



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Stephen M. Haase

**SUBJECT:** SEE BELOW

**DATE:** December 1, 2004

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**COUNCIL DISTRICT:** 10

**SUBJECT:** GPT 01-10-02: General Plan text amendment to allow certain limited, interim outdoor recreational uses on public properties that are consistent with the long-term character of the South Almaden Valley Urban Reserve (SAVUR).

## RECOMMENDATION

The Planning Commission voted 5-2-0 (Commissioners Platten and Campos oppose) to recommend that the City Council deny the proposed text amendment.

## BACKGROUND

On November 29, 2004, the Planning Commission held a public hearing to consider a City Council-initiated General Plan text amendment, to allow certain, limited outdoor recreation uses on public properties that are consistent with the long-term character of the South Almaden Valley Urban Reserve (SAVUR). The Director of Planning, Building and Code Enforcement recommended approval of the proposed text amendment. The staff report for this item is attached.

## ANALYSIS

Scott Reese, Deputy Director of Parks, Recreation and Neighborhood Services gave a brief presentation on the background of the proposed McKean Road Sports Complex that would be considered by the City Council in the future if the General Plan amendment is approved. He stated that the City of San José parks system has a deficiency of public park land and sports fields and must depend on school sites as a means to mitigate the park and facility deficiency. There are 13 softball fields and 15 soccer fields located on park and school sites within Council District 10. Of these, one (1) soccer field and three (3) softball fields are located in City parks. The rest are located on school sites. The deficiency of playing fields in Council District 10, in particular, has led to complaints that sports fields are not available for pick-up and casual use because there is so much demand for programmed youth sports activity. The City of San Jose Greenprint a 20-year strategic

plan for park development calls for the addition of recreation and park facilities in the Almaden area to support the growing population.

Planning Staff presented an overview of the proposed text amendment and clarified that the action before the Commission is the proposed General Plan text amendment and not a specific proposed project. The amendment provides a policy framework for future review of specific proposed recreational uses of various types. In particular, the proposed McKean Road Sports Complex project was not the subject of the Planning Commission hearing.

Approximately 58 speakers testified on the proposed General Plan text amendment. Many of their comments addressed the McKean Road Sports Complex project, as well as the proposed General Plan amendment. Approximately 41 speakers were in support of the proposed General Plan amendment. Their comments included the following:

- The need for additional fields to serve the more than 3000 children who participate in youth sports in Almaden Valley.
- The overuse and poor condition of the existing playing fields at area schools and parks.
- The concern that future school closings will further reduce the number of available fields.
- The opportunity to reduce the use of school fields.
- The opportunity to reduce impacts in neighborhoods surrounding existing fields.
- Representatives of the Almaden Youth Association stated that it was not their intent to have water use from the future proposed McKean Road Sports Complex result in impacts to area residential wells. Their goal is to raise funds to install artificial turf on some fields to reduce water use.
- The proposed McKean Road Sports Complex will primarily serve the youth sports needs of the local community

Approximately 17 persons spoke in opposition to the proposed General Plan text amendment.

- Future recreational uses in South Almaden Valley will generate significant demand for groundwater and cause surrounding residential wells to go dry.
- City water lines should be extended to the site of the proposed McKean Road Sports Complex to mitigate anticipated water impacts from the project.
- Noise from youth sports activities will exceed City standards
- McKean Road is an unsafe road for bicyclists and pedestrians. Traffic from the proposed McKean Road Sports complex will create additional safety impacts.
- The proposed General Plan amendment is not consistent with General Plan Transportation Policy No. 19 which states that the City should encourage walking, bicycling and public transportation as preferred modes of transportation
- The South Almaden Valley Urban Reserve (SAVUR) is the wrong place for a sports fields facility.
- The proposed General Plan amendment is not consistent with General Plan goals and policies promoting preservation of agricultural lands.
- The proposed McKean Road Sports Complex is not a public project, but rather a facility for the exclusive use of a private organization.
- Groundwater pumping to irrigate future sports fields could cause contamination of surrounding residential wells.

- The proposed General Plan text amendment violates the General Plan policies for the South Almaden Valley Urban Reserve that restrict future urban development until certain “trigger” criteria have been satisfied.
- The proposed text amendment is not consistent with the Santa Clara County General Plan.
- The proposed McKean Road Sports Complex is not an interim use, it is a permanent use that will exist for 20 years or longer.
- Alternate sites were not considered for the proposed sports fields project.
- The proposed requirement that youth sports participants not ride bicycles to the proposed McKean Road Sports Complex site is not enforceable and is not consistent with General Plan transportation policy encouraging bicycling as a transportation alternative.

Brian Schmidt, representing the Committee For Green Foothills stated that the proposed McKean Road Sports Complex is a permanent, urban use that is not appropriate in the SAVUR and that the SAVUR is the wrong place for such a large facility. He stated that similar sports fields were being planned as part of the Coyote Valley Specific Plan.

Two representatives of Santa Clara County spoke regarding the proposed General Plan amendment and the McKean Road Sports Complex project. Kelly Gibson from the Santa Clara County Parks and Recreation Department described the three existing and planned trail routes in the vicinity of the proposed project site; a bicycle route along McKean Road and an existing, unimproved “dirt trail” for which the City holds an easement, along the northerly boundary of the San Jose Unified School District property. Lizanne Reynolds from the Santa Clara County Counsel’s Office stated the County’s opposition to the proposed General Plan amendment and the proposed sports fields project. She stated that the project violates longstanding City and County policies to protect rural areas from urban development and that County land use regulations in rural areas are restrictive to prevent the introduction of urban-scale uses that require urban services like water and transportation improvements.

The Commission discussion included the following issues. Commissioner James expressed the following concerns: allowing such uses in the South Almaden Valley Urban Reserve is premature since the trigger criteria have not been met, the proposed sports field project is not consistent with General Plan water resource and agricultural land preservation policies, the EIR says City police will have to provide police services to the facility, alternate sites such as closed schools should be considered for new sports fields, the future project will create traffic safety impacts from large numbers of left turns from McKean Road into the site, and there could be groundwater impacts that affect residential wells in the surrounding area. He emphasized that he was in favor of providing more fields for youth sports, but that the SAVUR is not the right place for the above reasons.

In response to Commissioner James’ concerns, staff explained that the proposed text amendment would not violate the trigger criteria in the SAVUR because the criteria incorporated into the text amendment prohibit the extension of urban infrastructure, define the limited nature of allowed physical improvements, specify that proposed recreation uses be primarily local-serving and confirm that such projects cannot alter the future application of the SAVUR specific planning process. Staff further stated that the text amendment, itself, would not authorize any new development and, therefore would not violate General Plan policies regarding water usage and transportation.

Commissioner Zito asked how the Almaden Valley area compares to other areas of the City regarding level of parks and playfield deficiency. Scott Reese, Deputy Director of PRNS responded that it is difficult to gauge the level of deficiency of any one area. He stated that a national parks association standard commonly used specifies one field per 5,000 population. Based on this standard, a Council district of approximately 90,000 persons would require many more fields than that currently existing in Almaden, or any other area in the City. Commissioner Zito also asked if there are other facilities of a similar size to the proposed McKean Road project that do not have permanent restroom and water services. Mr. Reese responded that there are none. Commissioner Zito stated that, while he is supportive of the need for increased sports fields, he opposes the proposed General Plan amendment because the SAVUR is not the right place for such sports fields facilities, since the proper services cannot be provided and that, since the SAVUR trigger criteria have not been met, this would set a precedent that could allow other in appropriate uses in the future.

Commissioner Dhillon echoed concerns that the proposed General Plan amendment would violate the SAVUR trigger criteria.

Commissioner Platten stated that he is confident that if the City Council approves the General Plan amendment, that the City will ensure that potential impacts of a future project are mitigated, consistent with the Environmental Impact Report and General Plan policies. He said that the text amendment is not growth –inducing since extension of urban infrastructure would be prohibited and that sports fields are the best use for the San Jose Unified School District property proposed for the McKean Road Sports Complex. He reiterated previous comments about the need for more sports fields and said that it is common for fields to not have water service and to only have portable toilets available.

Commissioner Campos stated his support for the proposed General Plan text amendment and the McKean Road Sports Complex project. He requested City staff and AYA ensure that any future sports program provide a means for participants without private transportation to have the ability to participate and access the facility. He emphasized the importance of youth sports in providing positive alternative activities for area youth.

Commissioner Levy, while agreeing with the need for more sports fields, expressed opposition to the proposal, stating the SAVUR is the wrong place and that it is ridiculous that children would not be able to ride bicycles to a facility. He agreed with other Commissioner's concerns that the proposed text amendment avoids the SAVUR trigger criteria. He felt that the proposed sports fields project is a permanent urban use, not a temporary one, and that such a facility would require urban water and road services, which makes the SAVUR the wrong place.

## **PUBLIC OUTREACH**

Community meetings have been held on the proposed General Plan amendment and proposed McKean Road Sports Complex on the following dates: November 12, 2002; May 3, 2004; October 6, 2004; October 7, 2004 and October 27, 2004. Five letters and E-mails were received, four from area residents and one from the Santa Clara County Local Agency Formation Commission

(LAFCO), which was a letter commenting on the EIR, but received several weeks after the close of the public comment period.

Extensive community input and comment was received at the various community meetings. Residents in the South Almaden Valley Urban Reserve have expressed strong opposition to the proposed General Plan amendment and the proposed McKean Road Sports Complex. Their concerns include the following: potential impacts to groundwater supply, noise, traffic, bicycle/pedestrian safety, visual impacts, impacts on biotic resources, loss of agricultural land, inadequate analysis of alternative sites, consistency with the San Jose 2020 General Plan and the County of Santa Clara General Plan.

The residents in support of the General Plan amendment and the proposed sports fields project cited the current overuse of the existing fields in the area, most of which are located at public schools, the resulting need for increased sports fields in the Almaden Valley to support youth sports activities, the poor condition of existing playing fields, the opportunity to reduce the current impacts on neighborhoods surrounding existing playing fields, and the opportunity to reduce the impacts on fields at area schools.

The Commission voted (5-2, Commissioners Platten and Campos, opposed) to recommend denial of the proposed General Plan text amendment to the City Council.

### **COORDINATION**

Review of this amendment was coordinated with the Department of Parks, Recreation and Neighborhood Services, the Department of Public Works, the Department of Transportation, the City Attorney's Office and the City Manager's Office CIP Action Team.

### **CEQA**

McKean Road Sports Complex Final Environmental Impact Report, certified by the Planning Commission on November 29, 2004.

STEPHEN M. HAASE, SECRETARY  
Planning Commission



Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

Hearing Date/Agenda Number:  
P.C. 11/29/04 Item: 7.d.2  
C.C. 12/07/04 Item: 12.5

File Number:  
GPT01-10-02

Council District and SNI Area:  
10

Major Thoroughfares Map Number:  
N/A

Assessor's Parcel Number(s):  
N/A

Project Manager: Stan Ketchum

## GENERAL PLAN REPORT

### 2004 Fall Hearing

**TEXT REFERENCE:**

Amend Chapter V. Land Use/Transportation Diagram, South Almaden Valley Urban Reserve, page 223.

**PROJECT DESCRIPTION:**

Amend the *San Jose 2020 General Plan* text to allow certain limited, interim outdoor recreational uses on public property in the South Almaden Valley Urban Reserve.

**LOCATION:**

South Almaden Valley Urban Reserve

**ACREAGE:** N/A

**APPLICANT/OWNER:**

City Council/various owners

**ENVIRONMENTAL REVIEW STATUS:**

McKean Road Sports Complex Environmental Impact Report, resolution to be adopted.

**PLANNING STAFF RECOMMENDATION:**

Adopt the proposed text amendment.

Approved by:

Date:

**PLANNING COMMISSION RECOMMENDATION:**

**CITY COUNCIL ACTION:**

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**CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:**

- See attachments.

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**GENERAL CORRESPONDENCE:**

- Niki Lamb, October 5, 2004
- Mark A. Erickson, October 13, 2004
- Nancy Lascola, E-mail, October 14, 2004
- Santa Clara County Local Agency Formation Commission, November 9, 2004
- Carol Hallett, E-mail November 16, 2004

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**ANALYSIS AND RECOMMENDATIONS:**

## **INTRODUCTION**

This staff report addresses a proposed revision to the text of the *San Jose 2020 General Plan* that would allow for certain future limited, outdoor recreation uses on publicly-owned lands as interim uses in the South Almaden Valley Urban Reserve. The Environmental Impact Report prepared for this General Plan text amendment also addresses the proposed McKean Road Sports Complex, a specific project that could be considered in the future by the City Council, should the proposed text amendment be approved by the City Council.

The action presently before the Planning Commission and the City Council is the consideration of the proposed General Plan text amendment and not any specific proposed project on the site. This staff report addresses only the issues concerning the General Plan text amendment.

The public hearing before the Planning Commission on November 29, 2004 will first address the Environmental Impact Report covering both the General Plan text amendment and a proposed McKean Road Sports Complex. If the Planning Commission certifies the EIR, then the Commission will hold a public hearing and make a recommendation to the City Council on the proposed General Plan text amendment. The public hearing before the City Council concerning the General Plan text amendment is currently scheduled for December 7, 2004.

## **PROJECT DESCRIPTION**

This is a City Council-initiated text amendment to revise the South Almaden Valley Urban Reserve to allow for future interim outdoor public recreation uses on publicly-owned property in the South Almaden Valley Urban Reserve. The proposed revised text is as follows (new wording is underlined):

### Interim Uses

Until such time as the specific plan becomes effective, the allowed land uses and standards of the Rural Residential land use designation shall apply in the SAVUR. In addition, because this area has been identified as potentially appropriate for urban uses

and inclusion in the Urban Service Area at some point in the future once certain preconditions have first been satisfied as discussed in this Section, it is appropriate to allow certain limited, interim recreational uses on public property that are consistent with the long-term character of the SAVUR, as well as other goals and policies of the San Jose 2020 General Plan. Limited outdoor public recreation uses such as trails and sports fields which do not require permanent urban infrastructure or improvements may be allowed on a case by case basis. Any such use would be subject to the following specific requirements:

1. Site improvements should include only limited structures necessary to support outdoor public recreation. Such improvements must be modified or removed from the site in the future, in conformance with the requirements of the SAVUR Specific Plan.
2. Permanent urban infrastructure, such as storm and sanitary sewers and underground water lines cannot be extended to serve any outdoor public recreation use within the SAVUR.
3. Such recreational facilities and uses should serve primarily the recreational needs of the local community.
4. Any such use does not alter the application of the Urban Reserve “triggers” nor the specific planning process as stated below.”

## **BACKGROUND**

The South Almaden Valley Urban Reserve (SAVUR) is located in the southern portion of the Almaden Valley, generally southeast of McKean/Harry Roads and extending to Calero Reservoir and New Almaden. The *San Jose 2020 General Plan* identifies the SAVUR as “a long-term area for future development when the City determines that there is a demonstrated need for new housing and that such housing can be adequately provided with urban services without adversely affecting services to existing neighborhoods.” The General Plan includes prerequisite criteria (triggers) that must be satisfied before preparation of a Specific Plan for the SAVUR can begin. The Plan further states that “A General Plan change to Planned Residential Community and expansion of the Urban Service Area to include any part of the SAVUR should occur only after the specific plan becomes effective. Until such time as the specific plan becomes effective, allowed land uses and standards are those of the Rural Residential land use designation.”

The Rural Residential designation is characterized by single-family dwellings on lots averaging five acres or larger in size. The Plan states that this form of development is considered non-urban and that it is not expected that urban services would be extended to these areas within the timeframe of the General Plan. Based on County health regulations, certain agriculture uses are appropriate in areas designated as Rural Residential.

As noted above, the SAVUR has been identified as appropriate for urban uses and inclusion in the Urban Service Area at some point in the future once certain preconditions have first been satisfied. Currently the uses of the Rural Residential land use designation are identified as the

allowed uses in the SAVUR until such time as a Specific Plan is approved. In other words, the uses of the Rural Residential designation are the “interim uses” allowed in the SAVUR. Similarly, in the Coyote Valley Urban Reserve, the uses of the Agriculture, Rural Residential and Private Recreation land use designations are the allowed interim uses in the Urban Reserve. The proposed text amendment would expand the allowed interim uses in the SAVUR to include “limited outdoor public recreation uses such as trails and sports fields which do not require permanent urban infrastructure or improvements.” The text amendment includes four specific criteria applicable to any future facility developed pursuant to this General Plan amendment. These criteria (see items 1 through 4 on previous page) prohibit the extension of urban infrastructure, define the limited nature of allowed physical improvements, specify that proposed recreation uses be primarily local-serving and confirm that such projects cannot alter the future application of the SAVUR specific planning process.

The General Plan text amendment would allow a range of interim outdoor recreational uses, including trails for bicycle, pedestrians and/or equestrians, and fields or other activity areas for various outdoor sports. Facilities may be of various sizes and locations, dependent upon the availability of publicly-owned land.

## **ANALYSIS**

The following is an evaluation of the conformance of the proposed General Plan text amendment to the Land Use/Transportation Diagram, Major Strategies, goals and policies of the *San Jose 2020 General Plan* and the City’s Riparian Corridor Policy.

### **Land Use/Transportation Diagram**

The General Plan text amendment proposes to modify the South Almaden Valley Urban Reserve (SAVUR) land use designation. The SAVUR is described in the *San Jose 2020 General Plan* as an area in which to develop a planned residential community in the future, “when the City determines that there is a demonstrated need for new housing and that such housing can be adequately provided with urban services without adversely affecting services to existing neighborhoods.” “Planning for development in the SAVUR is a low priority in the short term and is not anticipated to occur in the near future.” The SAVUR is outside the Urban Service Area boundary, reflecting the General Plan’s intent that this area is not anticipated to require the extension of City services until the adoption of a Specific Plan.

The criteria included in the proposed General Plan text amendment, as described above, would ensure that any future outdoor recreational uses would not preclude the development of a Specific Plan for the area in the future when circumstances are appropriate for urban development. Therefore, the General Plan text amendment would not conflict with the *San Jose 2020 General Plan* Land Use/Transportation Diagram designation of SAVUR.

## Major Strategies

The San Jose 2020 General Plan contains several Major Strategies that establish the basic framework for planning in San Jose. The two most relevant Major Strategies for the proposed project are the Growth Management and Greenline/Urban Growth Boundary Major Strategies.

The Growth Management Major Strategy emphasizes the prudent location of new development to maximize the efficient use of urban facilities and services (i.e., infill development within urbanized areas). One of the main goals of this strategy is to minimize the impacts of new development on existing levels of service for such public services as police and fire protection, sewers, storm drains, parks, schools and libraries. The proposed General Plan amendment includes requirements, as described above, that restrict future urban development and extension of infrastructure, consistent with the Growth Management Major Strategy. The Environmental Impact Report (EIR) prepared for the proposed General Plan amendment does not identify any potential impacts to public facilities or services from adoption of the proposed General Plan text amendment.

The Greenline/Urban Growth Boundary Major Strategy is intended to define the City's ultimate perimeter of urban development, and to thereby preserve the wildlife habitat, watersheds and natural ecosystems contained in the City's open space resources outside the Greenline/UGB. The South Almaden Valley Urban Reserve (SAVUR) is located within the City's Greenline/Urban Growth boundary. Therefore, the proposed text amendment to allow interim outdoor recreation uses in the SAVUR is consistent with the Greenline/UGB policy.

## Goals and Policies

The *San Jose 2020 General Plan* contains a number of goals and policies that apply to the proposed General Plan text amendment. These goals and policies and the consistency of the proposed General Plan text amendment are described below.

### **Agricultural Lands and Prime Soils Goal and Policies**

Agricultural Lands and Prime Soils Goal: Avoid Premature conversion of agricultural lands to urban uses.

Agricultural Lands and Prime Soils Policy No. 4. Preservation of agricultural lands and prime soils in non-urban areas should be fostered in order to retain the aquifer recharge capacity of these lands.

**Consistency:** The proposed General Plan amendment would allow interim outdoor public recreation land uses with limited infrastructure improvements and no permanent structures, and would be considered less intensive than the future uses to be permitted by the specific plan for the SAVUR. A recreational use of this nature would not physically preclude the conversion of the site back to agricultural uses; however, it is assumed recreational uses created pursuant to this text amendment would likely continue until a Specific Plan for the SAVUR is approved and implemented. Therefore, the Final Environmental Impact Report identifies the conversion of Prime Farmland soils as a significant and unavoidable impact of the General Plan amendment.

Based on this, the proposed text amendment would not be consistent with the above referenced General Plan goal and policy encouraging preservation of agricultural lands.

### **Parks and Recreation Goal and Policies**

Parks and Recreation Goal: Provide park lands and recreation areas which enhance the livability of the urban environment by providing parks for residential neighborhoods, preserving significant natural, historic, scenic and other open space resources, and meeting the open space and recreation services needs of community residents.

Parks and Recreation Policy No. 2. Public parks, open space lands and other similar public areas should be located, oriented and designed in such a way as to facilitate their security and policing.

Parks and Recreation Policy No. 5. The development of public and private recreational uses in rural and hillside areas should be low intensity and sensitive to geologic hazards, water resources, natural habitats, and visual impacts, consistent with allowed densities and development standards for residential and other uses.

Parks and Recreation Policy No. 7. The City encourages the Santa Clara Valley Water District, school districts, the Pacific Gas and Electric Company and other public agencies and utilities to provide for appropriate recreational uses of their respective properties and rights-of-way. Consideration should be given to cooperative efforts between these entities and the City to develop parks, pedestrian and bicycle trails, other open space areas, and recreational facilities and programs.

Parks and Recreation Policy No. 14. Bikeways, hiking trails, equestrian trails, rest areas and picnicking accommodations should be provided, wherever feasible, within parks and trails corridors designated on the Scenic Routes and Trails Diagram, to access the hillsides, ridgelines, baylands significant waterways and other scenic areas.

**Consistency:** The proposed text amendment is consistent with the above Parks and Recreation goals and policies by providing opportunity for the development of outdoor recreational uses to meet the open space and recreation services needs of community residents. The language in the text amendment specifies that future outdoor recreation uses can only be developed on publicly-owned lands. This is consistent with Policy No. 7, which states that the City encourages the Santa Clara Valley Water District, school districts, the Pacific Gas and Electric Company and other public agencies and utilities to provide for appropriate recreational uses of their respective properties and rights-of-way. The adoption of the proposed General Plan amendment does not authorize new development of any kind and thus does not have any effect on parks and recreation resources. The Environmental Impact Report (EIR) prepared for the proposed General Plan amendment does not identify any potential parks and recreation impacts from adoption of the proposed General Plan text amendment. Future projects developed pursuant to this amendment should be designed consistent with the above policies. The proposed General Plan text amendment is consistent with the General Plan Parks and Recreation Policies described above.

## **Trails and Pathways Diagram and Policies**

The Arroyo Calero Creek through the SAVUR is designated as a Trails and Pathways Corridor on the San Jose 2020 General Plan Scenic Routes and Trails Diagram. Trails and Pathways Corridors comprise the City's system of interconnecting trails that provide access links to the regional parks and open spaces in or adjoining the City. Many of the designated corridors follow existing creeks and riverbeds and include the public and semi-public rights-of-way of the Santa Clara Valley Water District. The corridors are intended to accommodate hiking/jogging, equestrian, and/or bicycle trails. The following General Plan goals and policies are applicable to development proposed along Trail and Pathway Corridors:

Trails and Pathways Goal: Provide a network of trails and pathways throughout the City in order to maximize the City's recreational opportunities and to provide alternate means of both commuting and reaching regional parks and other natural areas.

Trails and Pathways Policy No 1. The City should control land development along designated Trails and Pathways Corridors in order to provide sufficient trail right-of-way and to ensure that new development adjacent to the corridors does not compromise safe trail access nor detract from the scenic and aesthetic qualities of the corridor.

Trails and Pathways Policy No. 2. When new development occurs adjacent to a designated trails and pathway Corridor, the City should encourage the developer to install and maintain the trail.

Trails and Pathways Policy No. 5. The City should promote cooperative interagency planning of trails and pathways in order to establish and encourage their use for both recreational purposes and as alternate transportation routes.

Trails and Pathways Policy No. 6. The incorporation of trails and pathways into lanes used for public and utility purposes is encouraged.

**Consistency:** The adoption of the proposed General Plan text amendment is not a specific proposal for development of recreational uses and thus does not have any direct effect on species of concern. The amendment provides a policy framework for future review of specific proposed recreational uses of various types. The proposed text amendment lists trails as one form of outdoor recreational facility that would be allowed. The Final Environmental Impact Report (FEIR) prepared for the proposed General Plan amendment does not identify any potential trails and pathways impacts from adoption of the proposed General Plan text amendment. Future outdoor recreation uses developed in conformance with the proposed General Plan text amendment should follow the Trails and Pathways policies described above. The proposed General Plan text amendment is consistent with the General Plan Trails and Pathways Policies described above.

## **Transportation Policies**

Transportation Policy 19 (Pedestrian Facilities): The City should encourage walking, bicycling, and public transportation as preferred modes of transportation.

Transportation Policy 20 (Pedestrian Facilities): Pedestrian safety and access should be given priority over automotive movement.

Transportation Policy 50 (Bicycling): The City should develop a safe, direct, and well-maintained transportation bicycle network linking residences, employment centers, schools, parks and transit facilities and should provide bicycling as a an alternate mode of transportation for commuting as well as for recreation.

Transportation Policy 36 (Parking): Bicycle parking facilities should be provided at all public off-street parking sites.

**Consistency:** The adoption of the proposed General Plan text amendment is not a specific proposal for development of recreational uses and thus does not have any direct effect on the transportation system. The amendment provides a policy framework for future review of specific proposed recreational uses of various types. The proposed text amendment lists trails as one form of outdoor recreational facility that would be allowed. The FEIR prepared for the proposed General Plan amendment does not identify any potential transportation impacts from adoption of the proposed General Plan text amendment. While the specific project analyzed in the EIR does not fully comply with the specific policies noted above, future outdoor recreation uses developed in conformance with the proposed General Plan text amendment should follow the Transportation policies described above. The proposed General Plan text amendment is consistent with the General Plan Transportation policies described above.

### **Riparian Corridors and Upland Wetlands Goal and Policies**

Riparian Corridors and Upland Wetlands Goal: Preserve, protect, and restore riparian corridors and upland wetlands within the City of San José's Sphere of Influence.

Riparian Corridors and Upland Wetlands Policy No.1. Creeks and natural riparian corridors and upland wetlands should be preserved whenever possible.

Riparian Corridors and Upland Wetlands Policy No. 2. New public and private development adjacent to riparian corridors should be consistent with the provisions of the Riparian Corridor Policy Study.

Riparian Corridors and Upland Wetlands Policy No. 4. New development should be designed to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone.

Riparian Corridors and Upland Wetlands Policy No. 8. Natural riparian corridors outside the Urban Service Area should be protected from disturbance associated with development (such as structures, roadways, sewage disposal facilities and overhead utility lines, except those required for flood control or bridging) by a minimum 150-foot setback from the top of bank line, wherever feasible.

**Consistency:** The SAVUR contains creeks and riparian corridor areas that should be protected, consistent with the above General Plan policies when future outdoor recreation projects are developed, consistent with the proposed General Plan text amendment. The proposed General Plan text amendment is not a specific proposal for development of recreational uses and thus does not have any effect on riparian corridors or upland wetland areas. The amendment provides a policy framework for future review of specific proposed recreational uses of various types. The FEIR prepared for the proposed General Plan amendment does not identify any potential impacts to riparian corridors or upland wetlands areas from adoption of the proposed General Plan text amendment. The proposed General Plan text amendment is consistent with the General Plan Riparian Corridors and Upland Wetlands Goal and Policies described above.

### **Species of Concern Goal and Policies**

**Species of Concern Goal:** Preserve habitat suitable for Species of Concern, including threatened and endangered species.

**Species of Concern Policy 2.** Habitat areas that support Species of Concern should be retained to the greatest extent feasible.

**Species of Concern Policy 4.** New development on undeveloped properties throughout the City contributes to the regional loss of burrowing owl habitat. To offset this loss of habitat, the City should require either habitat preservation on or off site or other appropriate measures for habitat acquisition, habitat enhancement and maintenance of local habitat bank.

**Consistency:** The SAVUR contains various habitat types that may contain species of special concern that should be protected, consistent with the above General Plan policies and the City's Riparian Corridor Policy when future outdoor recreation projects are developed, consistent with the proposed General Plan text amendment. The proposed General Plan text amendment is not a specific proposal for development of recreational uses, thus does not have any direct effect on species of concern. The amendment provides a policy framework for future review of specific proposed recreational uses of various types. The FEIR prepared for the proposed General Plan amendment does not identify any potential impacts to species of concern from adoption of the proposed General Plan text amendment. The proposed General Plan text amendment is consistent with the General Plan Species of Concern Goal and Policies described above.

### **Soils and Geologic Conditions Goal and Policies**

**Soils and Geologic Conditions Goal:** Protect the community from the hazards of soil erosion, soil contamination, weak and expansive soils and geologic instability.

**Soils and Geologic Conditions Policy No. 1.** The City should require soils and geologic review of development proposals to assess such hazards as potential seismic hazards, surface ruptures, liquefaction, landsliding, mudsliding, erosion and sedimentation in order to determine if these hazards can be adequately mitigated.

Soils and Geologic Conditions Policy No. 2. The City should not locate public improvements and utilities in areas with identified soils and/or geologic hazards to avoid any extraordinary maintenance and operating expenses. When the location of public improvements and utilities in such areas cannot be avoided, effective mitigation measures should be implemented.

Soils and Geologic Conditions Policy No. 4. In order to prevent undue erosion of creek banks, the City should seek to retain creek channels in their natural state, where appropriate.

Soils and Geologic Conditions Policy No. 6. Development in areas subject to soils and geologic hazards should incorporate adequate mitigation measures.

*Consistency:* The adoption of the proposed General Plan text amendment is not a specific proposal for development of recreational uses and thus does not have any direct effect on soils or geologic conditions in the SAVUR. The amendment provides a policy framework for future review of specific proposed recreational uses of various types. The FEIR prepared for the proposed General Plan amendment does not identify any potential soils and geologic impacts from adoption of the proposed General Plan text amendment. Future outdoor recreation uses developed in conformance with the proposed General Plan text amendment should follow the Soils and Geologic policies described above. The proposed General Plan text amendment is consistent with the General Plan Soils and Geologic Goal and Policies described above.

### **Hazardous Material Policies**

Hazardous Materials Policy No. 1. The City should require proper storage and disposal of hazardous materials to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal.

Hazardous Materials Policy No. 3. The City should incorporate soil and groundwater contamination analysis within the environmental review process for development proposals. When contamination is present on a site, the City should report this information to the appropriate agencies that regulate the cleanup of toxic contamination.

*Consistency:* The adoption of the proposed General Plan text amendment is not a specific proposal for development of recreational uses and thus does not cause any effects from the use of hazardous materials in the SAVUR. The amendment provides a policy framework for future review of specific proposed recreational uses of various types. Future outdoor recreation uses developed in conformance with the proposed General Plan text amendment should follow the policies described above. The proposed General Plan text amendment is consistent with the General Plan Hazardous Materials Policies described above.

### **Water Resources Goal and Policies**

Water Resources Goal: Protect water resources because they are vital to the ecological and economic health of the region and its residents.

Water Policy 1. The City, in cooperation with the Santa Clara Valley Water District, should restrict, or carefully regulate, public and private development in watershed areas, especially in those necessary for effective stream flow and for the prevention of excessive siltation.

Water Policy 2. Water resources should be utilized in a manner that does not deplete the supply of surface or groundwater, and efforts to conserve and reclaim water supplies, both local and imported, should be encouraged.

Water Policy 5. The City should protect groundwater recharge areas, particularly creeks and riparian corridors.

Water Policy 7. The City shall require the proper construction and monitoring of facilities storing hazardous materials in order to prevent contamination of the surface water, groundwater and underlying aquifers. In furtherance of this policy, design standards for such facilities should consider high groundwater tables and/or the potential for freshwater or saltwater flooding.

**Consistency:** The adoption of the proposed General Plan text amendment is not a specific proposal for development of recreational uses and thus does not have any direct effect on water resources, watershed areas, creeks or riparian areas in the SAVUR. The amendment provides a policy framework for future review of specific proposed recreational uses of various types. The FEIR prepared for the proposed General Plan amendment does not identify any potential water resources impacts from adoption of the proposed General Plan text amendment. The proposed text amendment includes a restriction on the extension of urban infrastructure, including water lines, to serve future interim recreational uses in the SAVUR. Therefore, any such uses requiring water for irrigation or other use would need to be served by groundwater resources. Such projects should follow the policies described above. The proposed General Plan text amendment is consistent with the Water Resources Policies described above.

### **City of San Jose Riparian Corridor Policy**

The Riparian Corridor Policy Study addresses both private and public development, including recreation facilities, and supports the City's General Plan and Design Guidelines in addressing riparian corridors, providing a more detailed rationale for preservation and specific discussions of the appropriate relationship between development and riparian habitats. The study identifies each riparian corridor within the City's Urban Service Area and Urban Reserves, and contains a summary of riparian resources and adjacent land uses, a habitat classification system, guidelines for site design, building and fixtures design, landscaping, public recreation facilities, fire management, vegetation removal, erosion control, flood control, water quality, protection from construction, and describes riparian habitat restoration and enhancement.

**Consistency:** The adoption of the proposed General Plan text amendment is not a specific proposal for development of recreational uses and thus does not have any direct effect on riparian resources in the SAVUR. The amendment provides a policy framework for future review of specific proposed recreational uses of various types. The FEIR prepared for the proposed General Plan amendment does not identify any potential impacts to riparian resources from adoption of the proposed General Plan text amendment. Future outdoor recreation uses developed in conformance with the proposed General Plan text amendment should follow the

requirements of the Riparian Corridor Policy. The proposed General Plan text amendment is consistent with the Riparian Corridor Policy, as described above.

## **Conclusion**

The proposed General Plan text amendment is consistent with the large majority of the applicable *San Jose 2020 General Plan* Major Strategies, Goals and Policies. The conformance of a project, including a proposed General Plan amendment, to the General Plan is addressed as the overall conformance of the project to the entire body of major strategies, goals and policies contained in the General Plan, and not on an individual or policy-by-policy basis. The proposed General Plan text amendment is consistent with the *San Jose 2020 General Plan*.

## **Responses to Comments Received Regarding the Proposed General Plan Text Amendment**

Santa Clara County Local Agency Formation Commission (LAFCO) (November 9, 2004)  
Comments on the Environmental Impact Report (EIR) were received from the Santa Clara County Local Agency Formation Commission (LAFCO) on November 9, 2004 (see attached). Since the EIR public comment period ended on September 27, 2004, responses to these comments were not able to be incorporated into the First Amendment. Although not a part of the formal EIR comment and response process for the EIR, this staff report provides an opportunity to address the issues raised by the LAFCO letter. These comments and accompanying responses are included, as follows:

1. **Comment:** The proposal is to develop an urban large group assembly facility (McKean Road Sports Complex) outside of San Jose's Urban Service Area Boundary

**Response:** The Comment does not raise any specific issue. The Comment is noted.

2. **Comment:** The proposal sets a bad precedent and is not consistent with longstanding LAFCO, County and Cities Urban Development Policies requiring urban development to occur within incorporated areas and to determine timing and location of development for most efficient extension of urban infrastructure and services.

**Response:** The proposed General Plan amendment would expand the allowed interim uses in the SAVUR to include "limited outdoor public recreation uses such as trails and sports fields which do not require permanent urban infrastructure or improvements." The text amendment includes four specific criteria applicable to any future facility developed pursuant to this General Plan amendment. These criteria prohibit the extension of urban infrastructure, define the limited nature of allowed physical improvements and require removal or modification of such improvements when a specific plan is implemented in the SAVUR, specify that proposed recreation uses be primarily local-serving and confirm that such projects cannot alter the future application of the SAVUR specific planning process. Therefore, the General Plan amendment is consistent with LAFCO and the San Jose 2020 General Plan policies since no urban infrastructure or services would be allowed to extend into the SAVUR, outside the City's USA.

3. **Comment:** The proposal is contrary to the Urban Service Area Boundary concept. The City's USA Boundary should provide development potential to accommodate five years of projected urban growth. Unincorporated areas outside a City's USA Boundary, e.g. SAVUR are intended for non-urban, low density uses. San Jose should plan for urban scale large group assembly facilities such as the interim youth sports facility to occur within incorporated areas and/or within the USA Boundary.

**Response:** The San Jose 2020 General Plan complies with LAFCO policies to provide development potential for future urban growth within the USA. The City does have plans to consider the location of sports facilities and large group assembly facilities within the USA Boundary. The General Plan specifies that urban development and extension of the USA in the SAVUR can only occur when the prerequisite (trigger) criteria specified in the Plan are met and upon completion of a Specific Plan. Interim outdoor public recreation uses such as trails and sports fields which do not require permanent urban infrastructure or improvements are not considered urban uses and are appropriate interim uses within the SAVUR

4. **Comment:** The proposal will result in the premature conversion of prime agricultural land. The project area is designated "prime farmland" on the Santa Clara County Important Farmlands map. The property has maintained a historical agricultural use and is presently used to grow seasonal crops and similar agricultural uses are located on the adjacent remainder of the SJUSD property. The RDEIR states that implementation of the project would result in the permanent conversion of prime agricultural land.

**Response:** The Final EIR concludes that the potential for loss of Prime Farmland will be a significant and unavoidable impact. Such conversion would not be considered premature because the *San Jose 2020 General Plan* designation of South Almaden Valley Urban Reserve already contemplates the conversion of the area for urban uses at some time in the future and adoption of the GPA would not preclude agricultural uses in the future nor the reversion to agricultural uses in the future. However, the EIR identifies that a reversion to agricultural uses would be unlikely and considers the loss of prime farmland as a significant and unavoidable impact. The proposed General Plan text amendment is not a specific proposal for development of recreational uses and thus does not have any direct effect on riparian resources in the SAVUR. The amendment provides a policy framework for future review of specific proposed recreational uses of various types

5. **Comment:** The City has not explored all feasible mitigation measures as a part of the Recirculated RDEIR. The RDEIR does not identify what mitigation measures for loss of prime agricultural land were considered and why these measures were considered to be not feasible.

**Response:** The proposed project under consideration is the General Plan amendment to the SAVUR to allow limited, interim outdoor public recreation uses on public lands that do not require permanent urban infrastructure or improvements. The proposed General Plan text amendment is not a specific proposal for development of recreational uses and thus does not have any direct effect on riparian resources in the SAVUR. The amendment provides a policy framework for future review of specific proposed recreational uses of various types.

The FEIR identifies the conversion of Prime Farmland soils as a significant and unavoidable impact of the General Plan amendment. The San Jose 2020 General Plan does not identify specific mitigation measures for the loss of Prime Farmland. The comment does not identify any such measures either.

6. **Comment:** The project could result in the inefficient provision of services. The RDEIR for the project states that the project's irrigation demands would be in excess of the available capacity of the two project wells and that this could be exacerbated in times of drought. LAFCO believes that the failure of an essential onsite service such as water demand could result in the landowner seeking replacement services from San Jose. Extension of the replacement services could have growth inducing impacts on adjacent and surrounding areas.

**Response:** The proposed project under consideration is the General Plan text amendment to the SAVUR to allow limited, interim outdoor public recreation uses on public lands that do not require permanent urban infrastructure or improvements. The proposed General Plan text amendment is not a specific proposal for development of recreational uses and thus does not have any direct effect on water resources in the SAVUR. The amendment provides a policy framework for future review of specific proposed recreational uses of various types. Comments regarding well capacity, water usage and the potential failure of water service for a specific project are not relevant to the decision on the General Plan text amendment, but could inform a decision on a proposed project on the site in the future. The General Plan specifies that urban development and extension urban services into the SAVUR can only occur when the prerequisite (trigger) criteria specified in the Plan are met and upon completion of a Specific Plan. The suggestion that use of groundwater for irrigation of an outdoor recreation use in the SAVUR could lead to approval by the City of San Jose for the future extension of water service to the area is speculative and is the opinion of the commentator.

7. **Comment:** The proposal could induce growth on adjacent and surrounding lands. The proposed project's use of groundwater for irrigation has the potential to negatively impact agriculture on adjacent and surrounding lands. The proposal could reduce groundwater supply in the area and result in adjacent and surrounding property owners having to seek water service from the City. The proposal could also encourage these property owners to challenge the County's land use designations on the grounds that the designations are no longer viable in the area due to the lack of groundwater, increased traffic volumes and overall decline in the rural nature of the area.

**Response:** Regarding the use of groundwater for a particular project and the potential growth-inducing impacts of the project, see response to comment No. 6, above. Visual observations made by City staff revealed that very little existing agricultural pursuits are presently occurring in the project area, except for the occasional parcel used for small orchards, the grazing of livestock and the growing of barley hay. The type of land use prevalent in the project area would more closely resemble rural residential or ranchette-type development more than agricultural, based on staff's observations. The commentator's statement that the proposal could also encourage these property owners to challenge the County's land use designations on the grounds that the designations are no longer viable is

speculative, and there is no specific information presented to justify this concern. Future development in the South Almaden Valley Urban Reserve will follow the *San Jose 2020 General Plan*.

### Conformance to Santa Clara County General Plan

Concerns have been raised by the County of Santa Clara that the proposed General Plan amendment and the proposed McKean Road Sports Complex project are not consistent with the Santa Clara County General Plan. The project site is designated Open Space Reserve (OSR) on the Santa Clara County General Plan's Land Use Plan. Property in the OSR designation is described in the General Plan as land that includes "rural unincorporated areas contiguous to a city Urban Service Area for which no permanent land use designation was applied pending future joint studies by affected jurisdictions of desired long term land use patterns." The General Plan also contains numerous land use, resource conservation, and parks and recreation policies related to land designated OSR, protection of agricultural uses, and the provision of public recreational facilities. The Santa Clara County Director of Planning, in a letter dated March 29, 2004 (see attached) has determined that the proposed project is not consistent with the Santa Clara County General Plan. However, the letter also states that "cities and counties are generally immune from each other's zoning and building regulations with respect to public projects. The County will not challenge the City's characterization of this project as a public project."

Although land use applications related to a proposed sports complex on the site originally were filed with the County of San Clara, the County and City agreed that, as a City public project, the project would be processed under the City's Sphere of Influence and General Plan. Analysis of the project's adherence to County land use requirements or County General Plan conformance is therefore unnecessary.

### ENVIRONMENTAL REVIEW

An Environmental Impact Report (EIR), entitled, "McKean Road Sports Complex," was prepared for the proposed General Plan amendment and the specific McKean Road Sports Complex project and provides environmental review to address and evaluate the environmental impacts of the project appropriate for the adoption of the proposed General Plan amendment. The Draft EIR (DEIR) was circulated from August 12 to September 27, 2004 for public review and comment on the adequacy of the environmental review during this time period.

The DEIR analyzed the General Plan amendment and its environmental setting, identified potentially significant environmental impacts, and proposed mitigation measures to reduce significant impacts to less than significant levels where possible.

One impact of the proposed General Plan amendment, the Land Use impact from potential loss of Prime Farmland was identified as significant and unavoidable. "Significant Unavoidable Impact" assumes that impacts of the project would exceed the significance thresholds even with changes or mitigation included in the project.

### Cumulative Impact

The proposed General Plan amendment, in combination with other known past, present and future projects would also contribute to a significant and unavoidable cumulative land use impact from potential loss of Prime Farmland.

The Final Environmental Impact Report identified other significant and unavoidable impacts that are attributable to the proposed McKean Road Sports Complex project, given its specific location, scope and operation, but do not result from the proposed General Plan text amendment.

### **PUBLIC OUTREACH**

Community meetings have been held on the proposed General Plan amendment and proposed McKean Road Sports Complex on the following dates: November 12, 2002; May 3, 2004; October 6, 2004; October 7, 2004 and October 27, 2004. The General Plan hearings were noticed in the Mercury News. In addition, the Department's web site contains information regarding the General Plan process, amendments, staff reports, and hearing schedule. This site is used by the community to keep informed of the status of the amendments. No comments were received by the public regarding the proposed amendment.

Five letters and e-mails were received, four from area residents and one from the Santa Clara County Local Agency Formation Commission (LAFCO), which was a letter commenting on the EIR, but received several weeks after the close of the public comment period.

Extensive community input and comment was received at the various community meetings. Residents in the South Almaden Valley Urban Reserve have expressed strong opposition to the proposed General Plan amendment and the proposed McKean Road Sports Complex. Their concerns include the following: potential impacts to groundwater supply, noise, traffic, bicycle/pedestrian safety, visual impacts, impacts on biotic resources, loss of agricultural land, inadequate analysis of alternative sites, consistency with the San Jose 2020 General Plan and the County of Santa Clara General Plan.

The residents in support of the General Plan amendment and the proposed sports fields project cited the current overuse of the existing fields in the area, most of which are located at public schools, the resulting need for increased sports fields in the Almaden Valley to support youth sports activities, the poor condition of existing playing fields, the opportunity to reduce the current impacts on neighborhoods surrounding existing playing fields, and the opportunity to reduce the impacts on fields at area schools.

### **COORDINATION**

The preparation of this report was coordinated with the Department of Parks, Recreation and Neighborhood Services, the Department of Public Works, the Department of Transportation, the City Attorney's Office and the City Manager's Office CIP Action Team.

## PROPOSED TEXT AMENDMENT

Amend Chapter V. Land Use/Transportation Diagram; Urban Reserve, South Almaden Valley Urban Reserve (SAVUR), page 222 to add the following language:

A General Plan change to Planned Residential Community and expansion of the Urban Service Area to include any part of the South Almaden Valley Urban Reserve (SAVUR) should occur only after the specific plan becomes effective.

### Interim Uses

Until such time as the specific plan becomes effective, the allowed land uses and standards of the Rural Residential land use designation shall apply in the SAVUR. In addition, because this area has been identified as potentially appropriate for urban uses and inclusion in the Urban Service Area at some point in the future once certain preconditions have first been satisfied as discussed in this Section, it is appropriate to allow certain limited, interim recreational uses on public property that are consistent with the long-term character of the SAVUR, as well as other goals and policies of the San Jose 2020 General Plan. Limited outdoor public recreation uses such as trails and sports fields which do not require permanent urban infrastructure or improvements may be allowed on a case by case basis. Any such use would be subject to the following specific requirements:

1. Site improvements should include only limited structures necessary to support outdoor public recreation. Such improvements must be modified or removed from the site in the future, in conformance with the requirements of the SAVUR Specific Plan.
2. Permanent urban infrastructure, such as storm and sanitary sewers and underground water lines cannot be extended to serve any outdoor public recreation use within the SAVUR.
3. Such recreational facilities and uses should serve primarily the recreational needs of the local community.
4. Any such use does not alter the application of the Urban Reserve “triggers” nor the specific planning process as stated below.