



Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

HOUSING OPPORTUNITIES STUDY PHASE III GENERAL PLAN REPORT

2004 Fall Hearing

Hearing Date/Agenda Number:
P.C. November 17, 2004 Item:7.b

File Number:
GP03-04-07 (HOS III)

Council District and SNI Area:
District 4 / SNI n/a

Major Thoroughfares Map Number:
51

Assessor's Parcel Number(s):
254-15-031, -032, -063, -064

Project Manager: David Tymn

PROJECT DESCRIPTION:

General Plan amendment request to change the Land Use/Transportation Diagram on an approximately 2.5-acre site from Medium Density Residential (8-16 DU/AC) to Medium High Density Residential (12-25 DU/AC) with a Floating Park Designation.

LOCATION: South side of Berryessa Road, approximately 740 feet east of Jackson Avenue (13060, 13100, and 13120 Berryessa Rd.)

ACREAGE: 2.5

APPLICANT/OWNER:

City of San Jose/Various: Vincent and Jane Genco, Trustee; Charles J. Territo, et al; Grace R. Nola, et al;

GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: Medium Density Residential (8-16 DU/AC) Proposed Designation: Medium High Density Residential (12-25 DU/AC) with a Floating Park Designation.

EXISTING ZONING DISTRICT(S): A Agriculture

SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

North: Single-family detached residential; Medium Density Residential (8-16 DU/AC)

South: Vacant; Neighborhood/Community Commercial

East: Vacant; High Density Residential (25-50 DU/AC)

West: Single-family detached residential (across Berryessa Road); Medium Low Density Residential (8DU/AC)

ENVIRONMENTAL REVIEW STATUS:

Housing Opportunity Study Phase III Environmental Impact Report to be adopted November 17, 2004

PLANNING STAFF RECOMMENDATION:

Medium High Density Residential (12-25 DU/AC) on approximately 2.5 acres with a Floating Park Designation

Approved by:

Date:

PLANNING COMMISSION RECOMMENDATION:

CITY COUNCIL ACTION:

CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:

- Parks, Recreation and Neighborhood Services Department (PRNS)- The Parks Commission recommends collecting in-lieu fees to help develop neighborhood parks within .75 miles of the site. See attached memo.
- Department of Transportation (DOT)- The proposed General Plan amendment is exempt from a computer model (TRANPLAN) traffic analysis. See attached memo.
- Santa Clara Valley Transportation Authority (VTA)- The VTA indicated that they have no comment. See attached memo.

GENERAL CORRESPONDENCE:

1. At the Housing Opportunities Study Phase III EIR scoping meeting held January 21, 2004, general concerns were raised regarding the need for more public outreach, the potential loss of small businesses and jobs from conversion of employment lands to housing, potential nuisances and inadequate open space to serve new residents, increased traffic, and over-reliance on public transit. Written correspondence on these issues from members of the public was also sent to Planning staff.
2. At the Housing Opportunities Study Phase III Community Organizations Roundtable held March 30, 2004, the following comments were raised by those in attendance:
 - Need for more public outreach and education regarding City of San Jose Planning methods and processes;
 - Analyze transportation alternatives such as bus ridership, pedestrian access and bike lanes and trails;
 - Improve implementation of smart growth concepts at development stage;
 - Potential for “instant slums” being created by high-density residential development;
 - The likeliness that BART will get funding and be extended to San Jose;
 - Neighborhood support for preserving the remaining cherry orchard at the Nola Farms property as historic park site;
 - Need for more street trees and urban habitats.

Questions relating to the above-mentioned issues were answered during the meetings and in the EIR.

3. Independence High Neighborhood Association – A letter dated November 8, 2004 indicating opposition to the proposal citing the potential loss of the cherry orchard on the site if the amendment is approved. See attached letter.
4. Staff has received phone calls from three of the owners of the subject site. Each expressed a

concern that the Floating Park Designation would detract from the salability of the property. Staff indicated that this property would be subject to typical Parkland Dedication Ordinance requirements, and the Floating Park designation would not require anything beyond these requirements. Any future development of the property would be subject to the PDO requirements. Staff has not received any written correspondence from the owners as of November 12, 2004.

ANALYSIS AND RECOMMENDATIONS:

RECOMMENDATION

Staff recommends the General Plan Land Use/Transportation Diagram designation for the subject site be changed from Medium Density Residential (8-16 DU/AC) to Medium High Density Residential (12-25 DU/AC) with a Floating Park designation.

The land use change to Medium High Density Residential (12-25 DU/AC) with a Floating Park designation for the site is appropriate for the following reasons:

- **Near Future/Existing Light Rail Station.** The general purpose of Transit-Oriented Development Corridors (TOD) Corridors is to intensify and diversify development on sites generally located within approximately 500 feet of the right-of-way of the corridor's central transportation facility or within approximately 2,000 feet of an existing or planned LRT station. The City considers these sites as generally suitable for higher residential densities. The subject site is located within proximity of the Capitol Light Rail TOD Corridor and is approximately 2,500 feet from an existing light rail station.
- **Adjacent to Land already designated for High Density Housing.** Adjacent to the east and south of the subject site are 17 acres of vacant land designated High Density Residential (25-50 DU/AC) and Neighborhood/Community Commercial on the General Plan Land/Use Transportation Diagram. The properties to north along Interstate 680 have a General Plan designation of Medium Density Residential (8-16 DU/AC) and are developed with single-family homes. An increase in density on the subject amendment site might facilitate a consolidation of properties together with the adjacent vacant land for a more comprehensive plan for high-density residential and commercial development, which could include public park open space.

PROJECT DESCRIPTION

This is a staff initiated General Plan amendment to change the Land Use/Transportation Diagram designation from Medium Density Residential (8-16 DU/AC) to Medium High Density Residential (12-25 DU/AC) with a Floating Park designation on a 2.5-acre site. This site is located at south side of Berryessa Road, approximately 740 feet east of Jackson Avenue (13060, 13100, and 13120 Berryessa Road). The proposed residential land use designation of Medium High Density Residential (12-25 DU/AC) is typified by two-story apartments and condominiums

with surface parking. In some cases taller buildings balanced with open space are allowed. Medium High Density Residential (12-25 DU/AC) uses are planned primarily for locations on major streets and near major activity centers. Sites with this land use designation located in Transit-Oriented Development Corridors or along arterials containing major bus routes should be developed at the high end of the density range to support these transit facilities. Properties located within a reasonable walking distance (approximately 2,000 feet along a safe pedestrian route) of a planned or existing rail station should be developed at a minimum density of 20 units per acre under this designation.

Assuming a density of 12-25 dwelling units per acre, the requested land use designation would allow for approximately 40 to 85 dwelling units on the subject site representing an increase of approximately 12 to 30 dwelling units over the existing General Plan Land Use designation.

The Floating Public Park/Open Space designation identifies land intended for open space and recreation uses in areas where a park is needed, but where either no specific site has yet been identified or where the details of surrounding development have not been finalized. The “floating” designation is intended to indicate a general area within which a park site will be located. The specific size, location, and configuration of such park sites will be finalized through acquisition of a particular parcel.

BACKGROUND

This staff-initiated General Plan amendment is a result of the Housing Opportunity Study Phase III (HOS III). In January 2000, the City Council directed Planning staff to conduct the Housing Opportunity Study (HOS). The Housing Opportunity Study is modeled on the successful Housing Initiative Study that was completed for the Guadalupe Light Rail Transit Corridor in April 1991. The Housing Opportunity Study is a proactive approach to facilitate increased housing production, support transit with appropriate development intensities, and further the City’s longstanding policy of infill development. The HOS seeks to identify specific vacant or underutilized parcels, particularly within or near Transit-Oriented Development Corridors that would be suitable for higher density or mixed-use development. These Corridors include the Guadalupe, Stevens Creek Boulevard/West San Carlos Street, Santa Clara Street/Alum Rock Avenue, Winchester Boulevard, Capitol Avenue/Expressway, and the Vasona light rail line.

The HOS has three phases, with each phase evaluating different Transit Oriented Development Corridors. The first phase, which focused on the Capitol Avenue/Expressway Transit-Oriented Development Corridor, was completed in 2001. Phase II focused on the Stevens Creek Boulevard/West San Carlos Street and Santa Clara Street/Alum Rock Avenue Transit-Oriented Development Corridors. Phase III is focused on underutilized lands near existing light rail stations and future BART Station locations throughout San Jose. This General Plan amendment is one of seven proposed amendments in Phase III.

As part of the HOS III study and the Environmental Impact Report staff, had originally proposed a High Density Residential (25-50 DU/AC) land use designation for this site. This density is typified by three-to four-story apartments or condominiums over parking. This density is planned primarily near the Downtown Core Area, near commercial centers with ready access to freeways or expressways and in the vicinity of the rail stations within the Transit-Oriented Development

Corridors Special Strategy Area. Sites within reasonable walking distance of a passenger rail station may be appropriate for vertical commercial/residential mixed-use development under a Planned Development zoning. The commercial component should be well integrated and well designed in the context of the overall development, with the commercial uses serving the surrounding neighborhood and rail passengers.

After further consideration, staff is recommending a slightly lower residential designation for the site. A Medium High Density Residential (12-25 DU/AC) designation seems to be a more appropriate designation for the site given that this site is approximately 2500 feet from the Berryessa/Capitol light rail station and requires pedestrians to use the overpass to the Interstate 680 freeway to reach the light rail station. In addition, the proposed Medium High Density Residential (12-25 DU/AC) designation allows a compatible transition and mix of densities with the existing Medium Density Residential (8-16 DU/AC) and High Density Residential (25-50 DU/AC) within the same area.

Previous General Plan Amendments

In 1996 a General Plan amendment was considered to change the Land Use Transportation diagram designation for the subject site as well as the properties to the north. The General Plan amendment proposed a change from Medium Density Residential (8 DU/AC) to Medium High Density Residential (8-16 DU/AC) on 10.2 acres. This privately initiated amendment was filed by Grace A. Nola et. al. and was approved by the City Council. Approval of the amendment facilitated the single-family residential development north of the subject site.

Site & Surrounding Context

The amendment site is located in proximity to the Capitol Light Rail Transit-Oriented Development (TOD) Corridor and is approximately 2,500 feet from a light rail station. It is also located near the Highway 680 interchange at Berryessa Road. The site consists of four parcels totaling approximately 2.5 acres. Uniting the parcels with a higher density residential land use designation makes future development more feasible. In general, the proximity of the site to transit and other multi-family designations makes it ideal for Transit-Oriented Development.

The site currently consists of two single-family homes, various storage buildings and outdoor storage, a small cherry orchard and vacant land. The site is also used for seasonal pumpkin and Christmas tree sales. This site and the property to the north had historically been a family owned cherry orchard. For many years, cherries have been sold from a roadside fruit stand on Berryessa Road. Much of the land used for cherry orchards to the north along Interstate 680 was sold and developed with single-family homes in 1998.



ANALYSIS

Consistency with the San Jose 2020 General Plan Major Strategies, Goals, and Policies

The Major Strategies and Goals and Policies of the City's General Plan support infill residential development in appropriate areas of the City and encourage sustainable practices, such as orienting residential development near transit facilities and existing retail and commercial uses. This approach helps to increase the availability of transit and the implementation of bicycle and pedestrian connections. The results are shortened vehicular trip lengths, and a reduction in the number of vehicular trips, thereby conserving energy and improving water and air quality.

Major Strategies

The San Jose 2020 General Plan has seven Major Strategies that identify the principal objectives of the Plan. Of those seven, this amendment directly relates to three Major Strategies: (1) Growth Management; (2) Housing; and (3) Sustainable City.

The proposed amendment is supportive of the Growth Management Major Strategy that seeks to find the balance between the need to house new population and the need to balance the City's

budget, while providing acceptable levels of service. The amendment site is located within an area where urban facilities and services are already available; any infill development on this site supports the intent of the Growth Management Major Strategy.

The proposed amendment is also supportive of the Housing Major Strategy that seeks to maximize the housing opportunities on infill parcels already served by the municipal services. Changing the land use designation to allow a higher residential density would provide the opportunity for more housing units on this infill site.

The Sustainable City Major Strategy seeks to reduce traffic congestion, pollution, wastefulness, and environmental degradation of our living environment. The amendment site is located within close proximity to the Capitol Corridor Light Rail Transit Corridor. Locating development in already urbanized areas and around transit contributes to sustainability by reducing the number of vehicular trips, shortening trip lengths, and providing for the availability of different modes of transportation such as public transit, biking, and walking. This in turn helps to conserve energy and improve air quality.

Goals and Policies

The proposed land use change on the subject site is consistent with the General Plan's Goals and Policies. Of particular importance is consistency with the following residential land use policies:

- ***Residential Land Use Policy No. 3.*** Higher residential densities should be distributed throughout the community. Locations near commercial and financial centers, employment centers, the light rail transit stations, and along bus transit routes are preferable for higher density housing. There are a variety of strategies and policies in the General Plan that encourage the construction of high density housing and supportive mixed uses. For example, the Housing Initiative and Transit-Oriented Development Corridor Special Strategy Areas encourage high-density housing and mixed-use development in close proximity to existing and planned transit routes.
- ***Residential Land Use Policy No. 9.*** This policy states that 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.
- ***Residential Land Use Policy No. 23.*** This policy states that new high-density residential development in Transit-Oriented Development Corridors and BART Station Area Nodes should be designed to protect residents from any potential conflicts with adjacent land uses.

The proposed change to Medium High Density Residential (12-25 DU/AC) is consistent with the above residential land use policies in that the subject site is located near an existing LRT line and

station. The proposed Medium High Density Residential (12-25 DU/AC) land use is compatible with the existing surrounding land uses and with the neighborhood character.

The proposed land use change is also consistent with the General Plan Balanced Community Goal, which states, “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 Medium High Density Residential (12-25 DU/AC) designation can provide a range of housing densities, which allows for different housing types.

Land Use Compatibility

The proposed change to the Land Use/Transportation Diagram from Medium Density Residential (8-16 DU/AC) to Medium High Density Residential (12-25 DU/AC) is compatible with surrounding land uses. The proposed land use designation provides an opportunity to integrate uses and intensify land use in appropriate locations. Site-specific densities, design, and uses would be determined at the zoning stage based on compatibility with surrounding land uses and conformance with General Plan policies.

Staff regards this site and the adjacent vacant sites to the east and south as a potential opportunity for a comprehensive development that could include high density residential and commercial mixed-use development totaling 19.5 acres. These vacant lands were rezoned Planned Development in 1974, one for High Density Residential at 34.6 DU/AC and one for commercial uses at the easterly corner of Berryessa Road and Jackson Avenue. Directly to the north, along the Interstate 680 freeway, is an existing single-family detached residential development. This property was rezoned to Planned Development in 1997 and permitted a density of 12.7 DU/AC. As outlined above, the surrounding planned and existing land uses would be compatible with the proposed density increase for the subject site. The subject site could develop independently or in conjunction with the adjacent vacant land.

ENVIRONMENTAL REVIEW

The Housing Opportunity Study Phase III Environmental Impact Report (EIR) was prepared in conformance with the California Environmental Quality Act (CEQA). The EIR provides program level environmental review appropriate for the adoption of amendments to the San Jose 2020 General Plan. The EIR analyzed impacts and proposed mitigation measures, where possible, on the following items:

- Land Use
- Transportation
- Air Quality
- Noise
- Hazardous Materials
- Geology And Soils
- Hydrology
- Cultural Resources
- Vegetation And Wildlife
- Public Services And Facilities

The EIR identified four cumulative significant impacts including transportation, air quality, public services and facilities and jobs/housing imbalance for the HOS III sites.

The Housing Opportunities Study Phase III Environmental Impact Report scoping meeting was held on January 21, 2004. The Notice of Availability of Draft Environmental Impact Report (EIR) and Public Comment Period was published in the San Jose Mercury News on August 13, 2004.

PUBLIC OUTREACH

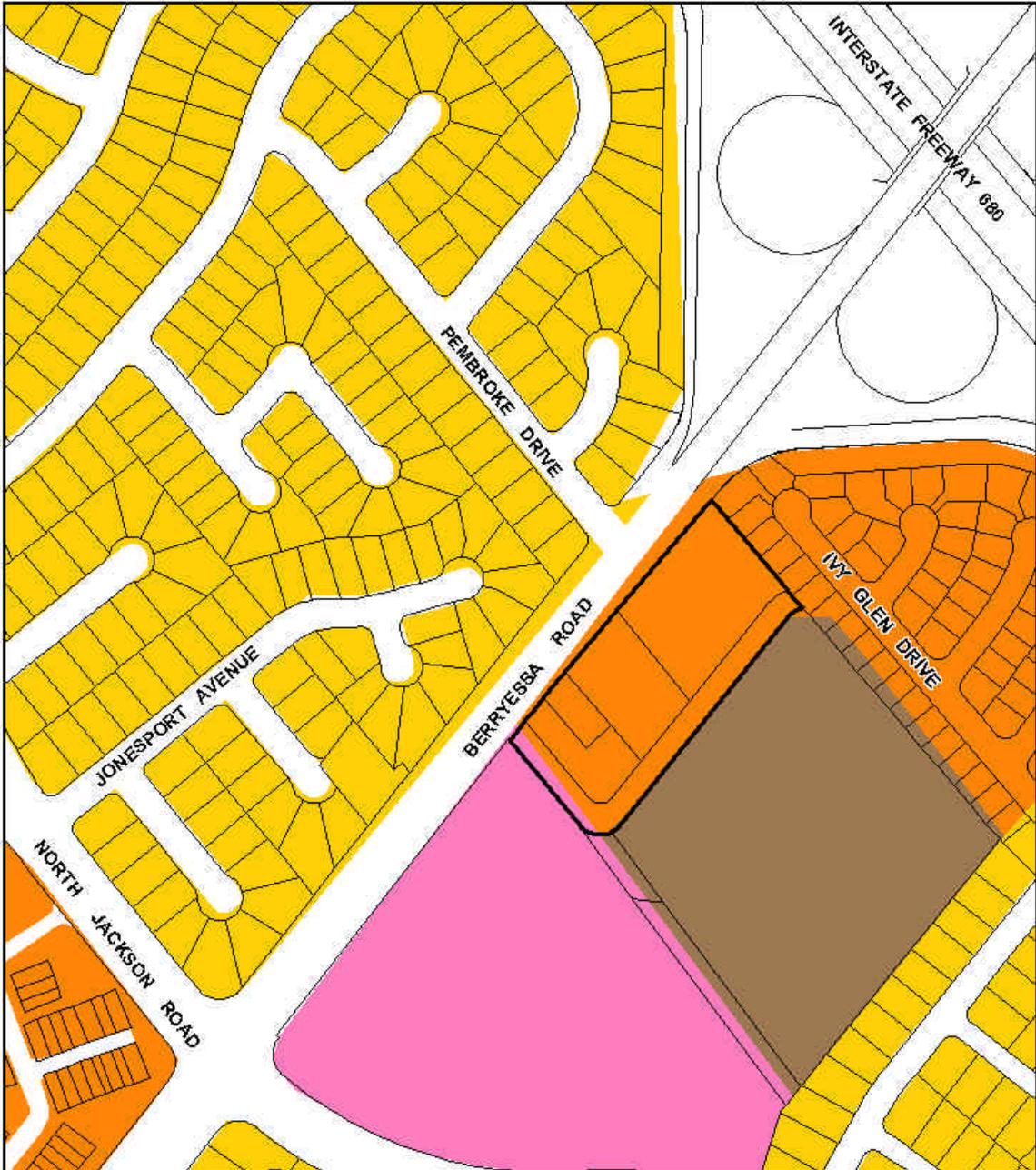
The property owners and occupants within a 1,000-foot radius were sent a newsletter regarding the two community meetings that were held on October 6 and 7, 2004. The public also received a notice of the public hearings to be held on the subject amendment before the Planning Commission on November 17, 2004 and City Council on December 7, 2004. The Department web site contains information regarding the General Plan process, amendments, staff reports, and hearing schedules. This web site is available to any member of the public and contains the most current information regarding the status of the amendments.

Additionally, as mentioned above in the Environmental Review section of this staff report, staff hosted an EIR scoping meeting on January 21, 2004, and a community organization roundtable discussion on March 30, 2004. Invitees included interested citizens and neighborhood organization leaders and contact people.

At these meetings, staff received comments from the public expressing concerns about having high density housing in the North San Jose/Berryessa area, that there should be a park on the site, and that the orchards should be retained on the site. In response to these comments, Planning staff changed the original General Plan amendment proposal of High Density Residential (25-50 DU/AC) for this site to the current proposal of Medium Density Residential (12-25 DU/AC) with a Floating Park designation. With this revised proposal, staff believes that the public comments have been addressed.

Attachments

GP03-04-07




SAN JOSE
CITY OF SAN JOSE, CA
Department of Planning, Building
and Code Enforcement
Planning Services Division

 Site


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Scale: 1" = 250'
Quad: 51