



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: November 26, 2007

COUNCIL DISTRICT: 3
SNI AREA: N/A

SUBJECT: GP06-03-02. GENERAL PLAN AMENDMENT REQUEST TO CHANGE THE LAND USE/TRANSPORTATION DIAGRAM DESIGNATION FROM GENERAL COMMERCIAL TO TRANSIT CORRIDOR RESIDENTIAL (20+ DU/AC) ON A 2.56-SITE.

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend City Council denial of the General Plan Amendment request to change the San José 2020 General Plan Land Use/Transportation Diagram designation from General Commercial to Transit Corridor Residential (20+DU/AC) on a 2.6 acre site.

OUTCOME

Denial of the proposed General Plan amendment would result in no change to the existing General Plan Land Use/Transportation Diagram designation of General Commercial. General Commercial is a non-specialized commercial designation intended to permit miscellaneous commercial uses. It includes both strip commercial areas along major thoroughfares as well as freestanding commercial establishments. This site is located in the Monterey Corridor, adjacent to several viable industrial uses, and is intended for business support of these uses. The General Commercial designation supports this intent.

BACKGROUND

On November 14, 2007, the Planning Commission held a public hearing for early consideration of a privately initiated General Plan Amendment request to change the San José 2020 General Plan Land Use/Transportation Diagram designation from General Commercial to Transit Corridor Residential (20+DU/AC) on a 2.6 acre site. The denial process is intended to provide an opportunity for the Planning Commission and City Council to determine (1) whether such an application should be denied based upon substantial inconsistencies with adopted Council policies prior to completion of environmental review, or (2) whether the application should be directed for complete processing, including environmental review. The Director of Planning, Building and Code Enforcement recommended denial of the General Plan amendment.

Staff gave a brief introduction to the project and clarified that the recommendation is for denial of the application because the application is not complete. Chair Kalra commented that it appeared the applicant had abandoned the project. Commissioner Jensen moved to deny the proposed General Plan amendment as recommended by staff. Commissioner Platten seconded the motion. No member of the public appeared to speak of on the project.

The Planning Commission voted 7-0-0 to deny the General Plan Amendment request to change the San José 2020 General Plan Land Use/Transportation Diagram designation from General Commercial to Transit Corridor Residential (20+DU/AC) on a 2.6 acre site.

ANALYSIS

This application for a General Plan amendment to change the Land Use/Transportation Diagram designation from General Commercial to Transit Corridor Residential (20+ DU/AC) was filed on December 4, 2006 by ROEM Development Corporation. The last correspondence from the applicant was a request by e-mail to change the proposed land use designation, sent on January 10, 2007. As of November 2007, this application has been inactive for over ten months.

The proposed General Plan Amendment is substantially inconsistent with adopted San Jose 2020 General Plan Major Strategies, Goals and Policies, as well as the adopted Framework for Conversion of Employment Lands, in that it proposes to eliminate employment land and reduce the potential for sales tax revenue. The General Plan's Economic Development Major Strategy strives to make San José a more "balanced community" by encouraging more commercial and industrial growth. Maintaining the subject site with the existing General Commercial land use designation would not only preserve the potential for sales tax revenue, but would also preserve the land for employment uses. The proposed land use change to allow residential uses would not provide comparable benefits to the City, and would, therefore, be inconsistent with the Framework.

This proposed General Plan amendment is further inconsistent in that the subject site and surrounding industrial area do not meet Transit-Oriented Development criteria. The subject site is not in a Transit-Oriented Development (TOD) Corridor as identified by the San José 2020 General Plan. The nearest TOD Corridor is the Guadalupe Corridor, the outer boundary of which is approximately 500 feet northerly of the northernmost property line of the project site. The outer boundaries of transit corridors identified in the General Plan are intended to include sites within approximately 500 feet of the corridor right-of-way or approximately 2,000 feet of an existing or planned LRT station. Therefore, the subject site's location, which is an additional 500-foot distance from the outer boundary of the Guadalupe Corridor, does not support the intent of TOD as expressed in the General Plan.

When a proposed land use amendment to the San José 2020 General Plan is inconsistent with adopted Council policies, or the applicant has not submitted the environmental documentation necessary for the City to complete environmental clearance in conformance with the California Environmental Quality Act (CEQA), the Administration may bring the amendment to the Planning Commission for consideration of a denial recommendation to the City Council.

EVALUATION AND FOLLOW-UP

Denial of the proposed General Plan amendment application supports City Council direction in keeping with the newly revised Framework for Preservation of Employment Lands, and reinforces the City's strengthened commitment to retention of lands designation for employment-generating uses.

POLICY ALTERNATIVES

Alternative 1: Continued processing of the proposed General Plan amendment

Pros: Opportunity for environmental review of the site to ascertain potential significant adverse environmental impacts currently existing on the site or resulting from redevelopment.

Cons: Conversion of employment lands to allow residential uses without equivalent benefit, significant departure from San Jose 2020 General Plan Major Strategies, Goals and Policies, and likely cost burden on City for environmental review due to inactivity by the applicant.

Reason for not recommending: This alternative is not recommended because of the substantial inconsistency of this application to adopted City plans and policies. Additionally, the applicant has remained unresponsive to this application for a period now exceeding ten months.

PUBLIC OUTREACH/INTEREST

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

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30; Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the 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 substantially inconsistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

HONORABLE MAYOR AND CITY COUNCIL

November 26, 2007

Subject: GP06-03-02

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COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: Incomplete.

Andrew Crabtree
~~FOR~~ JOSEPH HORWEDEL, SECRETARY
Planning Commission

For questions please contact Andrew Crabtree at 408-535-7800.

cc:



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

GENERAL PLAN AMENDMENT STAFF REPORT FALL 2007 HEARING

Hearing Date/Agenda Number: P.C. 11/14/07 Item: 7. a. C.C. 12/18/07
File Number: GP06-03-02
Council District and SNI Area: District 3 / None
Major Thoroughfares Map Number: 83
Assessor's Parcel Number(s): 477-06-009, -051, and -052
Project Manager: Licinia McMorrow

PROJECT DESCRIPTION: General Plan amendment request to change the Land Use/Transportation Diagram designation from General Commercial to Transit Corridor Residential (20+ DU/AC) on a 2.6-site.

LOCATION: Northeast side of South First Street, approximately 165 feet northwesterly of East Alma Avenue (1290, 1302, and 1334 South First Street)

ACREAGE:
2.6 acres

APPLICANT/OWNER: 1302 South First Street, LLC, Owner / ROEM Development, Applicant

GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: General Commercial

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

EXISTING ZONING DISTRICT(S): CN Commercial Neighborhood

SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

North: Used car sales and single-family residential; Preservation/Single-Family within the Martha Gardens Specific Plan

South: Restaurant (Denny's); General Commercial

East: Varied light and heavy industrial uses including woodworking, welding, furniture refinishing and cable assembly; Heavy Industrial with Mixed Industrial Overlay

West: South First Street, restaurant (Mountain Mike's) and used car sales; General Commercial

ENVIRONMENTAL REVIEW STATUS: Incomplete.

PLANNING STAFF RECOMMENDATION:

No change to the existing General Plan land use designation of General Commercial on the entire site.

Approved by: *Andrew C. B. [Signature]*
Date: *November 5, 2007*

PLANNING COMMISSION RECOMMENDATION:

CITY COUNCIL ACTION:

CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:

Correspondence from various City departments addressing specific development issues regarding the future residential use of the property is attached to this staff report and will be considered if the project continues through the process.

GENERAL CORRESPONDENCE:None.

RECOMMENDATION**Denial without Environmental Clearance**

- **Staff recommends no change to the General Plan Land Use/Transportation Diagram designation of General Commercial on the subject site** (i.e., denial of the proposed amendment to change the land use designation from General Commercial to Transit Corridor Residential (20+ DU/AC)) because of prolonged unresponsiveness on the part of the applicant and the substantial inconsistency of the General Plan amendment request with adopted policies in the San José 2020 General Plan.
- **Environmental clearance is incomplete for this application.** The Planning Commission has the following options to recommend to the City Council: (1) denial of the proposed General Plan amendment; or (2) direct staff to continue processing the application and complete environmental review for consideration of the amendment at a later General Plan hearing.

INTRODUCTION

When a proposed land use amendment to the San José 2020 General Plan is inconsistent with adopted Council policies, or the applicant has not submitted the environmental documentation necessary for the City to complete environmental clearance in conformance with the California Environmental Quality Act (CEQA), the Administration may bring the amendment to the Planning Commission for consideration of a denial recommendation to the City Council. This approach provides an opportunity for the Planning Commission and City Council to consider identified policy issues as well as the lack of responsiveness by the applicant and to determine (1) whether such an application should be denied based upon those inconsistencies and inadequacies prior to completion of environmental review, or (2) whether any such application should be directed for complete processing, including environmental review.

A Planning Commission recommendation and Council direction in the processing of such amendments could potentially save applicants and the City time and money by providing a decision of denial prior to the applicant's submittal of documents required to complete environmental clearance. A Council decision to direct staff to complete processing for later consideration during a General Plan Amendment public hearing would in no way indicate how the Council might ultimately vote upon that amendment during that hearing – such a decision would indicate only that the Council is not opposed to considering such a proposal with complete environmental review at a later date.

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 General Commercial to Transit Corridor Residential (20+ DU/AC) on 2.6 acres located on the northeast side of South First Street, approximately 165 feet northwesterly of East Alma Avenue (1290, 1302, and 1334 South

First Street). Approval of the proposed General Plan amendment to Transit Corridor Residential (20+ DU/AC), and a subsequent re-zoning to a Planned Development Zoning District could allow residential uses with ground floor retail or office on this site.

The site is located within the Monterey Corridor Redevelopment Project Area; this area is identified in City of San José policy documents, including the San José 2020 General Plan and *the Framework for the Preservation of Employment Lands* (Framework), as a Key Employment Area for industrial uses and compatible employment uses. The site is also located within the San José Enterprise Zone, which the State of California has designated as an area for State assistance, which includes tax incentives to encourage business investment and job creation.

The site's existing General Commercial land use designation allows a wide variety of commercial uses, including retail, restaurants, and offices. This is a non-specialized commercial designation intended to include both strip commercial areas along major thoroughfares as well as freestanding commercial establishments. Business and professional office uses are allowed within this category as well.

The Transit Corridor Residential (20+ DU/AC) land use designation that is proposed for the site is intended for medium-high density and high density residential uses within, or very near, transit-oriented development corridors or BART Station Area Nodes. This land use category is intended to expand the potential for residential and mixed-use development near major public transit facilities, housing initiative areas, or major bus routes.

BACKGROUND

Site and Surrounding Land Uses

The site is located on the east side of South First Street (1290, 1302, and 1334 South First Street) approximately 165 feet northwesterly of East Alma Avenue, and is bounded by industrial warehouses to the east, a restaurant (Denny's) to the south, South First Street to the west, and a used car sales lot to the north. Surrounding land uses in the larger area include used car sales and single-family residential to the north and northeast, light and heavy industrial uses, including a print shop, water filter distributor, antique furniture restorer, and optical product manufacturer to the east, and South First Street, a used car facility, and restaurant (Mountain Mike's) to the west.

The three parcels that comprise the site are currently developed with two buildings: one on 1290 South First Street (APN 477-06-009) and one on 1334 South First Street (APN 477-06-052). The larger structure at 1290 South First Street was built in 1948 as a large industrial warehouse. It is currently being used for wholesale of furniture. The smaller building at 1334 South First Street is a 1960s era building, likely built for the current auto sales use of the parcel.

The Martha Gardens Specific Plan boundary borders the subject site to the north; the area to the south of this Specific Plan boundary is intended to be maintained as an integral part of the Monterey Corridor Key Employment Area.

Previous General Plan amendments on this Site

In 1985, the site was the subject of a General Plan amendment (File No. GP85-7-11e) that changed the land use designation from Heavy Industrial to General Commercial on 14.75 acres, as part of a larger General Plan amendment for 958.6 acres (GP85-7-11). The amended land use designation was intended to implement the Monterey Corridor Revitalization and Development Strategy, which emphasized a need to upgrade the existing uses along Monterey Highway, and to encourage economic development through new commercial uses.

A stated intent of the Monterey Corridor Revitalization and Development Strategy was to rectify inconsistencies and incompatibilities in land use patterns in the Monterey Corridor area. The change in the land use designation from Heavy Industrial to General Commercial in 1985 more accurately reflected existing uses in this section of South First Street and Monterey Highway at the time. The purpose of the 1985 General Plan amendment was to preserve viable existing uses, including industrial uses, and to encourage new development at higher standards.

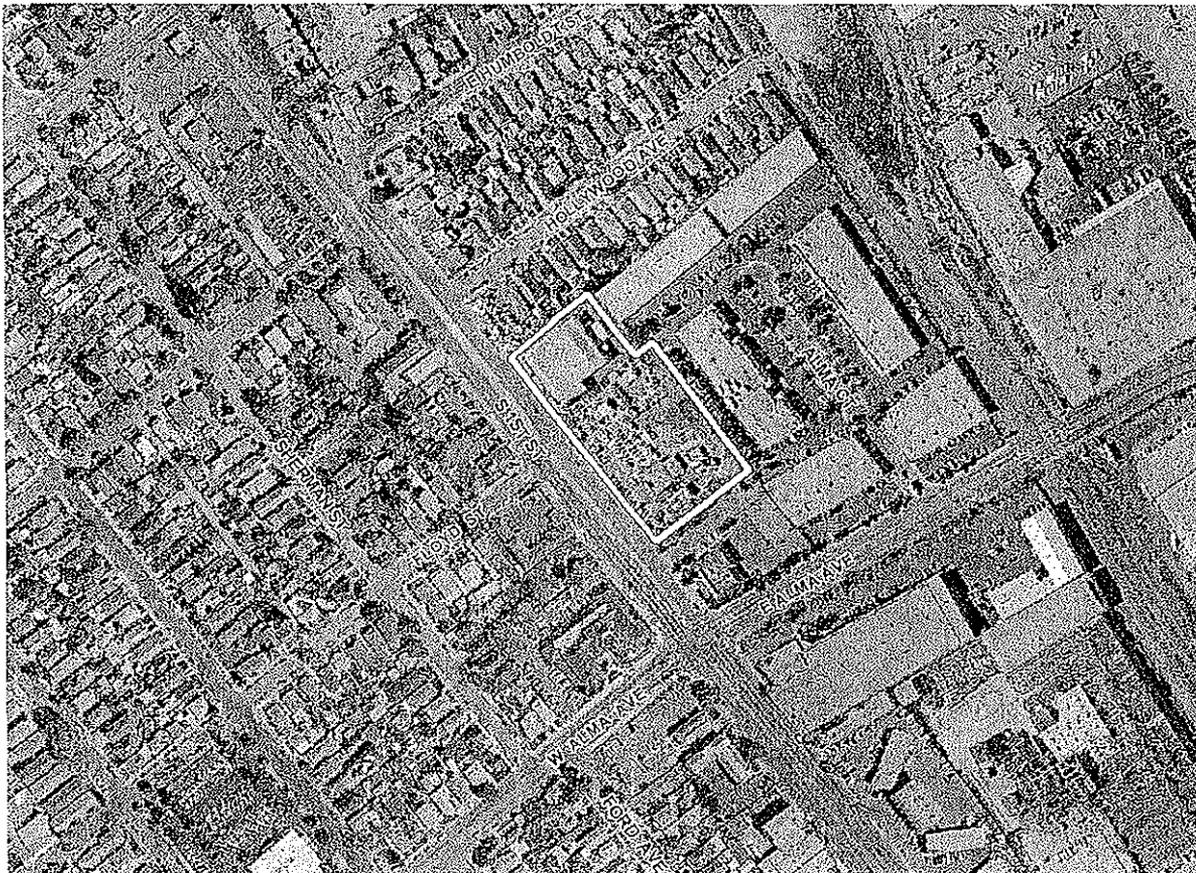


Fig.1. Aerial Photograph of the site and the surrounding area, taken in 2001.

ANALYSIS

The following points summarize the main reasons for recommending denial of the proposed General Plan amendment:

1. Inactivity on the part of the applicant

This application was filed on December 4, 2006. The last correspondence from the applicant was a request by e-mail to change the proposed land use designation, sent on January 10, 2007. As of November 2007, this application has been inactive for over nine months.

- In January 2007, Planning staff had a telephone conversation with the applicant to discuss the requested General Plan land use designation. Initially, the applicant requested Mixed Use with No Underlying Designation, which, staff told the applicant, is not an appropriate designation for this site because that land use designation is intended by the General Plan to allow flexibility in land use for large project sites where mixed use is appropriate.
- On January 10, 2007, the applicant changed the amendment request to Transit Corridor Residential (20+ DU/AC), even though staff had advised the applicant that the project site was not in a General Plan designated Transit Oriented Development Corridor or in any other location appropriate for Transit Corridor Residential (20+ DU/AC).
- Referring to the revised application, staff sent a comment letter to the applicant on January 23, 2007, detailing inconsistencies with several City policies and plans, and advising the applicant to withdraw the application. The comment letter also explained the process for continuing the application; a formal letter indicating the applicant's change in requested land use was required, and a CEQA Initial Study would be required to analyze potential environmental impacts resulting from the requested land use change.
- Staff has not received correspondence by phone, e-mail, or regular mail from the project applicant since January 2007. Planning staff has attempted to reach the applicant several times, by phone and e-mail to check the status of the project, but the applicant has remained unresponsive. The last two attempts to reach the applicant, both by e-mail and phone, were on October 16 and November 5, 2007, when Planning staff informed the applicant that the project would be taken for consideration of denial or continued processing at the next available General Plan hearing. Planning staff sent a public hearing notice on October 29, 2007 to the applicant, property owners, and tenants within a 500-foot radius of the subject site. Once again, the applicant has not responded to staff.

2. Inconsistency with San José 2020 General Plan Economic Development Major Strategy

Conversion of the site to residential uses would eliminate employment land and reduce the potential for sales tax revenue. The General Plan's Economic Development Major Strategy strives to make San José a more "balanced community" by encouraging more commercial and industrial growth. Maintaining the subject site with the existing General Commercial land use designation would not only preserve the potential for sales tax revenue, but would also preserve the land for employment uses. The intent of the General Commercial land use designation on the subject site is to support the adjacent industrial uses. Allowing residential uses here would contradict that intent, threatening the viability of several industrial operations.

The project site is immediately adjacent to Alma Court to the east, where approximately thirty small industrial businesses are located. These businesses range widely in terms of products, but they all generate noise and dust, and many use various hazardous materials, which are potentially incompatible with residential uses. (A list of the businesses on Alma Court is included as an attachment to this staff report.)

3. Inconsistency with the San José 2020 General Plan Major Strategies, Goals and Policies

- a. **The proposal is inconsistent with the San José 2020 General Plan *Economic Development Major Strategy* to encourage more commercial and industrial growth and to preserve the City's industrial areas** by creating a more equitable distribution of job centers and residential areas.
- b. **The proposal is inconsistent 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.
- c. **The proposal is inconsistent with *Economic Development Policy No. 2* to attract businesses and industries suited to the area and to protect the industrial land designated exclusively for industrial uses** by not allowing incompatible uses to locate in or around these areas.
- c. **The proposal is inconsistent 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.
- d. **The proposal is inconsistent with *Commercial Land Use Policy No. 1***: "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. New commercial development should be located near existing centers of employment ..."
- e. **The proposal is inconsistent with *Industrial Land Use Policy No. 11***: "Because of the importance in retaining viable industrial supplier/service lands and the inherent incompatibility between residential or non-industrial uses and industrial uses, new land uses that may restrict development of land reserved exclusively for industrial uses should not be allowed to locate adjacent to these areas of the City."

4. Requested designation of Transit Corridor Residential (20+ DU/AC) is inappropriate

The subject site and surrounding industrial area do not meet Transit-Oriented Development criteria and the site is more valuable to the City to support economic development than for additional residential development. San José continues to plan, approve, and issue building permits for more housing than any other city in Northern California. The City has continued to be proactive in its efforts to meet the community's housing needs through a variety of innovative development strategies, including planning for mixed-use and transit-oriented development. The subject site is not in a Transit-Oriented Development (TOD) Corridor as identified by the San José 2020 General Plan. The nearest

TOD Corridor is the Guadalupe Corridor, the outer boundary of which is approximately 500 feet northerly of the northernmost property line of the project site. The Guadalupe Corridor includes the Guadalupe VTA Light Rail Transit (LRT) line, which runs from North San José south along Highways 87 and 85 to Santa Teresa Boulevard in the Edenvale area. The outer boundaries of transit corridors identified in the General Plan are intended to include sites within approximately 500 feet of the corridor right-of-way or approximately 2,000 feet of an existing or planned LRT station. Therefore, the subject site's location, which is an additional 500-foot distance from the outer boundary of the Guadalupe Corridor, does not support the intent of TOD as expressed in the General Plan.

5. Inconsistency with the Adopted Framework for the Preservation of Employment Lands

Conversion of 2.6 acres of the site to Transit Corridor Residential (20+ DU/AC) would reduce the potential to provide commercial uses to meet the City's need for business support for industrial uses, and would not provide an equivalent benefit to the City. The site is located within the Monterey Corridor Redevelopment Project Area. The Framework identifies this portion of the City as a Key Employment Area for preservation of employment capacity and acreage. The Framework further states that employment conversions to non-employment uses in this area are discouraged. The proposed land use change to allow residential uses would not provide comparable benefits to the City, and would, therefore, be inconsistent with the Framework.

Conclusion

The proposed General Plan amendment request to change the General Plan Land Use designation from the existing General Commercial to Transit Corridor Residential (20+ DU/AC) on 2.6 acres is inconsistent with the City's Economic Development Major Strategies, and several Commercial, Industrial, and Economic Development goals and policies of the General Plan. Additionally, the application has been inactive because of unresponsiveness on the part of the applicant for over nine (9) months. Approval of this General Plan amendment would diminish the City's ability to provide business support services, provide employment opportunities for low, medium and high skilled workers, maintain a diverse economy, and provide long-term growth potential for a needed tax base.

ENVIRONMENTAL REVIEW

Pursuant to Section 15270 of the CEQA Guidelines, CEQA does not apply to projects that a public agency rejects or disapproves. A CEQA Initial Study would be required to determine the level of environmental clearance required under CEQA for the City Council to consider approval of the General Plan amendment request.

PUBLIC OUTREACH

A joint notice of the public hearings to be held on the subject General Plan amendment before the Planning Commission on November 14, 2007 and City Council on December 18, 2007 was circulated to the property owners and residents within a 500-foot radius of the subject site. Notice of public hearings for the proposed General Plan text amendment was published in the San José Post-Record and posted on the Planning Division's webpage. This staff report will be

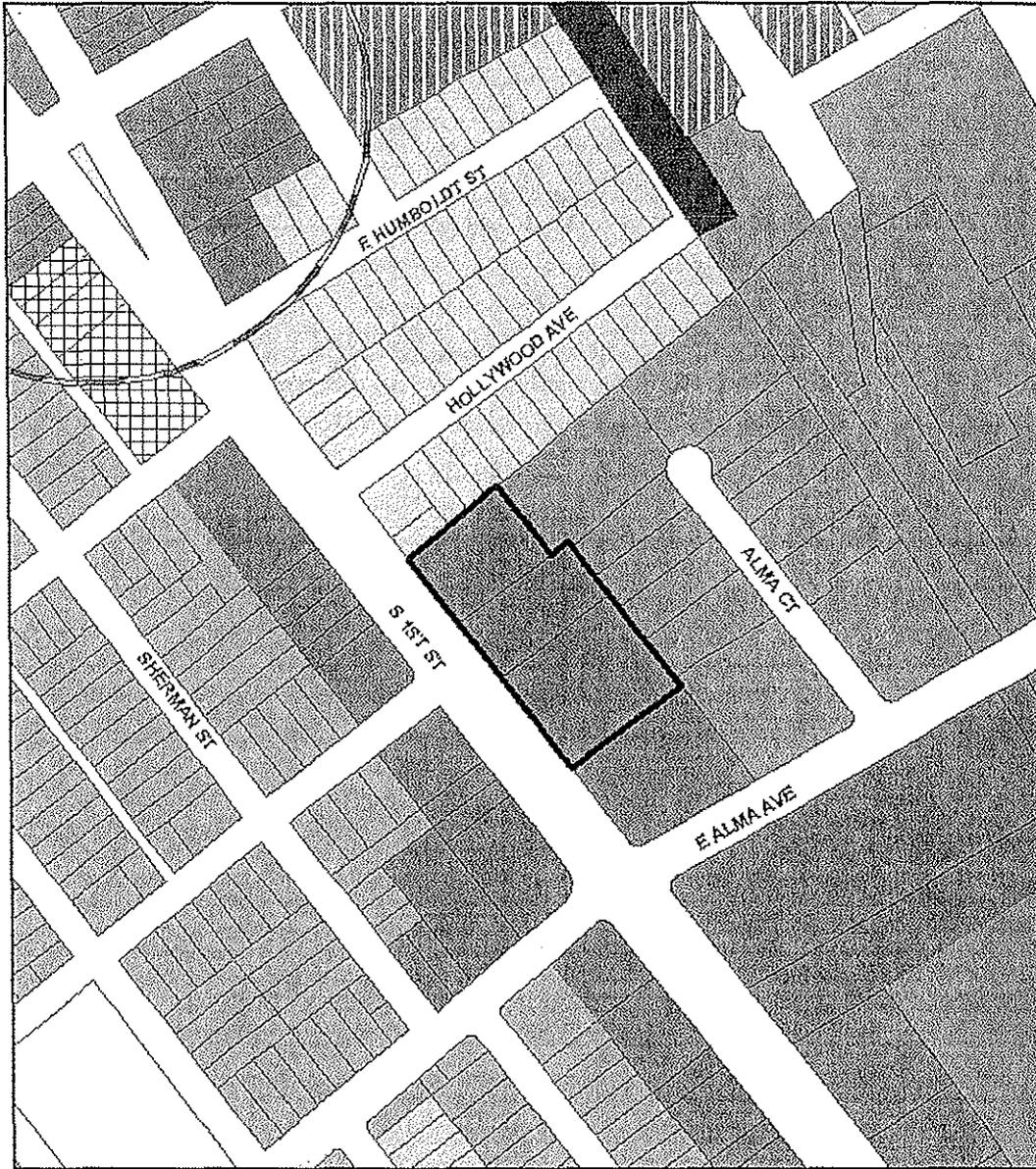
posted on the City's website. If Council decides not to consider the General Plan amendment unless environmental clearance is completed, then Planning staff will continue to coordinate with the applicant, Council District 3 staff, and neighborhood group representatives to schedule community meetings and additional public outreach.

Tribal Referral

This General Plan amendment is subject to the State of California Tribal Consultation Guidelines and was referred to the tribal representatives on January 22, 2007. To date, no comments from tribal representatives on the subject General Plan amendment request have been received.

Attachments

GP06-03-02

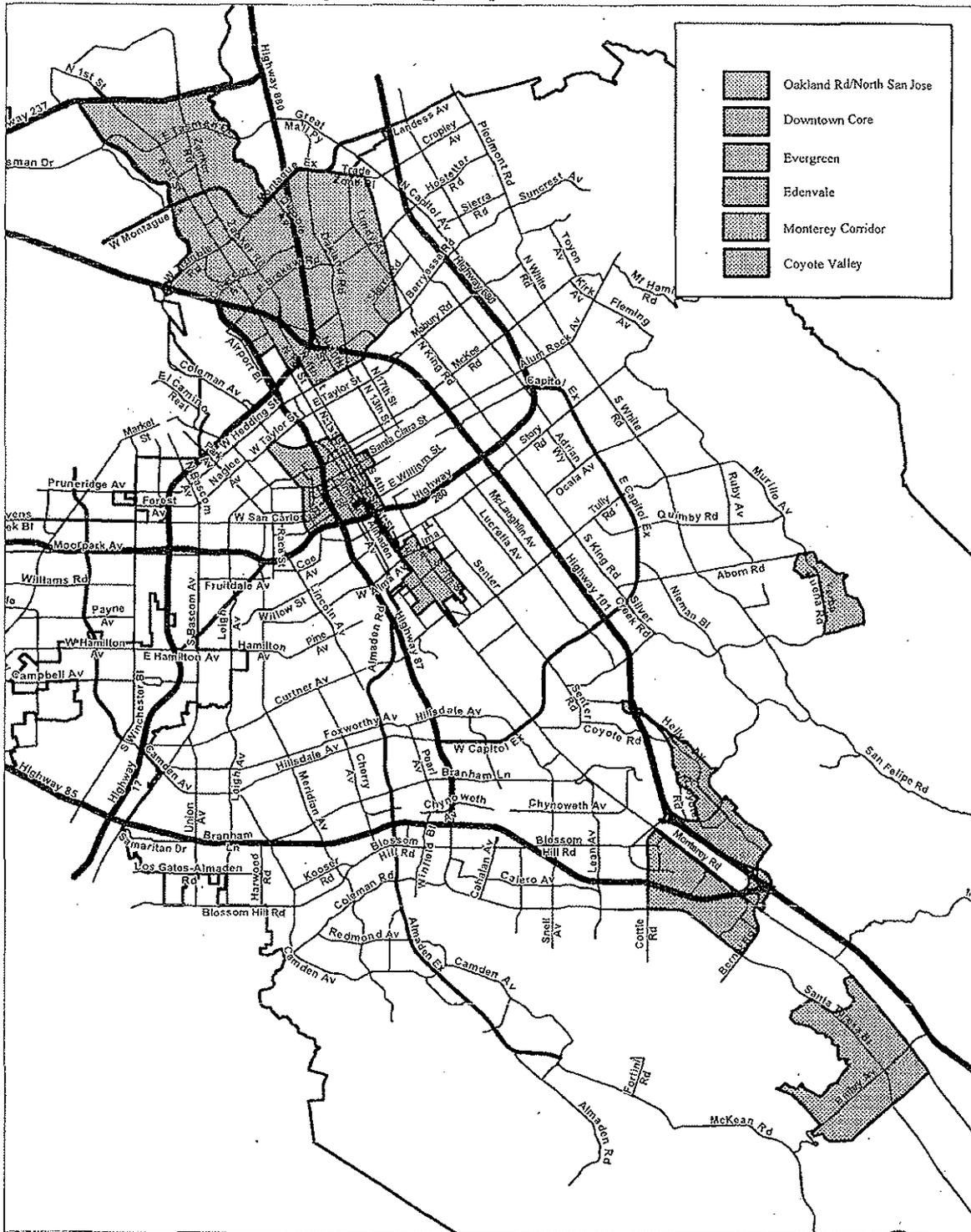


 <p>Department of Planning, Building and Code Enforcement Planning Services Division</p>	 <p>SITE</p>	 <p>NORTH</p> <p>Scale 1" = 250' Quad: 83</p>
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List of Alma Court Industrial Tenants

1. Home Improvement Custom Cabinets—cabinet manufacturing and woodworking
2. P & H Precision—auto repair and precision engine tune-up
3. CNC Milling and Turning—computer numerical control production and prototyping
4. Access Options, Inc.—mobility solutions for disabled persons
5. All Metal Welding—welding and soldering shop
6. A Classic Finish—furniture and antique remodeling
7. Lardie & Co.—house painting contractors
8. Opti-Rex Inc.—optical products manufacturing
9. Willow Glen Glass—window, screen, skylight and glass curtain wall shop
10. QNR Precision, LLC—auto repair and service, specializing in custom hotrods
11. Douglas Autoglass—windshield and window shop and repair
12. Technic, Inc.—Electroplating chemical and equipment provider
13. Encore Machining—computer numerical control machining & fabricating
14. Mass 4 Service, Inc.—unknown use
15. PermaTouch—auto detailing
16. Sears Carpet & Upholstery Care—carpet and upholstery warehousing and storage
17. Anza Group—digital printing
18. Econo Carpet—carpet warehousing and show room
19. Urban Peripherals, Inc.—national trade-in and repair for Apple Computer products
20. Sterling Electrical Contractors—electrical wiring and repair
21. Triad Toys—toy manufacturing
22. Southern Lumber Co. Door Shop—wooden door cutting, turning and milling
23. WSS Water Systems & Supplies—water filtration system and tank distribution
24. Dicar Manufacturing—custom cable and electrical harness assembly
25. Santa Clara County Office of Education Food Production Center
26. ABC Kitchen Cabinet, Granite and Flooring—woodworking and custom granite and tile shop

Key Employment Areas



Note: San Jose has important employment land interspersed throughout the City. All employment lands in the City of San Jose's Sphere of Influence that are proposed for General Plan amendments are subject to analysis under the Framework for the Preservation of Employment Lands.



Map prepared by City of San Jose,
Planning Division 10/01/2007

From: McMorrow, Licia
Sent: Monday, November 05, 2007 8:13 AM
To: 'robert@roemcorp.com'
Subject: GP06-03-02 set for consideration of denial at 11/14/07 hearing

Hi Robert:

After several unsuccessful attempts to reach Jan Kamachi at the Miro Design Group, the contact for this project, I wanted to let you know that Planning staff has set GP06-03-02: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from General Commercial to Transit Corridor Residential (20+ DU/AC) on a 2.56-site. (1302 South First Street, LLC, Owner / ROEM Development, Applicant) for consideration of denial or continued processing at the November 14, 2007 Planning Commission and December 18, 2007 City Council hearings. The basis for this action is 1) continued unresponsiveness by the applicants and 2) significant diversion from City policies and ordinances. If you wish to withdraw the application before the hearing, please state your intent in writing and submit it to me as soon as possible. Thank you.

Licia

Licia McMorrow
Planner II
Planning Division, City of San Jose
200 East Santa Clara Street, 3rd. Floor Tower
San Jose, CA 95113-1905
Phone (408) 535-7814
licia.mcmorrow@sanjoseca.gov

McMorrow, Licia

From: McMorrow, Licia
Sent: Tuesday, October 16, 2007 11:18 AM
To: 'jan@mirodc.com'
Subject: GP06-03-02 hearing date set

Hi Jan:

The purpose of this email is to inform your team that Planning staff will be taking this General Plan Amendment (GP06-03-02) to Planning Commission on November 14 and City Council on December 18 with a recommendation for early consideration without environmental clearance. Because of the applications lack of conformance to various City policies and the fact that this project has been inactive since January 9, 2007, Planning staff is recommending denial of this project. If you wish to withdraw before the hearing, please state your intent in writing. You may be eligible for a partial refund of fees paid. Thank you very much.

Licia

Licia McMorrow
Planner II
Planning Division, City of San Jose
200 East Santa Clara Street, 3rd. Floor Tower
San Jose, CA 95113-1905
Phone (408) 535-7814
licia.mcmorrow@sanjoseca.gov

10/22/2007

30-DAY LETTER DUE IN 4 DAYS.

Reminder Date Remind Licia McMorrow Include
Made On Wed Dec 13, 2006 Made By Jenny Nusbaum
Comment Date Wed Dec 13, 2006

COUNCIL NOTES: On 1/9/07, applicant revised requested General Plan designation from Mixed Use No Underlying Designation to Transit Corridor Residential (20+ DU/AC). Application review letter in drafting stages, to be sent out by 1/12/07. Staff recommends no change.

Reminder Date Thu Jan 11, 2007 Remind 3 Include
Made On Thu Jan 11, 2007 Made By Licia McMorrow
Comment Date Thu Jan 11, 2007

COUNCIL NOTES: 30-day letter being reviewed by OED and RDA.

Reminder Date Mon Jan 22, 2007 Remind 3 Include
Made On Mon Jan 22, 2007 Made By Licia McMorrow
Comment Date Mon Jan 22, 2007

Public Works Final memo is complete.

Reminder Date Wed Feb 7, 2007

Remind Licia McMorrow

Include

Made On Wed Feb 7, 2007

Made By Ryan Do

Comment Date Wed Feb 7, 2007

COUNCIL NOTES: 30-day letter sent 1/23/07.

Environmental Status: Initial Study due.

Project status: Applicant revised request to Transit Corridor Residential (20+ du/ac). Staff is waiting for official signed change of request.

Reminder Date Wed Mar 7, 2007

Remind 3

Include

Made On Mon Apr 23, 2007

Made By Licia McMorrow

Comment Date Wed Mar 7, 2007

COUNCIL NOTES: Status update email sent to applicant on 4/19 requesting either 1) an updated application and CEQA Initial Study or 2) withdrawal of the application. To date, no return correspondence has been received.

Reminder Date Mon Apr 23, 2007

Remind 3

Include

Made On Mon Apr 23, 2007

Made By Licia McMorrow

Comment Date Mon Apr 23, 2007

January 23, 2007

Jan Kamachi
Miro Design Group
1650 Lafayette Street
Santa Clara, CA 95050
jan@mirodg.com

Dear Ms. Kamachi:

RE: File No. GP06-03-02 GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation on an approximate 2.56-acre site located at 1290, 1302, and 1334 South First Street from General Commercial to Transit Corridor Residential (20+ DU/AC).

Your application, referenced above, has undergone review for completeness and consistency with City policies and regulations. While we intend to cover all of the relevant issues in this letter, please understand that additional comments may be forthcoming later in the process.

COMPLIANCE WITH THE SAN JOSE 2020 GENERAL PLAN

Compliance. This application has been reviewed for compliance with the following City ordinances, policies and guidelines. The remaining comments in this letter are based on this review.

- *San Jose 2020 General Plan*
- *Framework, as a Guideline, to Evaluate Proposed Conversions of Employment Lands to Other Uses*
- Monterey Corridor Redevelopment Project Area Plan
- San Jose Enterprise Zones

General Plan Consistency. The proposal is not consistent with the General Plan current policies for allowable uses in this area. This issue was discussed in a previous preliminary review (PRE06-233) requested by the applicant. This lack of overall conformance is generally related to inconsistencies with the following General Plan's strategies, goals, and policies: 1) allowable uses under the existing General Commercial land use designation and 2) *San Jose 2020 General Plan* Community Development Strategy, which is intended to preserve existing industrial areas by ensuring that land uses are compatible with industrial operations. Typically, commercial uses, rather than residential, are more likely to be compatible with industrial uses.

Industrial Land Use Policy No. 11 under the Community Development Strategy of the *San Jose 2020 General Plan* states, "Because of the importance in retaining viable industrial supplier/service lands and the inherent incompatibility between residential or non-industrial uses and industrial uses, new land uses that may restrict development of land reserved exclusively for industrial uses should not be allowed to

locate adjacent to these areas of the City." The policies further discourage new uses adjacent to industrial areas that would impose restrictions on industrial operations or require mitigation requirements for nearby industry. Generally, many commercial land uses can, with appropriate site design and mitigation measures, be compatible within proximity to industrial uses. There are usually more challenges to ensuring that residential uses near industrial uses are compatible and won't constrain industrial operations.

Framework, as a Guideline, to Evaluate Proposed Conversions of Employment Lands to Other Uses. The *Framework* identifies this parcel as part of Monterey Corridor 3 Fiscal Study Subarea. The purpose of the *Framework* is to outline a policy to attract, retain, and expand industrial suppliers/services. Industrial uses are an essential base of San Jose's economy, so it is critical to the City's economic viability to preserve areas in which these uses are permitted. Because of the limited supply of land available for employment uses in the City, General Plan land use changes within areas reserved exclusively for such uses are discouraged. Specifically, the Monterey Corridor 3 subarea is outlined as a subarea to preserve for driving industry and business support. The *Framework* further states that conversions in such subareas are to be discouraged. The *Framework* can be found online at: http://www.sanjoseca.gov/planning/gp/special_study.asp.

Monterey Corridor Redevelopment Project Area. The Monterey Corridor Project Area was established in 1994. Businesses located in the Monterey Corridor include both heavy industrial and light industrial uses. Business support and people serving industries such as garment manufacturing, recycling, roofing, auto services, cement manufacturing, tile manufacturing, sheet metal fabrication, transportation services, and other general contractor firms that are suppliers to the residential and industrial construction companies operate in the Monterey Corridor. The Monterey Corridor has the third largest concentration of employers in San Jose, and new uses should remain compatible with existing operations. More information about the Monterey Corridor Redevelopment Project Area can be found at: <http://www.sjredevelopment.org/industrial.htm>.

San Jose Enterprise Zone. Businesses located in San Jose's Enterprise Zone, a 10-square mile area designated by the State of California, are eligible for significant tax savings as well as other financial benefits. Businesses located in the enterprise zone can significantly reduce business operating costs. These incentives do not apply to residential uses, and are intended to attract viable commercial and industrial uses into the central part of the City. As the Monterey Corridor is used intensely for industrial and commercial uses and is in the enterprise zone, the City's intent is to retain the subject parcels for employment uses.

In keeping with the policies stated here, staff does not support a change to the existing General Plan land use designation of General Commercial. As stated in the attached comments from PRE06-233, this project would be much better suited in the Martha Gardens Specific Plan neighborhood directly to the north, which has capacity for mixed-use and residential development as described in the Martha Gardens Specific Plan. Please note that a partial refund of fees paid to this point is available upon withdrawal of the General Plan amendment application, but that the longer the application is on file, the smaller the amount of fees that can be refunded. More information about the San Jose Enterprise Zone can be found at: <http://www.sjeconomy.com/ez/>.

ENVIRONMENTAL REVIEW

Please note that you must provide environmental documentation for this project. At this point, staff anticipates that this project will require a Negative Declaration. To begin the process, an Initial Study for Environmental Clearance in accordance with the California Environmental Quality Act (CEQA) must be

completed by a certified environmental consultant. In addition to other environmental considerations analyzed in the Initial Study, environmental review must address the following issues:

1. **Noise Report.** A noise report prepared by a qualified noise consultant is required to address the existing noise levels at the site and to identify how measures can be incorporated into the project such that City of San Jose noise policies are met. Applicable noise standards can be found in the *Zoning District* regulations as well as in the General Plan Policies. The *Zoning Ordinance* can be referenced online from <http://www.sanjoseca.gov/planning/zoning/zoning.asp>. The General Plan policies can be referenced in Chapter 4 of the General Plan text, accessible from <http://www.sanjoseca.gov/planning/gp/gptext.asp>.
2. **Tree Survey.** A survey is required of all trees existing on the site, including their mapped location, size, species, condition and proposed disposition. Tree size should be determined by measuring the circumference of the tree trunk two feet above the existing grade. The submittal should also include a table showing the number of trees proposed for removal based on the following three size categories: >18" circumference, 12"<circumference<18", and <12" circumference. If any tree proposed for removal is greater than 56" in circumference, the necessary findings from Title 13 must be made in the subject permit OR in subsequent approvals.
3. **Tribal Consultation.** This General Plan amendment request is being referred to Tribal representatives identified by the Native American Heritage Commission in accordance with the California State Tribal Consultation Guidelines. We will notify you if a tribal consultation is requested by any of these representatives. You have the opportunity to review this document by clicking on the following web link:
[http://www.opr.ca.gov/SB182004/09_14_05%20Updated%20Guidelines%20\(922\).pdf](http://www.opr.ca.gov/SB182004/09_14_05%20Updated%20Guidelines%20(922).pdf)

COMMENTS FROM OTHER DEPARTMENTS/DIVISIONS AND AGENCIES

Preliminary Comments. Attached are memoranda from other departments/divisions and outside agencies as indicated below. These comments are preliminary and are intended to notify you about potential requirements for development. As required, comments contained in the attached memos shall be incorporated into the revised plan sets. Concerns about any of these issues should be brought to my attention so that I can coordinate with appropriate City staff on your behalf.

- Fire Department: Review limited to verifying compliance with existing Fire Codes. Will provide more comments at Building Permit stage.
- Valley Transportation Authority: No comments at this time.
- Building Division: No comments at this time.

Comments Requested. Please note that comments have been requested from other agencies and departments and are forthcoming. I will inform you of any new comments when I receive them.

- Department of Transportation
- Environmental Services Division
- Department of Public Works
- Santa Clara Valley Water District
- Parks Development Division

- Police Department
- San Jose Unified School District
- Pacific Bell
- PG&E
- Housing Authority of Santa Clara County

Parkland Requirements. Future residential development would need to conform to the City's Parkland Dedication Ordinance. You can reference the current Parkland Dedication Ordinance from <http://www.sanjoseca.gov/prns/parkplanning.asp>.

PUBLIC OUTREACH

Community Meeting. A community meeting should be held for the property owners/tenants within 1,000 feet of the proposed site prior to any public hearing on this project. The meeting should follow the procedures in the attached Public Outreach Policy. Please let me know the date and time for any scheduled meeting and send me a copy of the announcement at least one week before the meeting.

The proposed project is considered a large project pursuant to the City Council Public Outreach Policy. The policy contains a variety of public notification methods including (1) community meetings, (2) an on-site public notification sign, (3) mailed notices to residents and occupants within a 1,000-foot radius and (4) a newspaper advertisement in the San Jose Mercury News and community newspapers. You can reference the Public Outreach Policy online from <http://www.sanjoseca.gov/planning/counter/policies/index.htm>.

On-Site Signage. In accordance with the City's Public Outreach Policy, an on-site sign describing the subject project should be placed on the site within 10 days of receiving the sign template. This sign template will be sent to you electronically as a separate e-mail.

SCHEDULE

Scheduling of this proposal for a public hearing is dependent on the Environmental Clearance process. Listed below is the typical timeline required for processing an Negative Declaration (ND) by Planning staff working with a qualified, experienced, environmental consultant who is familiar with the City of San Jose's ND processes. City staff will make every effort to process your ND in a timely manner, but please be aware that many factors can contribute to ND processing delays. For example, if any of the following occur there would likely be a substantial delay in the ND process:

- If a First Administrative Draft Initial Study is missing analysis or technical reports and is therefore considered to be incomplete
- If more than two Administrative Drafts are required, because of numerous format or content changes
- If the project description changes after beginning the environmental review process
- If there are unresolved environmental issues
- If major formatting changes are needed

If any of the time periods identified below are delayed, for whatever reason, the subsequent time periods will be delayed accordingly.

Typical Timeline

** Please note - this timeline does not include the 1 - 3 months that is normally required for the consultant to prepare the initial reports*

Review complete Administrative Draft Initial Study (IS)	4 weeks
Work with consultant to revise IS	5 weeks*
Prepare Draft Mitigated Negative Declaration (MND)	2 weeks
Circulate Draft MND	3 weeks**

14 weeks

Defend MND before Planning Commission if protested*** 3 to 8 weeks

*Actual timeframe will be determine in consultation with Planning Project Manager

**An additional week will be necessary if your project is required to be circulated through the State Clearinghouse

***If necessary, and assumes that no new technical analysis is required

CONCLUSION

Please be advised that this summary does not constitute a final review; this is staff's initial response to your application. Additional comments may be necessary upon review of additional information and plan revisions submitted in response to this letter.

Please be aware that additional fees may be assessed at a later date. Fees for community meetings, for additional public noticing requirements, and for other processes/reviews included in the adopted fee schedule may be applicable to this proposal. I will inform you as soon as any of these fees would be applicable. The project will not be brought to hearing and may be deferred until all fees have been paid in full.

If you have any questions regarding the information contained in this letter, please feel free to contact me via e-mail at licinia.mcmorrow@sanjoseca.gov or to give me at call on my direct line at (408) 535-7814. Please contact me with any questions or concerns about this proposal.

Sincerely,



Licinia McMorrow
Project Manager

Attachments: PRE06-233 staff comments
Excerpts from the Community Development Strategy of the *San Jose 2020 General Plan*
Comments from other departments/agencies



Memorandum

TO: Licia McMorrow
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

SUBJECT: RESPONSE TO GENERAL PLAN
AMENDMENT APPLICATION

DATE: 02/07/07

PLANNING NO.: GP06-03-02
DESCRIPTION: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from General Commercial to Transit Corridor Residential (20+ DU/AC) on a 2.56-site. (1302 South First Street, LLC, Owner / ROEM Development, Applicant)
LOCATION: northeast side of South First Street, approximately 165 feet northwesterly of East Alma Avenue
P.W. NUMBER: 3-18193

Public Works received the subject project on 01/16/07 and submits the following comments:

AH 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

Comments:

1. There is an existing 21" RCP storm main within a 15' Storm Drainage Easement across the property.
2. Per the County APN map, there is a 40' R.O.W. along the easterly boundary of the property. Since there is no public street, Public Works will support the vacation of this easement.

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

EBRAHIM SOHRABI
Senior Civil Engineer
Transportation and Development Services Division

BTD
ES:rd:gf
6065_4707737002.DOC



January 19, 2007

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

Attention: Licia McMorrow

Subject: City File No. GP06-03-02 / Alma-First GPA

Dear Ms. McMorrow:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the General Plan amendment for Transit Corridor Residential (20+ du/ac) on 2.56 acres on the northeast side of First Street, 165 feet northwest of East Alma Avenue. We have no comments at this time.

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

Memorandum

DATE: 12/18/06

TO: Licinia McMorrow
FROM: Nadia Naum-Stoian

Re: Plan Review Comments

PLANNING NO: GP06-03-02
DESCRIPTION: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from General Commercial to Transit Corridor Residential (20+ DU/AC) on a 2.56-acre site. (1302 South First Street, LLC, Owner / ROEM Development, Applicant)
LOCATION: northeast side of South First Street, approximately 165 feet northwesterly of East Alma Avenue
ADDRESS: northeast side of South First Street, approximately 165 feet northwesterly of East Alma Avenue (1290 S 1ST ST)
FOLDER #: 06 035192 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.

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

Planner to check with Fire Administrative Officer Geoff Cady for response impact.

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

