

JANUARY 11th AGENDA: Item 10.2 - Empire Lumber Mixed-Use Project

Erik Schoennauer [REDACTED]

Thu 1/6/2022 2:45 PM

To: Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Dev Davis [REDACTED].com>; Maya Esparza [REDACTED].com>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>; Pam Foley <[REDACTED].g.com>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>

Cc: Burton, Chris <Christopher.Burton@sanjoseca.gov>; Brilliot, Michael <Michael.Brilliot@sanjoseca.gov>; Piozet, Jennifer <Jennifer.Piozet@sanjoseca.gov>

[External Email]

[External Email]

Dear Mayor and City Council:

I represent the landowner and applicant for the Empire Lumber site Mixed-Use Zoning. **There is NO detailed project design at this time.** This is only a rezoning.

The City Staff and the Planning Commission unanimously recommend approval of the Zoning, because it is consistent with City Policy. **Please review the Zoning Development Standards closely to see that all issues raised by the neighbors have been addressed.**

This site is ideal for high-density residential and commercial development, since it is one block away from the future BART Station and is located on E. Santa Clara Street, which already has VTA Bus Rapid Transit and the busiest bus corridor in Santa Clara County.

As indicated in the Staff Report, the proposed Zoning Development Standards are 100% consistent with the adopted Roosevelt Park Urban Village Plan.

Unfortunately, a handful of neighbors who don't like urban development are causing confusion by sending emails that make inaccurate, misleading, or incomplete statements. Please see below a response to the neighbors concerns:

(1) The interface with the Five Wounds Trail;

Please see Page 3 of the Zoning Development Standards. Consistent with the Urban Village Plan, this Zoning requires, "New development with residential components that are adjacent to the Five Wounds Trail corridor shall provide primary unit entries, stoops, and porches facing the trail."

(2) Building height opposite the Church of Five Wounds;

Please see Page 2 of the Zoning Development Standards. Consistent with the Urban Village Plan, this Zoning restricts the height to 55 feet on 50% of the site and 85 feet on the other 50%. In the City's CEQA document, a visualization study was completed to ensure the zoning mass has no impact on the Five Wounds church. And, the Zoning requires that any future specific architectural design will need to complete another visualization study at the PD Permit stage.

(3) The appearance of the building (although this is not the final design) which ignores the village plan preference for varying the monolithic frontage on E. Santa Clara Street and including elements of Mediterranean style in the architecture;

There is NO detailed project design. This is only a rezoning. Only capacity study drawings were completed to determine how much development can fit on the site within the design rules of the Urban Village Plan. Please see Page 4 & 5 of the Zoning Development Standards. Consistent with the Urban Village Plan, this Zoning requires "recessions and projections" in the facade and a "Mediterranean architectural identity". The future project will also be subject to the Citywide Design Standards and Guidelines.

(4) Parking impacts on current residents;

The parking for the new development will be contained within the new buildings. Please see Page 3 of the Zoning Development Standards. The Zoning requires that the project provide parking consistent with the City's Parking Ordinance.

(5) Possible traffic impacts on S. 26th Street where ingress and egress to the 406-unit building will be;

Please see the City's CEQA document. The City completed a Traffic Analysis for the amount of development allowed under the new Zoning. The Analysis shows that there is adequate street and driveway access to accommodate the future development.

(6) The mix of housing and retail on the site is consistent with the village plan but the devil is in the details.

Yes, the mixed-use zoning IS consistent with the urban village plan. And, the Zoning Development Standards ensures that the future details of design are consistent with the Urban Village Plan.

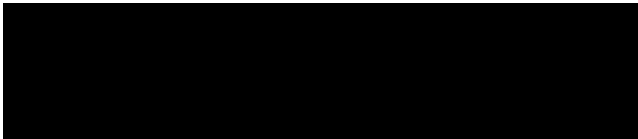
Please review the Zoning Development Standards closely to see that all issues raised by the neighbors have been adequately addressed and any future project design will be consistent with the Roosevelt Park Urban Village Plan.

We appreciate your consideration.

ERIK

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Erik E. Schoennauer



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Agenda Item 10.1 Empire Lumber

davide@vieiracorp.com <[REDACTED]>

Fri 1/7/2022 4:01 PM

To: Jones, Chappie <Chappie.Jones@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; 'Matt Mahan' <Matthew.mahan@[REDACTED].com>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>

Cc: 'Joan Rivas Cosby' <[REDACTED]>; Terry.Christensen@[REDACTED]

[External Email]

[External Email]

Mayor Liccardo and Councilmembers,

Item 10.1 on your Jan 11 agenda regards the PD Zoning for the Empire Lumber site on E Santa Clara St near the future 28th Street/Little Portugal BART Station. The Empire Lumber project must be consistent with the Roosevelt Park Urban Village Plan. Our BART Transit Village Advocates group is especially concerned about the project's interface with the future Five Wounds Trail that will skirt the project. It is paramount that there be "eyes on the trail" – eyes that live and work in the Empire Lumber project. Ground floor residences and retail or office opening onto the trail would fulfill both the letter and intent of the urban village plan.

Regards,
Davide Vieira

From: Terry Christensen <[REDACTED]>

Sent: Friday, January 07, 2022 2:59 PM

To: Chappie Jones <chappie.jones@sanjoseca.gov>; Sergio Jimenez <District2@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Magdalena Carrasco <Magdalena.Carrasco@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Sylvia Arenas <District8@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Matt Mahan <Matthew.mahan@[REDACTED].com>; Sam Liccardo <sam.liccardo@sanjoseca.gov>

Cc: Raul Peralez <raul.peralez@sanjoseca.gov>; Patricia Ceja <Patricia.Ceja@sanjoseca.gov>; Joan Rivas Cosby <[REDACTED]>; Davide Vieira <[REDACTED]>

Subject: Agenda Item 10.1 Empire Lumber

Mayor and Council Members,

Item 10.1 on your January agenda is the Planned Development Rezoning for the Empire Lumber site on E. Santa Clara Street. This is a very important site for the Roosevelt Park and Five Wounds Urban Villages as well as the Five Wounds Trail. While BART Transit Village Advocates (BARTTVA) supports the proposed density and mixture of uses on the site, we are very concerned about making sure that the ultimate design of the project is completely

consistent with the urban village plan. The images for the project presented thus far are not. We are particularly concerned that about consistency with the village plans regarding (1) the height of the building in relation to the iconic Church of Five Wounds; (2) the interface with the trail; and (3) the design in terms of both style and breaking up the massing of the building as it faces E. Santa Clara Street.

Please make sure it's on the record that the Empire Project must be consistent with the Roosevelt Park Urban Village Plan.

Respectfully,

--

Terry Christensen for
CommUniverCity/BART Transit Village Advocates
and
Professor Emeritus

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From: [Provedor, Jennifer](#)
To: [Piozet, Jennifer](#)
Cc: [Mitre, Betty](#)
Subject: FW: Empire Lumber Project PDC 15-067
Date: Thursday, November 18, 2021 8:12:32 AM

Correspondence for CC

From: Planning Commission 10 <PlanningCom10@sanjoseca.gov>
Sent: Wednesday, November 17, 2021 6:23 PM
To: [REDACTED]
Cc: Provedor, Jennifer <jennifer.provedor@sanjoseca.gov>
Subject: Re: Empire Lumber Project PDC 15-067

Hello Tom,

Thank you for your email and your service to your neighborhood. Your comments are noted and appreciated.

I hope you are able to attend our meeting tonight and provide direct input.

I have also forwarded your email to our Planning Staff for their review and consideration.

Best regards,

Michael

From: tle403 [REDACTED]
Sent: Wednesday, November 17, 2021 10:17 AM
To: Joan Cosby [REDACTED]; Planning Commission 1 <PlanningCom1@sanjoseca.gov>; Planning Commission 2 <PlanningCom2@sanjoseca.gov>; Planning Commission 3 <PlanningCom3@sanjoseca.gov>; Planning Commission 4 <PlanningCom4@sanjoseca.gov>; Planning Commission 5 <PlanningCom5@sanjoseca.gov>; Planning Commission 6 <PlanningCom6@sanjoseca.gov>; Planning Commission 7 <PlanningCom7@sanjoseca.gov>; Planning Commission 8 <PlanningCom8@sanjoseca.gov>; Planning Commission 9 <PlanningCom9@sanjoseca.gov>; Planning Commission 10 <PlanningCom10@sanjoseca.gov>; Planning Commission CW <PlanningComCW@sanjoseca.gov>; Piozet, Jennifer <Jennifer.Piozet@sanjoseca.gov>
Cc: Davide Vieira [REDACTED]; Terry Christensen [REDACTED]; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Imelda Rodriguez [REDACTED]; Jeff [REDACTED]; Dee Barragan [REDACTED] Matt Gustafson [REDACTED]
Subject: Re: Empire Lumber Project PDC 15-067

[External Email]

Dear Planning Commission Members

Having been deeply involved in the Roosevelt Park and Five Wound Urban Village Plans (I was President of the Roosevelt Park NA at that time) I fully support Joan's letter and the efforts of Terry Christensen in favor of The Five Wounds Trail. I say stock to the Plan!

Tom Leddy
Secretary
RPNA

[Sent from the all new AOL app for iOS](#)

On Wednesday, November 17, 2021, 6:14 AM, Joan Cosby [REDACTED] wrote:

Dear Planning Commissioners,

Here are my comments regarding the Empire Lumber Project **PDC 15-067**.

I share the concerns of many residents relating to parking impacts, building heights in relation to the historic Church of Five Wounds, and potential noise impacts, but especially the interface with the future Five Wounds Trail. I am concerned about the inconsistencies with land use policies 6 and 7 with the Roosevelt Park Urban Village Plan relating to the future trail.

San Jose Municipal Code 20.100.940 requires consistency with the general plan and council policies. As proposed, the project is not consistent with the policies of the general plan and the project as proposed is not consistent with applicable city council policies.

The future Five Wounds Trail adjacent to the Empire Lumber site was designed by neighborhood residents to be a safe extension of our city's trail network for recreation and commuting, especially to the future 28th Street/Little Portugal BART Station behind Five Wounds Church. I continue to beat the drum for "eyes on the trail" to ensure users feel safe and to promote use of the trail. The Empire Lumber project's interface to the future trail is not consistent with the Roosevelt Park Urban Village Plan. This rezoning should not be approved until the project conforms with the urban village plan regarding its interface with the trail.

Furthermore, I believe all park fees paid by the Empire Lumber project should be allocated to the future Five Wounds Trail as per the General Plan Policy PR-2.4.

Sincerely,

Joan Rivas-Cosby
Chair, Friends of Five Wounds Trail
San Jose, CA 95116

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From: [Provedor, Jennifer](#)
To: [Mitre, Betty](#); [Powell, Alexander](#); [Douglas, Queen](#)
Cc: [Piozet, Jennifer](#)
Subject: FW: Construction Union CEQA Challenges
Date: Monday, December 6, 2021 9:29:42 AM
Attachments: [Union CEQA Challenges - Side-by-side format.docx](#)

Correspondence for CC

From: Planning Commission 10 <[REDACTED]>
Sent: Saturday, December 4, 2021 11:22 PM
To: Erik Schoennauer <[REDACTED]>
Cc: Provedor, Jennifer <[REDACTED]>
Subject: Re: Construction Union CEQA Challenges

Hello Erik,

Thank you for providing this information. It is definitely of interest to me. I am also forwarding your information to our city Planning Staff for their review.

Best regards,

Michael

From: Erik Schoennauer <[REDACTED]>
Sent: Thursday, December 2, 2021 2:44 PM
To: Planning Commission 3 <[REDACTED]> Planning Commission 4
<[REDACTED]> Planning Commission 7 <[REDACTED]> Planning
Commission 2 <[REDACTED]> Planning Commission 6
<[REDACTED]> Planning Commission 1 <[REDACTED]> Planning
Commission 5 <[REDACTED]> Planning Commission 9
<[REDACTED]> Planning Commission 10 <[REDACTED]>
Planning Commission 8 <[REDACTED]> Planning Commission CW
<[REDACTED]>
Subject: Construction Union CEQA Challenges

[External Email]

Dear Planning Commissioners:

Due to a technical glitch at the hearing 2 weeks ago, I was not able to share with you the list of projects in which the construction unions filed some sort of challenge to the City's CEQA documents

and determination. Please find the list attached. (These are only the projects that I am aware of. The City Staff probably knows of others.)

It should be known that in all of these cases, the City Staff, City Attorney, Commission, and/or City Council found no validity to the claims of the union's attorneys. And, all of the projects were approved as proposed.

So, the 100-page letters and challenges accomplished nothing, except to waste the time of City Staff, the Commission, and the City Council.

At a time when our City desperately needs housing and jobs, we should not be frivolously wasting time.

Please feel free to contact me, if you would like to discuss further.

Thanks much,
ERIK

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TODAY: Council Agenda Item 10.2 - CM Peralez Recommends Approval

Erik Schoennauer <[REDACTED]>

Tue 1/11/2022 9:42 AM

To: Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Dev Davis <[REDACTED].com>; Maya Esparza <[REDACTED].com>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>; Pam Foley <[REDACTED].com>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>

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Good morning, Mayor and City Council:

- 1) Councilmember Peralez recommends **Approval**. Please see his memo here: [Replacement Memorandum from Peralez, 1/10/2022](#),
- 2) The Planning Commission **Unanimously recommends Approval**.
- 3) The Planning Staff recommend **Approval**.

We appreciate your consideration. Thank you for your time.

ERIK

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Erik E. Schoennauer

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Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Raul Peralez

SUBJECT: REPLACEMENT MEMO:
EMPIRE LUMBER PLANNED
DEVELOPMENT REZONING

DATE: January 10, 2022

Approved

Date: 01/10/22

REASON FOR REPLACEMENT:

Correction of Urban Village from Five Wounds Urban Village to Roosevelt Urban Village.

RECOMMENDATION

Accept planning commission recommendations and require that the applicant or any future developer fully conform to the Roosevelt Urban Village Plan, including height, design standards and its interface with the Five Wounds Trail.

DISCUSSION

Thank you to City Staff, the applicant and community for their patience and collaboration on this PD rezoning process at 1260 E. Santa Clara Street, also known as the Empire Lumber site. This council action is another step towards revitalizing this 2.77 gross acre block located in the historic Little Portugal neighborhood, adjacent to the Five Wounds Trail, and less than 600 ft from the future 28th Street/Little Portugal BART station. While this is consideration of a PD rezoning, this memorandum simply affirms that we expect the applicant and/or a future developer to continue working in good faith with the community and fully conform with the Roosevelt Urban Village plan.

This exciting prospect of bringing in 60,331 square feet of commercial and up to 408 residential units is also an opportunity to commit any future project to local labor and talent. I encourage the applicant and/or future developer to continue keeping open channels of communication with local labor organizations and work towards establishing labor peace.

In closing, I look forward to working with the applicant on their planned development permit and ultimately, breaking ground on a quality mixed-use residential project that truly integrates well into the community.