



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** June 1, 2009

**COUNCIL DISTRICT:** 5  
**SNI AREA:** Mayfair  
and Gateway East

**SUBJECT:** GP08-05-01a-e / GPT08-05-01. City-initiated General Plan land use and text amendment requests to change various residential and commercial land use designations to Transit Corridor Commercial and modify the Alum Rock Neighborhood Business District (NBD) boundary to include various portions of parcels fronting on, or within 1000 feet, of Alum Rock Avenue between King Road and Interstate 680. The associated text amendment request is to revise the definition of the Alum Rock Neighborhood Business District to reflect the proposed land use changes.

## RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council approve the proposed General Plan land use and text amendment requests as recommended by staff.

## OUTCOME

If approved, the proposed General Plan amendments could facilitate intensification and mixed uses within a 0.85-mile stretch of the Alum Rock Neighborhood Business District (NBD), and allow consideration of the proposed Alum Rock Form Based Zoning District by the Council in late June (additional information on the associated proposed Zoning will be presented in a separate report).

## BACKGROUND

The Alum Rock NBD is a 2.25-mile long commercial corridor extending from Highway 101 on the west to Manning Avenue on the east. The San José Redevelopment Agency has established the corridor as a Redevelopment Project Area to strengthen the historic commercial role of the street, to attract quality retailers that can better serve the needs of the area's residents, and to reduce retail sales tax leakage outside of San José.

Since at least 1982, the corridor has been formally designated as a NBD in San José's General Plan, and has been the focus of revitalization efforts by the City and the Redevelopment Agency to promote business development and to enhance the corridor's economic viability. Examples of new

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public investment in the NBD include streetscape improvements, the Mexican Heritage Plaza, the Alum Rock Branch Library, and several affordable housing projects. A study for revitalizing the segment of the Alum Rock NBD between King Road and Jackson Avenue resulted in the 1999 *Alum Rock Development Strategy*, which identified the need for improved transit service, high quality landscaping, mixed-use development, and new public open space.

Alum Rock Avenue is also part of the Santa Clara/Alum Rock Transit Corridor, for which the Santa Clara Valley Transportation Authority (VTA) currently provides local and enhanced express bus service including the 522 Rapid Bus. Additionally, VTA is planning Bus Rapid Transit (BRT) service for this corridor to be complete by 2012, and VTA has identified the corridor for Light Rail Transit in the future.

The BRT service is planned to extend from the Eastridge Transit Center along Capitol Expressway, Capitol Avenue, Alum Rock Avenue and Santa Clara Avenue, connecting with the Stevens Creek and El Camino BRT projects west of Downtown. BRT stations within the Alum Rock NBD are planned at King Road and Jackson Avenue with a potential BRT station in between these two stations at Sunset Avenue. Identified in the San José 2020 General Plan as a Transit-Oriented Development Corridor and a Pedestrian Priority Area, and included in the Mayfair and Gateway East Redevelopment Strong Neighborhoods Initiative Areas, this 0.85-segment of the Santa Clara/Alum Rock Transit Corridor is expected to continue its trend of intensification and redevelopment into the next decade, given its proximity to the Downtown Core.

Recognizing the potential of the area, the City and the Redevelopment Agency have proposed the Alum Rock Form-Based Zoning District, which would be consistent with the proposed General Plan amendments if these amendments are approved. The Form-Based Zoning District is intended to facilitate transit and pedestrian-oriented development and avoid the need for individual re-zonings, and, in particular, Planned Development re-zonings of individual properties. The Form-Based Zoning District boundary would follow the proposed modified NBD boundary in the General Plan for the area between King Road and Interstate 680.

### **Planning Commission Hearing on May 27, 2009**

#### Public Testimony

Paul Ring from the Core Companies thanked City staff and the Redevelopment Agency for promoting a vision for the NBD that supports intensification, vertical mixed-use and transit ridership. He stated that he supported the General Plan changes, but noted that, as per his letter to the Planning Commission (see attachment), the General Plan amendments were very intricately linked to the proposed Form Based Zoning, and he stated they need to be a complete package. He does not believe the details of the General Plan amendments and the Form Based Zoning draft documents support the vision for active mixed-uses as stated by the City. Although the Form Based Zoning would allow single-story commercial development, Mr. Ring said he hoped the standards could be made flexible enough to allow more land use options. As proposed, he said, the draft criteria would likely preclude many successful mixed-use developments in San José. Mr. Ring stated that some of the details for the standards in the Form Based Zoning documents need to be revised to enable additional development proposals to go forward and facilitate viable mixed-use projects.

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Commissioner Jensen asked Mr. Ring which local successful mixed-use developments would not be consistent with the currently proposed combination of the General Plan amendments and Form Based Zoning. Mr. Ring cited the "360" residences with commercial frontage and a ground floor lobby and the Avalon project on the Alameda which has some side entrances to ground-floor lobbies.

The Planning Commission then closed the public hearing.

#### Planning Commission Discussion

Commissioner Zito asked staff to respond to Mr. Ring's comments. Staff noted that the existing commercially designated parcels in the NBD mainly allow only commercial uses, and that there are some exclusively residentially-designated parcels. Staff added that there are only a couple of parcels that are designated Transit Corridor Residential (20+ DU/AC) that would allow, but not require, ground floor commercial with residential uses above. However, even these parcels could be developed with entirely residential uses. Staff explained that the General Plan amendments would allow many more mixed-use opportunities than exist currently. The Transit Corridor Commercial land use designation would preserve employment lands, and create uses that support neighborhood businesses and transit ridership. Staff acknowledged that in the present economy, multi-story vertical mixed-use development might not be as feasible as single-story purely commercial development, but that over the long term the economics could change and make vertical mixed-use a more viable option.

Commissioner Kamkar asked for a definition of "form based zoning" and for staff to describe how it would work with the General Plan amendments as a package. Staff explained that the General Plan amendments can occur independently of the proposed Form Based Zoning, and, in fact, they provide a foundation for the Zoning. Staff noted that a form based zoning district would provide detailed standards for a predictable physical form of development with established minimum and maximum setbacks, heights, and other standards that would enable the creation of a streetscape that supports pedestrian activity and transit ridership.

Commissioner Campos asked if the Tierra Encantada development would meet the criteria of the proposed Form Based Zoning. Staff responded that it met many of the requirements but not all of them. Staff explained that the proposed Form Based Zoning would require more frontage for commercial uses than that provided by Tierra Encantada. Although in general form, Tierra Encantada does meet much of the intent of the Zoning because it provides active uses close to the sidewalk.

Commissioner Campos asked staff why the entire Neighborhood Business District from US 101 to Manning was not included. Staff stated that in the future it would be desirable to include the whole NBD, but that creating a workable Form Based Zoning required a substantial investment of City and Redevelopment Agency time and resources, and that the selected segment was a manageable area in which to prototype the Zoning effort. Staff also noted that the study area resulted from the Development Strategy done in 1999. Staff added that the proposed General Plan land use designation and Form Based Zoning had never before been applied in San José, and that starting with a smaller area would likely make future modifications easier to achieve.

## ANALYSIS

See original staff report (attached) for additional analysis of the proposed General Plan amendments.

## EVALUATION AND FOLLOW-UP

Approval of the proposed General Plan amendments as recommended by staff and the Planning Commission facilitates implementation of the General Plan's Economic Development, Sustainable City, and Growth Management Major Strategies and Commercial Land Use Goals and Policies.

## POLICY ALTERNATIVES

*Alternative 1: Denial of the proposed General Plan amendment.*

**Pros:** Denial would retain the existing land use designations on this segment of the NBD.

**Cons:** Denial would not facilitate opportunities for future intensification and vertical mixed uses in the NBD, and would not facilitate the proposed Form Based Zoning.

**Reason for not recommending:** This alternative is not recommended because it does not facilitate the implementation of the General Plan's Sustainable City and Growth Management Major Strategies, and would not facilitate the proposed Form Based Zoning.

## PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy as described in the attached staff report. Staff received additional correspondence after the Planning Commission report was distributed on May 21, 2009. E-mails from Bonnie Mace and Mark Ferguson, and a letter from Paul Ring were distributed to the Planning Commission on the evening of May 27, 2009 prior to the public hearing (see attached correspondence). The issues that were contained in this correspondence were addressed in the Planning Commission hearing on May 27, 2009, and in the original staff report. Staff also was contacted by phone on May 27, 2009 by Ann Marie Sayers, a Tribal Representative. She

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requested that she be referred future development proposals for sites within 300 feet of a waterway or 300 feet of a recorded archaeologically significant site. Staff has agreed to this request.

### **COORDINATION**

The proposed General Plan amendments were coordinated with the Environmental Services Department, Housing Department, Department of Parks, Recreation and Neighborhood Services, Department of Public Works, Department of Transportation, the Redevelopment Agency, and the City Attorney.

### **FISCAL/POLICY ALIGNMENT**

This project is consistent with General Plan goals and policies as discussed in the staff report.

### **COST SUMMARY/IMPLICATIONS**

Not applicable.

### **CEQA**

A Negative Declaration (ND) was adopted on May, 27, 2009 that provides environmental clearance for the project. During circulation of the ND, staff from the City Department of Transportation provided 2008 traffic data to Planning staff that are more current than the 2005 data referenced in the original Initial Study. These data did not change the conclusions of the Initial Study or identify new impacts.

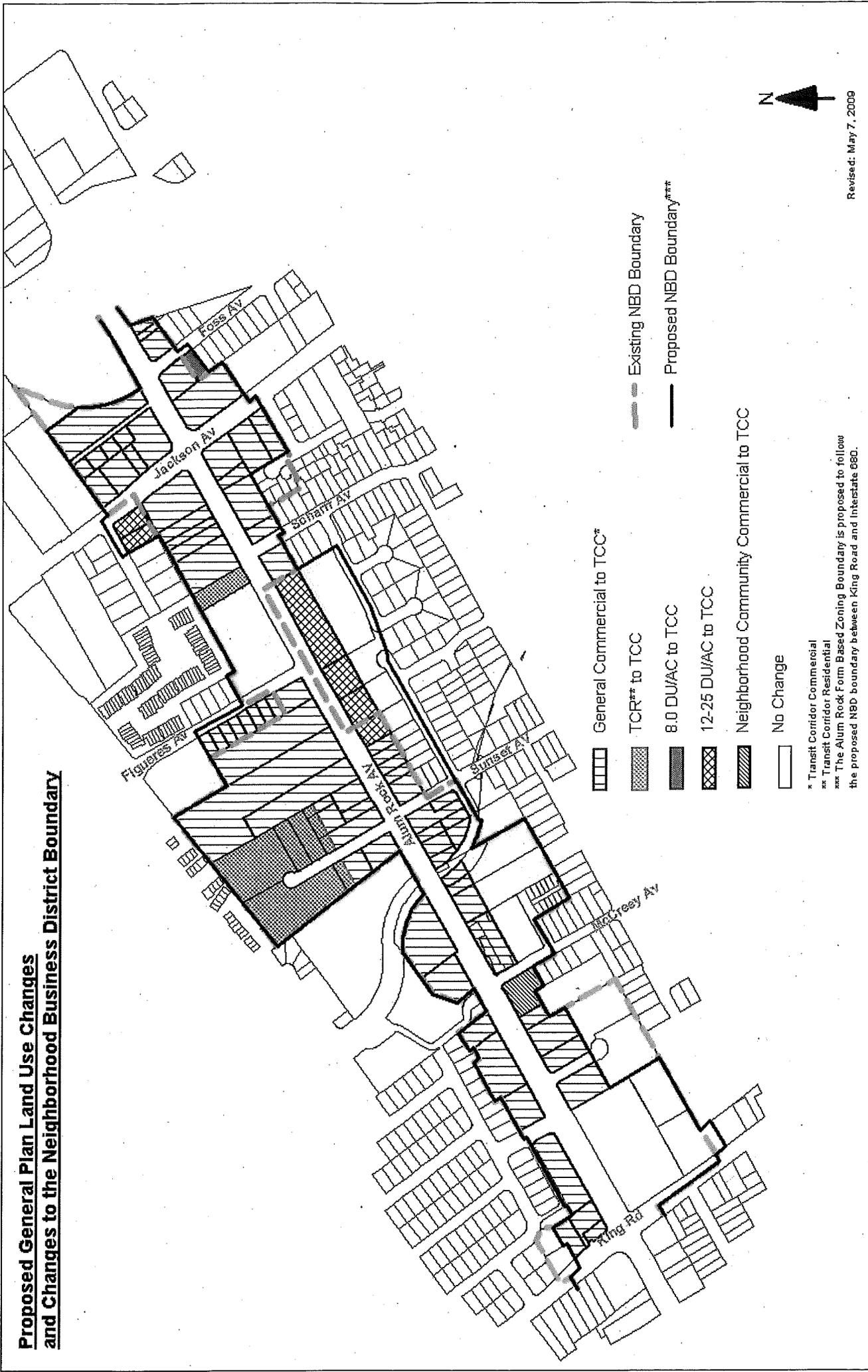
On May 27, 2009, an Addendum to the ND was adopted that addressed a one-acre area of expansion located at Sunset Avenue and Shortridge Avenue in the existing NBD to be re-designated from General Commercial to Transit Corridor Commercial. No new impacts are associated with this expansion of the project area. The long-term traffic impacts are in a Transportation Analysis Zone (TAZ) 1039, which was previously considered exempt from a long-term traffic model run, assuming no more than 119 multi-family household units and 74 jobs added to the existing capacity within the TAZ. This cap will not change as a result of the expanded area changing from General Commercial to Transit Corridor Commercial. Any historic impacts were previously analyzed for the associated Form-Based Zoning proposal that included this area originally.

  
JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions please contact Jenny Nusbaum at 408-535-7872.

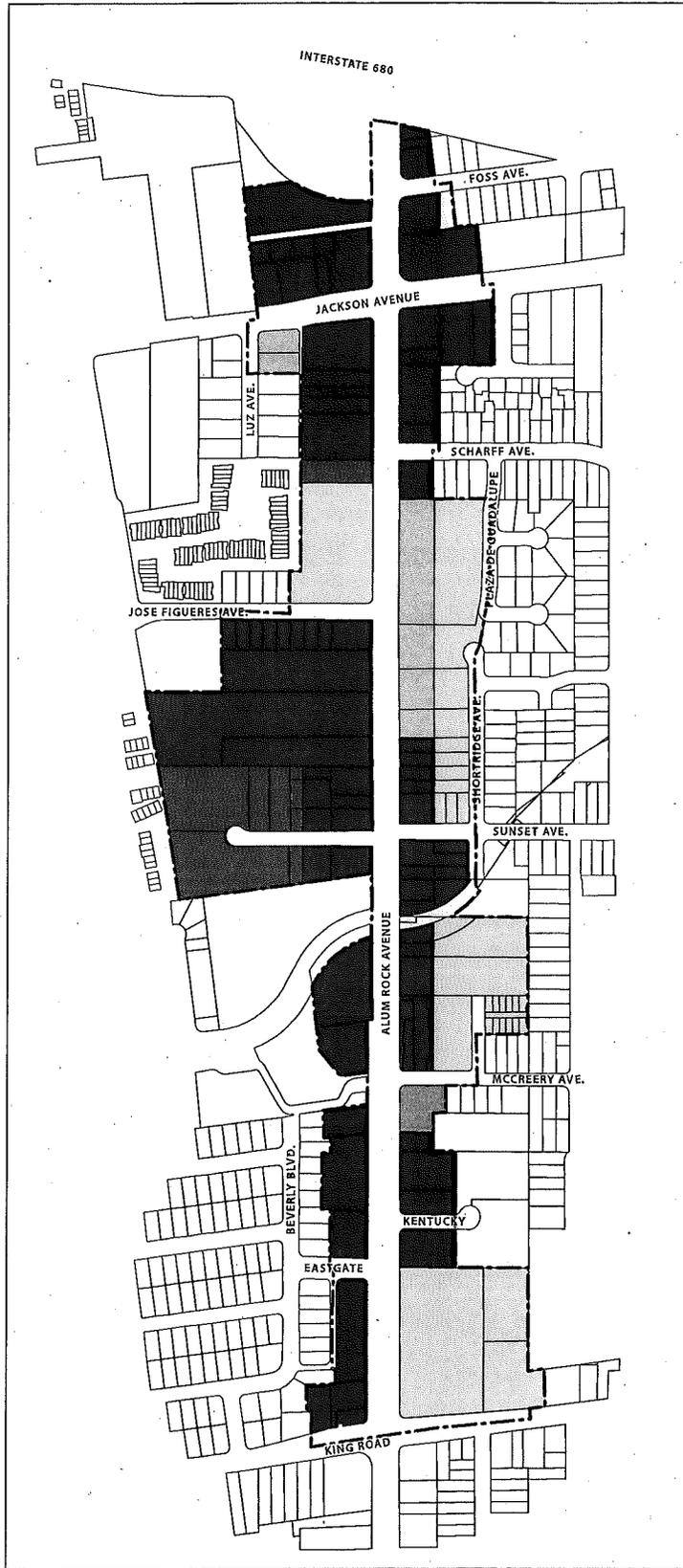
Attachments

**Proposed General Plan Land Use Changes  
and Changes to the Neighborhood Business District Boundary**



- General Commercial to TCC\*
- TCR\*\* to TCC
- 8.0 DU/AC to TCC
- 12-25 DU/AC to TCC
- Neighborhood Community Commercial to TCC
- No Change
- Existing NBD Boundary
- Proposed NBD Boundary\*\*\*

\* Transit Corridor Commercial  
 \*\* Transit Corridor Residential  
 \*\*\* The Alum Rock Form Based Zoning Boundary is proposed to follow the proposed NBD boundary between King Road and Interstate 680.



**Figure 6: Proposed General Plan Land Use Changes**

- GENERAL COMMERCIAL TO TRANSIT CORRIDOR COMMERCIAL (TCC)
- TRANSIT CORRIDOR RESIDENTIAL (TRC) TO TCC
- 8.0 DU/AC TO TCC
- 12 - 25 DU/AC TO TCC
- NEIGHBORHOOD COMMUNITY COMMERCIAL TO TCC
- NO CHANGE

**Nusbaum, Jenny**

**From:** Hirasaki, Casey  
**Sent:** Tuesday, May 26, 2009 2:03 PM  
**To:** Nusbaum, Jenny  
**Cc:** Ma, Paul  
**Subject:** RE: GP08-05-01 Alum Rock General Planning Commission Memo on the Alum Rock Form Based Zoning Design Standards and Guidelines

Jenny:

Good afternoon. I am way late in my review, but I have a couple comments regarding the Initial Study document:

- Page 32 – Jackson Avenue and King Road – why is 2005 CMP monitoring being referenced? 2008 CMP data is available:  
ALUM ROCK/JACKSON, 54.4 seconds, LOS D- in PM peak hour  
ALUM ROCK/KING, 47.5 seconds, LOS D in PM peak hour
- Page 32 – Jackson Avenue - please check and confirm the 49,000 ADT, data I have shows closer to 25,000.

Thank you,  
Casey

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**From:** Ma, Paul  
**Sent:** Tuesday, May 19, 2009 8:28 AM  
**To:** Hirasaki, Casey  
**Subject:** FW: GP08-05-01 Alum Rock General Planning Commission Memo on the Alum Rock Form Based Zoning Design Standards and Guidelines  
**Importance:** High

>  
> P. Paul Ma (408) 975-3272  
> Transportation Systems Planning Manager  
> City of San José Dept of Transportation  
>

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**From:** Nusbaum, Jenny  
**Sent:** Monday, May 18, 2009 6:20 PM  
**To:** Hamilton, Carol; Prevetti, Laurel; Gurza, Renee; Klein, Nancy; Pineda, Manuel; Aguilar, Mirabel; Keit, Richard; James, Renda; Ask, Walter; Morales-Ferrand, Jacky; Hannon, Mike; Todorov, Vera; Ma, Paul; Danielsen, Akoni  
**Cc:** Walton, Susan  
**Subject:** RE: GP08-05-01 Alum Rock General Planning Commission Memo on the Alum Rock Form Based Zoning Design Standards and Guidelines  
**Importance:** High

I am e-mailing the Administrative Draft staff report and two attachments for the General Plan amendments. The proposed amendments are intended to facilitate the adoption of the Form Based Zoning. As per Carol's request for her staff report, please provide comments to me by noon May 20<sup>th</sup>.

The links to the Negative Declaration and Initial Study that cover both staff reports are below.

<http://www.sanjoseca.gov/planning/eir/Nd2/PP09-012/PP09-012MND.pdf>

5/29/2009



# Memorandum

**TO:** Jenny Nusbaum  
Planning, Building  
and Code Enforcement

**FROM:** P. Paul Ma

**SUBJECT: TRAFFIC IMPACT ANALYSIS  
FOR GP08-05-01**

**DATE:** 5-27-09

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Approved

Date

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File Number: GP08-05-01

Location: Alum Rock Avenue between King Road and Interstate 680

Acreage:

Description: Commercial to Transit Corridor Commercial and modify the Alum Rock  
Neighborhood Business District boundary  
(Add +119 HH and Add +74 Jobs)  
Outside Special Subarea (Remainder of City)

We have reviewed the subject General Plan Amendment (GPA) and submit the following comments. The estimated number of new PM peak hour trips resulting from the proposed land use change is below the exemption threshold established for this area. Therefore, this GPA is exempt from a computer model (CUBE) traffic impact analysis.

If an Environmental Impact Report (EIR) is required for this GPA for other reasons, the EIR must include a traffic impact analysis report for the project and a cumulative analysis for all GPAs on file this year. Additional traffic data will be provided to the applicant's traffic engineering consultant for the preparation of the report.

Please contact Paul Ma at 975-3272 if you have any questions.

P. PAUL MA  
Transportation Systems Planning Manager  
Department of Transportation

May 27, 2009

b.e.

San Jose Planning Commission  
200 East Santa Clara Street  
San Jose, CA 95113

RE: GP05-01a,b,c,d&e; GPT08-05-01  
Alum Rock District General Plan amendment, Transit Corridor Commercial

Dear Honorable Chair and Commission Members:

Thank you for allowing comment on the proposed General Plan Amendment to the segment of Alum Rock between King and Interstate 680.

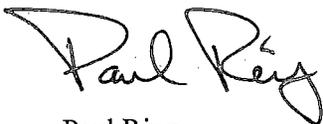
Core supports the direction of the proposed general plan amendment and the proposed zoning guidelines which encourage mixed-use, transit-oriented development, however, Core recommends that the General Plan amendment be either;

- 1) approved contingent upon completion and adoption of the Alum Rock Form Based Zoning Design Standards and Guidelines, or
- 2) approved with direction to further expand development potential for mixed-use, transit oriented development as outlined in Attachment "A".

Either of these will reduce the discrepancies between the resulting land use patterns currently in the documents and be more consistent with the joint environmental analysis.

Thank you again for the opportunity to comment. I look forward to further development of the District.

Sincerely,



Paul Ring  
Development Manager  
The Core Companies

The Core Companies  
470 South Market, San Jose, CA 95113

## ATTACHMENT "A"

To expand development potential as described in the Transit Corridor Commercial General Plan Designation, the following revisions to the Alum Rock Form Based Zoning District Standards and Guidelines are recommended:

- Revise the frontage requirements for Active Commercial.

*For example - revise the current "Interior parcels with frontage of 100 linear feet or more" from 60% of the first 100 linear feet plus 90% of any additional, to be 50% of the first 100 linear feet, plus 80% of any additional. Reduce other descriptions by roughly similar amounts as appropriate.*

- Allow other active pedestrian uses to count towards the Active Commercial requirements, such as those residential support facilities listed in the Transit Corridor Commercial Designation, and Community Art.
- Specially exclude sideyard setbacks from the frontage calculations.
- Allow additional encroachments into the 5' private property of the proposed 15' sidewalk to encourage building articulation.

*For example - allow building elements to encroach up to 2' into the 5' setback, for not more than 30% of the building frontage. This will encourage building articulation for the façade column and glazing elements while promoting the desired public gathering areas.*

- For commercial spaces greater than 8000sf, set minimums depths of 45', but encourage 60' depths. Although 60' is a desirable depth for this type of retail, many times mixed use developments have complex first floor layouts that will benefit from this flexibility. A 60' depth may be too large as a minimum standard.
- The Finished Floor Elevations section should allow limited ADA accessible ramping to some required egress doors within the setback on a discretionary basis. This revision would allow more building articulation and flexibility in the siteplan layout. Locations should be limited to only those areas that do not detract from the pedestrian path and outdoor uses.
- Revise the On-site Open Space requirements to allow that "up to 100% of the private open space" vs. "50% of the units" may be provided as additional common open space. Many higher density mixed-use projects with residential above are successfully designed using common space in lieu of private open space. There are a number of examples in the downtown and other successful mixed-use retail/residential areas. Allowing this flexibility will encourage more opportunities to focus on the viable commercial and transit priorities of the policy.
- There are a number of Treatments and Materials in the Design Guidelines section that are listed as discouraged that, when applied appropriately, can contribute to the vibrant vision of the area, such as wood, manufactured stone, and flexible fenestration options. I recommend that this section be reviewed further to encourage creative solutions towards the performance goal.

P.C. 05-27-09

ITEM 6.C.

**From:** bgoldmace@aol.com [mailto:bgoldmace@aol.com]  
**Sent:** Wednesday, May 27, 2009 7:41 AM  
**To:** Hamilton, Carol; Nusbaum, Jenny  
**Subject:** form based zoning comments

*(Carol and Jenny: Here are my comments. There were several typos in a previous email.)*

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*Planning Commission and City Council members:  
Re: Alum Rock Form-Based Zoning Design Standards and Guidelines*

*- I support staff's recommendation concerning the Alum Rock Form-Based Zoning Design Standards and Guidelines with the following comments:*

*- Although the area between King and 680 was chosen because it has significant potential – in the form of underdeveloped properties that are ripe for redevelopment in an area with significant unmet retail demand --I would still like to see an eventual extension of the FBZ to the entire NBD, which stretches from Highway 101 to Manning, in order to produce uniformity of zoning along Alum Rock Avenue.*

*- The proposed form based zoning standards provide setback and height limitations intended to provide an appropriate transition between the adjacent one- and two-story residences and the taller buildings anticipated along Alum Rock Avenue, and I recommend that staff continue to work with the adjacent homeowners to ensure that their view is not blocked by new multistory development.*

*- Sidewalk widths and on-street parking are not currently optimal along this section of Alum Rock Avenue. The current right of way dimension in this area is 82 feet for cars and 18 feet (9 feet on each side of the street) for pedestrians. This creates wide streets and narrow sidewalks that are inhospitable to pedestrians and retail uses. The objective should be to create a 15 foot sidewalk on each side in order to produce a more comfortable pedestrian environment. I recommend that the FBZ and BRT concepts work in tandem together in order to achieve the goals of wider sidewalks and more on-street parking. Part of the problem is that BRT will narrow sidewalks in some areas of the street, and therefore staff should ensure that BRT requirements do not undermine the FBZ of encouraging a pedestrian-friendly and bike-friendly environment. Sidewalks should also be planted with adequate trees in order to make the area more visually attractive.*

*Sincerely,  
-Bonnie Mace, District 8*

P.C. 05-27-09

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**From:** Mark Ferguson [mailto:markfergie@hotmail.com]  
**Sent:** Wednesday, May 27, 2009 2:54 PM  
**To:** Nusbaum, Jenny  
**Subject:** RE: GP08-05-01 Alum Rock General Plan amendments

ITEM 6.c.

Dear Jenny,

It has also come to my attention that if redevelopment of neighboring stores and supermarket went underway, would the same stores and supermarket remain or would they be replaced by other stores? Also, what would happen to the supermarket because it is relatively close in proximity to where I live and I can just walk there?

Thank you,

Mark Ferguson

P.C. 05-27-09

**From:** Mark Ferguson [mailto:markfergie@hotmail.com]  
**Sent:** Wednesday, May 27, 2009 2:13 PM  
**To:** Nusbaum, Jenny  
**Subject:** RE: GP08-05-01 Alum Rock General Plan amendments

ITEM 6.c.

Dear Jenny,

Thank-you for taking the time today to answer any questions and concerns that I have regarding future planning of the immediate area in which I live. As far as summarizing my comments, my main concern is that if plans to build a transportation system in the area, what would be the immediate affect concerning public noise and transportation noise, and what if any would be done concerning public welfare in maintaining public safety, especially in an area where there have been theft of personal belongings from vehicles as well theft of their vehicle? My immediate concern is that there is an outreach home for addicts across the street and my belief is that the reason my stereo and laser detector was stolen was in desperation to acquire money for drugs. That was before I found out that there even was an outreach home across the street. So with the new municipal transportation being built what will be done concerning their ability to come and go as they please and bring in other people looking for their friends for a quick "high." I, for one, would like more protection from this even if it comes in more police protection. Another concern of mine is that if the noise of the municipal transportation is loud enough what kind of compensation will be done to my home to allow me to get sound sleep, because I have only single pane windows?

Thank you,

Mark Ferguson

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**Subject:** GP08-05-01 Alum Rock General Plan amendments  
**Date:** Wed, 27 May 2009 12:41:41 -0700  
**From:** Jenny.Nusbaum@sanjoseca.gov  
**To:** markfergie@hotmail.com

Dear Mark,

Per our conversation today, here are the links to the Planning Commission Agenda, the staff reports for the Alum Rock General Plan Amendments and the Alum Rock Form-based Zoning, and the Mayfair SNI NAC meeting info. If you want to summarize your comments in an e-mail to me this afternoon, I can include the e-mail in the handouts to the Planning Commission tonight.

<http://www.sanjoseca.gov/planning/hearings/2009/PC/Agendas/05-27.pdf>

[http://www.sanjoseca.gov/planning/hearings/2009/PC/Reports/05-27/6c\\_GP08-05-01.pdf](http://www.sanjoseca.gov/planning/hearings/2009/PC/Reports/05-27/6c_GP08-05-01.pdf)

[http://www.sanjoseca.gov/planning/hearings/2009/PC/Reports/05-27/3a\\_PreliminaryAlumRockFBZD\\_S&D.pdf](http://www.sanjoseca.gov/planning/hearings/2009/PC/Reports/05-27/3a_PreliminaryAlumRockFBZD_S&D.pdf)

<http://www.strongneighborhoods.org/mayfair06.asp>

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