

STAFF REPORT
PLANNING COMMISSION

FILE NO.: GP10-04-01

Submitted: January 5, 2010

PROJECT DESCRIPTION:

General Plan Amendment to change the Land Use/Transportation Diagram designation from Neighborhood/Community Commercial and High Density Residential (25-50 DU/AC) to General Commercial on 13.7 acres and Medium High Density Residential (12-25 DU/AC) on 13.7 acres of the 27.4 gross acre subject site.

LOCATION:

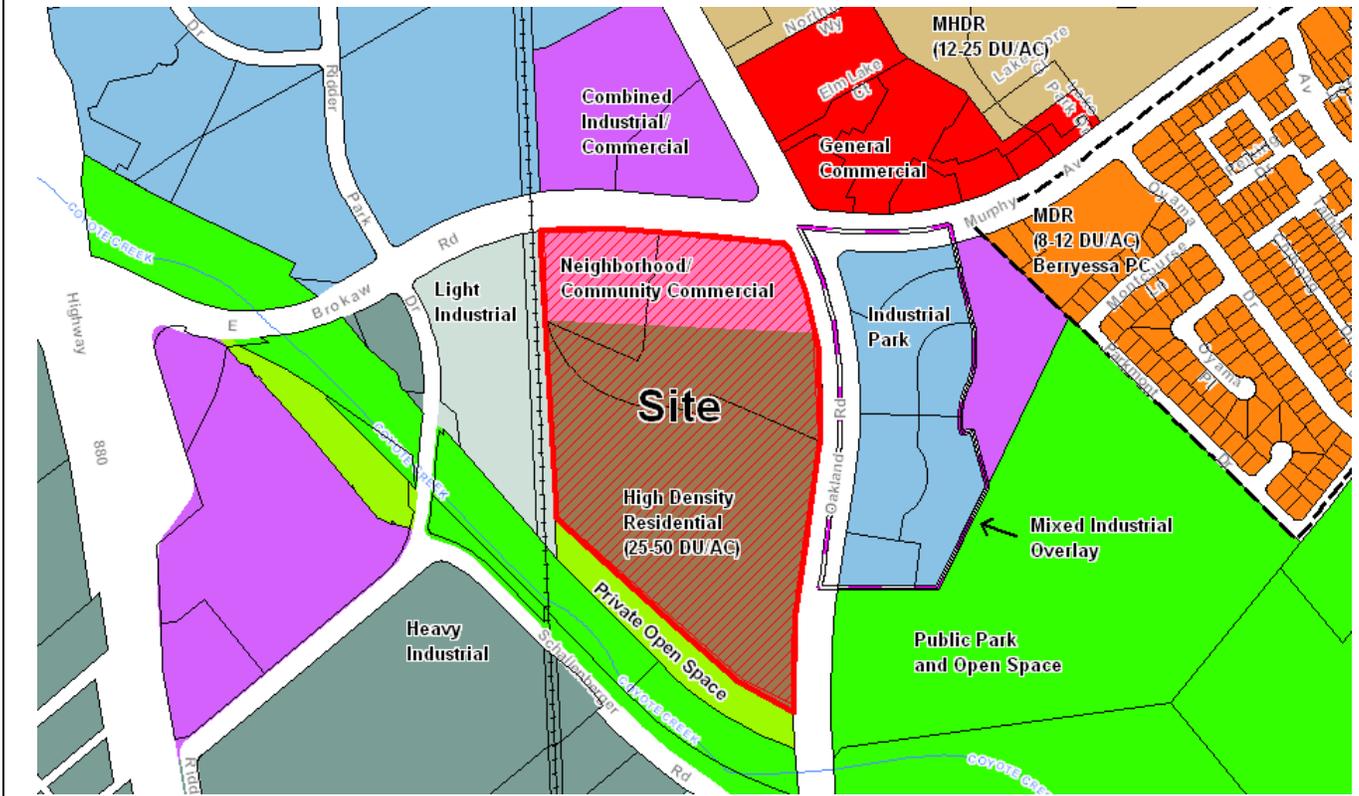
Southwest corner of E. Brokaw Road and Old Oakland Road. (1060 & 1080 Brokaw Road)

Existing General Plan	Neighborhood/Community Commercial; High Density Residential (25-50 DU/AC)
Proposed General Plan	General Commercial; Medium High Density Residential (12-25 DU/AC)
Existing Zoning	HI Heavy Industrial; IP Industrial Park
Council District	4
Annexation Date	February 26, 1960 (Orchard No. 24-A)
SNI	NA
Historic Resource	NA
Redevelopment Area	Rincon de Los Esteros
Development Policy Area	North San Jose

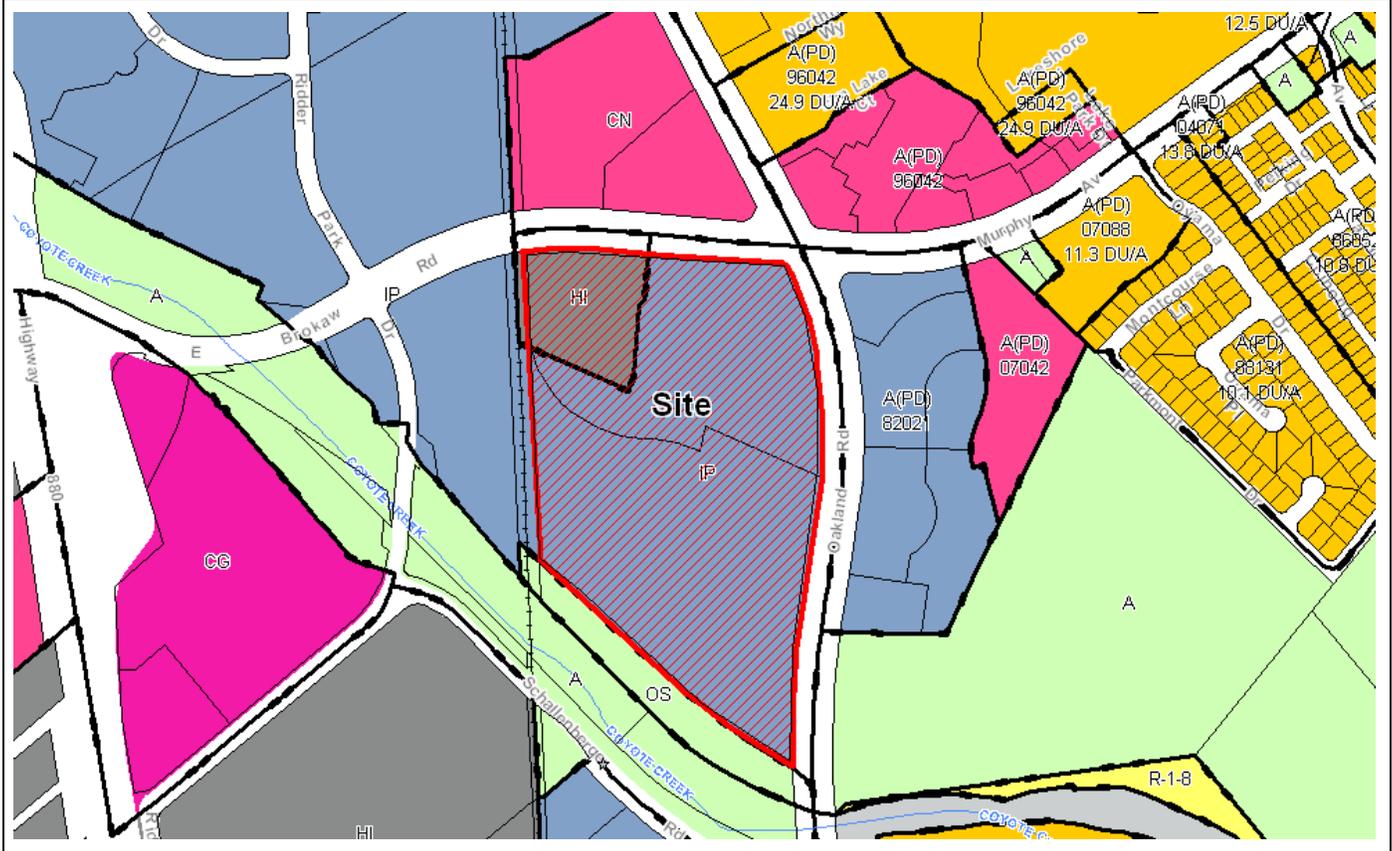
Aerial Map



GENERAL PLAN



ZONING



RECOMMENDATION

Planning staff recommends that the Planning Commission recommend to the City Council approval of the proposed General Plan Amendment on the subject site for the following reasons:

1. The proposed amendment to change the Land Use/Transportation Diagram land use designation on the subject site from Neighborhood/Community Commercial and High Density Residential (25-50 DU/AC) to General Commercial on 13.7 acres and Medium High Density Residential (12-25 DU/AC) on 13.7 acres of the 27.4 gross acre subject site is inconsistent with the goals and policies of the San Jose 2020 General Plan, most notably:
 - a. Balanced Community Policy No. 1, as the requested land use change would increase the amount of job generating land uses and decrease the amount of residential land uses thereby improving the jobs/housing balance.
 - b. Residential Land Use Policy No. 9, as the requested land use change to lower the residential density on the site will have a lesser impact on city services.

BACKGROUND & DESCRIPTION

On January 5, 2010, Sean Morley of Morley Bros., LLC, representing the property owner, filed a privately initiated General Plan Amendment to request a change to the San José 2020 General Plan Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial on six (6) acres and High Density Residential on 21.4 acres to General Commercial on 13.7 acres and Medium High Density Residential (12-25 DU/AC) on 13.7 acres for a site located at the southwest corner of E. Brokaw Road and Old Oakland Road.

An associated Planned Development Zoning (File No. PDC07-010) is on file to allow for the development of up to 150,000 square feet of mixed use and general commercial uses or continued use of up to 300,000 square feet of office/research and development (R&D) uses, within existing buildings, located in the northern 13.7 acres of the site and a maximum of 342 residential units, at a density of 20 DU/AC, on the southern 13.7 acres of the site. The commercial component may include up to 300+ residential units within a mixed use building for a total of approximately 650 residential units over the entire site. The proposal includes an Open Space/Riparian Area which provides an approximately 100-foot from Coyote Creek. This area may include a 25-foot easement, or approximately 0.6 acres, for trail purposes. This proposed zoning would be presented in a staff report to Planning Commission and City Council at a future date.

Site and Surrounding Land Uses

The subject site is developed with two (2) research and development (R&D)/office buildings (Fairway Business Park) that are situated at the southwest corner of Old Oakland and E. Brokaw Roads. The site is bordered by E. Brokaw Road on the north, Old Oakland Road on the east, Coyote Creek to the south, and the Union Pacific rail line to the west. The land uses surrounding the site include industrial park/office uses to the west, north and south across E. Brokaw Road, the rail line and the creek, a commercial shopping center (North Park Plaza) to the northeast across E. Brokaw Road, and office/R&D and the San Jose Municipal Golf Course to the east across Old Oakland Road.

The northern portion of the site was previously developed with three (3) office/R&D buildings. One of the buildings was demolished in the spring of 2008 as part of ongoing hazardous materials remediation work on the site. The two remaining buildings on the site were constructed in 1998. The southern portion of

the site is primarily vacant land that was previously used as a metals recycling facility. This portion of the site is currently undergoing remediation work to address hazardous materials contamination.

Previous Planning Approvals

In 2000, a General Plan Amendment (File No. GP00-04-03) was approved for the site, which changed the land use designation from Heavy Industrial to Industrial Park on 27.5 acres and Private Open Space on 2.5 acres. The area designated as Private Open Space reflects the required riparian setback for future development. Given the changing character of the general area, the site was no longer well suited for heavy industrial uses.

In 2003, a 15.5-acre portion of the site previously occupied by a metal recycling facility was the subject of a General Plan Amendment (File No. GP03-04-05), which was approved in December 2003, that added a Mixed Industrial Overlay to the existing Industrial Park land use designation. The intent of adding the Mixed Industrial Overlay on this portion of the site was to provide a greater opportunity for industrial, compatible non-industrial, or a combination of both types of uses in order to help facilitate economic development opportunities.

In 2006, a General Plan Amendment (File No. GP06-04-02) was approved for the site, which changed the General Plan Land Use/Transportation Diagram land use designation from Heavy Industrial and Industrial Park with Mixed Industrial Overlay to Neighborhood/Community Commercial on six (6) acres and High Density Residential (25-50 DU/AC) on 21.4 acres. The 2.5 acres of the site designated as Private Open Space was left unchanged.

Community Meeting

On August 31, 2010, a community meeting was held at the Orchard Elementary School located on Fox Lane, at which six community members were in attendance. Those in attendance generally were supportive of the project, but really wanted to see single-family detached units on the site as that housing product type is in short supply in the area.

ANALYSIS

The proposed General Plan Amendment was analyzed with respect to: 1) appropriateness of the requested land use designations, 2) conformance with the San Jose 2020 General Plan Goals and Policies, 3) conformance with the North San Jose Area Development Policy, 4) conformance with the Framework for the Preservation of Employments Lands, and 5) conformance with the California Environmental Quality Act (CEQA).

Land Use Designations

The existing Neighborhood/Community Commercial land use designation applies primarily to shopping centers of a neighborhood or community scale. The primary distinction between neighborhood and community commercial centers lies in the difference as to trade area served and the range of uses. The existing High Density Residential (25-50 DU/AC) land use designation is typified by three-to four-story apartments or condominiums over parking and is planned primarily near the Downtown Core Area, near commercial centers with ready access to freeways and/or expressways and in the vicinity of the rail stations.

The proposed General Commercial land use designation is a non-specialized commercial designation intended to permit miscellaneous commercial uses. It includes both strip commercial areas along major thoroughfares as well as freestanding commercial establishments. Business and professional office uses are allowed within this category as well. The proposed Medium High Density Residential (12-25 DU/AC) land use designation is typified by two-story apartments and condominiums with surface parking, although structures of greater height with compensating amounts of open space is possible. This density is planned primarily for locations on major streets and near major activity centers.

The requested General Commercial land use designation is more appropriate for the site than the existing Neighborhood/Community Commercial land use designation in that the site is located adjacent to primarily industrial park uses along two major arterials Old Oakland and Brokaw Roads. The General Commercial land use designation allows a wider range of commercial uses that will serve not only the job sites in the area, but the existing nearby residents and the proposed new residential units on the site. The site also has easy access from the freeway and could support destination retail similar to the Lowe's site just to the west.

Given that the subject site is not located near the Downtown Core Area, in a Transit Corridor, or near rail transit, by definition the existing High Density Residential land use designation is not as appropriate as the Medium High Density Residential. The Medium High Density Residential land use designation would be more appropriate because the site is located on two major streets, near Highway 880, near job uses, and small commercial shopping centers. However because of the sites proximity to all of the aforementioned uses, the residential uses should be developed at the higher end of the allowed density range.

General Plan Goals and Policies

The proposed land use change from Neighborhood/Community Commercial and High Density Residential (25-50 DU/AC) to General Commercial and Medium High Density Residential (12-25 DU/AC) on the subject site is consistent with the following General Plan Goals and Policies and are the main reasons for recommending approval of the amendment request as discussed in the following:

- Balanced Community Policy No. 1: The City should foster development patterns which will achieve a whole and complete community in San José, particularly with respect to improving the balance between jobs and economic development on the one hand, and housing resources and a resident work force on the other.

The requested land use change would increase the amount of job generating land uses and decrease the amount of residential land uses, which will improve the balance between jobs and economic development and housing.

- Economic Development Goal No. 2: Create a stronger municipal tax base by obtaining a greater share of the total industrial and commercial development in the County, protecting the exclusively industrial areas from incompatible development, and by nurturing and encouraging expansion of the existing industrial and commercial development in the City.

The change in land use to General Commercial, which allows for a wider range of commercial uses than the Neighborhood/Community Commercial land use designation, and an increase in the acreage of commercial uses along with the reduction in residential acreage, helps the City in working towards the goal of creating a stronger municipal tax base.

- **Commercial Land Use Policy No.1:** Commercial land in San José should be distributed in a manner that maximizes community accessibility to a variety of retail commercial outlets and services and minimizes the need for automobile travel. New commercial development should be located near existing centers of employment or population or in close proximity to transit facilities.

The subject site is already designated for commercial uses. The requested General Commercial land use designation allows for a wider range of commercial uses and therefore the site would have the ability to provide a greater variety of commercial to serve the specific needs of the area, which is unique in that the commercial will serve an existing and planned neighborhood as well as the nearby job uses.

- **Residential Land Use Policy No. 9:** When changes in residential densities are proposed, the City should consider such factors as neighborhood character and identity, compatibility of land uses and impacts on livability, impacts on services and facilities, including schools, to the extent permitted by law, accessibility to transit facilities, and impacts on traffic levels on both neighborhood streets and major thoroughfares.

The requested land use change to lower the residential density on the site will have a lesser impact on city services and traffic, but at the same time be at a density that will be compatible with the existing and planned commercial uses providing multi-family development and a residential base supportive of the commercial uses.

North San Jose Area Development Policy

The subject site is located within the North San José Area Development Policy. This Policy establishes a framework to guide the ongoing development within the North San José area. The updated Policy allows for the development of 26.7 million square feet of new industrial/office/R&D building space, 1.7 million square feet of new neighborhood serving commercial uses, one million square feet of new regional commercial, 1,000 new hotel rooms, and 32,000 new dwelling units in the Rincon area. Consistent with the Policy, the increase in the amount of commercial uses on the site would support the planned job growth in the area not only by providing additional jobs, but by also providing commercial services for the job sites in the area.

This Policy includes phased job generation triggers before residential can be developed. Allocation is reserved with the approval of a Planned Development Permit. At this time all of the Phase I allocation for residential units have been approved. Residential development may only occur on the portion of the site designated for such as a part of Phase II of the Policy or if approved Planned Development Permits for residential units in Phase I expire.

Framework for the Preservation of Employments Lands

The proposal does not include the conversion of industrial or commercial lands to residential, but rather a reduction in the amount of land dedicated for residential uses and the increase in land dedicated for commercial uses. This proposal is consistent with the Framework and the goal of increasing lands for job and tax generating uses.

Environmental Review

The proposed General Plan Amendment will not have a significant effect on the environment and therefore an Addendum to the Fox Property General Plan Amendment Environmental Impact Report (EIR) was prepared. This EIR was certified by the City Council on December 13, 2006 under File No. GP06-04-02. The Initial Study supporting the Addendum is available for review on the Planning web site at: www.sanjoseca.gov/planning/eir/MND.asp

Conclusion

As discussed in this report, the subject General Plan amendment request is consistent with several of the goals and policies in the San Jose 2020 General Plan. It is also consistent with the North San Jose Development Policy and the goal of increasing commercial services for job sites in the area. The proposal is exactly the type of land use envisioned with the Framework for the Preservation of Employment Land in that it is increasing land dedicated to job and tax generating uses.

PUBLIC OUTREACH/INTEREST

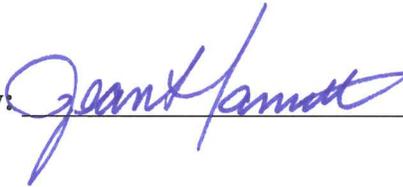
In addition to the community meeting held on August, 21, 2010, the property owners and occupants within a 1,000-foot radius of the site were sent public hearing notices for the Planning Commission and City Council hearings. This staff report has been posted on the City's web site. Signage has been posted at the site to inform the public about the proposed change. Staff has been available to discuss the proposal with interested members of the public.

Tribal Consultation

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

Project Manager: Lesley Xavier

Approved by:



Date:

10/24/10

Owner/Applicant:	Attachments:
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Applicant: The Morley Bros. Sean Morley 506 N. Santa Cruz Avenue Los Gatos, CA 95030	