

STAFF REPORT
PLANNING COMMISSION

FILE NO.: GP08-T-02

Submitted: 2/01/2008

PROJECT DESCRIPTION: GENERAL PLAN TEXT AMENDMENT request to revise the text section of Goals and Policies - Urban Design: Specific Sites and Geographic Area Exceptions, to allow "on the south west corner of Headquarters Drive and Holger Way, the maximum building height is 210 feet" on a 14.1 gross acre site

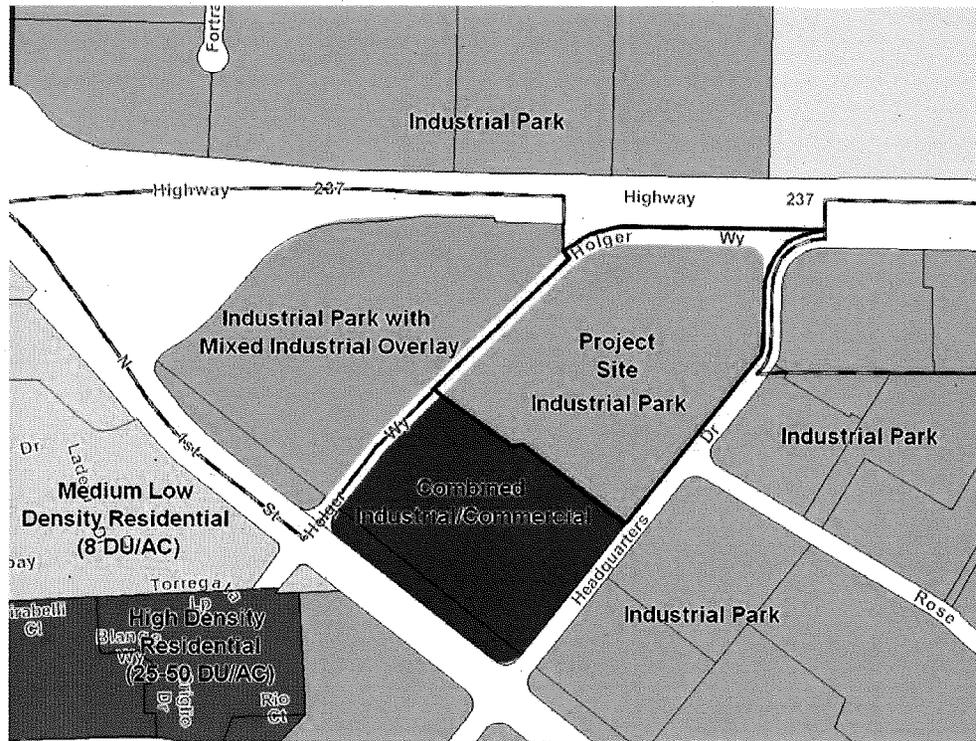
Existing Zoning	IP Industrial Park
General Plan	Industrial Park
Council District	4
Annexation Date	Dec 24, 1963 (Lick No. 11)
SNI	N/A
Historic Resource	No
Redevelopment Area	Rincon de los Esteros
CEQA	North San José EIR Resolution No.72768, and Addenda thereto

LOCATION: South east corner of Headquarters Drive and Holger Way

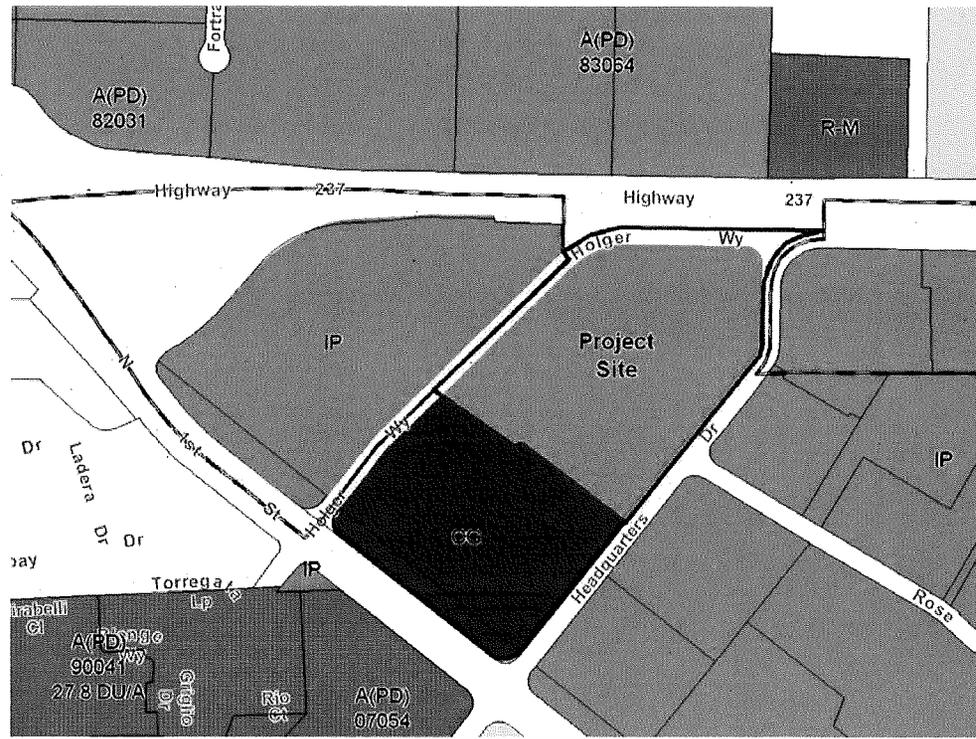
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to approve the proposed General Plan text amendment.

PROJECT DESCRIPTION

This is a privately initiated General Plan text amendment request to increase the maximum allowable building height from 120 feet to 210 feet above ground level on an approximately 14.1-acre site located on the southwest corner of Headquarters Drive and Holger Way. The text amendment specifically applies to the height policies in the Urban Design section of the San José 2020 General Plan text. No changes are proposed to the existing General Plan land use designations.

BACKGROUND

On February 1, 2008, the applicant, Hunter Properties, Inc., filed a General Plan text amendment application, File No. GP08-T-02, to amend the text of the General Plan Urban Design Policies to increase the allowable building height from 120 feet to 210 feet above ground level, on an approximately 14.1 acre site located on the south west corner of Headquarters Drive and Holger Way. The 14.1-acre project site is located at 101 Holger Way. The site is currently vacant. On October 30, 2007, the Director of Planning approved a Site Development Permit (File No. H07-018) to allow the construction of 880,000 square feet of office/R&D space and an associated parking garage on the subject site. If approved, the proposal to revise the text of the General Plan to allow a change in the maximum building height from 120 feet to 210 feet above ground level, would allow consideration of development proposals for alterations to new and previously-approved buildings as tall as 210 feet above ground level to be constructed on the subject site.

Site and Surrounding Uses

The project area is bounded by Highway 237 to the north, existing two-story and three-story existing industrial park buildings to the east, a vacant parcel to the west zoned IP Industrial Park with the Mixed Industrial Overlay, and a vacant parcel to the south zoned CG General Commercial. A Site Development Permit (File No. H07-053) to allow the construction of a 72,772 square foot shopping center and a 66 room hotel on the 9.8 acre, CG General Commercial site was approved by the Director of Planning on March 14, 2008. The site and surrounding area are relatively flat, and as a result, the site is only visible from the immediate area. The property is highly visible from Highway 237.

ANALYSIS

Building Height Limits

San José's height limit identified in the General Plan is generally 50 feet throughout the City; however, the San José 2020 General Plan does allow greater heights for specific areas identified for intensification. Chapter IV, Goals and Policies, of the General Plan currently allows a maximum building height of 120 feet on the southeast corner of State Route 237 and North First Street. The currently allowable maximum height of new development on the adjacent industrial sites zoned IP Industrial Park as defined by the Zoning Ordinance is 120 feet. The maximum allowable building height on the adjacent CG General Commercial property is 65 feet; however, development within this Zoning District can be increased through the issuance of a Conditional Use Permit if such increases are not inconsistent with the general purposes of the Zoning Ordinance, consistent with applicable General Plan policies, and if such increases would promote the public health, safety, or welfare. Although the proposed text amendment would allow proposals for increased square footage on the subject site, any development would be subject to the

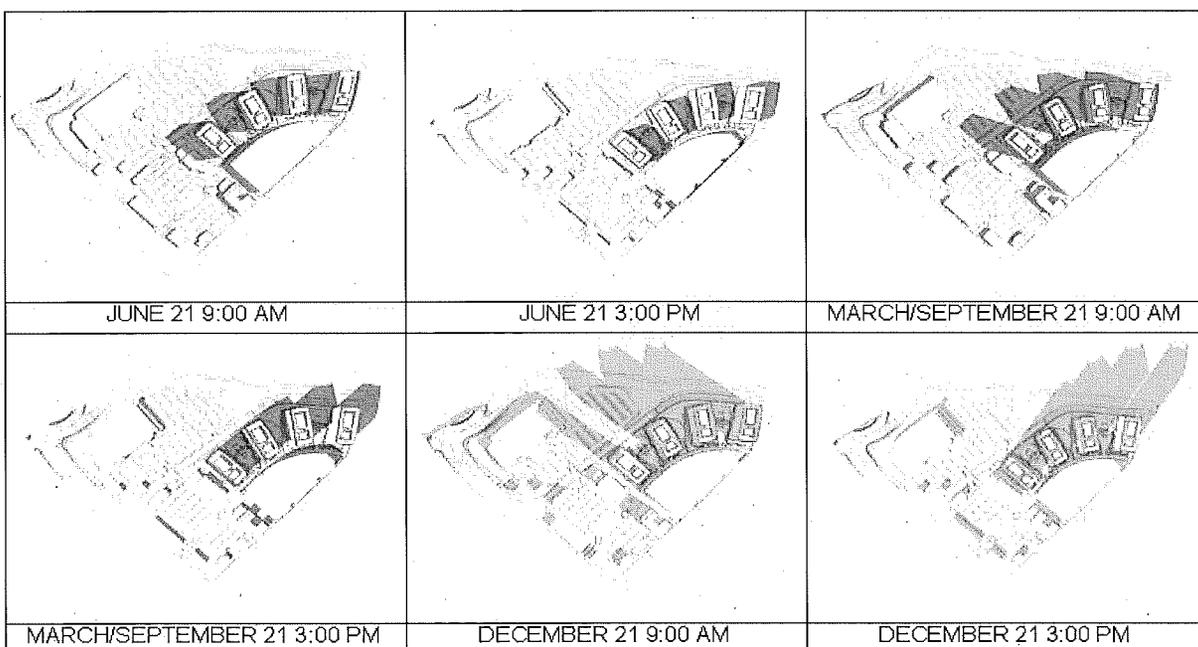
requirements of the North San José Area Development Policy and would not increase the overall square footage allowed by the Policy at this time.

The General Plan currently allows a maximum building height of 120 feet in the North San José Area Development Policy boundaries. Development within the Core Area (the portion of the Policy Area bounded by Brokaw Road to the south, Zanker Road to the east, Montague Expressway to the north, and along its western edge by Orchard Parkway north of Atmel Way and by Highway 101 south of Atmel Way) can incorporate buildings with a maximum height defined by the airspace requirements of the San José International Airport as determined by the Federal Aviation Administration, but not exceeding 250 feet.

New development within a reasonable walking distance (generally assumed to be approximately 2,000 feet along a safe pedestrian walkway) of the Light Rail Transit stations located within the boundaries of the North San José Area Development Policy, can develop to a maximum building height of 150 feet. The closest Light Rail Transit station to the subject site is the Champion Station located at the intersection of Champion Court and West Tasman Drive. While this station is located approximately 3,500 feet along a pedestrian walkway from the subject site and therefore does not include this development in the 150 foot height limit, its location could result in increased building height in the area west of North First Street, south of Vista Montana of up to 150 feet. Two recently approved Planned Development Zonings (File No. PDC07-054 and PDC07-055), located on the north side of Vista Montana, included development standards allowing residential buildings of up to 75 and 95 feet in height respectively. As such, increasing the maximum building height on the subject site would be compatible with the development patterns in the surrounding area and consistent with the goals of the North San José Area Development Policy.

Shade and Shadow Impacts

Shadow simulations were prepared for the four office buildings (at a maximum height of 210 feet) and the associated parking structure (at a maximum height of 90 feet) at two times per day during the winter solstice, spring equinox, and summer solstice. Graphic representations of these simulations are provided below.



The City identifies significant shade and shadow impacts as occurring when a building or other structure substantially reduces natural sunlight on private or public open spaces between September and March (excluding streets and sidewalks or private open space).

The project site is part of a larger, approximately 39 acre property that is surrounded by commercial and industrial/office uses to the east and south, Highway 237 to the north, and a mobile home park and condominiums to the west. During the worst case-study periods, December 21 at 9:00 a.m., shadows from the proposed buildings would extend approximately 700 feet across the project site to the north and onto Highway 237. Shadows would primarily be cast across the project site and across Highway 237 to the east during the study period of December 21 at 3:00 p.m.. During the spring and fall equinox at 3:00 p.m., shadows would primarily cast to areas within the subject site and slightly onto the south side of Highway 237. Based on the results of the shadow simulations, the project would not generate new shadows on any public open space areas (with the exception of streets, sidewalks, walkways, and parking areas), and, thus, would not result in significant shade or shadow impacts consistent with the conclusions in the North San José Final EIR.

Economic Development

The North San José Area Development Policy (Policy) considers the North San José land area as a critical resource for San José in its continued efforts to grow industrial activity and to add jobs within the City. Increased and improved utilization of this resource is a vital component of the Policy, which allows for a net total of 26.7 million square feet of new industrial development within the Policy Area. Large corporations have indicated that they want to locate within North San José and build at densities significantly higher than those historically allowed by the City's policies. Policies that have historically limited development intensity within North San José create a barrier to that growth and act as a disincentive to the redevelopment of existing buildings and vacant sites. North San José provides a strategic location for job growth because of its proximity to the San José Norman Y. Mineta International Airport and the Downtown, along with a high degree of accessibility from several major freeways including Highway 101, Interstate 880, State Route 237 and State Route 87. The more intensive development provided for in the Policy, in combination with the high visibility and accessibility of the subject site, makes an increase in the allowable height appropriate at this location.

The General Plan's Economic Development Major Strategy states that economic development is a fundamental priority for future growth to improve the City's financial position and provide employment opportunities for San José's residents. The City's land use and transportation policies are designed to create attractive locations for a variety of businesses and industries. Vacant parcels available for future development offer a variety of industrial lands to accommodate choice in location to improve the City's competitive position. Vacant sites located along the primary north-south transportation corridors serving the City also provide for a highly visible location for driving industries. Intensification of the subject site, in coordination with the Industrial Park designation supports the City's Economic Development Major Strategy.

The General Plan's Economic Development goals call for the creation of a stronger municipal tax base by obtaining a greater share of the total industrial and commercial development in the County, protecting the exclusively industrial areas from incompatible development, and by nurturing and encouraging expansion of the existing industrial and commercial development in the City. The Economic Development Policies require enhancement of the City's economic development goals by seeking to attract businesses and industries that are particularly suited to the area. Relocating and expanding industrial users require larger and more intense developments to accommodate a variety of different requirements. Allowing the further intensification of the subject site through increasing the allowable building height provides an increase in

the available industrial space in the City and promotes economic development by attracting larger industrial users into the area.

Land Use Compatibility

The North San José Environmental Impact Report provided program mitigation measures to help reduce the impacts on surrounding land uses. The City's Industrial Design Guidelines describe certain standards for project design, interfaces with sensitive land uses, landscaping, and other aspects of industrial development in San José, including the amount and location of appropriate landscaping. Adherence to these standards will avoid adverse visual and aesthetic impacts, and will reduce potentially significant conflicts with nearby and adjacent land uses through the implementation of measures at individual project sites to a less than significant level.

The Industrial Design Guidelines aim to provide compatible interfaces between industrial uses and surrounding commercial and residential uses. While none of the adjacent land uses are zoned or used for residential purposes, medium- and high-density residential developments are located across North First Street. As noted in the Shade and Shadow Section above, the City identifies significant shade and shadow impacts as occurring when a building or other structure substantially reduces natural sunlight on private or public open spaces. The proposed General Plan text amendment increases the maximum allowable building height to 210 feet on the 14.1-acre site, which is located approximately 700 feet from the residential uses to the west of North First Street. In addition, the approved Site Development Permit on the adjacent 9.8-acre commercial parcel includes a sixty-six room hotel, 65 feet in height, and a number of commercial buildings ranging in height between 24 and 32 feet. This development will help break up the massing of taller buildings as viewed from North First Street. Any subsequent development on the subject site will also be required to implement appropriate landscaping, building orientation, and activity limitations to further reduce any interface impacts at the time such a proposal is reviewed.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) allows the Lead Agency to prepare an Addendum to a previously adopted Final EIR when it can be demonstrated that the changes to the project, and the environmental effects from such changes, are minor relative to the original project. Section 15164 of the CEQA Guidelines sets forth the requirements allowing for preparation of an Addendum to an EIR.

The environmental impacts of this project were addressed by a Final EIR entitled, "North San José Area Development Policies Update" and findings were adopted by City Council Resolution No. 72768 on June, 2005. The City of San José may take action on the proposed project as being within the scope of the North San José Area Development Policies Update Final EIR, which adequately addresses the environmental effects of the proposed project, and the project would not result in significant environmental effects that are not already identified in the Final EIR. The project, therefore, meets the eligibility requirements for preparation of an addendum and does not require a supplemental EIR or Negative Declaration.

PUBLIC OUTREACH

A community meeting was held on April 8, 2008 to present information and to hear the community's comments/feedback regarding the proposed General Plan Text Amendment. Approximately six members of the community attended the meeting and questions/comments raised related to the commercial portion of the development to the southeast which is not included as a part of this application.

Property owners and occupants located within 1000-foot radius of the subject site received a notice of public hearings to be held on the subject General Plan text amendment before the Planning Commission on April 21, 2008 and City Council on May 20, 2008. The Department of Planning, Building and Code Enforcement web site also contains information regarding the General Plan process, amendments, staff reports, and hearing schedules. This web site is available with the most current information regarding the status of the General Plan amendments.

Notice of the Spring 2008 hearings on the General Plan was published in the San José Post-Record. A description of the proposed General Plan amendment was posted on the Planning Division web page. The draft amendment was presented at the Neighborhood Roundtable on February 12, 2008 and at the Developers Roundtable on February 15, 2008 for review and comment. No comments were received by the public regarding the proposed amendment. This staff report will be posted on the City's website. Staff has also been available to answer questions.

CONCLUSION

Staff recommends approval of the General Plan Text Amendment request to add increase the maximum building height on the subject property to 210 feet consistent with the development patterns in the surrounding area and consistent with the goals of the North San Jose Area Development Policy and General Plan.

Project Manager: Chris Burton **Approved by:** Susan Walton **Date:** 04/15/2008

Owner/Applicant: MFP/Hunter @First Office Partners, LLC 20725 Valley Green Drive, Suite 100 Cupertino, CA 95014	Attachments: Text of Proposed Amendment Addendum to the North San Jose EIR
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