

STAFF REPORT
PLANNING COMMISSION

P.C. Agenda: 04/21/08
Item No. 7.c.

FILE NO.: GP07-03-05/ GPT07-03-05

Submitted: 12/4/2007

PROJECT DESCRIPTION: General Plan and Planned Residential Community Amendment request to change the Land Use / Transportation Diagram Designation from High Density Residential (25-50 DU/AC) to Medium High Density Residential (12-25 DU/AC) on a 2.2-acre site located at the southeast corner of North 10th and East Mission Streets in the Jackson Taylor Planned Residential Community.

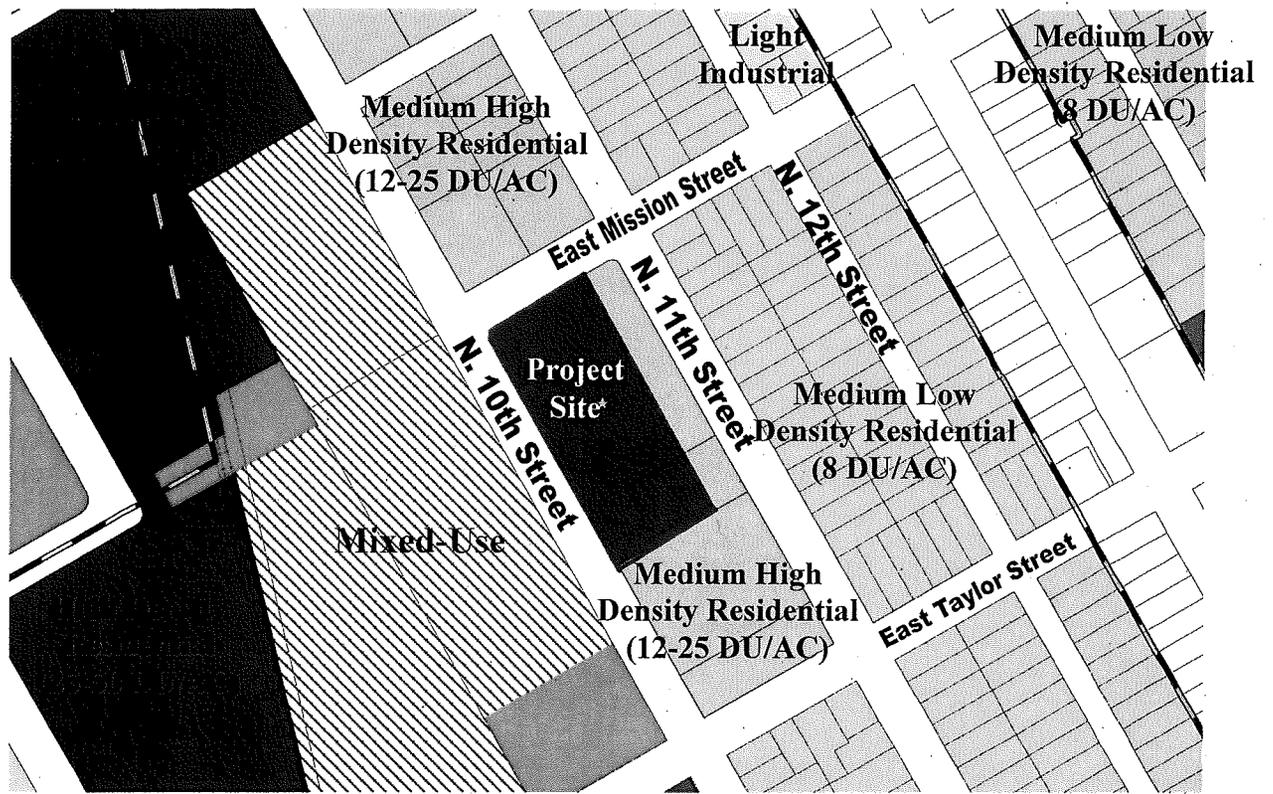
Existing Zoning	A(PD) Planned Development
Existing General Plan Designation	High Density Residential (25-50 DU/AC)
Proposed General Plan designation	Medium High Density Residential (12-25 DU/AC)
Council District	3
Annexation Date	Original City
SNI	13 th Street
Historic Resource	No
Redevelopment Area	SNI
Specific Plan	Jackson-Taylor

LOCATION: Southeast corner of North 10th and East Mission Streets.

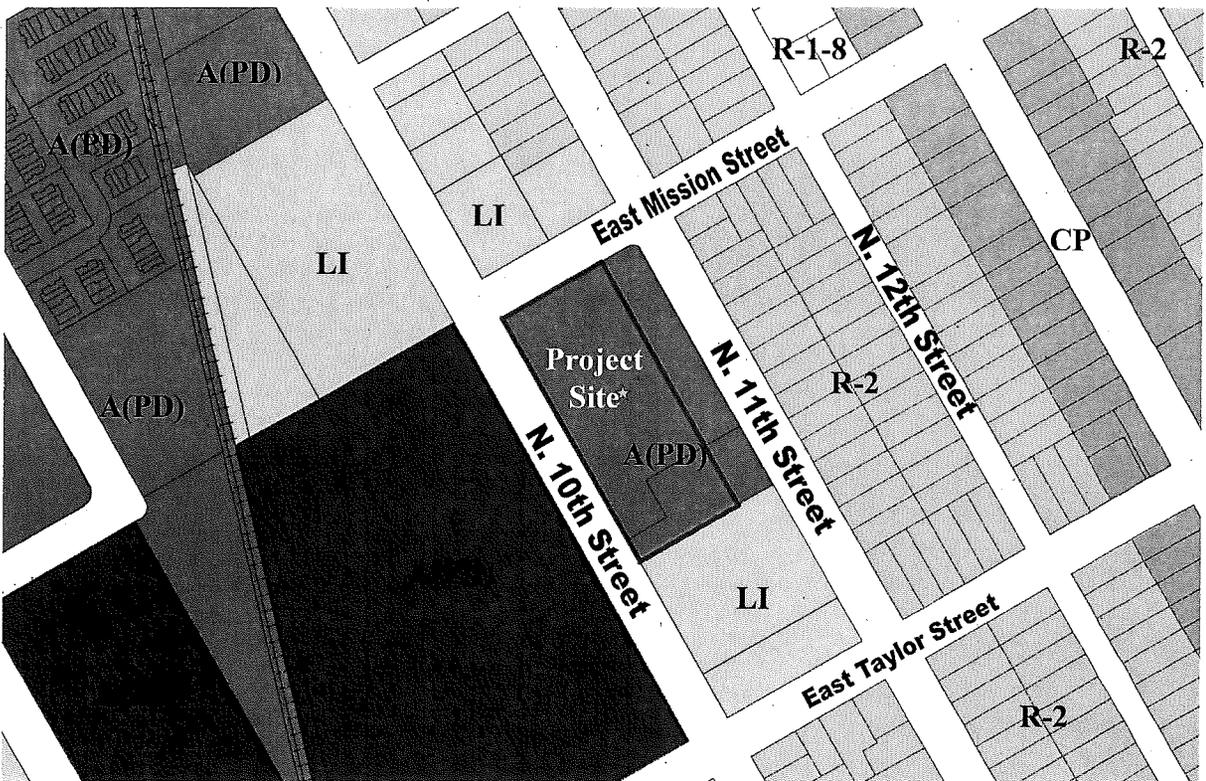
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

Staff recommends the Planning Commission forward a recommendation to the City Council that no change in the land use designation be approved for the subject site because the proposed General Plan and Planned Residential Community amendment does not advance the purposes of the Housing, Growth Management, and Sustainable City Major Strategies and the Residential Land Use and Balanced Community Goals and Polices found in the San José 2020 General Plan.

BACKGROUND

Project Description

On December 4, 2007, the applicant, Arcadia Homes, filed a General Plan and Planned Residential Community Amendment request, File numbers GP07-03-05/GPT07-03-05, to change the Land Use and Transportation Diagram designation of a 2.2-acre site located at the southeast corner of North 10th and East Mission Streets from High Density Residential (25-50 DU/AC) to Medium High Density Residential (12-25 DU/AC). The project site is within the boundaries of the Jackson-Taylor Planned Residential Community and the associated text amendment is to reflect the proposed land use change in the Jackson-Taylor Residential Strategy. The proposal does not include the entirety of the subject parcels. The amendment site is located on the western 2.2 acres of the parcel fronting on 10th Street. The remaining one-acre eastern portion of the parcels, fronting on 11th Street, would remain unchanged as Medium High Density Residential (12-25 DU/AC).

The applicant has proposed the General Plan and Planned Residential Community amendment in order to allow development of a less intense residential project on the subject site. With its current designation of High Density Residential (25-50 DU/AC) the subject site would allow up to 110 dwelling units, which is typified by podium cluster housing of three to four floors above parking. If amended as proposed by the applicant, the subject site would allow a maximum of 55 dwelling units, with a minimum of 26 dwelling units. This designation is typified by the development of detached single family residences at the lower intensity levels to two story residential buildings with surface parking at the higher intensity levels.

Jackson-Taylor Residential Strategy. The Jackson-Taylor Residential Strategy (JTRS) was adopted by City Council on October 6, 1992 as a plan for the transition of the area from primarily light industrial use to a mix of residential, public and commercial uses. The future neighborhood is intended to be pedestrian-friendly, transit-oriented and urban in scale and density. The high density housing and mix of commercial uses in the JTRS are intended to reciprocally support each other and the Nihonmachi Neighborhood Business District. The mixed-use compact form of the neighborhood also is intended to internalize trips by making the community walkable and encourage transit use.

Project Site and Surrounding Uses. The project site is located on the eastern edge of the JTRS. In the Jackson-Taylor Planned Residential Community (JTPRC) the whole site had originally been designated as Medium High Density Residential (DU/AC) in order to create a buffer between the existing single-family neighborhood to the east of the site and the mixed-use core to the west of the site. In 2002, the City Council approved General Plan and Specific Plan amendment file numbers GP02-03-01/GPT02-03-01 to change the land use designation on the western 2.2 acres of the parcels from Medium High Density Residential (12-25 DU/AC) to High Density Residential (25-50 DU/AC). The amendment to increase the density on the western portion of the site was approved by the City because it created a built-in phasing in

density from east to west that addressed the interface with the existing neighborhood while also furthering the intentions of the JTRS for a compact urban neighborhood.

After the General Plan and Planned Residential Community amendments were approved for the site in 2002 a Planned Development Zoning, file number PDC04-063, and Planned Development Permit, file number PD05-063, were approved in 2005 to develop 119 residential units on the site. The current Planned Development for the site consists of 18 townhomes and 101 podium units, with the townhomes on the one-acre portion of the site facing 11th Street and the podium units on the 2.2-acre portion of the site facing 10th Street.

The site is currently being used by Allied Container for their shipping operations. To the east of the site are existing single-family homes. To the north, south and west of the site are light industrial uses and warehousing, which are expected to change to Medium High Density Residential (12-25 DU/AC), High Density Residential (25-50 DU/AC), and mixed residential-commercial uses, consistent with the Jackson Taylor Planned Residential Community. To the north and south, and on the eastern portion of the site parcels are designated Medium High Density Residential (12-25 DU/AC). To the west, across 10th Street from the site, is an area designated Mixed Use #1, which allows high density housing with up to 122,000 square feet of office use, up to 150,000 square feet of industrial uses, and between 16,000-24,750 square feet of retail use. While no application is currently on file, staff has received inquiries in the form of preliminary development reviews about the potential development of high density housing with commercial space, and the retention of some of the light industry for the site. Further west in the JTRS there are approved Planned Developments ranging in residential density from 26 to 72 dwelling units per acre.

ANALYSIS

Both the existing and proposed land use designations are residential, with the difference being in the density. This difference affects the form and intensity that future residential development will take. The success of the Jackson-Taylor Residential Strategy depends upon the residential density being high enough that the development of neighborhood amenities and businesses is economically feasible, and compact enough that the neighborhood is walkable. The land use designation of High Density Residential (25-50 DU/AC) currently on the site supports these goals and would require the form of development that would promote a cohesive urban image and identity for the new neighborhood. Should the proposed General Plan and Planned Residential Community amendment be approved, the entire site could be developed as single-family detached homes. This would be incongruous with the high-density mixed-use residential, commercial and industrial sties in the central area of the JTRS and would not be the most efficient use of the limited land available for multi-family residential development. Although the site was previously designated Medium High Density Residential (12-25DU/AC) the same desired transitional effect can be achieved with the current designations on the project parcels, which is 2.2 acres designated High Density Residential (25-50 DU/AC) and one acre designated Medium High Density Residential (12-25 DU/AC), as is exhibited by the existing Planned Development Zoning district on the site.

Many of the primary land use concepts incorporated in the Jackson-Taylor Residential Strategy relate to citywide policies. The proposed General Plan and Planned Residential Community amendment relate to the Growth Management, Housing, and Sustainable City Major Strategies, as well as the Balanced Community and Residential Land Use Goals and Policies in the *San José 2020 General Plan*.

Growth Management Major Strategy. The General Plan Growth Management Major Strategy promotes infill development within urbanized areas where urban facilities and services are already provided to promote efficient provision of services and to divert new development from the non-urban fringe of the City. The proposed General Plan and Planned Residential Community amendment to lower the residential density on the site does not further the goals of the Growth Management Strategy because the proposal will reduce the intensity of future development in an area where services and transit are already provided, thus pushing the demand for housing for the workforce to other areas.

Housing Major Strategy. The objective of the Housing Major Strategy is to provide a wide a variety of housing opportunities to meet the needs of all economic segments of the community. The strategy seeks to provide enough housing for San Jose's growing population and workforce, as well as maximize housing opportunities on infill parcels. The proposed General Plan and Planned Residential Community amendment to change the land use designation to a lower residential density does not further the Housing Major Strategy in that the proposed land use designation will lower the amount of new housing that can be developed on the urban infill site.

Sustainable City Major Strategy. The Sustainable City Major Strategy aims for San Jose and its neighborhoods to become environmentally and economically sustainable. A sustainable city means that it is designed, constructed and operated to minimize waste, efficiently use its resources and conserve them for use by future generations. The Jackson-Taylor Residential Strategy promotes the sustainability of the City by creating a transit-oriented, pedestrian-friendly neighborhood close to the downtown employment center and neighborhood business. The proposal to lower the residential density would result in fewer houses within a neighborhood served by transit with close proximity to employment and services. The proposal also would require more land to be used for housing to accommodate the same amount residents as what would be permitted under the existing land use designation.

Residential Land Use Goal. The Residential Land Use Goal states that lands planned for residential use should be fully and efficiently utilized to maximize the City's housing supply. Residential Land Use Policy 3 states locations near commercial and financial centers, employment centers, the rail transit stations and along bus transit routes are preferable for higher density housing. The proposed General Plan and Specific Plan amendments do not support the Residential Land Use Goal or Residential Land Use Policy 3 because the proposal reduces the amount of land that can be utilized for high density housing in an area that is close to the Downtown and transit routes.

Balanced Community Goal: The Balanced Community Goal is intended to develop a balanced and complete community in terms of land use distribution and densities, housing types and styles, economic development and job opportunities and opportunities for social and cultural expression. The proposed amendment relates specifically to the Balanced Community Policies 1 and 2. Policy 1 states that the City should foster development patterns that will achieve a whole and complete community, particularly with respect to improving the balance between jobs and economic development, and housing resources and a resident work force. Policy 2 states that varied residential densities, housing types, styles, and tenure opportunities should be equitably and appropriately distributed throughout the community and integrated with the transportation system including, pedestrian, and bicycle routes, with higher densities encouraged near passenger rail lines and other major transportation facilities to support the use of public transit. The proposed general plan and Planned Residential Community amendment to lower the residential density on the subject site counters the aims of these policies because the proposal provides fewer residents to support the neighborhood businesses, and will potentially provide less housing for downtown workers, which are both needed to balance housing and jobs in San José. In addition, the JTRS is a preferable place to maximize housing in San José because of its location close to the downtown, highway system, bicycle

routes, and public transit. Lowering the residential density would move residences out of this preferable location.

ENVIRONMENTAL REVIEW

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15164, staff prepared an Addendum to a Mitigated Negative Declaration for General Plan Amendment File numbers GP02-03-01/GPT02-03-01, that was adopted on April 9, 2002.

PUBLIC OUTREACH

On March 20, 2008 this project was presented and discussed as an agenda item during the monthly 13th Street Neighborhood Advisory Committee (NAC) meeting. Members of the community expressed appreciation for the lessened impacts that lower density would bring, especially in terms of traffic, but had concerns over how the reduced density will impact the sustainability of the neighborhood.

A sign was posted on-site to notify neighbors of the proposal. A notice of this Planning Commission public hearing and subsequent City Council hearing was mailed to the owners and tenants of all properties located within 1000 feet of the project site and posted on the City website. This staff report is also posted on the City's Website and staff has been available to respond to questions from the public.

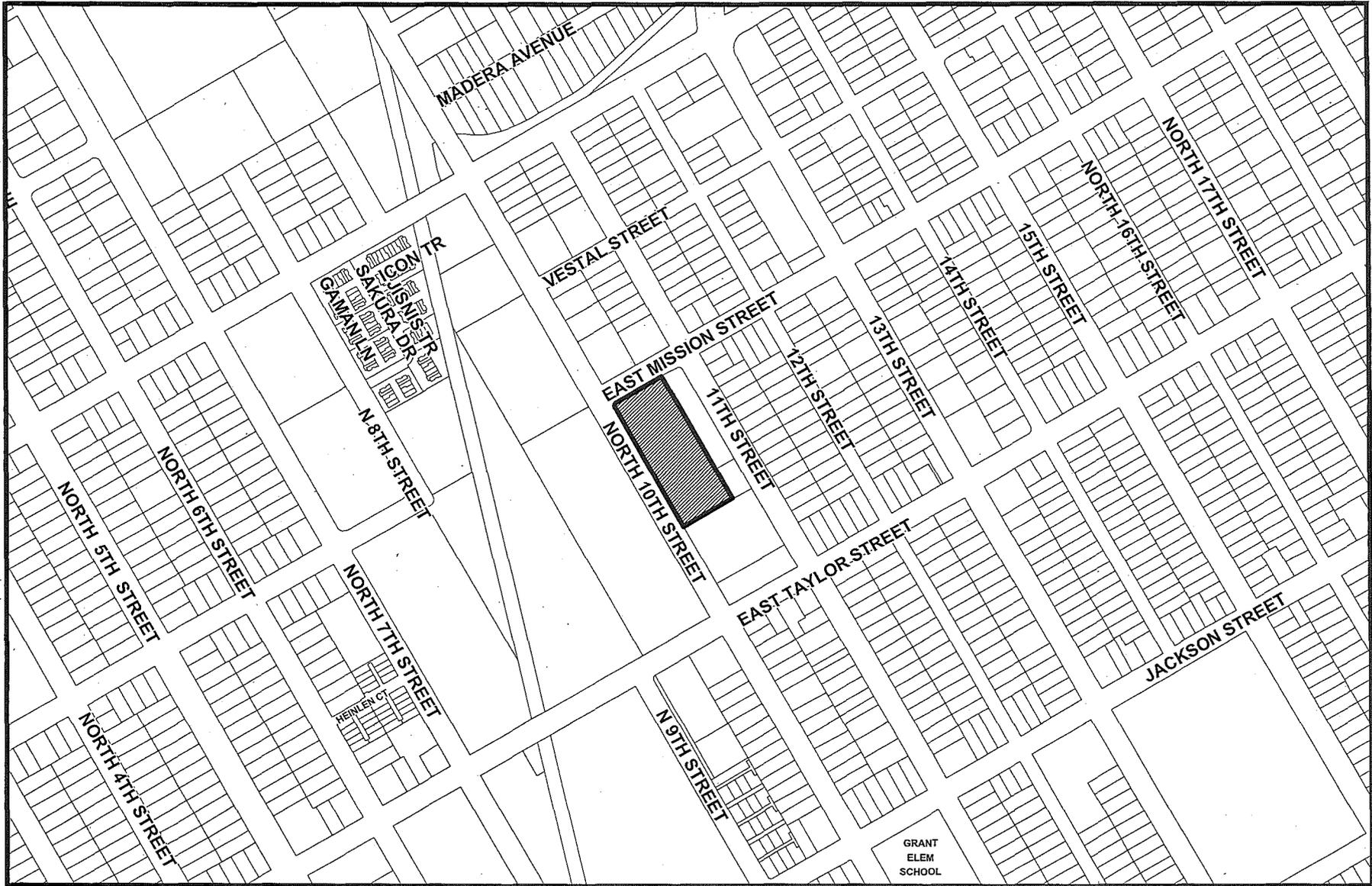
Notice of the Spring 2008 hearings on the General Plan was published in the San José Post-Record. A description of the proposed General Plan and Specific Plan amendment was posted on the Planning Division web page. The draft amendment was presented at the Neighborhood Roundtable on February 12, 2008 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.

This General Plan and Planned Residential Community amendment is subject to the State of California Tribal Consultation Guidelines and was referred to the tribal representatives on January 23, 2008. To date, no comments from tribal representatives on the subject General Plan amendment request have been received.

Project Manager: Ella Samonsky **Approved by:**

Jean Y. Samuels **Date:** 4-10-08

Owner/Applicant: Westmont Square LLC 700 E. El Comino Real Blvd. Suite 300 Mountain View, CA 94040 Arcadia Homes P.O. Box 5368 San José CA 95150	Attachments: Location Map Environmental Clearance –Addendum to MND Agency Memos
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Approx. Scale: 1" = 500'
Map Created On: 04/09/2008
Noticing Radius: 1,000 feet

File No: GP07-03-05

District: 3

Quad No: 67

April 2, 2008

Mayor and Members of the City Council
City of San José
200 East Santa Clara Street,
San José, California 95113

Subject: Spring 2008 – General Plan Amendments

The Honorable Mayor and Members of the City Council:

The Parks and Recreation Commission (hereinafter “Commission”) reviewed the proposed Spring 2008 General Plan Amendments dealing with future residential projects at the Commission’s regular business meeting on April 2, 2008. This letter transmits the Commission’s comments regarding the following General Plan Amendments to be considered by the Planning Commission and the City Council.

- 1) **GP05-02-02:** The Commission is neutral on the conversion of this land from General Commercial to Residential. However, if this General Plan Amendment request for Medium High Density Residential is approved by the City Council, the proposed housing range is 17 to 36 new dwelling units. A future housing project will be under 50 units and therefore the City can only request the associated park in-lieu fees from this project in CD2. The Commission understands that the City can not request land dedication under this General Plan request for a future housing project. A future housing project will still need to comply with the requirements of the PDO or PIO, depending on housing types.
- 2) **GP06-02-02 & UGB06-001:** The Commission is neutral on both the conversion of this land from Rural Residential to Medium High Residential and the change in the Urban Growth Boundary. If this General Plan Amendment request for Medium High Density Residential is approved by the City Council, along with the Urban Growth Boundary change, the proposed housing range is approximately 80 to 160 new dwelling units. A future housing project will be over 50 units and therefore the Commission can recommend land dedication under the Parkland Dedication Ordinance (PDO) or the Park Impact Ordinance (PIO). In this case, the Commission understands that a new neighborhood park is proposed on the property just south of site. Therefore, the Commission is not requesting land dedication from this site as part of a future housing project in CD2. A future housing project will still need to comply with the requirements

of the PDO or PIO. Depending on housing types, the project will be required to submit the required park fees in lieu of land dedication.

- 3) **GP07-03-04 & GPT07-03-04:** If this General Plan Amendment request for Mixed Use is approved by the City Council, the proposed housing range is approximately 600 new dwelling units with a three quarter acre park/plaza and a 10,000 to 20,000 square foot performing art center. A future housing project will be over 50 units and therefore the City can recommend land dedication under the PDO or PIO. The Commission is concerned with the size of the proposed park/plaza has not kept pace with the proposed increase in density for this project. The Jackson-Taylor Residential Strategy Plan calls for mix use development on this 5.14 acres site and states: "The residential component must develop to a minimum of 25 du/ac and may be a maximum density of 50 du/ac. For densities above 35 du/ac, projects must exhibit exemplary architectural design that is urban in character and express the essence of the design guidelines contained in the Residential Strategy." Therefore the original range for this property is 110 units at 25 du/ac to 220 units at 50 du/ac. The proposed project would allow 600 units, or approximately 137 du/ac without increasing the size of the proposed park/plaza. The Plan further states: "The amount of parks within the study area is based on the City's population-based parkland objective." This objective per the City's General Plan is 3.5 acres per 1,000-population. The proposed density increase is equal to approximately 382 units, or 2.6 acres of additional parkland is needed within the Jackson-Taylor Residential Strategy Plan Area. The Commission support's Parks, Recreation and Neighborhood Service Department (PRNS) recommendation to request land dedication for a new central located neighborhood park/plaza from the future housing project on this site. The Commission also supports the inclusion of the performing art center as part of this housing project in Japan Town. However, the Commission is concern with the increase in density; the proposed park/plaza will be over crowned and the 2.6 acres of additional parkland will never be achieved within the Plan Area.
- 4) **GP07-03-05 & GPT07-03-05:** If this General Plan Amendment request to lower density to Medium High Density Residential on this property in the Jackson-Taylor Residential Plan Area is approved by the City Council , the proposed housing range is 26 to 55 new dwelling units. A future housing project may be under 50 units and therefore the City can only request the associated park in-lieu fees from this project in CD3. The Commission understands that the City can not request land dedication under this General Plan request for a future housing project. Furthermore, the Jackson-Taylor Residential Plan did not indicate a future public park on this site. Any future housing project will still need to comply with the requirements of the PDO/PIO, depending on housing types. This reduction would also off-set 0.3 acres of future parkland increase from GP07-03-04.
- 5) **GP06-04-05:** The Commission supports the conversion of this land from General Commercial to Residential. If this General Plan request is approved by the City Council, the proposed minimum housing range is approximately 270 new dwelling units at 20 units to the acre. A future housing project will be over 50 units and therefore the City

can recommend land dedication under the PDO/PIO. PRNS staff has will be requesting land dedication for the Penitencia Creek Trail connection from this future housing project. The new trail is a missing link in the Penitencia Creek Trail Alignment from King Road to Berryessa Road in CD4. The Commission is in support of this future trail alignment and the proposed General Plan Amendment which could deliver the proposed trail alignment to the City.

- 6) **GP05-05-03:** If the General Plan Amendment request is approved by the City Council, the proposed minimum housing range is approximately 30 new dwelling units at 20 units per acre. A future housing project may be under 50 units and therefore the City can only recommend the collection of in-lieu fees under the PDO/PIO. PRNS is interested in acquiring the nearby Water District's land and part of the adjacent parcel for a new neighborhood park site along the west side of Silver Creek at the intersection of Alum Rock Road and Sunset in CD5. The Commission is in support of such an endeavor to create a new park at this location.

- 7) **GP07-06-01 & GPT07-06-01:** If approved by the City Council, the proposed housing range is approximately 61 to 127 new dwelling units. A future housing project will be over 50 units and therefore the City can recommend land dedication under the PDO/PIO. PRNS has requested land dedication from this future housing project to expand Frank Santana Park in CD6 with a second sport field. The Commission strongly support this proposed General Plan Amendment by the Developer on the conversion of this land from Regional Commercial to Residential on 5.1 acres, which would provide additional parkland to expand Frank Santana Park through land dedication under the PDO/PIO.

The Parks and Recreation Commission will be glad to answer any questions the Planning Commission may have regarding these recommendations.

Sincerely,



Melanie Richardson
Chair, Parks and Recreation Commission

cc: PRNS
PBCE



Memorandum

TO: Ella Samonsky
Planning and Building

FROM: Ebrahim Sohrabi
Public Works

**SUBJECT: RESPONSE TO GENERAL PLAN
AMENDMENT APPLICATION**

DATE: 12/20/07

PLANNING NO.: GP07-03-05
DESCRIPTION: General Plan Amendment to change for a change in land use from High Density Residential (25-50 DU/AC) to Medium Density Residential (12-25 DU/AC) on a 2.2 gross acre site
LOCATION: southeast corner of North 10th and East Mission Streets
P.W. NUMBER: 3-04654

Public Works received the subject project on 12/06/07 and submits the following comments:

- [NO] Flood Zone
- [NO] Geological Hazard Zone
- [NO] State Landslide Zone
- [YES] State Liquefaction Zone
- [NO] Inadequate Sanitary capacity
- [NO] Inadequate Storm capacity
- [NO] Major Access Constraints
- [YES] Near-Term Traffic Impact Analysis

Please contact the Project Engineer, Ryan Do, at 408-535-6897 if you have any questions.

EBRAHIM SOHRABI
Senior Civil Engineer
Transportation and Development Services Division

RD
ES:rd:kg

RECEIVED

DEC 21 2007

CITY OF SAN JOSE
DEVELOPMENT SERVICES



Memorandum

ENVIRONMENTAL SERVICES (ESD)

TO: Ella Samonsky
Department of Planning,
Building, & Code Enforcement

FROM: Junko Vroman
Environmental Services

SUBJECT: Response to Development
Application

DATE: Staff Review Agenda
December 20, 2007

APPROVED:

DATE:

12-21-07

PLANNING NO.:	GP07-03-05
LOCATION:	southeast corner of North 10th and East Mission Streets
DESCRIPTION:	General Plan Amendment to change for a change in land use from High Density Residential (25-50 DU/AC) to Medium Density Residential (12-25 DU/AC) on a 2.2 gross acre site
APN:	24909010

ESD received the subject project and is submitting the following conditions and comments. Questions regarding these comments may be directed to the program contact given or to me at (408) 975-2579.

South Bay Water Recycling (SBWR)

Recycled water mains are close to this site on Hedding and 12th Streets. The developer shall design and construct/extend the recycled water main and services from either Hedding or 12th Streets to serve all the non-potable water needs of this development.

The proposed development has been identified as a future recycled water customer and is required to comply with Chapters 15.10 and 15.11 of the San Jose Municipal Code. The Code states that all new and rehabilitated landscaping for projects requiring a development permit from the City, and containing over 10,000 ft² of landscaped area, must design and construct their irrigation system to receive recycled water. SBWR is designing and constructing infrastructure to make recycled water available to this area.

The proposed development should connect their irrigation system to potable water until recycled water becomes available to the site.

The design and construction of the irrigation system must conform to SBWR Rules and Regulations and must be submitted to and approved by SBWR. Standard Details, Specifications and Notes are available to assist with the design and are available by calling (408) 277-3671. Questions regarding recycled water use or the approval process should be directed to SBWR staff at the above number.

RECEIVED

DEC 20 2007



CITY OF SAN JOSE
DEVELOPMENT SERVICES
Memorandum

TO: Ella Samonsky

FROM: Russell Chung

DATE: 12/19/07

**SUBJECT: FINAL RESPONSE TO
DEVELOPMENT APPLICATION**

Re: Plan Review Comments

PLANNING NO: GP07-03-05

DESCRIPTION: General Plan Amendment to change for a change in land use from High Density Residential (25-50 DU/AC) to Medium Density Residential (12-25 DU/AC) on a 2.2 gross acre site

LOCATION: southeast corner of North 10th and East Mission Streets

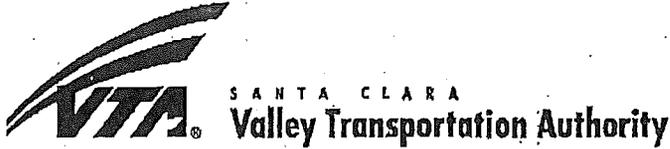
ADDRESS: southeast corner of North 10th and East Mission Streets

FOLDER #: 07 041528 AO

The Fire Department's review was limited to verifying compliance of the project to Article 9, Appendix III-A, and Appendix III-B of the 2001 California Fire Code with City of San Jose Amendments (SJFC). Compliance with all other applicable fire and building codes and standards relating to fire and panic safety shall be verified by the Fire Department during the Building Permit process.

The application provided does not include adequate information for our review; Fire Department staff will provide further review and comments when additional information is received as part of subsequent permit applications.

Russell Chung
Fire Protection Engineer
Bureau of Fire Prevention
Fire Department
(408) 535-7697



December 12, 2007

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

Attention: Ella Samonsky

Subject: City File No. GP07-03-05 / Mission-10th Street

Dear Ms. Samonsky:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the General Plan amendment for medium-density residential on 2.2 gross acres at the southeast corner of E. Mission Street and North 10th Street. We have no comments at this time.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

A handwritten signature in black ink, appearing to read "RM", is written over the word "Sincerely,".

Roy Molseed
Senior Environmental Planner

RM:kh

ADDENDUM TO A NEGATIVE DECLARATION

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15164, the City of San Jose has prepared an Addendum to a Mitigated Negative Declaration (MND) adopted for a previous project. The proposed project described below is adequately covered by this Addendum to the Mitigated Negative Declaration for General Plan Amendment file nos. GP02-03-01/GPT02-03-01 because minor changes in the project description described below would not result in any new information or significant effects on the environment pursuant to CEQA Guidelines 15162.

PROJECT DESCRIPTION AND LOCATION

GP07-03-05. General Plan Amendment and Specific Plan Amendment request to change the Land Use / Transportation Diagram Designation of the site from High Density Residential (25-50 DU/AC) to Medium High Density Residential (12-25 DU/AC) on a 2.2-acre site located at the southeast corner of North 10th and East Mission Streets in the Jackson Taylor Planned Residential Community.

Council District 3.

County Assessor's Parcel Number 249-09-010

CERTIFICATION

An Initial Study and Mitigated Negative Declaration for General Plan Amendment, File Nos. GP02-03-01/GPT02-03-01, adopted on April 9, 2002, have adequately addressed significant effects on the environment for the proposed project described above. Specifically, the MND adequately addressed the following impacts:

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Traffic and Circulation | <input checked="" type="checkbox"/> Soils and Geology | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Hazardous Materials | <input checked="" type="checkbox"/> Land Use |
| <input checked="" type="checkbox"/> Urban Services | <input checked="" type="checkbox"/> Biotics | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Airport Considerations | <input type="checkbox"/> Microclimate |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Relocation Issues | <input type="checkbox"/> Construction Period Impacts |
| <input checked="" type="checkbox"/> Transportation | <input checked="" type="checkbox"/> Utilities | <input checked="" type="checkbox"/> Facilities and Services |
| <input checked="" type="checkbox"/> Water Quality | <input checked="" type="checkbox"/> Flooding | <input checked="" type="checkbox"/> Mineral Resources |

Ella Samonsky
Project Manager

Joseph Horwedel, Director
Planning, Building and Code Enforcement

March 26, 2008

Date

Ron Eddow

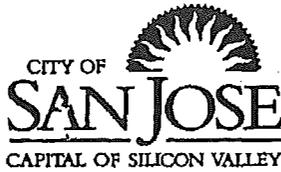
Deputy

ANALYSIS

In 2002, the City Council approved General Plan Amendment file nos: GP02-03-01/GPT02-03-01 for the subject site to change the land use designation from Medium High Density Residential (12-25 DU/AC) to High Density Residential (25-50 DU/AC). An Initial Study and Mitigated Negative Declaration adopted April 9, 2002 identified potentially significant impacts, and program-level mitigation measures, for Aesthetics, Geology and Soils, Hazards and Hazardous Materials, and Noise.

The proposed General Plan Amendment, file number GP07-05-03, proposes a change in land use from High Density Residential (25-50 du/acre) to Medium High Density Residential (12-25 DU/AC). The proposed General Plan Amendment reverts the change in land use approved under General Plan Amendment file nos. GP02-03-01/GPT02-03-01 back to the original land use designation of Medium High Density Residential (12-25 DU/AC).

As both designations were assessed for their relative environmental impacts in the Mitigated Negative Declaration for GP02-03-01/GPT02-03-01, Planning staff has found no new information or increase in the severity of environmental impacts that were not previously disclosed pursuant to CEQA Guidelines Section 15162. In addition, the environmental impacts resulting from the project would not be more severe than those identified in the Mitigated Negative Declaration because the proposed amendment would result in a land use designation of lower density. Therefore, the City of San Jose may adopt the Mitigated Negative Declaration prepared for General Plan Amendment file nos. GP02-03-01/GPT02-03-01 and Addendum thereto for the proposed project pursuant to CEQA Guidelines Section 15164.



MAR 6 2002

POSTED ON _____ THROUGH MAR 26 2002
IN THE OFFICE OF THE COUNTY CLERK-RECORDER
BRENDA DAVIS, COUNTY CLERK

BY [Signature] DEPUTY **LAURA B. AGUILAR**
Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, ACTING DIRECTOR

FILED

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSE, CALIFORNIA

MAR 6 2002

BRENDA DAVIS, County Clerk-Recorder
Santa Clara County
By [Signature] Deputy

File No. GP02-03-01/GPT02-03-01 General Plan amendment to change the Land Use/Transportation Diagram designation on a 2.2 acre site located at the southeast corner of Mission Street and North 10th Street from Medium High Density Residential (12-25 DU/AC to High Density Residential (25-50 DU/AC). (APN: 249-09-090 and 249-09-010) (Owner: Allied Container Corporation, Applicant: Kotansky properties, Joel Rubniz.) (Council District: 3)

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **March 26, 2002**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **March 7, 2002** and ends on **March 26, 2002**.

A public hearing on the project described above is tentatively scheduled before the Planning Commission on **May 20, 2002** in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 180 W. San Carlos Street, and the Joyce Ellington Branch Library, 491 E. Empire Street, San Jose, CA, and online at <http://www.ci.san-jose.ca.us/planning/sjplan/eir/Ndenv.htm> Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call Lesley Xavier at (408) 277-8573.

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

[Signature: Ron Eddow]

Deputy

March 6, 2002

Date



Department of Planning, Building and Code Enforcement

JOSEPH HORWEDEL, ACTING DIRECTOR

**DRAFT
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: General Plan Amendment

PROJECT FILE NUMBER: GP02-03-01/GPT02-03-01

PROJECT DESCRIPTION: General Plan amendment to change the Land Use/Transportation Diagram designation for a 2.2 acre site from Medium High Density Residential (12-25 DU/AC) to High Density Residential (25-50 DU/AC).

PROJECT LOCATION & ASSESSORS PARCEL NO.: Southeast corner of Mission Street and North 10th Street; 249-09-090 and 249-09-010

COUNCIL DISTRICT: 3

NAME OF APPLICANT: Kotansky Properties, Joel Rubnitz

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:

14651 S. Bascom Ave. Los Gatos, CA 95032

(408) 356-6061

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

1. Urban Conservation Policy #2: The City should encourage new development, which enhances the desirable qualities of the community and existing neighborhoods.
2. Urban Design Policy #1: The City should continue to apply strong architectural and site design controls on all types of development for the protection and development of neighborhood character and for the proper transition between areas with different types of land uses.

3. Urban Design Policy #8: Design solutions should be considered in the development review process which addresses security, aesthetics, and public safety.
4. Hazards Policy #1: Development should only be permitted in those areas where potential to the health, safety, and welfare of the residents of the community can be mitigated to an acceptable level.
5. Soils and Geologic Conditions Policy #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.
6. Earthquakes Policy #1: The City should require that all new buildings be designed and constructed to resist stresses produced by earthquakes.
7. Hazardous Materials Policy #3: The City should incorporate soil and groundwater contamination analysis within 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.
8. Noise Policy #1: The City's acceptable noise level objectives are 55 DNL as the long-range exterior noise quality level, 60 DNL as the short-range exterior noise quality level, 45 DNL as the interior noise quality level, and 76 DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. These objectives are established for the City, recognizing that the attainment of exterior noise quality levels in the environs of the San José International Airport the Downtown Core Area, and along major roadways may not be achieved in the time frame of this Plan. To achieve the noise objectives, the City should require appropriate site and building design, building construction and noise attenuation techniques in new residential development.

PROTEST OF A MITIGATED NEGATIVE DECLARATION

Any person may file a written protest of the draft Mitigated Negative Declaration before 5:00 p.m. on **March 26, 2002**. Such protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San José, Room 400, with payment of a \$50 filing fee. The written protest should make a "fair argument" that the project will have one or more significant effects on the environment based on substantial evidence. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the draft Mitigated Negative Declaration to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

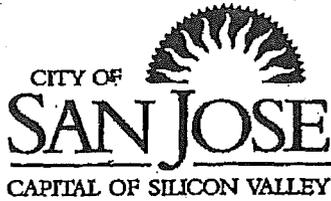
Circulated on:

March 6, 2002

Ron Eddow
Deputy

Adopted on:

Deputy



Department of Planning, Building and Code Enforcement
JOSEPH HORWEDEL, ACTING DIRECTOR

INITIAL STUDY

PROJECT FILE NO.: GP02-03-01/GPT02-03-01

PROJECT DESCRIPTION: General Plan amendment to change the Land Use/Transportation Diagram designation for a 2.2 acre site from Medium High Density Residential (12-25 DU/AC) to High Density Residential (25-50 DU/AC).

PROJECT LOCATION: Mission Street between N. 10th Street and N. 11th Street.

GENERAL PLAN DESIGNATION: Medium High Density Residential (12-25 DU/AC)

ZONING: Light Industrial (LI)

SURROUNDING LAND USES: Commercial, Residential, and Light Industrial

PROJECT APPLICANT'S NAME AND ADDRESS: Kotansky Properties, Joel Rubnitz
 14651 S. Bascom Ave. Los Gatos, CA 95032

DETERMINATION

On the basis of this initial study:

<input type="checkbox"/>	I find the proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the project proponent has agreed to revise the project to avoid any significant effect. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) is required.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, but at least one effect has been (1) adequately analyzed in a previous document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the previous analysis as described in the attached initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, no further environmental analysis is required because all potentially significant effects have been (1) adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION , including revisions or mitigation measures that are included in the project, and further analysis is not required.

3-6-02
 Date

Signature

Name of Preparer: Lesley Xavier
 Phone No.: (408) 277-4576

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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I. AESTHETICS - Would the project:

a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
e) Increase the amount of shade in public and private open space on adjacent sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

DISCUSSION OF IMPACTS:

The proposed increase in residential density on the subject site could alter the existing visual character of the site. The existing use of the site is truck storage and warehousing, if the site were to be developed as residential, the existing use would be demolished and new housing built, which would change the visual character of the site.

MITIGATION MEASURES:

Implementing the following General Plan policies would mitigate the impact described above:

- Urban Conservation Policy #2: The City should encourage new development which enhances the desirable qualities of the community and existing neighborhoods.
- Urban Design Policy #1: The City should continue to apply strong architectural and site design controls on all types of development for the protection and development of neighborhood character and for the proper transition between areas with different types of land uses.
- Urban Design Policy #8: Design solutions should be considered in the development review process which addresses security, aesthetics, and public safety.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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II. AGRICULTURE RESOURCES - Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4

DISCUSSION OF IMPACTS:

Any project developed on the site would be infill development. So, the proposed increase in residential density will not impact agriculture resources.

MITIGATION MEASURES:

None Required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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III. AIR QUALITY - Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14

DISCUSSION OF IMPACTS:

The change in residential density on an infill site will not have an impact on air quality.

MITIGATION MEASURES:

None Required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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IV. BIOLOGICAL RESOURCES - Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,10
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,6,10
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,6
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,10
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,11
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

DISCUSSION OF IMPACTS:

The site is currently developed as truck storage. The change in residential density on the developed site will not have an impact on biological resources.

MITIGATION MEASURES:

None Required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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V. CULTURAL RESOURCES - Would the project:

a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,7
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8

DISCUSSION OF IMPACTS:

The subject site is not located within an area of archeological sensitivity or listed on the San Jose Historic Resources Inventory. In the event that a cultural resource is discovered during development of the property the City's Historic, Archeological, and Cultural Resources Goals and policies would mitigate any impact.

MITIGATION MEASURES:

None required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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VI. GEOLOGY AND SOILS - Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5
2) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,5
3) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5
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DISCUSSION OF IMPACTS:

The site is currently graded flat with an asphalt surface. An increase in the allowable residential density will not impact the geology and soils of the site. The closest known faults to the site are the Slivercreek and Evergreen Faults, which are located approximately 5-7 miles from the site. In the event that strong seismic ground shaking should occur, General Plan policies would mitigate the impact.

MITIGATION MEASURES:

Implementing the following General Plan policies would mitigate the impact described above:

- Hazards Policy #1: Development should only be permitted in those areas where potential to the health, safety, and welfare of the residents of the community can be mitigated to an acceptable level.
- Soils and Geologic Conditions Policy #1: The City should require soils and geologic review of development proposals to asses 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.
- Earthquakes Policy #1: The City should require that all new buildings be designed and constructed to resist stresses produced by earthquakes.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,12
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

DISCUSSION OF IMPACTS:

The subject site is not listed on the California Environmental Protection Agency Hazardous Waste and Substances Sites List. The proposed change in residential density will not create any hazards or hazardous materials. However, the site

does contain an underground storage gasoline tank. Future development of the site with residential uses may require soil analysis and the removal of the tank. If this should be the instance, the tank would be removed in accordance with State regulations and the City's Hazardous Materials Ordinance.

MITIGATION MEASURES:

Implementing the following General Plan policies would mitigate the impact described above:

- Hazardous Materials Policy #3: The City should incorporate soil and groundwater contamination analysis within 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.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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VIII. HYDROLOGY AND WATER QUALITY - Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,15
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,17
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,9
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
j) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

DISCUSSION OF IMPACTS:

The site is not subject to the one-percent flood. Future development of the site will be required to conform to the standards of the City's Flood Hazard Ordinance, as well as the requirements of the National Pollutant Discharge Elimination System (NPDES) to reduce impacts on storm water quality. A Storm Water Pollution Prevention Plan (SWPPP) may be required at the time of future development, in compliance with State regulations, to control the discharge of storm water pollutants.

MITIGATION MEASURES:

None required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
IX. LAND USE AND PLANNING - Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

DISCUSSION OF IMPACTS:

The subject site has an existing General Plan land use designation of Medium High Density Residential (12-25 DU/AC). The proposed change in designation to High-Density Residential (25-50 DU/AC) is not substantially different from the current designation. The site is located within an urbanized area that is planned for an increase residential growth, therefore, development under the proposed General Plan designation will not adversely affect existing local uses. In addition, this proposed change in designation is not inherently incompatible with any applicable City plans or policies.

MITIGATION MEASURES:

None required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
X. MINERAL RESOURCES - Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23

DISCUSSION OF IMPACTS:

The amendment site is currently developed and does not contain any known or designated mineral resources. Therefore, an increase in the allowable residential density will not result in the loss of mineral resources.

MITIGATION MEASURES:

None required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
XI. NOISE - Would the project result in:					
a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,13,18
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

DISCUSSION OF IMPACTS:

An increase in the allowable residential density will not create a noise impact. However, future residential development could be exposed to noise levels in excess of General Plan noise guidelines because of the site's proximity to existing industrial uses. Development on the site will be required to conform to the applicable San Jose 2020 General Plan noise policies.

MITIGATION MEASURES:

Implementing the following General Plan policies would mitigate the impact described above:

- **Noise Policy #1:** The City's acceptable noise level objectives are 55 DNL as the long-range exterior noise quality level, 60 DNL as the short-range exterior noise quality level, 45 DNL as the interior noise quality level, and 76 DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. These objectives are established for the City, recognizing that the attainment of exterior noise quality levels in the environs of the San José International Airport the Downtown Core Area, and along major roadways may not be achieved in the time frame of this Plan. To achieve the noise objectives, the City should require appropriate site and building design, building construction and noise attenuation techniques in new residential development.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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XII. POPULATION AND HOUSING - Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

DISCUSSION IMPACTS:

The current land use designation on the subject property is Medium High Density Residential (12-25 DU/AC), which has the potential for allowing 40 dwelling units on the site. The proposed increase in residential density to High Density Residential (25-50 DU/AC) will potentially allow a total of approximately 81 dwelling units on the site, which is an increase of 41 units from the existing designation. This increase in density will not induce substantial growth into the area because the site is located within an urbanized area that is planned for an increase residential growth.

MITIGATION MEASURES:

None required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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XIII. PUBLIC SERVICES - Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

DISCUSSION OF IMPACTS:

Adequate municipal services are available to serve the site because it is located within an already urbanized area and any development on the site would be infill development.

MITIGATION MEASURES:

None required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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XIV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

DISCUSSION OF IMPACTS:

Adequate recreational services are available to serve the site because it is located within an already urbanized area and any development on the site would be infill development.

MITIGATION MEASURES:

None required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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XV. TRANSPORTATION / TRAFFIC - Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,19
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,19
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,19
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,19
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,20
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,18
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18

DISCUSSION OF IMPACTS:

In the context of the San Jose 2020 General Plan horizon year, this project would have a less than significant traffic impact. The City of San Jose Department of Transportation analyzed the subject General Plan amendment and determined that the estimated number of p.m. peak hour trips did not exceed the exemption threshold established for the area; therefore, the change in land use would not have a traffic impact. In addition, prior to development, the project will conform to all adopted City level of service and traffic policies in order to ensure adequate traffic capacity for existing and approved development.

MITIGATION MEASURES:

None required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,15
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,21
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,17
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,22
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,21

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,21
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,21

DISCUSSION OF IMPACTS:

Adequate utilities and service systems are available to serve the site because it is located within an already urbanized area and any development on the site would be infill development.

MITIGATION MEASURES:

None required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,10
b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects and the effects of other current projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1

DISCUSSION OF IMPACTS:

The proposed project will not have a significant effect on the environment in terms of mandatory findings of significance in that the site does not contain any fish, wildlife, or endangered species and habitat. Nor does the site contain any historic resources. The identified environmental impacts contained within this Initial Study can be mitigated to a less than significant level by conforming with the San Jose 2020 General Plan Policies.

EARLIER ANALYSIS

1. Earlier Analysis Used:
2. Impacts Adequately Addressed:
3. Mitigation Measures:

CHECKLIST REFERENCES

1. Environmental Clearance Application – File No. GP02-03-01/GPT02-03-01
2. San Jose 2020 General Plan
3. USDA, Soil Conservation Service, Soil Survey of SC County, August 1968
4. USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
5. State of California's Geo-Hazard maps / Alquist Priolo Fault maps
6. Riparian Corridor Policy Study 1994
7. San Jose Historic Resources Inventory
8. City of San Jose Archeological Sensitivity Maps
9. FEMA Flood Insurance Rate Map, Santa Clara County, 1986
10. California Department of Fish & Game, California Natural Diversity Database, 2001
11. City of San Jose Heritage Tree Survey Report
12. California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
13. City of San Jose Noise Exposure Map for the 2020 General Plan
14. BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. April 1996, revised 1999.
15. San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
16. Final Environmental Impact Report, City of San Jose, SJ 2020 General Plan
17. Santa Clara Valley Water District
18. City of San Jose Title 20 Zoning Ordinance
19. San Jose Department of Public Works
20. San Jose Fire Department
21. San Jose Environmental Services Department
22. San Jose Water Company, Great Oaks Water Company
23. California Division of Mines and Geology
24. Final EIR Jackson-Taylor PRC & Residential Strategy