



Jason Lee, Planner
San José Planning, Building and Code Enforcement Department
200 E Santa Clara St., San José, CA 95113
via email, December 20, 2024

Subject: Objection to application No. H24-046 – 1301 West San Carlos Street

Dear Jason Lee:

We in the District 6 Neighborhood Leaders Group (D6NLG), a decades-old association of involved community representatives of the numerous District 6 neighborhoods and associations, are dedicated to equitably and sustainably preserving and enhancing the quality of life in San José. At our December 2, 2024 meeting, after discussing the development proposal for the northwest corner of Race St. and San Carlos St., we voted to write you this letter.

We urge you to deny Development Permit application H24-046 (related files ER24-195, AT24-013), because approval would be inconsistent with San Jose's *Envision San Jose General Plan 2024: Building a City of Great Places* which calls for intensification of uses, higher residential densities, support of high quality transit-oriented development while reducing automobile dependence.

The proposed project was described in city documents and community meetings as:

H24-046 Site Development permit at 1301 West San Carlos to allow construction of new 5100 sq ft fast food ("quick serve") restaurant on an approximately 1.09-gross acre site with 88 parking spaces, combining two parcels, demolition of existing commercial building at 257 Race Street and the removal of 20 ordinance sized trees. Current concept sketches show a one-story building with franchise architecture placed prominently near the corner with primary entrance oriented to the parking lot and with two driveways to Race Street. The proposed project building is buffered from West San Carlos Street sidewalk by landscaping. At present, no drive-through is proposed.

Our opposition stems primarily from the project's failure to adhere to the specific goals and policies within the West San Carlos Urban Village Plan and the Envision 2040 General Plan, its detrimental impact on future housing production, its incompatibility with the character of the West San Carlos Urban Village, and the significant concerns it raises about climate unfriendly design.

Specifically, as will be explained below, the project is out of compliance with General Plan policies IE 1.5, IE 1.6, FS 3.6, FS 4.7, FS 4.8, MS10.5, MS 10.6, VN 1.6, VN 1.16, CD 1.12, CD 1.17, CD 2.3, CD 3.9, CD 5.3, MS 10.5, and MS 21.4, as well as with West San Carlos Urban Village Plan policies UD1.2, UD 6.3, LU 1.1, and LU-3.1.

We also reject any assertion that the project is in meaningful conformance with IE 1.11, IE 2.7, or IE 6.2, as discussed below.

The West San Carlos Urban Village Plan, adopted by City Council in 2018 and amended in 2021 and 2022, envisions “a high-density, mixed-use, pedestrian-focused Urban Village that supports the commercial activity along West San Carlos Street and enhances the quality of life for residents in surrounding communities.” The Plan envisions a transit-friendly community that supports sustainable development and enhances and embraces the unique character of the area.

The West San Carlos Street Urban Village neighborhood’s main arterial, West San Carlos Street, is one of the City’s “Grand Boulevards.” Grand Boulevards have great potential to connect City neighborhoods and to contribute to the City’s overall identity through cohesive design. “Because of their importance and location as major transportation routes, and because of the land uses they support, these Grand Boulevards play an important role in shaping the City’s image for its residents, workers, and visitors and have the potential to act as major urban design elements at a citywide scale.” This project site is on the prominent corner of the grand boulevard West San Carlos Street and the major collector Race Street.

The project site is on a transit corridor (West San Carlos St. buses 23, 64B, and Rapid 523), within walking distance of Light Rail (Race St. Station), and within a mile of CalTrain (and future BART and High Speed Rail) at the Diridon Station. A High Capacity Urban Transit station is planned adjacent to the site. High-density housing is now under construction on Race St. adjacent to the site.

The Midtown San José area, due in part to the historical patchwork of city/county jurisdiction, has experienced many challenges along this corridor with a history of adult book and media stores, check cashing / payday loan shops, massage parlors, and used car lots, and “interim” storage unit uses that have persisted for decades. Multiple mixed use transit oriented development projects have been entitled and await financing. Several TOD projects have been constructed.

The site is designated in the West San Carlos Urban Village Plan as Mixed Use Residential Character and is has GP designation of UV. Land uses in this plan area include Mixed Use Commercial, Urban Residential, and Urban Village. The maximum height for this prime corner is 85 ft to encourage higher densities. The plan calls for development on this site “to range between three and seven stories with residential or commercial uses above a mix of active ground floor retail.” On page 25 of The West San Carlos Urban Village Plan, it discusses the Urban Village designation in the mixed use commercial character area:

*“New development under this designation must meet the Plan’s urban design guidelines and be designed in such a way that promotes walking, transit use, and public interaction. For this designation, put simply, **form is more important than use.**”*

The proposed project is in violation of the following policies applicable to the site:

<u>Policies</u>	<u>West San Carlos Urban Village</u>	<u>Proposed project</u>
LU-1.1	<i>Encourage new commercial development to be built at Floor Area Ratios of 0.3 or greater.</i>	This project has FAR of about 0.1. Low FARs create unwalkably large spaces that are more car-scaled than people-scaled.
LU-3.1	<i>Strongly encourage mixed uses and intensities that support High-Intensity Urban Transit ridership.</i>	The project prioritizes car access by featuring an expansive parking lot undermining the vision walkability and reduction in car dependence.
UD-1.2	<i>Ensure the design of new buildings and the adjoining public realm build upon the mid-century character of existing buildings and signs.</i>	The proposed building does not follow the form of mid-Century (1940s and 1950s) retail, pedestrian friendly streetscape. The project proposes demolishing a mid-Century building.
UD 6.3:	<i>Limit the amount of vehicle parking to incentivize sharing and minimize the amount of land dedicated exclusively to parking.</i>	With only 5100 sq ft building on 1.07 acres, nearly 90% is dedicated to parking lot and vehicular movement.
<u>Policies</u>	<u>General Plan Policies</u>	<u>Proposed project</u>
IE-1.5	<i>Promote intensification of employment activities on sites in close proximity to transit facilities</i>	The project is a low intensity employment use. It eliminates the jobs of three other businesses. It prevents the construction of a high intensity TOD employment site.
IE-1.6	<i>Plan land use to maximize utilization of transit; promote proximate development compatible with full utilization.</i>	This proposed one-story fast food restaurant with a large parking lot will provide few users of transit due to the ease of parking and the low intensity of use.
FS-3.6	<i>Entitle projects that conform to Urban Village plan or provide higher job capacity</i>	This project does not conform to the Urban Village plan nor does it provide job capacity comparable to or higher than a commercial TOD
FS-4.7	<i>Encourage transit-oriented development as a means to reduce costs for expansion and maintenance of our City’s street system, in addition to other benefits and consistent with the General Plan Transportation goals and policies.</i>	This large parking lot project encourages vehicle use increasing city street maintenance costs.

FS-4.8	<i>Emphasize mixed-use development for most new development, to achieve service efficiencies from compact development patterns and to maximize job development and commercial opportunities near residential development.</i>	This is not a mixed-use project. It is not compact development.
MS-10.5	<i>..to reduce VMT and traffic congestion, require new development within 2000 ft of existing or planned transit station to encourage public transit and minimize dependence on automobile..</i>	The project is adjacent to a planned High Intensity Transit station and is served by high frequency bus lines and near LRT. The large parking lot encourages driving a car by customers and staff.
MS-14.1	<i>Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.</i>	The project provides no housing and part-time, low paying jobs. It demolishes the commercial building on Race Street —eliminating those jobs in the small businesses.
MS-21.4	<i>Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest.</i>	The project removes 20 ordinance size trees. As the City’s Urban Forest report highlights, mitigation measures will not replace their carbon capturing capability for decades.
VN-1.6	<i>Design new development to contribute to the positive identity of a neighborhood and to encourage pedestrian activity.</i>	Concept diagrams show more windows are focused on the rear parking lot than on the West San Carlos frontage. Landscaping is used as a barrier between the sidewalk and the walkway next to the building. The design does not encourage pedestrian engagement with the building’s street facing sides.
VN-1.11	<i>Protect residential neighborhoods from the encroachment of incompatible activities which may have negative impact on the residential living environment.</i>	The project’s large parking lot is adjacent to a large multi-family project to the north. The south-facing residences will bear the burden of reflected heat from the asphalt and the noise of patrons in the above-ground parking lot. A prior on-site restaurant experienced extensive loud late night activity in the parking lot. UD-6.1 calls for underground parking to avoid these impacts. This project avoids UD-6.1 because it is not TOD.
CD-1.12	<i>Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support</i>	The project’s concept drawings show a franchise design. The project does not reflect the mid-Century context of the West San Carlos Urban Village. The

	<i>pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, <u>franchise-style architecture is strongly discouraged.</u></i>	building is focused on the parking lot and does not follow design standards for pedestrian interface.
CD-1.17	<i>Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.</i>	The parking lot covers nearly 90% of the project site. As a surface parking lot, it cannot be screened from public view for safety reasons. Pedestrian will experience a parking lot that runs over 200 feet along Race Street Lighting and headlights will impact adjacent residents in the TOD to the north of the site.
CD-2.3	<i>Enhance pedestrian activity through design, pedestrian-oriented streetscape, trees, improvements to sidewalks, easily accessible building entrances on street frontages. Integrate existing or proposed transit stops into project designs.</i>	The project concept focuses on the parking lot away from the sidewalks. The building is visually prominent on the corner but customer access appears to be primarily through the parking lot. No integration with transit stops is apparent in concept drawings.
CD-3.9	<i>Minimize driveway entrances to enhance pedestrian safety and decrease the area of paved surfaces. Encourage shared vehicular access points... Minimize negative impacts to aesthetics and to pedestrian and bicycle safety.</i>	The project proposal included two separate driveways on Race Street which is only two lanes wide and without a separate bike lane. A 2007 traffic study of Race Street south of Park showed over 13,000 vehicles. Stacking at the West San Carlos signal light is observed and expected to continue. Two driveways will create <i>two</i> areas of conflict between pedestrians, bicyclists and vehicles departing the fast food restaurant.

We wish to highlight the prohibition in this urban village of drive-through services [LU-2.6]. As currently proposed, the project is in conformance with LU-2.6, however we note that the

applicant's current and recently proposed sites in this and other cities have drive-through service, and we wish to emphasize our opposition to any drive-through service that may be proposed subsequent to this letter.

Where is the financial analysis?

We disagree with any asserted conformance with **IE-2.7** ("Encourage business and property development that will provide jobs and generate revenue..."), **IE 6.2** ("Attract diverse mix of businesses...all skill and educational level") and **IE 6.3** ("Attract jobs accessible to all... particularly residents of low income neighborhoods.") It is difficult to believe that a fast-food restaurant will serve to materially increase tax revenues or provide meaningful high quality career-building employment in the area. The project plans to cannibalize an existing entrepreneur's restaurant and two local businesses by demolishing their building. Compared to the value of a future TOD, what is the lost opportunity cost from building this project? Even if there is unmet demand consumer demand for fast food, why not discourage, ever so slightly, auto usage? The *GP 2040* calls for a large reduction in automobile trips and mileage. How does providing a car-centric fast food restaurant that encourages car use through easy parking assist that effort? It does not. One way to encourage pedestrian uses, especially in our Urban Villages is to discourage vehicular uses, including the provision of easy parking for quick stop-and-go fast food restaurants.

Interim development or barrier to TOD development?

We disagree with any assertion that the project is compatible with **IE 1.11** ("an interim development that would not limit the site's ability to be redeveloped in the future" nor is it a "small expansion of an existing use".) The prior fast-food restaurant closed in 2016, was vandalized and then demolished. An application for a TOD was submitted and withdrawn. This project is not an expansion of an existing use—*it is a new use!* Construction of this building and parking lot is a major investment and likely will delay redevelopment 10 to 40 years. The city's characterization of this project as an "interim development" is deeply disrespectful to the existing businesses that would be displaced. These businesses contribute to the economic and social fabric of the area, and their removal for a single, car-centric development disregards their value to the community.

More importantly, we contend that *another car-centric use will limit the ability to redevelop other nearby parcels*, such as the properties along West San Carlos Street. Prior developers along West San Carlos found it difficult to obtain financing for their mixed use, transit oriented developments. Existing car-centric uses with large parking lots did not assist them in selling their vision of a vibrant West San Carlos Street Urban Village to potential financiers. *Approval of this proposal would be unfriendly to current developers* who are now trying to finance entitled housing properties in our area, because doing so would show that the City prefers more of the same car-centric low density development rather than holding true to the Urban Village vision. Older shopping centers along West San Carlos such as the shopping center at Leigh, the Walgreens at Meridian and the sizeable 30-year old Safeway shopping center with fast food drive-through are at or near the end of their life cycle and could someday be a residential and commercial mixed use development consistent with our Urban Village dreams, but this new car-centric low density fast food restaurant would be an additional hurdle to those transformations. West San Carlos is sufficiently challenged at the present time.

It is easier to sell a vision over an empty lot than compete with images of cars stacked up to enter and exit a fast food parking lot. Put another way, **sometimes nothing is better than something.**

San Jose has a long history of holding properties in anticipation of future opportunities. The Redevelopment Agency re-used buildings or kept vacant lots waiting for high intensity development for downtown and the Rincon de los Esteros Plan (North San Jose). Imagine what these areas would have looked like if fast food restaurants had been sprinkled throughout the area instead of part of mixed use or shopping center developments. Currently, Google is re-using buildings and proposing simple infrastructure changes such as pavement and awnings for their interim “Creekside Socials.” In contrast to this West San Carlos project, none of Google’s low cost, low intensity plans will impede redevelopment when the financial market moves in favor of their redevelopment plans.

Housing and Climate Emergency:

The City of San José has declared a housing emergency. Until every required housing unit in the City’s regional quota are built, it is irresponsible to allow “interim” development that has the potential to significantly delay a prime TOD project. The City of San José declared a climate emergency in 2019 and set a carbon neutral goal by 2030 citing the provisions of the *2040 General Plan* as a key component in meeting that goal. In light of these two emergencies why is San José considering this car-centric low intensity fast-food restaurant development application that has the potential of preventing redevelopment for decades?

Missed Opportunities for Alignment:

This project disregards the strategic goals of density, diversity, and connectivity essential for the area's transformation into a thriving urban hub.

Instead of a car-centric stand-alone fast-food development, this prominent site should support higher-density, mixed-use projects that align with the West San Carlos Urban Village Plan. With the overwhelming need for housing, development projects within this urban village should include appropriate residential units to increase housing inventory, provide diverse housing options, and support local businesses, all while enhancing walkability and transit connectivity.

We urge the City to deny the Site Development Permit application for File No. H24-046. Instead, we encourage the property owner to explore alternatives that align with the West San Carlos Urban Village Plan’s vision for a vibrant, pedestrian-oriented, and transit-focused community. The success of this vision depends on adhering to the principles that prioritize the needs of the neighborhood and future generations.

Sincerely,



Lawrence Ames, Chair, D6NLG

cc

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