COUNCIL AGENDA: 12-18-07
ITEM: 10.3

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: November 29, 2007

COUNCIL DISTRICT: 3
SNI AREA: 13th Street

SUBJECT: GP07-03-02/GPT07-03-02. GENERAL PLAN AMENDMENT AND TEXT AMENDMENT request to change the General Plan Land Use/Transportation Diagram and the Jackson Taylor Residential Strategy land use designation from High Density Residential (25-50 DU/AC) to Mixed Use #1, and change the text of the Jackson Taylor Residential Strategy to allow a maximum residential unit count of 172 units with no commercial use required, on a 3.24-acre site on the west side of North 10th Street, between Vestal Street and East Mission Street.

RECOMMENDATION

The Planning Commission voted 6-0-1 (Platten absent) to recommend to the City Council approval of the staff alternative General Plan amendment and text amendment: to change the General Plan Land Use/Transportation Diagram and Jackson Taylor Residential Strategy land use designation from High Density Residential (25-50 DU/AC) to Mixed Use #1; and to change the text of the Jackson Taylor Residential Strategy to allow a maximum residential density of 60 DU/AC with no commercial use required on a 3.24-acre site.

OUTCOME

Approval of the staff recommended General Plan Amendment would result in an increase in residential density from a maximum of 50 DU/AC to a maximum of 60 DU/AC and an increase in maximum building height from 45 feet to 65 feet, with no commercial component required on this site. A Planned Development Zoning (PDC06-069) is currently on file for this project for a residential development of 166 single-family attached residential units and a 0.42-acre public park.

BACKGROUND

On November 28, 2007, the Planning Commission held a public hearing for a General Plan Amendment and Text Amendment request to change the General Plan Land Use/Transportation Diagram and the Jackson Taylor Residential Strategy land use designation from High Density Residential (25-50 DU/AC) to Mixed Use #1, and to change the text of the Jackson Taylor Residential
Strategy to allow a maximum residential unit count of 172 units with no commercial use required on a 3.24-acre site on the west side of North 10th Street, between Vestal Street and East Mission Street.

Staff presented an update to the public outreach section of the staff report and noted that the applicant had independently appeared at the Japantown Neighborhood Association meeting on October 11 and at the 13th Street SNI NAC meeting on October 18, 2007. Staff commented that District 3 Council Office staff, who attended both meetings, reported to Planning staff that the community was generally supportive of the project overall, but was concerned about traffic, parking and the cumulative amount of development in their neighborhood.

The project applicant, Erik Schoennauer, representing Hudson Industrial Equities, presented the project to the Planning Commission and showed preliminary renderings of the associated development proposal. Commissioner Jensen disclosed to the public that she had been in contact with the applicant concerning neighborhood involvement and thanked staff for updating the public outreach section. Commissioner Zito asked the applicant if the maximum height of 65 feet would include architectural features or only the top of the roof. The applicant confirmed that the building height would not exceed 65 feet, inclusive of all architectural projections. Commissioner Zito then asked if commercial uses would be considered on site. The applicant responded that no commercial component is anticipated at this time.

Three members of the public spoke on this item. All three are small business owners and employees at the Cannery Park warehouses located directly to the south of the project site. Sean Cahill commented that he was concerned about the impact of new residential units on the long-term viability of his small business. Stacy Fournier was concerned that the new residential units would bring with them a heavy concentration of new residents that would be unwelcoming to businesses as their neighbors. Commissioner Kamkar asked Ms. Fournier about her concerns regarding traffic. Ms. Fournier responded that the increase in traffic and parking for tenants and guests would be a problem because there is already a lot of traffic in the area. Eric Sanjuan, another small business tenant, commented that he thought it would only be a matter of time before all tenants of Cannery Park would be asked to leave, and he requested that staff make a greater effort to keep the tenants of Cannery Park informed about new developments.

The Planning Commission closed the public hearing. Commissioner Jensen asked staff about the trip generation rates presented in the traffic report for the General Plan land use amendment and associated Planned Development zoning. Department of Transportation staff commented that a near-term traffic impact analysis is associated with the proposed multi-family housing type for the zoning. At the General Plan level, a long-term traffic impact analysis (which assumes build-out of the General Plan Land Use/Transportation Diagram to a horizon year of 2020) assesses the net change of the housing and employment capacity between the existing and requested land use designations. Commissioner Zito commented that the proposed wording of the text amendment implies that this project site would not require a commercial component, and he asked about the purpose of this text. Staff responded that the project site was not envisioned in the original Jackson Taylor Residential Strategy (JTRS) to be a site for commercial uses because the commercial uses in the JTRS were intended to be clustered along Jackson Street and Taylor Street. The purpose of extending the boundary of Mixed Use #1 is to allow for an increase in height and unit count (density) requested by the applicant. The wording in the proposed text amendment says that no commercial component is required, but it does not preclude commercial uses from occurring on the site.

ANALYSIS

The applicant requested an amendment to the General Plan Land Use/Transportation Diagram and an amendment to the text of the General Plan and Jackson Taylor Residential Strategy (JTRS) to

allow development of a more intense residential project on the subject site. Specifically, the applicant is requesting that the land use designation be changed from High Density Residential (25-50 DU/AC) to Mixed Use #1, a designation specific to the JTRS. Because the Mixed Use #1 designation has a maximum density of 50 DU/AC, the applicant has requested a text amendment to specifically allow up to 172 units on the project site. The applicant is also requesting to raise the allowable height from 45 feet to 65 feet, which is allowed by the Mixed Use #1 land use designation. The Mixed Use land use designations in the JTRS are intended to foster a vibrant urban environment that is active during the day and at night, and to allow a wide range of uses with building heights up to 65 feet. Mixed Use #1 allows High Density Residential (25-50 DU/AC), up to 122,000 square feet of office, up to 150,000 square feet of industrial uses, and between 16,000 and 24,750 square feet of retail uses, with building heights up to 65 feet.

The applicant has also filed a Planned Development Zoning (PDC06-069) for the site to allow development of up to 166 single-family attached residential units, which would be constructed as four stories over a podium parking structure, and proposed dedication of a 0.42-acre turnkey public park.

Staff is recommending an alternative amendment to the General Plan and JTRS that would enable the associated proposed Planned Development Zoning to be considered at a future public hearing, but also be more consistent with the format of the JTRS document, leading to less potential confusion in its implementation.

EVALUATION AND FOLLOW-UP

Not applicable.

POLICY ALTERNATIVES

Alternative 1: *Approval of the applicant's General Plan amendment and text amendment request to change the General Plan Land Use/Transportation Diagram and the Jackson Taylor Residential Strategy land use designation from High Density Residential (25-50 DU/AC) to Mixed Use #1, and change the text of the Jackson Taylor Residential Strategy to allow a maximum residential unit count of 172 units with no commercial use required on a 3.24-acre site on the west side of North 10th Street, between Vestal Street and East Mission Street.*
Pros: Establishes with certainty a maximum unit count for the site.
Cons: Does not align with current structure of the JTRS, which uses residential density as a standard, and not maximum unit counts.
Reason for not recommending: This alternative is not recommended because it is less consistent with the format of the JTRS document, leading to more potential confusion in its application than the staff alternative. The applicant now supports the staff alternative.

Alternative 2: *No change in the General Plan and Specific Plan land use designation or text.*
Pros: Aligns with the JTRS as it was approved in its original version.
Cons: Does not respond to the trend in the JTRS area towards denser development.
Reason for not recommending: No change does not recognize the overarching trend of development in the JTRS area, which is toward higher residential densities than anticipated when the JTRS was formulated.

PUBLIC OUTREACH/INTEREST

- ☐ **Criterion 1**: Requires Council action on the use of public funds equal to $1 million or greater. **(Required: Website Posting)**
- ☐ **Criterion 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)**
- ☐ **Criterion 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 a 1,000-foot radius of the subject site were mailed a notice informing them about a community meeting that was held on November 1, 2007 at the La-Z-Boy Warehouse on the project site. In addition, the applicant independently appeared at the Japantown Neighborhood Association meeting on October 11 and the 13th Street Strong Neighborhoods Initiative Neighborhood Advisory Committee meeting on October 18, 2007. 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. Notice of the hearing for the General Plan amendments was also published in the San Jose Post-Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

COORDINATION

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 attached staff report.

COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: Mitigated Negative Declaration.

Andrew Crabtree
FOR JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Andrew Crabtree at 408-535-7893.

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San José, California 95113-1906

Hearing Date/Agenda Number:
P.C. November 28, 2007 Item: 6.a.

File Number:
GP07-03-02/GPT07-03-02

Council District and SNI Area:
3 – 13th Street SNI

Major Thoroughfares Map Number:
67

Assessor's Parcel Number(s):
249-08-004

Project Manager: Licínia McMorrow

GENERAL PLAN AMENDMENT
STAFF REPORT
FALL 2007 HEARING

PROJECT DESCRIPTION:

General Plan amendment and text amendment request to change the General Plan Land Use/Transportation Diagram and the Jackson Taylor Residential Strategy land use designation from High Density Residential (25-50 DU/AC) to Mixed Use #1, and change the text of the Jackson Taylor Residential Strategy to allow a maximum residential unit count of 172 units with no commercial use required on a 3.24-acre site on the west side of North 10th Street, between Vestal Street and East Mission Street.

LOCATION: West side of North 10th Street, between Vestal Street and East Mission Street (825 North 10th Street)

ACREAGE: Approximately 3.24 acres

APPLICANT/OWNER:

825 N. 10th St. LLC, Owner/Hudson Industrial Equities, Applicant

GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: High Density Residential (25-50 DU/AC) in Jackson Taylor Planned Residential Community

Proposed Designation: Mixed Use #1 with no commercial use required and a maximum residential unit count of 172 units for this parcel (APN 249-08-004) only.

EXISTING ZONING DISTRICT(S): LI-Light Industrial Zoning District

SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

North: Light industrial and surface parking—High Density residential (25-50 DU/AC)

South: Light industrial—Mixed Use #1

East: Light industrial—Medium High Density Residential (12-25 DU/AC)

West: Union Pacific Railroad and Multi-family residential—High Density Residential (25-50 DU/AC)

ENVIRONMENTAL REVIEW STATUS:

Mitigated Negative Declaration.

PLANNING STAFF RECOMMENDATION:

Change the General Plan Land Use/Transportation Diagram and Jackson Taylor Residential Strategy land use designation from High Density Residential (25-50 DU/AC) to Mixed Use #1, and change the text of the Jackson Taylor Residential Strategy to allow a maximum residential density of 60 DU/AC with no commercial use required on the subject 3.24-acre site.

Approved by: Andrew Crabtree
Date: 11-15-07

PLANNING COMMISSION RECOMMENDATION:

CITY COUNCIL ACTION:

CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:

- City of San Jose Fire Department – Fire Department staff has indicated that compliance with applicable fire and building codes will be verified during the Building Permit process for a development project.
- City of San Jose Public Works Department – The proposed General Plan amendment and Planned Development will add 129 trips, and has impacts at the protected intersection at First and Taylor Streets. Offsetting improvements in conformance to the LOS Policy will be determined at the Planned Development Permit stage. With the inclusion of this condition, a determination for a Negative Declaration can be made with respect to traffic impacts.
- City of San Jose Parks, Recreation and Neighborhood Services Department—At 172 residential units, the project's parkland obligation is 1.18 acres.
- Union Pacific Railroad (UPRR)—Development near the UPRR rail line could negatively impact rail operations. UPRR has safety concerns for increased pedestrians near the rail line. UPRR requests that the City analyze and seek to mitigate development impacts on the UPRR main line.
- Santa Clara County Roads and Airports (SCCRA) – SCCRA staff has no comments.
- Santa Clara Valley Transportation Authority (VTA) –Based on the size of the proposed development, a Transportation Impact Analysis may be required. This has been addressed in the Initial Study and the Mitigated Negative Declaration.
- Santa Clara Valley Water District (SCVWD)—SCVWD has a 66-inch diameter high pressure water transmission line that runs down Mission Street. Development of future projects in the vicinity of the pipeline must be coordinated with SCVWD.

GENERAL CORRESPONDENCE:

- None received.

ANALYSIS AND RECOMMENDATIONS:

RECOMMENDATION

Planning staff recommends approval of the staff alternative General Plan land use amendment and text amendment to change the Jackson Taylor Residential Strategy (JTRS) land use designation from High Density Residential (25-50 DU/AC) to Mixed Use #1, and to change the text of the JTRS to allow a maximum residential density of 60 DU/AC for this parcel only with no commercial use required on the subject 3.24-acre site.

PROJECT DESCRIPTION

The applicant has requested an amendment to the General Plan Land Use diagram and an amendment to the text of the General Plan and Jackson Taylor Residential Strategy (JTRS) in order to allow development of a more intense residential project on the subject site. Specifically, the applicant is requesting that the land use designation be changed from High Density Residential (25-50 DU/AC) to Mixed Use #1, a designation specific to the JTRS. Because the Mixed Use #1 designation has a maximum density of 50 DU/AC, the applicant has requested a text amendment to specifically allow up to 172 units on the project site. The applicant is also requesting to raise the allowable height from 45 feet to 65 feet, which is allowed by the Mixed Use #1 land use designation. The Mixed Use land use designations in the JTRS are intended to foster a vibrant urban environment that is active during the day and at night, and to allow a wide range of uses with building heights up to 65 feet. Mixed Use #1 allows High Density Residential (25-50 DU/AC), up to 122,000 square feet of office, up to 150,000 square feet of industrial uses, and between 16,000 and 24,750 square feet of retail uses, with building heights up to 65 feet.

The applicant has also filed a Planned Development Zoning (PDC06-069) for the site to allow development of up to 166 single-family attached residential units, which would be constructed as four stories over a podium parking structure, and dedication of a 0.42-acre turnkey public park.

Staff is recommending alternative amendment to the General Plan and JTRS that would enable the proposed development project, but also be more consistent with the format of the JTRS document, leading to less potential confusion in its application.

BACKGROUND

Site and Surrounding Uses

The project site consists of one parcel located on the west side of North 10th Street, between Vestal Street and East Mission Street. Currently, the site is developed with an industrial warehouse, which houses the La-Z-Boy distribution facility. La-Z-Boy has plans to relocate to an alternate facility, and will not be displaced as a result of the proposed General Plan land use and text amendment or the pending Planned Development Zoning.

Aerial photograph of the site, courtesy of Google Maps.

Uses surrounding the site are varied, and reflect the changing nature of the Jackson Taylor community, due in large part to the adoption of the JTRS. The area has an industrial history, and some of the industry still remains, although the General Plan land use designations allow housing on all parcels adjacent to the project site. The current land use to the north is a surface parking lot, but a Planned Development Zoning (PDC07-025) is pending on the site to allow development of up to 53 single-family attached residential units. To the south is a mix of industrial and commercial uses. There is no formal application on file with the City at this time on parcels in this southerly area of the JTRS, but staff has received inquiries regarding potential development of high density

housing with some commercial square footage, consistent with the Specific Plan designation of Mixed Use #1. To the east are some remnant light industrial uses. No development projects are on file, but the JTRS designation for these sites is Medium Density Residential (12-25 DU/AC). To the west is the Union Pacific Railroad, and beyond is single-family attached, high density residential varying between 26 and 43 DU/AC.

Previous Planning Approvals

The JTRS was approved by the City Council on October 6, 1992. The JTRS grew out of the Jackson-Taylor Neighborhood Revitalization Plan, which called for conversion of the older industrial lands in the area to residential and commercial uses to support the nearby residential as well as the Downtown Core Area. The JTRS evaluated land uses and property utilization patterns in the Jackson Taylor area and provided a series of policies and implementation recommendations for transition to residential and supporting commercial uses. Before the JTRS, the General Plan land use designation for this site was Light Industrial. With the approval of the JTRS by City Council, the site was given a new Specific Plan land use designation of High Density Residential (25-50 DU/AC).

The only recent development permit issued on this site was a Site Development Permit (H99-091) to allow construction of a 3,640 square-foot truck loading dock.

ANALYSIS

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

The proposed General Plan amendment directly relates to the Growth Management, Sustainable City and Urban Conservation/Preservation Major Strategies identified in the San José 2020 General Plan, as well as the Urban Conservation and Neighborhood Identity goals and policies.

Growth Management Major Strategy

The General Plan Growth Management Major Strategy encourages infill development within urbanized areas where urban facilities and services are already available to minimize the cost of providing urban services. The proposed General Plan amendment furthers the Growth Management Major Strategy because it intensifies development potential on an infill site in an urban area where urban facilities and services are already available. In this way, the proposed project furthers the Growth Management Major Strategy that seeks to balance the need to house new population and the need to balance the City's budget while providing acceptable levels of urban services.

Sustainable City Major Strategy

The Sustainable City Major Strategy is a statement of San Jose's desire to become an environmentally and economically sustainable city. A "sustainable city" is a city designed, constructed, and operated to minimize waste, efficiently use its natural resources and to manage and conserve them for the use of present and future generations. This Major Strategy seeks to reduce traffic congestion, pollution, wastefulness, and environmental degradation of our living environment. Infill development utilizes previously developed urban spaces and reduces urban expansion into green space. By creating an opportunity for infill residential development in a highly urbanized area accessible by several transportation modes, this General Plan amendment proposal satisfies several components of this Major Strategy.

Urban Conservation/Preservation Major Strategy

The San Jose 2020 General Plan encourages neighborhood conservation and citizen participation. An overall level of economic stability enables individual citizens to maintain their neighborhoods

and enables the City to maintain current levels of service. The Urban Conservation/Preservation Major Strategy is San José's written commitment to these ideals. To further this Major Strategy, the City will strive to maintain adequate levels of service for existing neighborhoods by avoiding development at the fringe of the City that could divert these services. By proposing to intensify infill residential uses in a highly urbanized area of the City, the proposed General Plan land use and text amendments satisfy and support the Urban Conservation/Preservation Major Strategy.

Urban Conservation Goal and Policies

The Urban Conservation goal of the San José 2020 General Plan is to improve the existing quality of life and create a stable, mature community. This proposal meets this goal as well as the intent of one of the Urban Conservation policies outlined in the General Plan: Urban Conservation Policy No. 2 states that the City should encourage new development that enhances the desirable qualities of the community and existing neighborhoods. Allowing increased density on this site provides additional customers in proximity to retail, office, and restaurant uses that can internalize vehicle trips and maintain the economic viability of the neighborhood businesses.

Neighborhood Identity Goal and Policies

The intent of the Neighborhood Identity goal and policies is to create a sense of place among residents of a neighborhood and open lines of communication between the neighborhood and decision-makers. The Neighborhood Identity goal reads, "enhance the sense of neighborhood identity in San José." This General Plan amendment contributes to this vision through Neighborhood Identity Policy No. 3, which says that new development should be designed to improve the character of existing neighborhoods. This proposed amendment achieves this by adding to the vision of the JTRS of infill residential development and providing opportunities for new public open space.

Urban Design Policies

The General Plan land use and text amendments would result in an increase in maximum allowable height on this parcel to 65 feet. The San Jose 2020 General Plan generally sets 50 feet as the maximum allowable height Citywide, with some lower and higher height limits in the General Plan Urban Design Policies for specific areas and parcels throughout the City. Under the current JTRS designation of High Density Residential (25-50 DU/AC), the maximum allowable height for this site is 45 feet. The requested height increase is consistent with the general trend of building heights in the JTRS area. The parcel to the south, which is currently designated Mixed Use #1, has a maximum height limit of 65 feet. Building heights to the north, east and west are limited to 45 feet, but existing land uses act as buffers to eliminate potential incompatibility between these developments. The width of North 10th Street to the east and the active heavy rail line to the west create substantial separation between developments. Further south within the JTRS area, at the former City of San Jose Corporation Yard site, building heights up to 175 feet are being considered as part of the proposed General Plan amendment (GP07-03-04). The San Jose Corporation Yard proposal would require an update to the JTRS, which indicates that implementation of the JTRS has development at the high end of density ranges, and that the overarching trend of development in the JTRS area is toward higher residential densities than predicted when the JTRS was formulated. The subject General Plan land use and text amendments are consistent with this trend towards greater density, and reinforce the City of San Jose's commitment to infill development.

ENVIRONMENTAL REVIEW

Planning staff prepared an Initial Study for the proposed project. The Initial Study concluded that the proposed project could have significant effects on the environment that would be reduced to a less than significant level by mitigation measures that the applicant has agreed to implement before issuance of a Draft Mitigated Negative Declaration (MND). The environmental issues addressed in the Initial Study and Draft MND include (1) hazards and hazardous materials, (2) noise, (3)transportation/traffic, and (4) historic issues. Mitigation of hazards and hazardous materials requires additional soil testing and capping or removal of contaminated soil prior to issuance of a building permit. Noise and vibration mitigation includes installation of forced air mechanical ventilation systems and building design that provides adequate support of foundation systems to avoid resonant frequencies that coincide with primary frequencies of train-generated ground vibration. The project also potentially has a significant impact in regards to traffic at the protected intersection of North First Street and Taylor Street. The project will be required to construct or fund construction offsetting improvements for impacts at the protected intersection. These improvements will be identified at the Planned Development Permit stage. Please see the attached MND for specific mitigation measures.

The subject site is not listed on the San Jose Historic Resources Inventory. The existing industrial warehouse on the site was built in 1956, but has been determined by staff to not be of historic or architectural significance according to the California Environmental Quality Act (CEQA) criteria.

The public review period for the Draft MND began on November 7, 2007 and will end on November 27, 2007. The Initial Study and MND are available for review on the City website at: http://www.sanjoseca.gov/planning/eir/MND.asp. The Director intends to adopt the MND on November 27, 2007.

PUBLIC OUTREACH

Community Meeting and Public Noticing

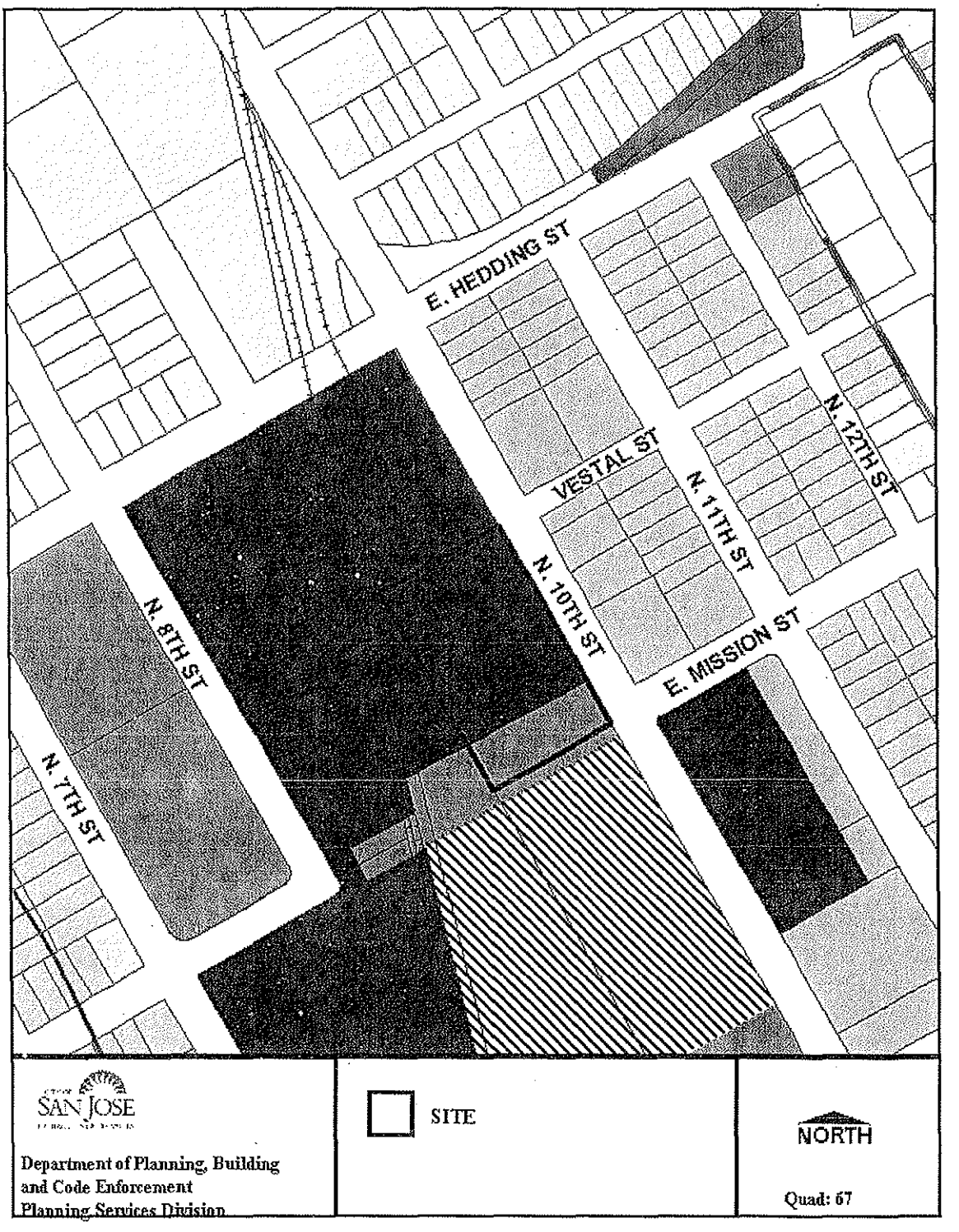
The property owners and occupants located within a 1,000-foot radius of the subject site were mailed a notice informing them about a community meeting that was held on November 1, 2007 at the La-Z-Boy Warehouse on the project site. Several concerns were raised during the community meeting, which had an attendance of approximately 25 individuals from the public. The community was concerned with the general level of congestion and overflow parking from recent new developments. There were major concerns about speed limits and pedestrian safety in crosswalks. Planning staff responded that some of these concerns could be addressed through the project's conformance to the LOS Policy; the offsetting improvements to address a significant impact at a protected intersection would be decided through a community process. If improvements to pedestrian safety were identified as a priority, some of the offsetting improvements could address this concern. Additionally, community members were advised of various opportunities for public input and comment on proposed projects.

Property owners and occupants located within 1,000-foot radius of the subject site received a notice of public hearings to be held on the subject General Plan amendment before the Planning Commission on November 28, 2007 and City Council on December 18, 2007. The Department of Planning, Building and Code Enforcement web site also 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.

Tribal Consultation

This General Plan amendment is subject to the State of California Tribal Consultation Guidelines and was referred to the tribal representatives on September 5, 2007. To date, no comments from tribal representatives on the subject General Plan amendment request have been received.

GP07-03-02/GPT07-03-02 General Plan Land Use Designation Map



PROPOSED TEXT AMENDMENT GPT07-03-02

General Plan text amendment to amend the Jackson Taylor Residential Strategy, page 33, second bullet point under *Density/Intensity and Building Types*. Language added is underlined.

- A mix of residential and commercial space is required in all buildings containing residential uses, with the exception of the 3.24-acre parcel on the west side of North 10th Street, between Vestal Street and East Mission Street. The commercial component of the mixed-use building may develop to an equivalent FAR of 0.8 at a maximum of two stories; retail shops should be located at identified sites (see below). The residential component must develop to a minimum of 25 du/ac and may be a maximum density of 50 du/ac. For the 3.24-acre parcel on the west side of North 10th Street, between Vestal Street and East Mission Street, the maximum density is 60 du/ac. For densities above 35 du/ac, projects must exhibit exemplary architectural design that is urban in character and expresses the essence of the design guidelines contained in the Residential Strategy. The ground floor level of all buildings, excepting the 3.24-acre parcel on the west side of North 10th Street, between Vestal Street and East Mission Street, should be developed with commercial uses; upper floors may be either all residential or may include on additional floor of office space. These intensities/densities must be accommodated in the building envelope described above and must meet all other City open space and parking requirements.

General Plan text amendment to amend Chapter V. Land Use/Transportation Diagram, Jackson Taylor Planned Residential Community, Mixed Use, page 183. Language added is underlined.

Mixed-Use: To create a vibrant, urban environment that is active during the day and after dark, the center of the PRC is designated Mixed Use. This designation allows a mix of high density residential, retail, office, and a limited amount of other commercial uses. Within the Mixed Use designations, the residential component is the High Density Residential designation (25-50 DU/AC), with densities up to 60 du/ac acceptable for particular parcels. The residential uses should be a mixture of condominiums and apartments, offering a variety of unit sizes to accommodate singles, couple and families…

Four Mixed Use categories are explained below, each designed to meet the unique circumstances of its surroundings. The table below summarizes the land use potential for each mixed use designation.

Mixed Use #1 (bounded by Vestal, Tenth, Taylor and Seventh Streets): This designation allows High Density Residential (25-50 DU/AC) uses, up to 122,000 square feet of office, up to 150,000 square feet of industrial uses, and between 16,000-24,750 square feet of retail uses. For the 3.24-acre parcel on the west side of North 10th Street, between Vestal Street and East Mission Street, a residential density up to 60 DU/AC is permitted. Retail uses should be located along the north side or Taylor Street…

Figure 19. Jackson-Taylor PRC Mixed Use Development Potential

Jackson Taylor PRC Mixed Use Development Potential		
Land Use Designation	Acreage	Development Potential
MU1	11.9	High Density Residential (25-50 DU/AC); 16,000-24,750 square feet of retail, and up to 150,000 square feet of office, and a residential density up to 60 DU/AC for the parcel on the west side of North 10th Street, between Vestal Street and East Mission Street.
MU2	5.8 acres	High Density Residential (25-50 DU/AC); 150 senior housing units; 40-room inn; 33,000-53,750 square feet of retail; and up to 80,000 square feet of office
MU3	6.2 acres	High Density Residential (25-50 DU/AC); 7,500-18,125 square feet of retail; and up to 192,625 square feet of office
MU4	2 acres	High Density Residential (25-50 DU/AC); and up to 12,000 square feet of office and/or retail

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: 10th & Mission

PROJECT FILE NUMBER: GP07-03-02/GPT07-03-02 and PDC06-069

PROJECT DESCRIPTION: General Plan amendment request to change the Land Use/Transportation Diagram designation from High Density Residential (25-50 DU/AC) to Mixed Use #1 Land Use Designation to allow up to 172 housing units on a 3.24-acre site. Planned Development rezoning from LI – Light Industrial to A(PD) – Planned Development to allow for the development of up to 172 condominiums and dedication of a 0.42-acre public park. and subsequent permits

PROJECT LOCATION & ASSESSORS PARCEL NO.: West side of North 10th Street, between Vestal Street and East Mission Street; 249-08-004

COUNCIL DISTRICT: 3

APPLICANT CONTACT INFORMATION:

Erik Schoennauer
2066 Clarmar Way
San Jose, CA 95128
Ph: 408.947.7774

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

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

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

VI. **GEOLOGY AND SOILS** – The project will not have a significant impact on this resource, therefore no mitigation is required.

VII. **HAZARDS AND HAZARDOUS MATERIALS** – The soil and soil vapor contamination on-site could impact future residents. The project proposes to implement the following mitigation measures to reduce impacts to residents to a less than significant level:

Soil: The proposed project shall either 1) cap the impacted soil on-site with the planned high-density residential development and/or import "clean" soil; or 2) remove and appropriately dispose of impacted soil. The option shall be chosen prior to issuance of the building permit and in consultation with the State Regional Water Quality Control Board (RWQCB), who is the overseeing regulatory agency. Since the planned high-density residential development would mostly cap the entire site, the direct exposure pathway for a future resident to come in contact with the metal-impacted soil would be reduced.

A soil management plan, which shall establish soil management practices for handling buried structures, debris, or impacted soil during site redevelopment activities if encountered, shall be prepared and completed prior to issuance of the building permit and in coordination with the RWQCB.

Soil Vapor: Prior to issuance of the building permit, additional soil vapor samples shall be collected north of the southern site boundary to better evaluate the extent of the impacted soil and a utility survey shall be performed to better evaluate potential pathways of contaminant migration.

A site-specific health risk assessment shall be prepared in accordance with the appropriate guidance documents of the RWQCB. If the site-specific health risk screening assessment indicates a potential risk to future residents, then risk reduction measures likely would need to be incorporated into the planned development such as a vapor barrier, utility trench vapor cutoff barriers, and/or passive ventilation systems.

With inclusion of risk reduction measures, if required, the vapor intrusion exposure pathway would be virtually eliminated. A site-specific health risk assessment and/or remedial action work plan may be prepared and submitted to the RWQCB for review and approval prior to issuance of the building permit.

VIII. HYDROLOGY AND WATER QUALITY – The project will not have a significant impact on this resource, therefore no mitigation is required.

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

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

XI. NOISE – The interior noise level for the proposed residential units would exceed the City's and state's interior noise threshold of 45 dB DNL. The project proposes to implement the following mitigation measures to reduce interior noise in the proposed residential units:

When refining the project site plan, continue to locate noise-sensitive outdoor use areas away from adjacent noise sources. Shield noise-sensitive spaces with buildings or noise barriers whenever possible.

Complete project-specific acoustical analyses during the detailed design phase of the project. The results of the analyses, including the description of the necessary noise control treatments to achieve acceptable noise levels inside living units, shall be submitted to the City along with building plans and approved by the City prior to issuance of building permits.

The analyses shall ensure that the design of residential units is sufficient to adequately reduce interior noise levels to 45 dBA DNL or lower. Building sound insulation requirements shall include the provision of forced-air mechanical ventilation for all new units with direct line to significant transportation noise sources in the project vicinity (i.e., North Tenth Street and the railroad). Special building sound insulation treatments may be required. These treatments include, but are not limited to, sound rated windows and doors, sound rated wall constructions, acoustical caulking, and protected ventilation openings. Preliminary calculations indicate that the incorporation of a suitable form of mechanical ventilation system and moderate performance sound-rated windows (STC 28-30) would be sufficient to achieve the interior noise level standard at units with the highest projected exterior noise exposure. The specific determination of what treatments are necessary, however, shall be determined on a unit-by-unit basis.

XII. POPULATION AND HOUSING – The project will not have a significant impact on this resource, therefore no mitigation is required.

XIII. PUBLIC SERVICES – The project will not have a significant impact on this resource, therefore no mitigation is required.

XIV. RECREATION – The project will not have a significant impact on this resource, therefore no mitigation is required.

XV. TRANSPORTATION / TRAFFIC – The project will potentially have a significant impact in regards to traffic at the intersection of North First Street and Taylor Street. Under San Jose City Council Policy 5-3, this intersection is a Protected Intersection. The North First Street and Taylor Street intersection was designated as Protected after certification of the Modifications to the City of San José's Transportation Impact Policy Final EIR (LOS FEIR). In conformance with City Council Policy 5-3, the proposed project will be required to construct offsetting improvements that enhance pedestrians, bicycles, and/or transit facilities to the community near the protected intersection. Specifically, this project will be required to construct offsetting improvements for impacts at the protected intersection at First and Taylor Streets. The LOS Policy established a fee equal too $2,000 per peak hour trip, plus a 3.5% cost escalation which takes effect annually on July 1, 2006. The offsetting improvements will be determined with community input prior to approval of a Planned Development Permit.

XVI. UTILITIES AND SERVICE SYSTEMS – The project will not have a significant impact on this resource, therefore no mitigation is required.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings, therefore no additional mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on ___November 27, 2007__, 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, 3rd Floor, 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, Director
Planning, Building and Code Enforcement

Circulated on: ~~11/5/07~~ 11/6/07

Deputy

Adopted on: _____

Deputy

Revised 8/26/05 JAC

RECEIVED
MAR 22 2007
CITY OF SAN JOSE
PLANNING DEPARTMENT

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Licinia McMorrow

FROM: Nadia Naum-Stoian

SUBJECT: INITIAL RESPONSE TO DEVELOPMENT APPLICATION

DATE: 03/22/07

Re: Plan Review Comments

PLANNING NO:	GP07-03-02
DESCRIPTION:	GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from High Density Residential (25-50 DU/AC) to Mixed Use #1 Land Use Designation to allow up to 172 housing units on a 3.24-acre site. (Don B. Kvingedal, Owner/Hudson Industrial Equity, Applicant)
LOCATION:	west side of North 10th Street, between Vestal Street and East Mission Street
ADDRESS:	west side of North 10th Street, between Vestal Street and East Mission Street (825 N 10TH ST)
FOLDER #:	07 007315 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.

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

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: Licina McMorrow
Planning and Building

FROM: Ryan Do
Public Works

SUBJECT: **SEE BELOW**

DATE: 11/02/07

Approved ES

Date 11/8/07

SUBJECT: 825 North Tenth Street Residential
PW NO. 3-14281 (PDC06-069)

We have completed the review of the traffic analysis for the subject project. The project consists of 172-unit multi-family residential development (condos) on 3.24- acre site. The proposed development is located at 825 North Tenth Street. The project site is located along the west side of Tenth Street between Vestal Street and Mission Street. The proposed development is projected to add 129 a.m. peak hour trips and 129 p.m. peak hour trips.

ACCESS

Local access to the site will be provided via Taylor Street which provides freeway access to State Route (SR) 87 and North 13th Street that provides access to US101.

Vehicular access to the site will be provided via two driveways along North 10th Street.

ANALYSIS

Project traffic impacts and transportation level of service (LOS) have been calculated using Traffix, the City of San Jose and the Santa Clara County Congestion Management Program (CMP) approved software.

City of San Jose Methodology: Ten (10) signalized intersections were analyzed for the AM and PM peak commute hours using TRAFFIX and conforming to the City of San Jose Level-Of-Service (LOS) Policy impact criteria. The results indicate that the intersection of North First and Taylor Streets would be significantly impacted by the project traffic. However, this intersection has been identified as a protected intersection and does not require mitigation. The project will be required to conform to the requirements of the Protected Intersection Policy which includes the construction of offsetting improvements that enhance pedestrians, bicycles, and/or transit facilities to the community near the protected intersection (see Table ES-1).

Project conditions:

a) Construct offsetting improvements for impacts at the protected intersection at First and Taylor Streets. The LOS Policy established a fee equal to $2,000 per peak hour trip, plus a 3.5% cost escalation adjustment which takes affect annually on July 1, 2006. The offsetting improvements will be determined with community input prior to subsequent planning permit.

b) Location of driveways along project frontages will be finalized at the PD permit stage.

RECOMMENDATION:

With the inclusion of the above conditions, the subject project will be in conformance with both the City of San Jose Transportation Level of Service Policy (Council Policy 5-3) and the Santa Clara County Congestion Management Program. Therefore, a determination for a negative declaration can be made with respect to traffic impacts.

If you have any questions, please call Loralyn Tanase at (408) 535-3881 or Karen Mack at (408) 535-6816.

Ryan Do
Project Engineer
Transportation and Development Services Division

RD:lt
C: Karen Mack
Manuel Pineda, DOT
Traffic Consultant

Table ES 1
Intersection Level of Service Summary

Study Number		Peak Hour	Count Date	Existing Ave. Delay	Existing LOS	Background Ave. Delay	Background LOS	Project Conditions Ave. Delay	Project Conditions LOS	Incr. In Crit. Delay	Incr. In Crit. V/C
1	North First Street and Taylor Street	AM	10/05/04	49	D	55	D	55	E	0.3	0.005
		PM	10/05/04	54	D	80	E	81	F	1.0	0.006
2	Fourth Street and Taylor Street	AM	10/05/04	36	D	36	D	36	D	0.1	0.009
		PM	10/05/04	36	D	38	D	38	D	0.3	0.008
3	Seventh Street and Taylor Street	AM	09/15/04	7	A	8	A	8	A	-0.1	0.009
		PM	09/15/04	7	A	8	A	8	A	-0.1	0.008
4	Tenth Street and Taylor Street	AM	09/15/04	9	A	34	C	34	C	0.0	0.000
		PM	09/22/04	13	B	46	D	46	D	0.2	0.001
5	Eleventh Street and Taylor Street	AM	09/15/04	14	B	75	E	75	E	0.0	0.000
		PM	09/15/04	9	A	60	E	60	E	0.0	0.000
6	Oakland Road and Hedding Street	AM	10/27/05	47	D	46	D	46	D	0.2	0.003
		PM	10/27/05	43	D	42	D	42	D	0.0	0.000
7	Eleventh Street and Hedding Street	AM	03/21/06	21	C	26	C	26	C	0.0	-0.001
		PM	03/21/06	13	B	11	B	11	B	0.0	-0.001
8	Tenth Street and Hedding Street	AM	03/21/06	13	B	62	E	63	E	1.7	0.006
		PM	03/21/06	28	C	40	D	41	D	2.2	0.011
9	I-880 and Old Bayshore Highway (E)	AM	03/16/06	32	C	39	D	39	D	0.5	0.006
		PM	03/16/06	21	C	22	C	22	C	0.1	0.008
10	I-880 and Old Bayshore Highway (W)	AM	03/16/06	31	C	30	C	30	C	0.0	0.002
		PM	03/16/06	37	D	36	D	36	D	0.0	0.000

[ ] -Denotes Significant Impact

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

RECEIVED
MAR 19 2007
CITY OF SAN JOSE
PLANNING DEPARTMENT

Memorandum

TO: Licinia McMorrow **FROM:** David J. Mitchell

SUBJECT: GPT07-03-02 **DATE:** 3-16-07

The above referenced project at 825 N. 10th Avenue is a General Plan Text Amendment request to allow the development of 172 single-family attached residential units on a 3.24 gross acres on a site currently zoned for as LI - Light Industrial District. APN 249-08-004

This project is located in the Jackson/Taylor Residential Strategy Plan Area, which calls for a park on the southern end of the parcel site in question.

If the zoning and the General Plan text amendment is approved by City Council, the project must then comply with the requirements of either the Parkland Dedication Ordinance (PDO) or the Park Impact Ordinance (PIO) for new residential units built in the City of San José. Due to its size of the proposed housing project is over 50 units and per the requirements of the PDO/PIO, the City will request the Developer to dedicate land for park purposes as indicated in Figures 5 and 6 of the Jackson/Taylor Residential Strategy Plan. If the project contains any low and very low income units and those units are restricted for 30 years or more, then those units are exempt from the PDO/PIO requirements, including the payment of any park in-lieu fees. The Developer should indicate the number of units subject to the PDO/PIO.

At 172 residential units, the project's parkland obligation is 1.18 acres. The proposed park site on the southern edge of the project parcel seems to be 120 feet deep from the center line of the abandoned street as indicated in Figure 5 and 6 of the Jackson/Taylor Residential Strategy Plan.

If you have any questions, please give me a call at 408-793-5528.

DAVID J. MITCHELL
Parks Planning Manager

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PLANNING DEPARTMENT

March 20, 2007

VIA FACSIMILE AND UPS NEXT DAY AIR

City of San Jose California
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113-1905

Re: City File No. GPT07-03-02; Notice of General Plan Text Amendment of the Jackson Taylor Specific Plan (the "Site") to allow up to 172 housing units on a 3.24 acre site

Dear Sir or Madam:

Union Pacific Railroad Company, a Delaware Corporation ("UP"), is delivering this letter in accordance with the provisions of the attached notice. The Site is adjacent to UP's main line rail corridor. Accordingly, UP wishes to raise the following issues.

Development near the UP main line can negatively impact rail services and create unintended consequences that are in neither UP's nor the City's best interests. New housing and other development predictably will attract more cars and pedestrians to the areas around the UP rail line, and people may trespass onto the railroad right-of-way as well.

In addition to the obvious safety concerns of which UP remains vigilantly aware, these factors also have the result that trains may be forced to proceed more slowly through the City, and/or to make more frequent emergency stops, which makes rail service less effective and efficient. In the event of train slow-downs or stoppages, train cars may be forced to block at-grade roadway intersections, causing traffic disruptions. Moreover, the interaction of people and trains

Christine M. Smith
Assistant General Counsel

UNION PACIFIC RAILROAD
1400 Douglas St., Stop 1580, Omaha, NE 68179-1580
ph. (402) 544-5761 fx. (402) 501-0127
cmsmith2@up.com

may make people all the more aware of the natural and unavoidable features of rail service, including noise, mechanical odors and vibration.

UP requests that the City analyze and seek to mitigate the impacts that development of the Site will have on the UP main line and rail services by requiring appropriate mitigation measures. Possible mitigation measures include, for example, sound walls, setbacks, fences and other barriers, and public education and disclosure.

Please give notice to UP of all future developments with respect to the Site as

Mr. Terrel Anderson
Manager of Industry and Public Projects
Union Pacific Railroad Company 10031
Foothills Blvd.
Roseville, CA 95747

With a copy to:

Ms. Donna Coltrane
Union Pacific Railroad Company 1400
Douglas Street - STOP 1580 Omaha,
Nebraska 68179-1580

Please do not hesitate to contact the undersigned if you have any questions or concerns.

Sincerely,

Christine M. Smith
Assistant General Counsel

cc: Mr. Terrel Anderson
Union Pacific Railroad Company

Mr. Dave Thatcher
Union Pacific Railroad Company

County of Santa Clara
Roads and Airports Department

101 Skyport Drive
San Jose, California 95110-1302
(408) 573-2400

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CITY OF SAN JOSE
PLANNING DEPARTMENT

March 16, 2007

Ms Licinia McMorrow
Project Manger
City of San Jose
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, CA 95113-1905

Subject: City File No. GPT07-03-02, GPT-03-02
General Plan Amendment request to revise the text section of Taylor Specific Plan to allow of 172 housing units and to change the Land Use/Transportation Diagram designation from High Density Residential to mixed use.
West Side of North 10th street.

Dear Ms. McMorrow

Your March 2007 Memo along with the attachments for the subject project have been review. The application is complete and we have no comments.

Thank you for the opportunity to review and comment on this project. If you have any questions, please contact me at 573-2464.

Sincerely,

Raluca Nitescu
Project Engineer

Cc: MA, WRL, File

Board of Supervisors: Donald F. Gage, Blanca Alvarado, Pete McHugh, Ken Yeager, Liz Kniss
County Executive: Peter Kutras, Jr.

7-007

SANTA CLARA
Valley Transportation Authority

March 22, 2007

City of San Jose
Planning Division
200 E. Santa Clara Street
San Jose, CA 95113

Attention: Licinia McMorrow

Subject: City File No.: GP07-03-02 / Mission-10th GPA

Dear Ms. McMorrow:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the General Plan change for 172 housing units on 3.24 acres on the west side of 10th Street, between Vestal Street and E. Mission Street. We have the following comments.

Transportation Impact Analysis Report

VTA's Congestion Management Program (CMP) requires a Transportation Impact Analysis for any project that is expected to generate 100 or more new peak-hour trips. Based on the information provided on the size of the project, a TIA may be required. VTA's *Transportation Impact Analysis Guidelines* should be used when preparing the TIA. These guidelines include the analysis of bicycle facilities, parking, site circulation and pedestrian access, as well as roadways. For more information on TIA guidelines, please call VTA at (408) 321-7169.

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
Samantha Swan, VTA

SJ0712

District File: 31177

Santa Clara Valley Water District

Community Projects Review Unit, Admin Building

5750 Almaden Expressway, San Jose, CA 95118
My Phone Number: (408) 265-2607 ext. 2322
My Fax Number: (408) 979-5635
My E-mail: chaggerty@valleywater.org

Date: March 19, 2007

To	Company or Agency	Fax Number
Licinia McMorrow	CSJ Planning	408-292-6055

From: Colleen Haggerty **Total Pages, including cover sheet:** 1

Subject: City File No. GP07-03-02 (APN: 249-08-004)

Message :

The District received the notification of the rezoning of APN: 249-08-004, City File No. GP07-03-02, on March 14, 2007 and does not have any objections or concerns regarding the rezoning. As noted in previous correspondence to the City on this project, the District does have a 66-inch diameter high pressure water transmission main that runs down Mission Street. If any work such as installation of utilities will occur in Mission Street in the vicinity of the District's pipeline, please forward the plans so that we can review the work and determine if it will impact our facility.

If you have any questions or need further information please let me know.

Colleen Haggerty, P.E.
Associate Civil Engineer
Community Projects Review Unit

cc Jenny
Jim
Andrew

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CITY OF SAN JOSE
DEVELOPMENT SERVICES

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Parks, Recreation and Neighborhood Services

PARKS AND RECREATION COMMISSION

November 7, 2007

City of San José Planning Commission
200 East Santa Clara Street
San José, California 95113

Subject: Fall 2007 – General Plan Amendments

Dear Planning Commissioners:

The Parks and Recreation Commission (hereinafter "Commission") reviewed the proposed Fall 2007 General Plan Amendments dealing with future residential projects and a text amendment associated with the Coyote Valley Greenbelt at the Commission's regular business meeting on November 7, 2007. 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) GP06-03-02: General Plan Amendment request to change the San José 2020 Land Use/Transportation Diagram designation from General Commercial to Transit Corridor Residential (20+ DU/AC) on 2.56 acres, located on the northeast side of South First Street, approximately 165 feet northwesterly of East Alma Avenue in Council District 3.

The nearest park site to the amendment site is Bellevue Park, across Monterey Highway on Bellevue Avenue. Staff's Recommendation is for the developer to dedicate parkland to either expand the Alma Center or to begin the assemblage of the proposed Martha Garden Park on Third Street.

Commission's Recommendation: *The Commission supports Planning staff to deny this amendment request do to lack of responsiveness by the applicant. If the amendment request is approved, the City can request land dedication under the Parkland Dedication Ordinance (PDO) and/or the Park Impact Ordinance (PIO). The size of the amendment site at 2.56 acres limits the amount of land the City could request for on-site parkland dedication, therefore the Commission supports the request for an off-site acquisition to either expand the Alma Center or to begin the assemblage of the proposed Martha Garden Park on Third Street.*

2a) GP07-03-02: General Plan Amendment request to modify the San José 2020 Land Use/Transportation Diagram designation from High Density Residential (25-50 DU/AC) to Mixed Use #1 to allow up to 172 housing units on 3.24 acres located on the west side of North 10th Street between Vestal Street and East Mission Street in Council District 3. The proposed