Molseed
Senior Environmental Planner

RM:kh

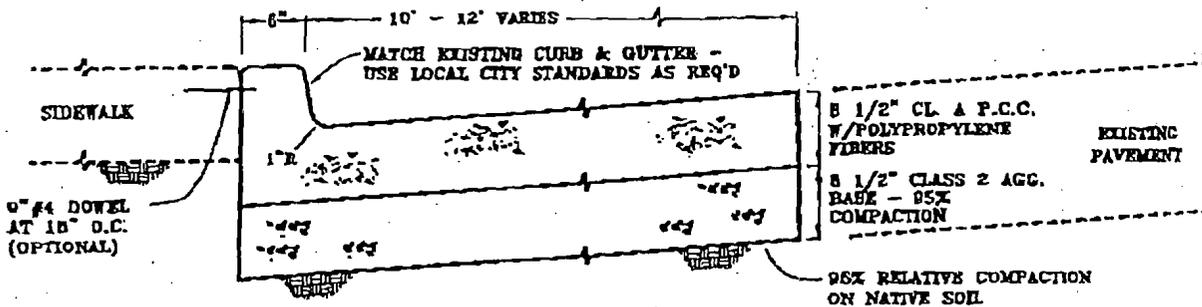
cc: Ebrahim Sohrabi, San Jose Public Works Department
Samantha Swan, VTA



SAWCUT AND EXCAVATE EXISTING PAVEMENT, INCLUDING CURB & GUTTER. REPLACE WITH P.C.C. PAVEMENT SECTION AND MONOLITHIC CURB.

*EXPANSION JOINT SHALL BE PLACED AT 1/2 THE LENGTH OF THE P.C.C. PAD. IN LONG PADS, EXPANSION JOINTS SHALL BE PLACED AT APPROXIMATELY 60 FOOT INTERVALS OR AS SPECIFIED BY THE ENGINEER.

PLAN VIEW



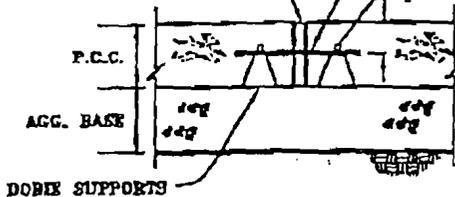
SECTION A-A

PCC PAVEMENT WITH MONOLITHIC CURB

INSTALL 3/4" WIDE FIBER FABRIC TO 1/2" BELOW FINISHED SURFACE. FILL REMAINDER WITH APPROVED SEALING COMPOUND; ROUND CORNERS TO 1/4" R.

#9 DOWELS-18" LONG SMOOTH BAR @ 18" O.C. LUBRICATE BOTH ENDS OF DOWEL

#4 BARS TO STABILIZE #9 DOWELS



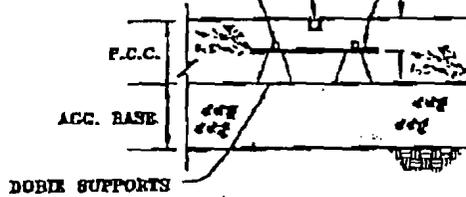
SECTION B-B

EXPANSION JOINT

2 3/4" X 1/4" WIDE SAWCUT CONTRACTION JOINT, FILL WITH APPROVED WITH APPROVED SEALING COMPOUND

#4 BARS TO STABILIZE #9 DOWELS

#9 DOWELS-18" LONG SMOOTH BAR @ 18" O.C. LUBRICATE BOTH ENDS OF DOWEL



SECTION C-C

CONTRACTION JOINT

NOTE: FOR TECHNICAL SPECIFICATIONS REFER TO ATTACHMENT 1.



SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

BUS STOP PAVEMENT DETAILS

FIGURE 26

TECHNICAL SPECIFICATIONS

1. P.C.C. pavement with monolithic curb and gutter shall conform to the provisions in Section 40, "PORTLAND CEMENT CONCRETE PAVEMENT," and Section 90, "PORTLAND CEMENT CONCRETE" of the State Standard Specifications and these special provisions.
2. P.C.C. pavement shall be class A with a flexural strength of 650 psi, at the age of 28 days to be determined by Test Method ASTM C78. Polypropylene fibers (Fibermesh or approved equal), length 1/2", shall be added to the concrete at a rate of 1 1/2 lbs/cy.
3. After spreading and compacting, P.C.C. concrete shall be given a preliminary finish, which shall be smooth and true to grade. In advance of curing operations, the pavement shall be given a final rough broom finish with grooves having a depth of 1/8" perpendicular to the curb and gutter.
4. All newly - placed concrete shall be cured in accordance with the provisions in Section 90-7, "Curing Concrete," of the State Standard Specifications. Curing compound to be used shall be applied to the P.C.C. following the surface finishing operations immediately before the moisture sheen disappears from the surface and before any drying, shrinkage or craze cracks begin to appear. Curing compound shall be applied at a nominal rate of one gallon per 150 square feet. At any point, the application rate shall be within +/- 50 square feet per gallon of the nominal rate specified.
5. Sawcutting of the contraction joints must be performed within 24 hours after concrete has received final surface finish.
6. Contractor shall protect P.C.C. Pad as specified in Section 90-8.03, "Protecting Concrete Pavement." Where public traffic will be required to cross over new pavement, and if directed by the Engineer, Type III Portland Cement shall be used in concrete. When Type III Portland Cement is used in concrete, and if permitted in writing by the Engineer, the pavement may be opened to traffic as soon as the concrete has developed a modulus of rupture of 550 pounds per square inch. The modulus of rupture will be determined by Test Method ASTM C78.

No traffic or Contractor's equipment, except as hereinafter provided, will be permitted on the pavement before a period of ten (10) calendar days has elapsed after the concrete has been placed, nor before the concrete has developed a modulus of rupture of at least 550 pounds per square inch. Concrete that fails to attain a modulus of rupture of 550 pounds per square inch within 10 days shall not be opened to traffic until directed by the Engineer.

Equipment for sawing contraction joints (weakened plane joints) will be permitted on the pavement as specified in Section 40-1.08B, "Weakened Plane Joints," of the State Standard Specifications.

7. Contraction joints, expansion joints and gaps between the P.C.C. pad and the existing pavement section shall be cleaned and sealed prior to permitting traffic on the pad. Joint sealing compound shall be type "A" joint seal and shall conform to the provisions of Section 51-1.12F of the State Standard Specifications. The 2 component polyurethane sealant shall be State Specification 8030 - 61J - 01 or approved equal.

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

BUS STOP PAVEMENT DETAILS

ATTACHMENT I FOR FIGURE 26