

SAN JOSE CITY PLANNING COMMISSION April 21, 2008

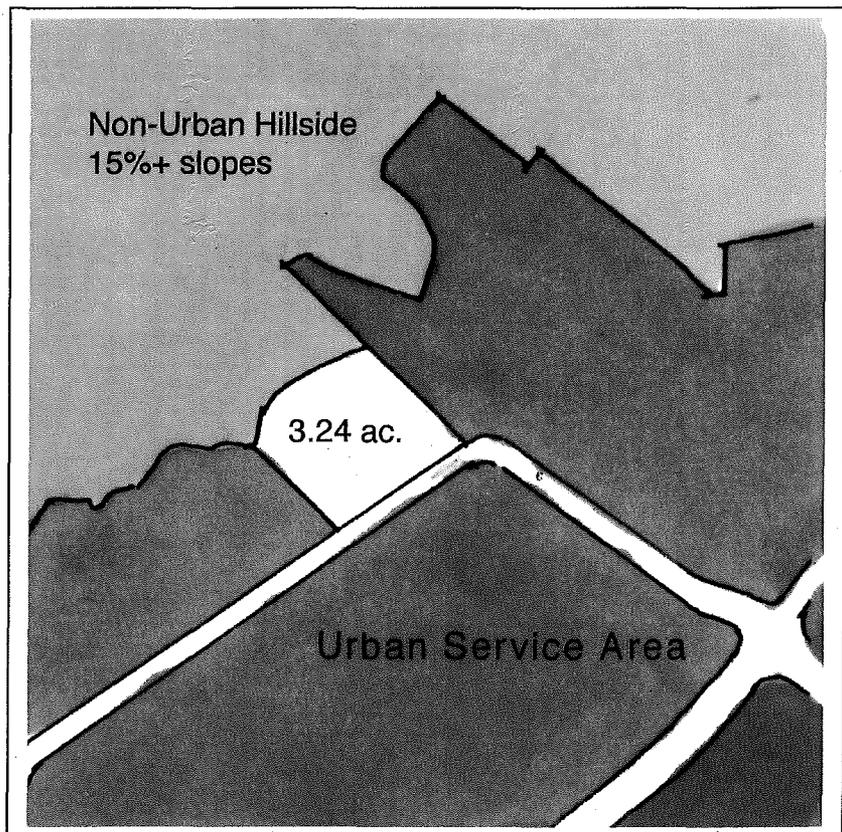
Applicant's response to city staff report and recommendations pertaining to UGB06-001 and GP06-02-02 applications by CGB Investments.

Staff recommendations: Approve Urban Growth Boundary modification; disapprove Urban Service Boundary and GP High Density Residential designation. Designate site as Urban Reserve. Bases cited: (1) Located in urban fringe; (2) inadequate services; (3) land use compatibility; and (4) geologic hazards.

Applicant's Response.

Case for Urban Service Area designation

A. Site is adjoined on three sides by properties included in the Urban Service Area. Additionally, due to adjoining topographical conditions and city's 15 percent policy no further expansion of urbanized of lands is possible on the remaining side. In other words, the parcel is in effect an island surrounded by urban service area lands and could not create pressure for additional expansion of the urban service area.



B. Project site is located centrally within the already designated urban service area. (See accompanying Exhibit 1

- Site is 0.45 miles from the US101 interchange with an approximate driving time of 95 seconds assuming an average travel speed of 20 miles per hour.
- Site is 7.5 miles from downtown San Jose.
- Existing Urban Service Area extends and encompasses land 9.5 miles further south of the site.
- Regional transit stations (Caltrain and Santa Teresa Road LRT) are within 1.7 miles, with an approximately driving time of 5 minutes.

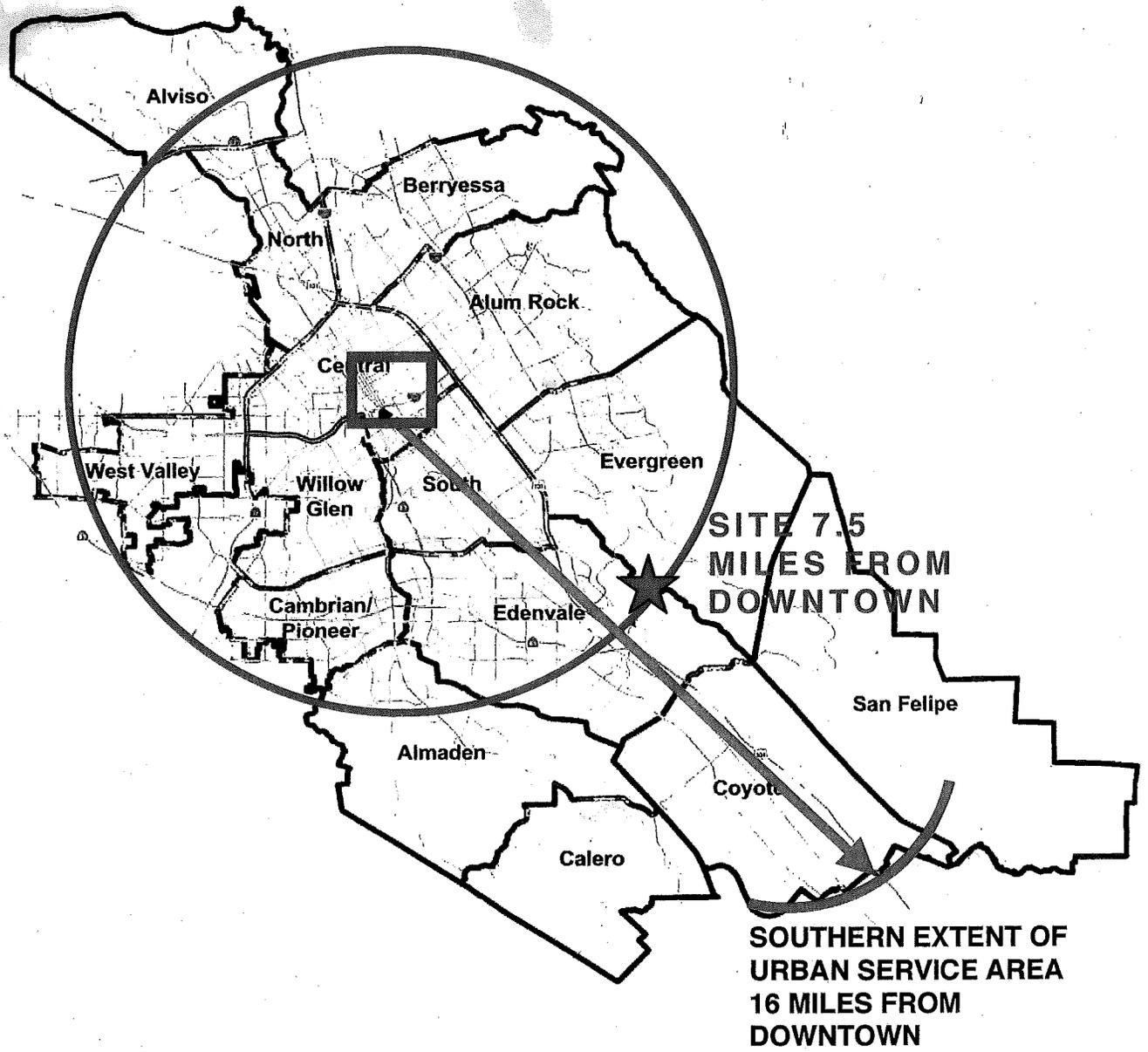


EXHIBIT 1

These site characteristics hardly qualify it as a "fringe" area.

- C. Inclusion of site within Urban Service Area is fully consistent with GP policies; a conclusion is that is supported by the findings of the Initial Study. The General Plan states

"...an Urban Service Area should be expanded only when it can be demonstrated that existing facilities and services are available and adequate to serve the proposed expansion Area:"

The staff report also includes the General Plan policy statement that "UGB should extend along an alignment which is generally coterminous with the alignment of the USA boundary

The following urban facilities and services are available. *No expansion of urban services is required.*

- Domestic water supply and services available along with ability to easily connect to city sewer services. (Initial Statement page 90.)
- Site fronts on Piercy Road, which lies within the Urban Service Area and was recently reconstructed to the city's urban street standards which include sidewalks, streetlights, fire hydrants, and storm drainage.
- School, fire and police and park services are available and sufficient to accommodate project. (Initial Statement page 81 and 84.)

The Initial Study's analysis of Utility and Service Systems (page 92) concludes "Future development under the proposed land use designation, in conformance with applicable General Plan policies and with the implementation measures identified in Section 4.4 Biological Resources, would result in less than significant impacts to utilities and service systems."

Why the site is appropriate for Multi-Family and consistent with and supportive of General Plan policies.

- A. The applicant's intent is to develop the 3.24-acre site with a maximum of 90 multi-family housing. And, just as the applicant has done previously in the Palm Valley Apartments project at Cottle Road, the intent is to build rental apartments. The requested type of housing consists of three-story housing built over semi-subterranean parking. Structures would be stepped to follow site contours. (See Exhibit 2.)
- B. The selection of housing type and number of units has been guided by consideration of the city's General plan policies listed below)
- Ensure that lands planned for residential use are fully and efficiently utilized to maximize the City's housing supply. (GP page 58.)
 - Residential development at urban densities should be located only where adequate services and facilities can be feasibly provided. (GP page 58.)

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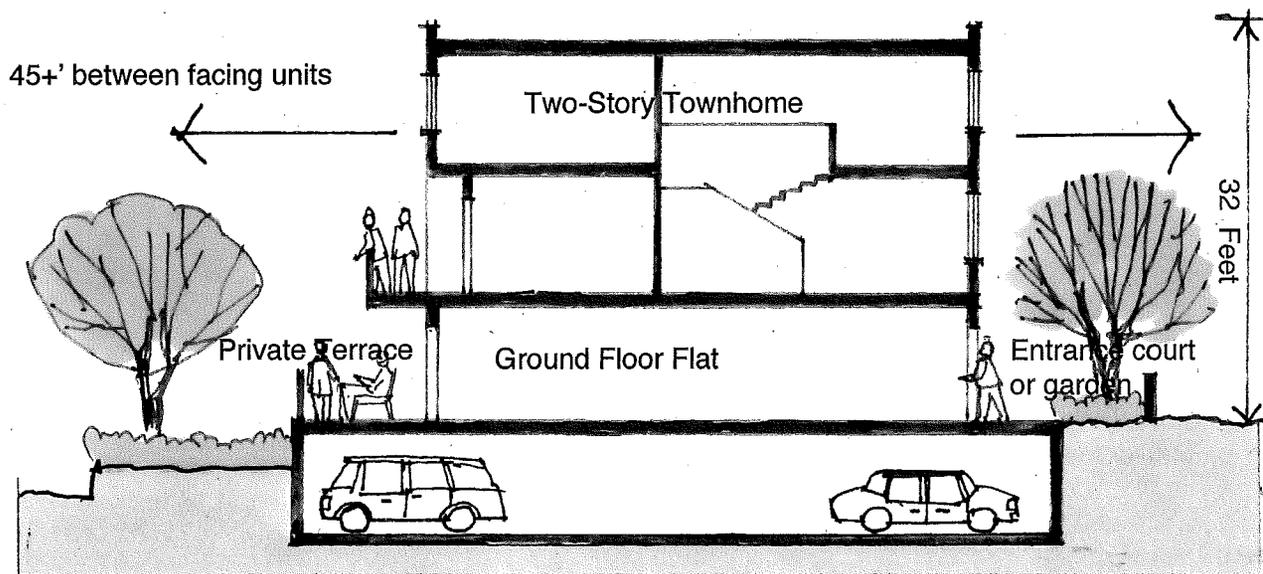
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- Higher residential densities should be distributed throughout the community. (GP page 58.)
- Offer the people of San Jose, when seeking housing, an equal opportunity to live in economically and ethnically racially mixed neighborhoods (GP page 81.)
- Provide housing sites and structures by location, type, price and tenure that respond to the needs of all economic segments of the community. (GP page 81.)
- Investment in rental housing by private sector lending institutions should be encouraged. (GP page 84)
- The City encourages a variety and mix in housing types to provide adequate choices for housing to persons of all income levels in San Jose. (GP page 82.)
- To facilitate the integration of households with various incomes into all neighborhoods and the diversification of the housing stock, the City encourages the dispersal of affordable housing throughout San Jose. (GP page 82.)

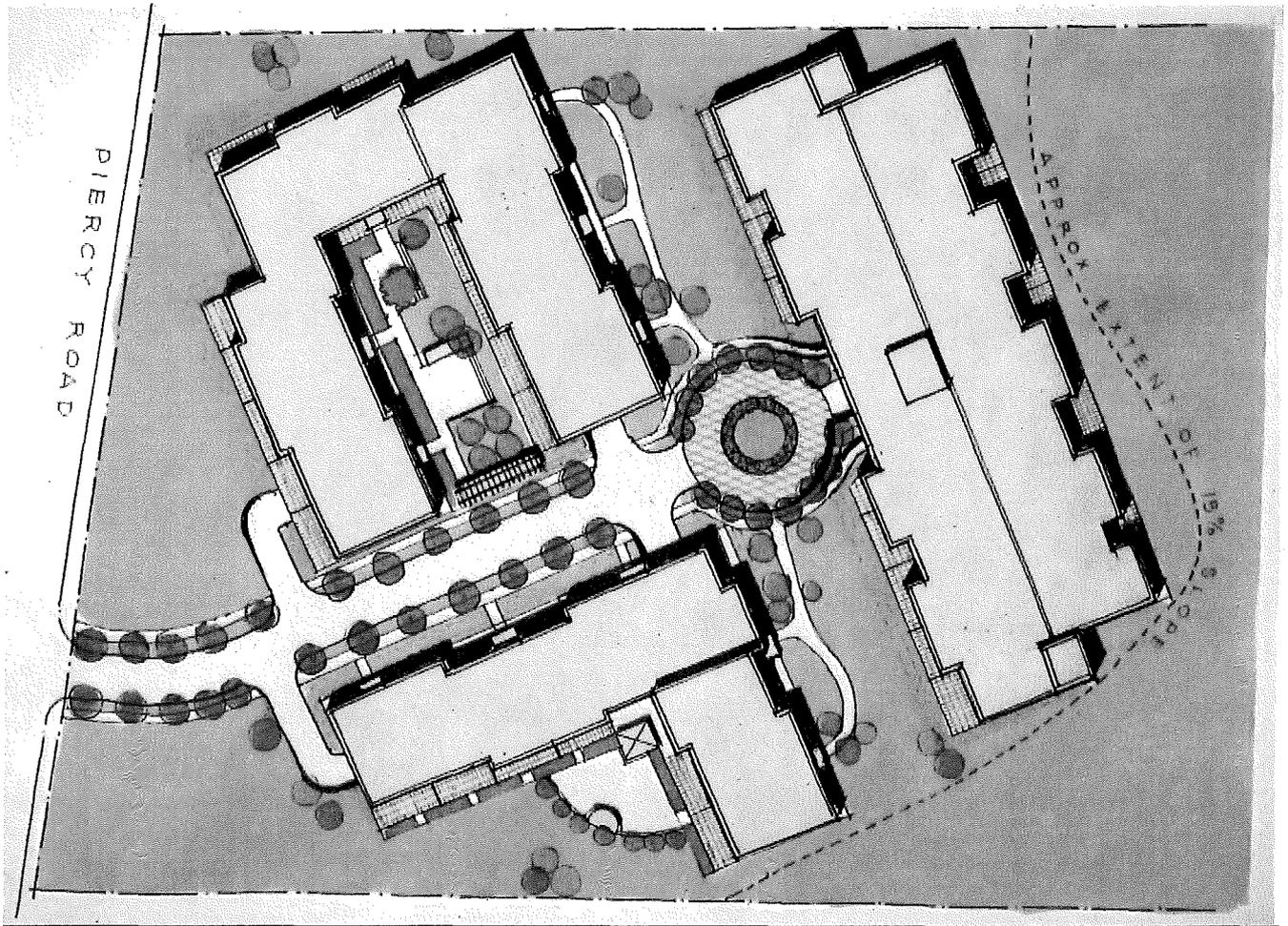
C. Site design studies demonstrate the proposed density is both feasible and highly desirable. Advantages offered by this type of construction include:

- Rather than having major portions of the site occupied by open parking, parking is located beneath the residences thereby leaving approximately 50 percent of the site uncovered by structures, roads, and driveways. Open space is suitable for both common and private outdoor use. Additionally a portion of the deck covering parking would provide additional private outdoor space. The open space would be augmented by the remaining 2.8 acres of parcel left permanently in open space. (See Illustrative site plan, Exhibit 2.)
- Proposed density and building height permit a diversity of housing types and accommodations including one-floor flats and two story townhomes over or beneath flats. The majority of units would have exterior entrances accessible from common landscaped open space. Residents are provided with a high standard of open space, privacy, and interior living conditions.
- Proposed multi-family housing, rather than being incompatible with the neighborhood as staff contends, would provide greater diversity as called for in the General Plan and is sited and scaled so as to be compatible with single-family housing in the general area. The findings of the Initial Statement support this conclusion. In contrast, the staff's conclusion that single family and multi-family housing are incompatible disregards both General Plan policies and current planning and urban design practices which encourage mixing of housing types and densities in response to the problems and shortcomings of homogeneous single-family housing tracts.



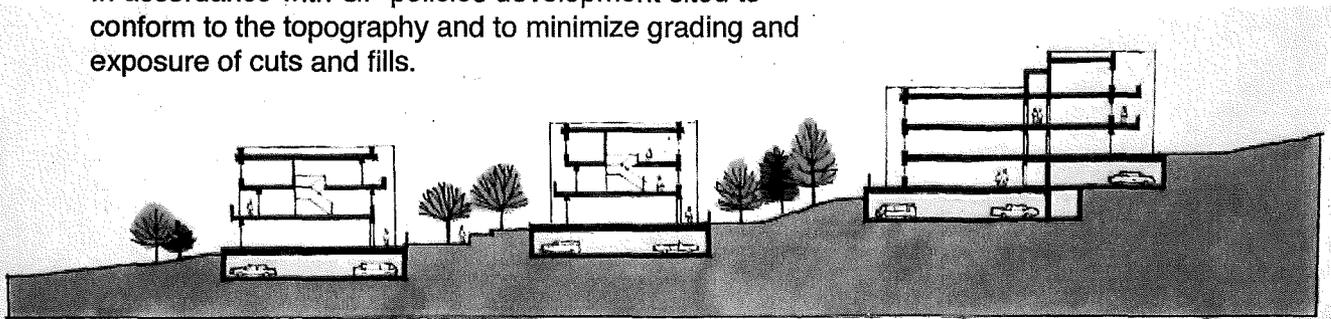
D. Geologic/Seismic Conditions do not unduly inhibit or preclude multi-family housing.

- Staff report mistakenly states geologic conditions on site reduce the area suitable for residential *development* to 2.56 acres. The 2.56 acres instead refers to the land on which residential *structures* may be built. The remainder of the 3.24-acre site can be used for residential purposes such as roads, community or private open space, and recreational facilities. (See Exhibit 2 site plan for demonstration of development adhering to seismic limitations.)
- Staff report cites General Plan Soils and Geologic Policy No. 2 that is concerned with soils and geologic conditions such as slope stability and not seismic factors that are addressed in separate policies. As documented in the Initial Statement neither soils nor slopes are considered as constraints and unfavorable for development.
- Development would be in full compliance with city seismic safety standards conditions. Staff's objections on page 7 of the Staff Report are not based on a finding that the site is unsuitable for development due to seismic constraints but rather on an opinion that other areas of the city are more suitable for development. This conclusion, which attempts to use seismic safety as its basis, fails to acknowledge the major location advantages of the site and opportunities presented to implement the city's housing and other developmental objectives.



ILLUSTRATIVE PLAN

In accordance with GP policies development sited to conform to the topography and to minimize grading and exposure of cuts and fills.



SECTION (Looking North)

Advantages offered by proposed project

- A. Proposed housing helps match the city's housing supply with the housing needs of the city's existing and future work force and in turn provides the range of housing needed to attract new industries to the city. Jobs/housing balance is more than a simple matching of total housing units to employed residents. The real objective is match the housing with the type and cost of housing needed by these employed residents and their households. Jobs follow housing. Jobs follow housing, however, only when the affordability and type of housing matches the needs of the industry.
- B. Provides for greater housing diversification and housing choice in the Edenvale without impacting existing single-family areas. Development would be physically and visually separated from existing homes and does not impact local residential streets since direct access is via Silicon Valley Road. Proposed housing would augment the prevailing single-family housing stock of the Edenvale area.
- C. Multi-family housing would be provided within walking, biking, or short drive to approximately 13,000 existing jobs in the Edenvale area and a potentially another additional 14,400 jobs in the future.
- D. Regional and local transit service is readily available within 5 minute driving time. Looking to the near future, with appropriate planning a local transit route serving the Edenvale Area with links to the three rail transit station is highly desirable. The feasibility of this service both in terms of cost and frequency of service is enhanced with the inclusion of more housing in close proximity to the service route. With the intermixing of jobs and housing efficiency is improved by serving both in coming trips to work places and out going trip from residents to work places served by the rail service as well as by the local transit service.

The dilemma.

The proposed type of construction and site development is superior to less dense multi-family housing relying primarily on open parking but necessitates offsetting the cost of semi-subterranean parking with increased density. Unfortunately, unlike most California cities' general plans and zoning codes - see accompanying table - the San Jose General Plan has only three multi-family housing designations; medium low at 8 to 18 du/ace, medium at 12 to 25 du/acre and high at 25 to 50 du/acre. Unfortunately these density categories do not correlate well with housing construction types. Consequently in order to be able to construct the proposed housing type it becomes necessary to request the high density residential GP designation of 25 to 50 units per acre even though the intent is develop at the lower end of that density range (i.e., approximately 27 unity per acre).

Comparison of Multi-Family General Plan Density Ranges by Municipality with Application Request of 28 units per acre

City	Permitted Residential Units per Acre (exclusive of bonuses)
Oakland	17, 18 - 29 , 30- 54, 55 - 89, 90 -139 ¹
Pasadena	16, 17 to 32 , 33 to 48 (Higher densities permitted in Central District)
San Diego	5-9, 10-14, 15-29 , 30-44, 45-74, 74+
San Jose	8 to 18, 12-25, 25-50 (Density in Downtown governed by FAR of 20 ²)

¹ Upper density ranges of 89 and 139 governed by Floor Area Ratio. Units shown assume an average of 1,100 square feet unit.

² 20.0 FAR permits almost unlimited residential density.

Conclusion

The staff's packet submitted to the Commission seems as if it was derived from two separate sources. On one hand the Initial Statement has been forwarded for acceptance to the Commission along with a finding "... project will not have a significant effect on the environment..." and requires only a negative declaration for further processing. (Attachment 5 in the Commission packet.) While on the other hand, the staff report's findings and conclusions totally ignore and contradict each of specific impact findings and general conclusions of the Initial Statement. Moreover, the report biases the analysis by references to "fringe" location, misrepresentations of limitations imposed by seismic conditions including confusing the distinction between developable land and land on which residential structures may not be placed. The report also fails to take into consideration or recognize numerous General Plan policies that lend support to the project.

We urge the Commission approve the following.

Inclusion in Urban Service Area. Inclusion is consistent with General Plan. City has already included adjoining properties with similar or less appropriate locational and site conditions in the Urban Service Area. There is no planning or legal basis for continuing to exclude this parcel from the Urban Service Area.

Allowances for Multi-family housing. Multi-family housing is fully consistent with the City's General Plan, provides the city with the opportunity to advance its housing policies and objectives, and contributes as well to strategies to attract jobs and promote decreased reliance on the private automobile.

Your approval would help maintain the integrity of the city's environmental process and General Plan, serve to implement General Plan policies and promote environmentally responsive development practices.