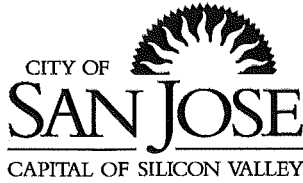


SUPPLEMENTAL



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: January 21, 2011

Approved

Date

1/21/11

COUNCIL DISTRICT: Citywide
SNI AREA: All

SUPPLEMENTAL

SUBJECT: ENVISION SAN JOSE 2040 GENERAL PLAN DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR); AND ACTIONS ON PENDING GENERAL PLAN AMENDMENTS AND REQUESTS FOR DIFFERENT DRAFT ENVISION 2040 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM DESIGNATIONS

REASON FOR THE SUPPLEMENTAL

At its January 25, 2011, meeting the City Council is being asked to further define and finalize the project scope for the Envision San Jose 2040 General Plan Update, including direction on specific land use options to be included within the project description and environmental analysis necessary to complete the Envision process. Correspondence (attached) was received on January 14, 2011, requesting an alternative Land Use Designation of Mixed Use Neighborhood – Urban Village for the property (formerly used as the Pleasant Hills Golf Course) owned by the Duino Family (APN# 649-23-001 and 649-24-013).

This supplemental memorandum serves to transmit the letter to the Council and provides a staff analysis of the contents of this correspondence.

RECOMMENDATION

Direct the Administration to continue with preparation of the final Envision San Jose 2040 General Plan Update and environmental analysis based upon the current project description as recommended to the Council by staff in the January 12, 2011 memorandum for this item.

ANALYSIS

The letter received from the Duino Family requests that the City consider an alternative Envision Land Use / Transportation Diagram designation for a property located within the Evergreen area (formerly the Pleasant Hills Golf Course) which was one of the “opportunity sites” studied within the Evergreen East Hills Vision Strategy (EEHVS) project. The current Draft Envision San Jose 2040 Land Use / Transportation Diagram maintains the San Jose 2020 General Plan designation for this site as Private Recreation. The property owners are requesting an alternative designation of Mixed Use Neighborhood – Urban Village to allow redevelopment of the site for medium density (e.g., townhouse) development in the near term.

As part of the Envision process, on October 19, 2010 the City Council established November 15, 2010 as a deadline for submitting such alternative requests. The attached correspondence was hand-delivered to City staff on January 14, 2011, considerably after this deadline. Because the subject property was also one of the “opportunity sites” considered under the EEHVS process, a pending San Jose 2020 General Plan amendment request was on file with the City, providing a similar opportunity consideration of residential development as an alternative use for the property. The City Council denied this General Plan amendment request on December 7, 2010, thereby establishing the Council’s direction not to consider the type of residential development currently being requested for this site.

In addition to the general public outreach that has taken place throughout the 3-year Envision process, specific attention has been given to owners of the former EEHVS opportunity sites which were referred to the General Plan Update for consideration at the conclusion of the EEHVS process. Envision staff met with the Duino family and an affiliated property developer on July 20, 2010 to discuss the subject property. The Duino family also received notice of the December 7, 2010 General Plan hearing.

The subject property was discussed at numerous Envision Task Force meetings throughout the Envision process and ultimately identified as having no assigned residential development potential in the Preferred Land Use Scenario adopted by the City Council on April 20, 2010. A chronology of the City’s discussions regarding the subject property is summarized as follows:

- May 11, 2005 – General Plan Amendment (GP05-08-01B) filed with the City to convert the subject property from Private Recreation to residential use as part of the EEHVS project.

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- February 7, 2009 – Subject site included as a “potential Growth Area” for Task Force and community member consideration at an Envision Workshop under the heading of Evergreen Properties (Pleasant Hills Golf Course). Most Workshop groups did not select the site to accommodate new residential growth for the General Plan Update.
- February 22, 2010 – The Envision Task Force considered five Land Use Study Scenarios, each of which identified specific amounts of job and housing growth for different potential Growth Areas throughout the City. Only one scenario (Scenario K, which had the greatest amount of residential growth of the scenarios under consideration) included residential development on the Pleasant Hills Golf Course site as one of the Draft Plan “Urban Villages” (identified as potential Village site V56).
- March 22, 2010 – Following Task Force discussion, site V56 was identified as a potential site for new job development, but was not proposed for residential development.
- April 12, 2010 – For their recommendation of a Preferred Land Use Scenario, the Task Force chose a scenario which maintains the Pleasant Hills Golf Course for Private Recreation use. Given the job emphasis of the Preferred Scenario, several of the potential Neighborhood Villages were dropped from the Draft Plan and residential growth was limited in the others, concentrating most of the City’s new residential growth into more central areas or into areas well served by transit.
- April 20, 2010 – The City Council accepted the recommend Preferred Land Use Scenario, described by diagrams and tables, which indicated no residential development capacity was assigned to the subject property.
- June 7, 2010 – The Envision Task Force reviewed the first Envision Draft Land Use / Transportation Diagram which maintains the subject property as Private Recreation.
- July 20, 2010 – Envision staff met with the Duino family and affiliated developer representatives to discuss the subject property.
- October 8, 2010 – Applicant and owner representatives were notified of the upcoming General Plan hearing on the pending Evergreen amendments and the Envision Request for Alternatives process with a November 15, 2010 deadline.
- November 15, 2010 – City Council accepted the proposed Envision General Plan hearing and Request for Alternative Land Use designation process.
- November 18, 2010 – Property owner was formally notified of the December 7, 2010 General Plan hearing dates for pending Evergreen amendments.
- December 7, 2010 – City Council denied the General Plan Amendment (GP05-08-01B), providing direction to not consider housing development on the subject site.
- January 14, 2010 – City staff received the attached correspondence from the property owner, requesting an alternative Envision land use designation for the subject site to allow residential development.

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The Envision Task Force over 30 months with ongoing community input extensively considered the most appropriate locations for new housing development within the City. The Task Force concluded that the subject property should be maintained as Private Recreation land. The City Council, by denying the General Plan Amendment which would have allowed the requested type of housing development on December 7, 2010, has also already provided clear direction which differs to the property owner's request.

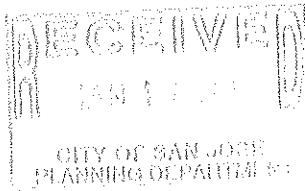
The Envision process and outreach activities described above have provided the property owner with adequate opportunity over several years to participate in the Envision General Plan Update. In order to complete the Update, it is necessary to finalize the "project description." The requested change to the Envision "project" and Draft Envision Land Use / Transportation Diagram would require significant revision to the project, require new traffic analysis and other environmental analyses to be conducted and would be inconsistent with prior actions of both the Envision Task Force and City Council. For these reasons, staff recommends that the City Council maintain the current project description and provide direction per the prior January 12, 2011 staff memorandum for this agenda item.

/s/

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Laurel Prevetti at 408-535-7901.

Attachment: Letter



January 10, 2011
Job No. 2722.02

Mr. Joseph Horwedel
Director of Planning, Building and Code Enforcement
City of San Jose
200 E. Santa Clara Street
San Jose, CA 95113

Re: Envision San Jose 2040
Request for Alternative Envision San Jose 2040 Land Use Designation
Preferred Land Use Scenario
Task Force Land Use Designation for the Lands of Duino Family (APNs 649-23-001,
649-24-013)

Dear Mr. Horwedel:

We are formally requesting that the City of San Jose Envision San Jose 2040 Task Force (Envision 2040) effort reconsider the current proposed Land Use Designation of Private Recreation on our property referenced above. We are respectfully requesting a re-designation to Mixed Use Neighborhood – Urban Village with an Urban Village Overlay (Neighborhood Village). Our intent is to request that an appropriate Land Use Designation be placed upon the site (our property) that allows for the timely preparation of a Neighborhood Village Plan process to occur. The current DRAFT (Rev. 4) Land Use Designations that would allow for an appropriately scaled (density) and planned community (Village Plan) would appear to be Mixed Use Neighborhood – Urban Village designation. The Urban Village Overlay designation would allow a Neighborhood Village Plan to occur during the current Plan Horizon.

Background – The Property

Our site has a long history of being an underutilized asset for not just the family, but the community and City as well. We actively participated in the Evergreen – East Hills Development Policy Update (EEHDP). At that time, staff and the District 8 community saw the

potential of the site being more than just private open space. The EEHDP effort highlighted the potential for a more efficient use of limited, vacant "opportunity sites" throughout the area. It was obvious then, as it is now, that private recreation or open space is NOT an efficient use of the City's limited land resources.

Background – Envision 2040

We have not been made aware of, notified, or invited to participate in any discussion by the City related to our property in over a year. During that time, the City staff and Envision 2040 process has proceeded to initially identify our site as a "Planned Growth Area". Review of the City's Envision 2040 website reveals that for many months after identifying our property as a Planned Growth Area, the staff and Envision 2040 effort continued to consider our site for growth opportunities and jobs. In fact, staff's presentation to the City Council (04/20/2010) of the Task Force's efforts up to and including the Preferred Scenario selection included several documents depicting our site as a "Planned Growth Area" and a potential "Jobs Only" or "Mixed Use Neighborhood" site for development to occur. (See website for Staff's program information.)

It is obvious from reviewing the publicly available data, as well as the Envision 2040 website, that staff identified and believed that our site had development potential to contribute productively to the goals and objectives of the General Plan Update buildout. Sometime between March 22, 2010 and April 12, 2010, staff determined, without any public process or information, that Private Recreation/Open Space was the most appropriate proposed Land Use Designation for the site. We strongly disagree. Staff unilaterally determined that any and all development, reuse, intensification, or use of our site was not appropriate. No explanation is provided to the public record or to us as to how or why staff radically changed their recommendation.

Envision 2040 – Planning Ahead – Not Repeating History

Review of the Envision 2040 effort reveals an acknowledgement that land is finite. The City's and Task Force effort is completely focused on growing a compact, efficient, self sustaining, viable City. That effort's basic goal is to use limited resources (land) to its utmost efficiency in a fiscally responsible manner. The notion of leaving 114 flat developable acres near public services such as parks, light rail, schools and employment centers in Evergreen, Edenvale and Downtown vacant runs counter to all of the stated goals of Land Use efficiency. Our site represents a unique opportunity for the City to meet many of the Envision 2040 guiding principals. None of the Envision 2040 goals or any tax base enhancements will be achieved by the current staff and Task Force preferred scenario proposal to leave the Land Use Designation as is. There is no "Vision", bold or otherwise, in promoting the status quo for this property.

By changing the old (and inefficient) Land Use Designation to Mixed Use Neighborhood – Urban Village with an Urban Village Overlay (Neighborhood Village) ***all opportunity won't be lost to poor planning – and a lack of bold vision.***

The immense size of the subject property lends itself to an outstanding opportunity to plan and implement an urban village that can generate a variety of business uses that are economically viable. The ability to plan such a large parcel enables a master developer the ability to create the natural synergies between businesses that create an economic vitality within the local community. Such economically viable businesses could include not only retail and commercial businesses that serve the local community, but also medical care facilities from urgent care outpatient services to long term care. The development of the private educational centers that

are focused on serving the local community from day care development to serving special needs students are current uses in demand. By designing these services and others around a "walk able" village concept, a true sense of community within the suburban environment can be achieved.

The multitude of jobs that are created within an urban village can create a new economic base within the Evergreen Community. Currently built out as a suburban bedroom community, the Evergreen Community has only pockets of industrial lands than can contribute to the infrastructure. A master planned urban village in the Evergreen area could offer an alternative source of jobs outside of the traditional R&D Office, traditional strip mall or regional mall shopping center that imports traffic and congestion and takes away from a sense of community.

The ability to house some of the new workers within its own community creates a built-in demand for the higher density housing characteristic of the urban village. In turn, this engenders fewer trip counts and perhaps a tendency to rely more on mass transit. The Duino Family lands are within a short distance of the Capitol Expressway light rail line. A short connector route fuses the urban village on this property to mass transit within the City of San Jose and eventually to BART.

In reviewing Staff's reasons for recommendation for Scenario 6, it is apparent that the enhanced opportunities for economic development were not carefully considered in the designation of the Duino Family Lands. Rather, the potential for the property to place an emphasis on job growth over housing that has ready access to the evolving mass transit infrastructure should make this land mass a high priority in achieving some of the goals and policies articulated through the Task Force. It is my hope that this letter communicates the "market ready" character of the

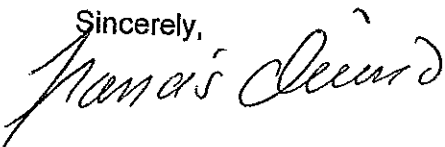
subject property to be considered not only under the "Village" concept, but also in Priority 1 of the Preferred Land Use Scenario.

We are aware that the City staff has developed a "process" to accept "Alternative" Land Use Designation requests. However, no outreach was made to us (our family) as to the activities of the staff or Task Force over the last year. Additionally, no information was ever presented to us regarding the "Alternative" request processing or timing.

We are also aware that the release of the Draft EIR has been delayed from December 17, 2010 until some time in February 2011. As the City has delayed the entire process for approximately 2 months, our request to be consulted and reconsidered should pose no additional delay or hardship to the process. We are aware that our request is not trivial or without effort to adjust/prepare the necessary supporting documents. We are prepared to fully engage the necessary team to assist our family and the City in its efforts to develop a General Plan vision that includes our property.

We are respectfully requesting that our property be formally reconsidered for a Mixed Use Neighborhood – Urban Village Designation with an Urban Village Overlay (Neighborhood Village) and that the site be prioritized for development consideration. We also request that a meeting between the City staff and myself and our representatives be held as soon as reasonably possible.

Sincerely,

A handwritten signature in cursive script that reads "Francis Acuña". The signature is written in black ink and is positioned below the word "Sincerely,".

CC: Councilmember Rose Herrera – District 8

