



Memorandum

TO: PLANNING COMMISSION

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: April 18, 2008

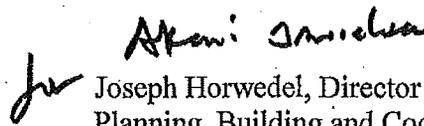
COUNCIL DISTRICT: 6

SUBJECT: PDC06-094, Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 250 single-family attached residences in three-story buildings constructed at-grade and on a podium on a 4.4 gross acre site located at the southwest corner of Cinnabar Street and Stockton Avenue.

SUPPLEMENTAL

This memo transmits the Planning Director's responses to comments received on the Draft Mitigated Negative Declaration and associated text revisions to the Initial Study prepared for the project. The responses were provided to the commenter's April 17, 2008. The Mitigated Negative Declaration was adopted by the Planning Director April 18, 2008.

This memo also corrects a minor miscalculation concerning parking on page 9 of the Staff Report dated April 10, 2008. The last sentence of the last paragraph on the page incorrectly states, "Planning staff supports the applicant's proposal for a 13 percent total reduction in parking spaces." This should read, "a [14] percent reduction in parking spaces." The draft development standards will be changed accordingly, and will be provided to the Commission at the start of the April 21 Planning Commission public hearing.


Joseph Horwedel, Director
Planning, Building and Code Enforcement

Attachments

1. Revisions to text of Initial Study
2. Responses to comments from Jean Dresden, April 15, 2008
3. Responses to comments from Deborah Arant, April 14, 2008
4. Copies of comment letters from Jean Dresden and Deborah Arant



REVISIONS TO THE TEXT OF THE INITIAL STUDY

The following revisions are proposed to the text of the *Morrison Park Residential Project Recirculated Initial Study*, dated March 2008. Revised or new language is underlined. All deletions are shown with a line through the text.

Page 81 The third paragraph of Section 4.12.1 will be revised as follows:

~~The City of San José currently has a higher number of jobs than employed residents (1.05 jobs per employed resident) and is projected to continue to have a higher number of jobs than employed residents with full build out under the existing General Plan.~~

The City of San José is a housing-rich city, meaning the City does not have enough jobs to support all employed residents. The most recent projections released by ABAG estimates that the City of San José had 402,290 employed residents and 363,380 jobs in 2005. The City's General Plan contains strategies and policies aimed at improving the jobs/housing imbalance. To increase industrial development and the number of jobs within the City, San José approved the North San José Development Policies Update in 2006 which allows for the development of approximately 83,300 jobs and 32,000 dwelling units in North San José. In addition, the City Council approved the *Framework for Preservation of Employment Lands* policy in October 2007 to preserve existing employment lands not already approved for housing.

A. RESPONSE TO COMMENTS FROM JEAN DRESDEN, APRIL 15, 2008

Comment A1: I have reviewed the MND and IS for PDC06-094/Morrison Park/381 Stockton Avenue. There are several problems in this study. Specifically, 1) On page 22, Section 4.3.2.1 understands the amount of emissions produced because the number of trips are underestimated. The underparking of 100 spaces creates additional minutes of traffic as residents circle the neighborhood hunting for parking spaces.

Response A1: Automobile trips generated by a proposed project are estimated based on data provided by the Institute of Transportation Engineers. This data represents weighted averages from studies conducted throughout the United States and Canada since the 1960s which are updated regularly. The data are primarily collected at suburban locations having little or no transit service, nearby pedestrian amenities, or travel demand management (TDM) programs. As a result, the trip generation rates used are typically somewhat overstated relative to actual trips rates in and around downtown San José. As a result, the emissions estimates for the project are conservative.

As discussed on page 100 of the IS, the project does not include as many parking spaces as suggested by the City's Residential Design Guidelines standard parking code. The parking code is a starting point to evaluate parking proposed within a Planned Development Zoning. Due to the site's proximity to transit, downtown employment centers, and The Alameda Neighborhood Business District the City believes that the standard parking rates are overstated for this project. While it is unlikely that all 383 parking spaces would be occupied at any one time, it is possible that visitors may occasionally have difficulty finding parking on-site. In such cases, visitors would likely utilize on-street parking around the site. If, however, such an instance did occur where a visitor had to circle to find parking, the air pollutants that would be generated by a few cars occasionally circulating to find parking is negligible and would not have any impact on the project area. Particularly since the air pollutant emissions from the project are conservative estimates and because traffic would have to almost double to exceed the significance thresholds for the identified pollutants.

Comment A2: 2) On page 84, there is a statement that San José has a higher number of jobs than employed residents (1.05 to 1.0). According to an email dated March 13, 2008, from John Lang in the City of San José's Office of Economic Development, this is incorrect. He states, "According to *ABAG 2007 Projections the San José Jobs/Employed Resident for the revised 2005 year is .9.* *if we look at San José's Jobs/Employed Resident projection figure for 2010 the figure drops to .83* (Traditionally the City has relied on the ABAG data to calculate Jobs/Employed Resident not other data sources such as EDD and CA Department of Finance.)" The loss of 79 jobs and the increase in residents should be indicated as requiring mitigation given the city's job/housing imbalance and the projected worsening imbalance.

Response A2: Please note that the Jobs/Employed Resident discussion is found on page 81 of the IS and not page 84 as stated in Comment A2.

The commenter's statements are correct and the text of the IS will be revised accordingly.

The project site is designated *Residential Support for the Core (25+ Dwelling Units per acre)* in the San José General Plan. While the project site is currently developed with

light industrial jobs, the site has already been identified and approved for housing by the City. The loss of jobs on the site was taken into account when the General Plan designation was approved. With the revisions to the text of the IS, the proposed project will still have a less than significant impact on Population and Housing.

Comment A3: On page 88 Trace Elementary School's enrollment is grossly misstated. Since 2005 the school district has closed and leased various schools, resulting in Trace's enrollment at 794 as recorded in the CBEDS database maintained by the California Department of Education for the Period 2 reporting period of February 28, 2008. The 59 additional K-5 children generated would cause Trace to exceed capacity. The referral of students to more distant schools will increase traffic since students will not be attending a nearby school.

Response A3: Please note that the schools discussion is found on page 85 of the IS and not page 88 as stated in Comment A3.

The data presented in the IS was correct at the time the original IS was circulated. The IS was, however, recirculated for reasons unrelated to the schools discussion. When a document is recirculated, the only new analysis presented is based on previously received public comments. As such, the schools discussion was not updated to reflect the most current information. That said, the commenter is correct that the current enrollment for Trace Elementary School is 794 students based on the CBEDS database. The capacity of the school is 840 students, so even with the addition of 29 K-5 students (the additional 59 students referred to by the commenter actually represents all new students in grades K-12), the school would still be below its current capacity. Furthermore, the project will be required to pay school impact fees consistent with Government Code Section 65996.

Comment A4: On page 103, the parking proposed is revealed to be 100 spaces below the city's guidelines. The lack of parking will cause an operational problem. However, the additional circling to find neighborhood parking will cause increased traffic. Further, the residents are likely to use the new Whole Foods parking lot causing visitors to Whole Foods to circle.

Response A4: As discussed in Response A1, while the project does not include as many parking spaces as suggested by the City's Residential Design Guidelines standard parking code, the parking code is a starting point to evaluate parking proposed within a Planned Development Zoning. Due to the site's proximity to transit, downtown employment centers, and The Alameda Neighborhood Business District the City believes that the standard parking rates are overstated for this project. While it is unlikely that all 383 parking spaces would be occupied at any one time, it is possible that visitors may occasionally have difficulty finding parking on-site. In such cases, visitors would likely utilize the extensive on-street parking provided on the four streets (W. Julian Street, Stockton Avenue, Cinnabar Street, and Morrison Avenue) around the site. For these reasons, the City is supportive of the applicant's proposal for a 14 percent total reduction in parking spaces and does not anticipate parking issues. Furthermore, while it is possible that visitors will utilize on-street parking around the project site, it is highly unlikely that they would park in the Whole Foods parking lot which is more than a quarter-mile away from the project site.

Comment A5: 5) More importantly, and not addressed in the IS is the risk to city revenues because the impact of an underparked facility near the planned Whole Foods is substantial. This should be addresses in the section on incompatible land uses. As the residents of this underparked facility choose to park in the nearby soon-to-be built Whole Foods parking lot, we put that project at risk. The Whole Foods project is already delayed due to soil problems, if the City approves this underparked project we put the construction of Whole Foods at risk. Whole Foods may decide that the site is too marginal for a profit and choose to withdraw. Thus, this Morrison Park project is incompatible with the already approved Whole Foods project. It should be redesigned so that the underparking does not impact Whole Foods.

Response A5: As stated in Response A4, there is a substantial amount of on-street parking in the immediate vicinity of the project site and it is highly unlikely that visitors to the project site would park more than a quarter-mile away from the site in the Whole Foods parking lot. The City does not anticipate this to be an issue and it would not be an impact under CEQA. In addition, Whole Foods would have discretion over parked vehicles (i.e., the ability to have non-customer vehicles towed) and due to their close proximity to the HP Pavilion will likely be diligent in ensuring parking for their customers. It should be noted that additional housing in close proximity to the Whole Foods site will likely be a benefit to the store because it will increase their potential customer base.

-----Original Message-----

From: JeanAnn2@aol.com [mailto:JeanAnn2@aol.com]

Sent: Tuesday, April 15, 2008 11:11 PM

To: licinia.mcmorrow@sanjoseca.gov

Subject: PDC06-094 MND/IS Morrison Park

Hello,

I have reviewed the MND and IS for PDC06-094/Morrison Park/381 Stockton Avenue.

There are several problems in this study. Specifically,

1) On page 22, Section 4.3.2.1 understands the amount of emissions produced because the number of trips are underestimated. The underparking of 100 spaces creates additional minutes of traffic as residents circle the neighborhood hunting for parking spaces.

2) On page 84, there is a statement that San Jose has a higher number of jobs than employed residents (1.05 to 1.0). According to an email dated March 13, 2008. from John Lang in the City of San Jose's Office of Economic Development, this is incorrect. He states,

"According to *ABAG 2007 Projections the San Jose Jobs/Employed Resident for

the revised 2005 year is .9.* *If we look at San Jose's Jobs/Employed

Resident projection figure for 2010 the figure drops to .83* (Traditionally

the City has relied on the ABAG data to calculate Jobs/Employed Resident not

other data sources such as EDD and CA Department of Finance.)"

The loss of 79 jobs and the increase in residents should be indicated as requiring mitigation given the city's job/housing imbalance and the projected worsening imbalance.

3) On page 88 Trace Elementary School's enrollment is grossly misstated. Since 2005 the school district has closed and leased various schools, resulting in Trace's enrollment at 794 as recorded in the CBEDS database maintained by the California Department of Education for the Period 2 reporting period of Feb 28, 2008. The 59 additional K-5 children generated would cause Trace to

exceed capacity. The referral of students to more distant schools will increase traffic since students will not be attending a nearby school.

4) On page 103, the parking proposed is revealed to be 100 spaces below the City's guidelines. The lack of parking will cause an operational problem. However, the additional circling to find neighborhood parking will cause increased traffic. Further, the residents are likely to use the new Whole Foods parking lot causing visitors to Whole Foods to circle.

5) More importantly, and not addressed in the IS is the risk to city revenues because the impact of an underparked facility near the planned Whole Foods is substantial. This should be addressed in the section on incompatible land uses. As the residents of this underparked facility choose to park in the nearby soon-to-be built Whole Foods parking lot, we put that project at risk. The Whole Foods project is already delayed due to soil problems, if the City approves this underparked project we put the construction of Whole Foods at risk. Whole Foods may decide that the site is too marginal for a profit and choose to withdraw. Thus, this Morrison Park project is incompatible with the already approved Whole Foods project. It should be redesigned so that the underparking does not impact Whole Foods.

Best wishes,
Jean Dresden

B. RESPONSE TO COMMENTS FROM DEBORAH ARANT, APRIL 14, 2008

Comment B1: I am writing to you as a concerned citizen and as Land Use Chair of the Shasta/Hanchett Park Neighborhood Association about the Morrison Park development. I am concerned that the stated items in the IS/MND CEQA report are no longer accurate. The city of San José has closed two schools since the number listed were used; the numbers in the report were from 2005. There will be an impact to schools. Also the site is under parked by 100 spaces and will lead to a problem, possibly for the Whole Foods nearby.

Response B1: The current enrollment for Trace Elementary School is 794 students based on the CBEDS database. The capacity of the school is 840 students, so even with the addition of 29 K-5 students the school would still be below its current capacity. Furthermore, the project will be required to pay school impact fees consistent with Government Code Section 65996.

There is a substantial amount of on-street parking in the immediate vicinity of the project site and it is highly unlikely that visitors to the project site would park more than a quarter-mile away from the site in the Whole Foods parking lot. The City does not anticipate this to be an issue and it would not be an impact under CEQA. In addition, Whole Foods would have discretion over parked vehicles (i.e., the ability to have non-customer vehicles towed) and due to their close proximity to the HP Pavilion will likely be diligent in ensuring parking for their customers.

From: Deborah Arant [mailto:nierant@comcast.net]

Sent: Monday, April 14, 2008 9:57 PM

To: 'licinia.mcmorrow@sanjose.gov'

Subject: Morrison Park

Licinia,

I am writing to you as a concerned citizen and as Land Use Chair of the Shasta/ Hanchett Park Neighborhood Association about the Morrison Park development.

I am concerned that the stated items in the IS/MND CEQA report are no longer accurate.

The city of San Jose has closed two schools since the numbers listed were used; the numbers in the report were from 2005. There will be an impact for schools.

Also, the site is under parked by 100 spaces and will lead to a problem, possibly for the Whole Foods nearby.

Thank you for your time.

Deborah Arant