




Memorandum

TO: John Tu
Planning and Building

FROM: Eric Eidlin
Transportation

**SUBJECT: TRANSPORTATION COMMENTS
APOLLO DEVELOPMENT
PROPOSAL (H21-048& T21-043)**

DATE: October 6, 2022

Approved			Date
			10/20/22

PLANNING NO.: H21-048& T21-043
DESCRIPTION: Site Development Permit to allow an 18-story mixed-use building consisting of up to 497 residential units and approximately 7,684 square feet of ground floor retail space, alternative parking arrangement (stackers), and extended construction hours on an approximately 1.12-gross acre site
Vesting Tentative Map to merge two (2) lots into one (1) on an approximately 1.12-gross acre site
LOCATION: Northeast corner of W. Santa Clara Street and Stockton Avenue
P.W. NUMBER: 3-25911

This memo provides information to support the finding that the proposed project (H21-048& T21-043) would “conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities” under the California Environmental Quality Act (CEQA).

As noted in past correspondence between the Department of Transportation and the Planning Department, the proposed project would occur on land immediately north of the existing San José Diridon Station, a key site at the northern throat of the station that is critical for the expansion of future rail service. This location brings the proposed project into conflict with several adopted plans and planned transit facilities, approved and/or accepted by the City of San José and other agencies, as detailed below.

1. **The project site is located entirely within the footprint of the California High-Speed Rail Project (Authority).** Diridon Station, as well as the project site, are located within the San José to Merced and San José to San Francisco segments of the California High-Speed Rail (HSR) project. On April 28, 2022, the Authority certified the environmental impact report (EIR) for the San José to Merced segment of the project and selected

Alternative 4 (<https://hsr.ca.gov/programs/environmental-planning/project-section-environmental-documents-tier-2/san-jose-to-merced-project-section-final-environmental-impact-report-environmental-impact-statement/>). Alternative 4 requires both 32 and 60 Stockton for various transportation purposes. Figure 1 below shows the specific conflicts between the HSR project and the subject proposal. This figure is part of a package, attached, that the Authority provided to the project sponsor on February 17, 2022. With this project-level environmental clearance, the Authority is now able to move forward with construction of their project and to acquire property within its approved footprint.

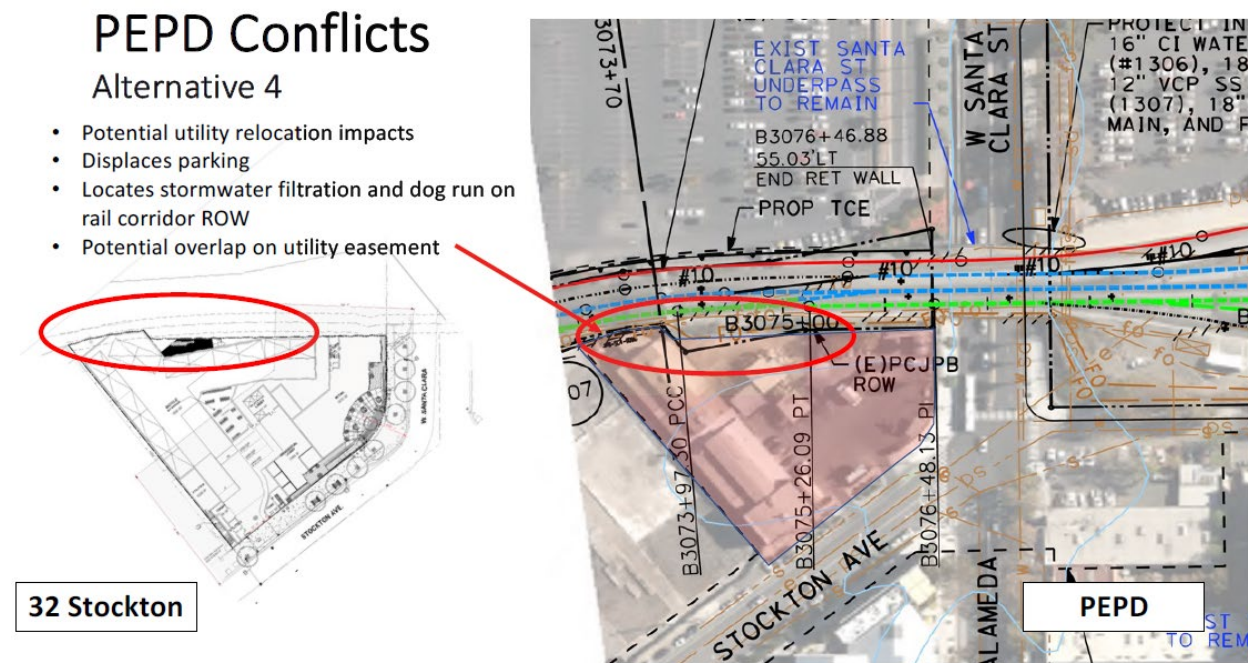


Figure 1 - Excerpt from Authority submission to Urban Catalyst, February 17, 2022

The construction of the HSR project has been a City priority for multiple years. On March 1, 2022 the City and the Authority signed a Memorandum of Understanding¹ which sets forth both entities' shared commitment to the following:

1. Extending HSR to and through San José and Diridon Station.
2. Working together, and with other partner agencies, "to develop the [Diridon Integrated Station Concept Plan (DISC)] and to achieve a comprehensive vision of Diridon Station as an intermodal hub, beyond the addition of HSR to existing rail services."
3. "The intention of both Participants to protect and preserve future rail right-of-way" to enable both the HSR project and DISC.

¹ <https://sanjose.legistar.com/View.ashx?M=F&ID=10539649&GUID=FEBC937C-D5C6-4B7C-845C-BDECAB4E2776>

2. **The project site is located within the Transit Boundary of the Diridon Integrated Station Concept Plan (DISC).** The City is one of the lead agencies for the Diridon Integrated Station Concept Plan (DISC), an effort that is planning for the reconstruction and expansion of the San José Diridon Station, as set forth in the Cooperative Agreement the City entered in July 2018. The Concept Layout, shown below in Figure 2, sets forth a spatial layout for a future expanded Diridon Station. The Concept Layout was accepted by City Council on February 4, 2020.²

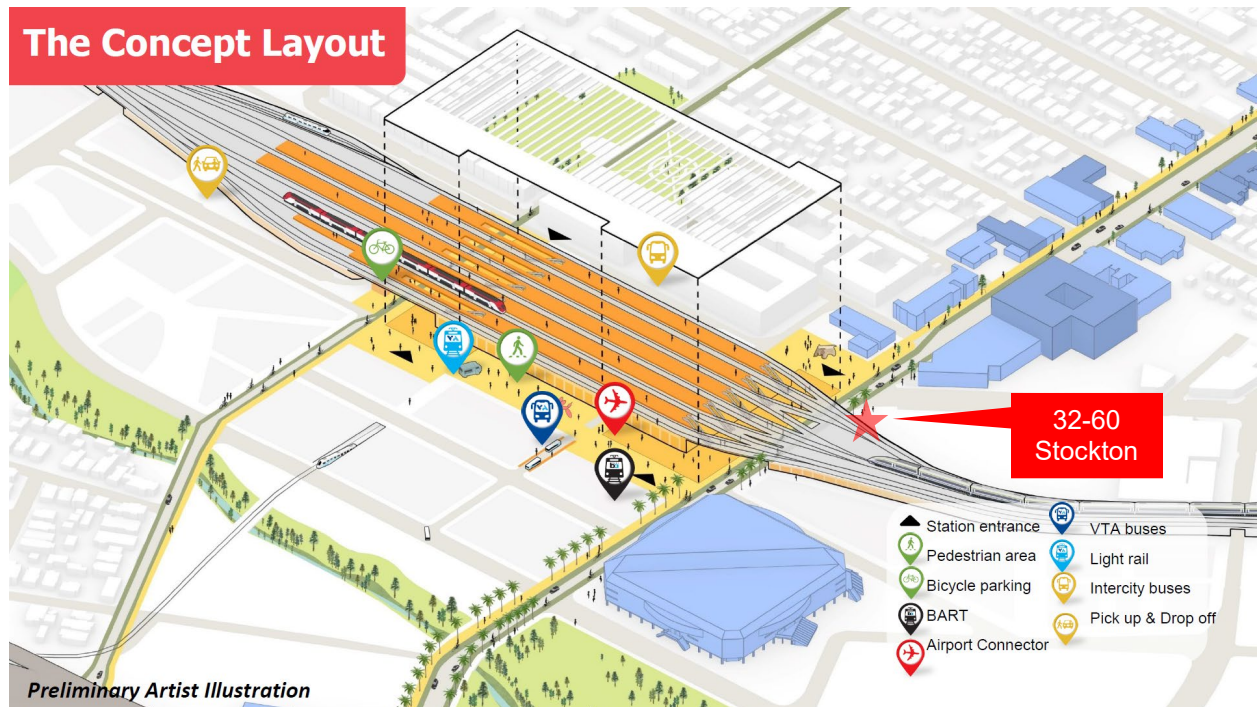


Figure 2 - DISC Concept Layout with project site highlighted

As shown in Figure 3 below, the project site is located adjacent to the existing rail corridor in a key location within the DISC Conceptual Transit Boundary Line where the tracks fan out north of the station. Page 71 of a January 28, 2020 presentation to City Council³ showed that the track approaches into the future expanded Diridon Station would encroach onto the subject property.

² <https://sanjose.legistar.com/LegislationDetail.aspx?ID=4311820&GUID=A390E029-8BCF-42D4-B5C8-161C43FB4ACE&Options=&Search=>

³ <https://sanjose.legistar.com/View.ashx?M=F&ID=8036315&GUID=363613A3-5363-474C-A537-34CC4142D5EF>

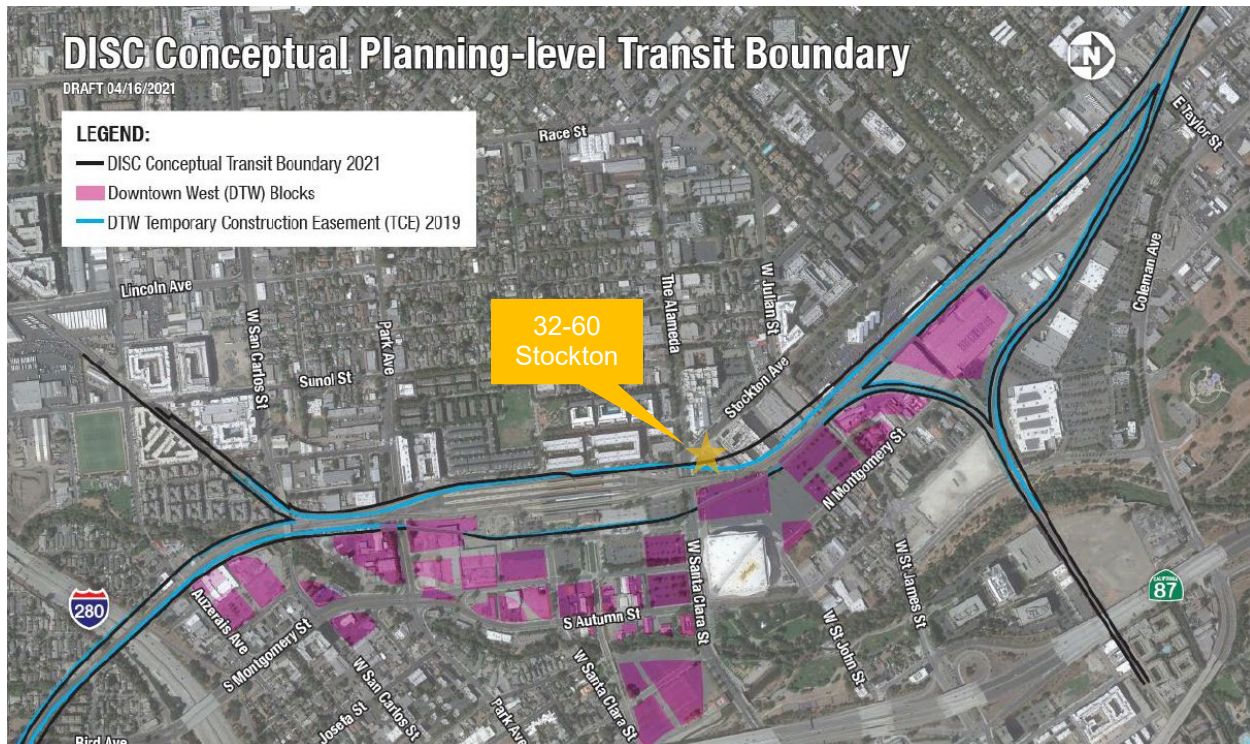


Figure 3: DISC Conceptual Transit Boundary with subject property highlighted. Adapted from Diridon Station Joint Policy Advisory Board meeting presentation, April 23, 2021.

3. **The DISC Transit Boundary was incorporated in the Amended Diridon Station Area Plan (DSAP), which City Council adopted on May 25, 2021.**⁴ As shown in Figure 4 below, as well as in multiple other figures throughout the document, a significant portion of the subject property is located within the DISC Transit Boundary. The DSAP addresses the future growth of rail service along the Caltrain right-of-way and the need to plan for this increased service on page 57:

“As envisioned through the Diridon Integrated Station Concept Layout, the station and surrounding rail right-of-way will need to expand to accommodate increased rail service and operate as a “through station,” rather than a place where some trains are stored and turned around... These factors point to the need for thoughtful planning to guide, control, and regulate future growth and development adjacent to the Caltrain right-of-way (ROW) to realize the goals and purposes of the Envision San José 2040 General Plan, and to provide access to property and prevent undue interference with and hazards to transportation on public rights-of-way.”

⁴ <https://sanjose.legistar.com/LegislationDetail.aspx?ID=4942605&GUID=98048EE2-5217-489F-8018-EAC435BC5B98&Options=&Search=>

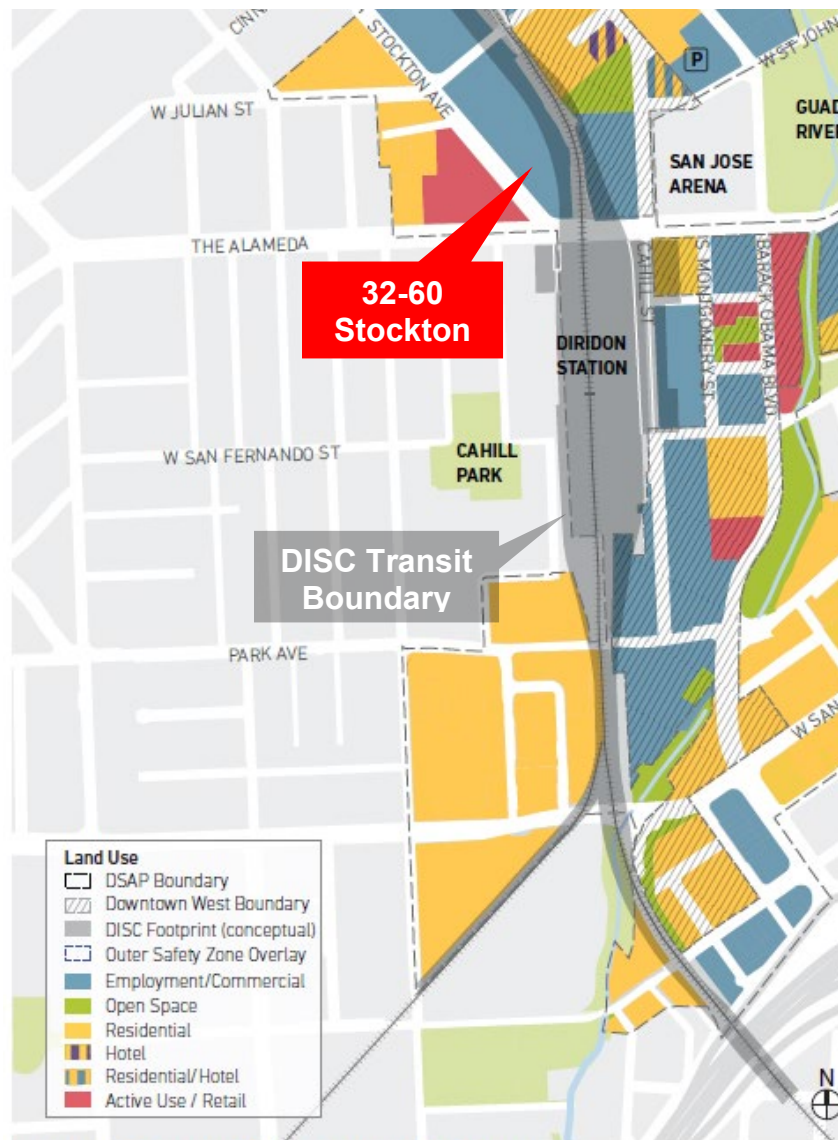


Figure 4 - Land Use figure from Diridon Station Area Plan adapted to show the subject property and the DISC Transit Boundary

In summary, the Department of Transportation finds that, for the purposes of CEQA, implementation of the proposed project would “conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities,” namely the California High-Speed Rail Project, the Diridon Integrated Station Concept Plan (DISC), and the Amended Diridon Station Area Plan (DSAP).

For questions, please contact Eric Eidlin, DOT Station Planning Manager, at (408) 643-5147.

Attachment:

[Correspondence from High-Speed Rail Authority to City, February 17, 2022](#)



Attachment: Correspondence from High-Speed Rail Authority to City, February 17, 2022

From: Fukuji, Bruce@HSR
To: Lu, Stacey; Tu, John
Cc: Zenk, Jessica; Aoun, Alisar; Stanke, Brian; Eidlin, Eric; Lapustea, Florin; Lipkin, Boris@HSR; Galli, Morgan@HSR; [Kennerley, Gary\(PB\)@HSR](mailto:Kennerley, Gary(PB)@HSR); kelly.doyle@hsr.ca.gov
Subject: Re: 32 Stockton Avenue
Date: Thursday, February 17, 2022 4:04:27 PM
Attachments: [32 stockton PEPD impact 22.02.17.pdf](#)

[External Email]

Hi Stacey and John,

We appreciate our on-going communications regarding the City of San Jose's Development/Use Permit Application review process for Urban Catalyst's proposed Apollo Apartments at 32-60 Stockton Avenue. As requested, we reviewed the 1/21/22 application. The concerns we raised in our previous email correspondence on 9/17/21 and 11/18/21 have not yet been addressed.

Matt Bernardis and Tom Holt from Urban Catalyst initiated a meeting with us on February 2, 2022, via Zoom. It was an opportunity to review with them in detail how their project impacts the Authority's Draft EIR/EIS alternatives, as presented in the attached pdf shared with you previously.

Mr. Bernardis and Mr. Holt proposed that they would remove the stormwater filtration and a fenced dog run improvements that are located within the PCJPB right-of-way. It would eliminate a direct rail corridor displacement impact on Alternative 4, the Authority's Preferred Alternative. Their project, however, will continue to impact Alternative 4's temporary construction easement and 61 replacement parking spaces for Capital Corridor and Amtrak.

We also briefed them on our anticipated schedule for release of the Final EIR/EIS on February 25, 2022, and Board Action on April 20-21, 2022, for the San Jose to Merced Project Section. We provided links to published documents on the Authority's web site for their reference.

For your staff memorandum dated 1/24/22, on page 3, please add reference to our preliminary engineering documents (see Sheet TT-D4003 for Alternative 4 and sheet TT-D0153 for Alternatives 1, 2 & 3 in Volume 3) found on the Authority's website at:

<https://hsr.ca.gov/programs/environmental-planning/project-section-environmental-documents-tier-2/san-jose-to-merced-project-section-draft-environmental-impact-report-environmental-impact-statement/>

We look forward to seeing the above changes in their proposed development plans. Let us know if you have any questions or need further information. Thank you.

Bruce

Bruce Fukuji, AIA

Northern California Planning Manager
California High Speed Rail Authority
c: (510) 612-3834
bruce.fukuji@hsr.ca.gov
www.hsr.ca.gov

From: Lu, Stacey <Stacey.Lu@sanjoseca.gov>
Date: Wednesday, January 26, 2022 at 2:43 PM
To: Fukuji, Bruce@HSR <Bruce.Fukuji@hsr.ca.gov>, Lipkin, Boris@HSR <Boris.Lipkin@hsr.ca.gov>, Doyle, Kelly@HSR <Kelly.Doyle@hsr.ca.gov>, Kennerley, Gary(PB)@HSR <Gary.Kennerley@hsr.ca.gov>, Galli, Morgan@HSR <Morgan.Galli@hsr.ca.gov>
Cc: Zenk, Jessica <Jessica.Zenk@sanjoseca.gov>, Tu, John <john.tu@sanjoseca.gov>, Aoun, Alisar <Alisar.Aoun@sanjoseca.gov>, Stanke, Brian <brian.stanke@sanjoseca.gov>, Eidlin, Eric <eric.eidlin@sanjoseca.gov>, Lapustea, Florin <Florin.Lapustea@sanjoseca.gov>
Subject: Fw: 32 Stockton Avenue

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Bruce,
The applicant submitted revised plans and responses to comments. Please see the link below to access the docs.
Responses to your comments start on Sheet 71/235.

Please review 2nd submittal and provide comments by Feb 15.

Thank you
Stacey

From: Tu, John <john.tu@sanjoseca.gov>
Sent: Wednesday, January 26, 2022 12:44 PM
To: Lu, Stacey <Stacey.Lu@sanjoseca.gov>
Subject: Re: 32 Stockton Avenue

Stacey,

Here is the link to the revised plans and response to comments, can you please forward to HSR [Apollo H21-048 and T21-043 Second Submittal](#)

Best,
Tong (John) Tu

Planner IV (Supervising Planner) | Planning Division | PBCE
City of San José | 200 East Santa Clara Street
Email: john.tu@sanjoseca.gov | Phone: (408)-535-6818
For More Information Please Visit: <http://www.sanjoseca.gov/planning>

From: Fukuji, Bruce@HSR <Bruce.Fukuji@hsr.ca.gov>

Sent: Thursday, November 18, 2021 10:41 AM

To: Lu, Stacey <Stacey.Lu@sanjoseca.gov>

Cc: Lipkin, Boris@HSR <Boris.Lipkin@hsr.ca.gov>; kelly.doyle@hsr.ca.gov <Kelly.Doyle@hsr.ca.gov>; Van, Audrey@HSR <Audrey.Van@hsr.ca.gov>; Kennerley, Gary(PB)@HSR <Gary.Kennerley@hsr.ca.gov>; Bratina, Julian@HSR <Julian.Bratina@hsr.ca.gov>; Galli, Morgan@HSR <Morgan.Galli@hsr.ca.gov>; Aoun, Alisar <Alisar.Aoun@sanjoseca.gov>; Stanke, Brian <brian.stanke@sanjoseca.gov>; Zenk, Jessica <Jessica.Zenk@sanjoseca.gov>; Lapustea, Florin <Florin.Lapustea@sanjoseca.gov>; Tu, John <john.tu@sanjoseca.gov>; Eidlin, Eric <eric.eidlin@sanjoseca.gov>; Tu, Stephen@HSR <Stephen.Tu@hsr.ca.gov>; Bickert, Rachel@HSR <Rachel.Bickert@hsr.ca.gov>; Fleischer, Rebecca@HSR <Rebecca.Fleischer@hsr.ca.gov>

Subject: Re: 32 Stockton Avenue

[External Email]

Dear Stacey,

Thank you for the opportunity to comment on the Apollo development plans dated 10/26/21.

As you know, the Peninsula Corridor Joint Powers Board owns and operates passenger rail service along the Caltrain corridor, and the California High Speed Rail Authority is a proposed tenant on the rail corridor. We suggest contacting Caltrain staff, who are most qualified to comment on the project's potential impacts to the rail corridor.

We reviewed the proposed plans and the concerns we raised previously (email below) have not been addressed:

- The development will impact planned HSR temporary construction easements covering the entire site for all four HSR project alternatives.
- The development locates a stormwater filtration and fenced dog run area in the rail corridor. The dog run area does not have any access from the building, and has gate access onto the rail corridor, which is not acceptable. Safe operation of the blended system and maintaining community safety and security are of the highest priority for the Authority, and rail corridor access is to be fully restricted.
- We also want to reiterate that the DISC rail corridor footprint extends west of the

existing rail corridor, including this development site.

We appreciate keeping us informed about this project. Thank you again for this opportunity to comment. Let us know if you need anything further -

Bruce

From: Lu, Stacey <Stacey.Lu@sanjoseca.gov>

Sent: Wednesday, November 10, 2021 12:15 PM

To: Fukuji, Bruce@HSR <Bruce.Fukuji@hsr.ca.gov>

Cc: Lipkin, Boris@HSR <Boris.Lipkin@hsr.ca.gov>; Doyle, Kelly@HSR <Kelly.Doyle@hsr.ca.gov>; Van, Audrey@HSR <Audrey.Van@hsr.ca.gov>; Kennerley, Gary(PB)@HSR <Gary.Kennerley@hsr.ca.gov>; Bratina, Julian@HSR <Julian.Bratina@hsr.ca.gov>; Galli, Morgan@HSR <Morgan.Galli@hsr.ca.gov>; Aoun, Alisar <Alisar.Aoun@sanjoseca.gov>; Stanke, Brian <brian.stanke@sanjoseca.gov>; Zenk, Jessica <Jessica.Zenk@sanjoseca.gov>; Lapustea, Florin <Florin.Lapustea@sanjoseca.gov>; Tu, John <john.tu@sanjoseca.gov>; Eidlin, Eric <eric.eidlin@sanjoseca.gov>

Subject: Re: 32 Stockton Avenue

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Bruce,

The City received the formal submittal (H21-048) for the development at 32 Stockton Ave. Please review the submittal and provide your comments to City Planner, John Tu, by next Wed/Thursday. The review should not take too long as it similar to the prelim package. I also included the responses to the prelim comments for your reference.

Please use this link to access the plan set: [H21-048](#)

Thank you

Stacey

From: Fukuji, Bruce@HSR <Bruce.Fukuji@hsr.ca.gov>

Sent: Friday, September 17, 2021 5:20 PM

To: Lu, Stacey <Stacey.Lu@sanjoseca.gov>

Cc: Lipkin, Boris@HSR <Boris.Lipkin@hsr.ca.gov>; kelly.doyle@hsr.ca.gov <Kelly.Doyle@hsr.ca.gov>; Van, Audrey@HSR <Audrey.Van@hsr.ca.gov>; Kennerley, Gary(PB)@HSR <Gary.Kennerley@hsr.ca.gov>; Bratina, Julian@HSR <Julian.Bratina@hsr.ca.gov>; Galli, Morgan@HSR <Morgan.Galli@hsr.ca.gov>; Aoun, Alisar <Alisar.Aoun@sanjoseca.gov>; Stanke, Brian <brian.stanke@sanjoseca.gov>; Zenk, Jessica <Jessica.Zenk@sanjoseca.gov>

Subject: 32 Stockton Avenue

Some people who received this message don't often get email from bruce.fukuji@hsr.ca.gov. [Learn why this is important](#)

[External Email]

Hi Stacey,

Thank you for the opportunity to comment on the 32 Stockton Street development proposal. Attached is a pdf that presents the impact of this proposed development on the Authority's project alternatives.

Overall, the 32 Stockton Avenue development impacts HSR temporary construction easements covering the entire site, and has permanent infrastructure impacts along the corridor, for all four HSR project alternatives. The development appears to locate a stormwater filtration area in the rail corridor.

We also want to mention that the DISC rail corridor footprint extends west of the existing rail corridor, substantially encroaching into the development site.

Let us know if you would like to arrange a time to discuss our findings with you and we can work together to set up a meeting. Thank you again for the opportunity to comment on this project.

Bruce

Bruce Fukuji, AIA, MCP, LEED Green Associate

Northern California Planning Manager
California High Speed Rail Authority

cell (510) 612-3834

bruce.fukuji@hsr.ca.gov
www.hsr.ca.gov

Please note I am working remotely in response to the current public health and safety concerns.

Apollo Apartments at 32-60 Stockton Avenue

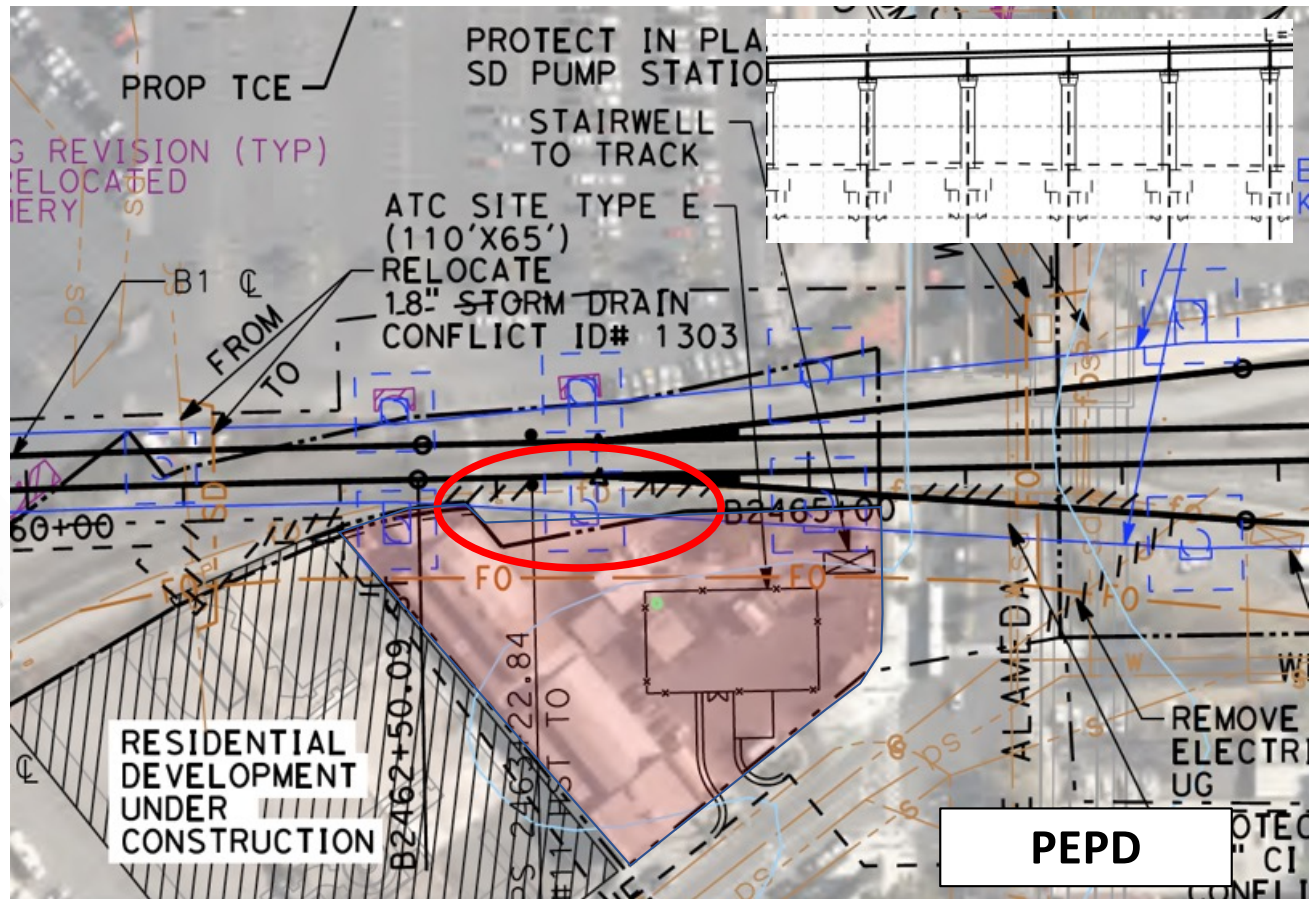
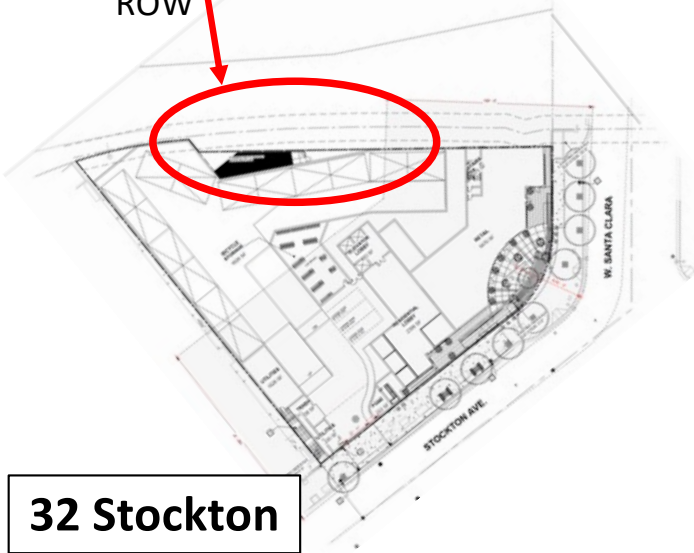
Impacts to
Diridon Station
PEPD Alternatives
February 17, 2022



PEPD Conflicts – Both Parcels in Footprint

Alternatives, 1, 2 and 3

- Displaces viaduct column/bents, foundations, ATC, utilities, stairs & parking
- Locates stormwater filtration and dog run on rail corridor ROW



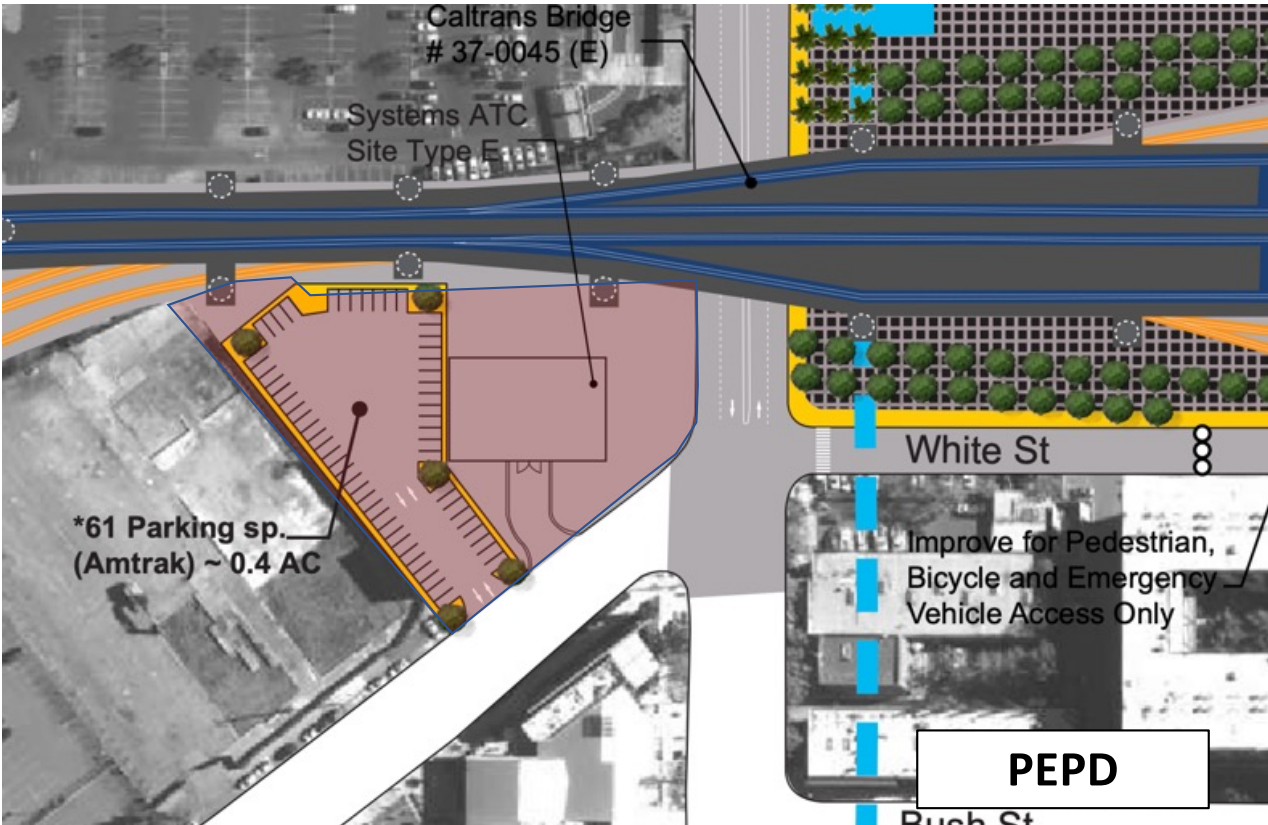
PEPD Conflicts – Replacement Parking

Alternatives, 1, 2 and 3

- Displaces 61 replacement parking spaces for Amtrak and Capitol Corridor



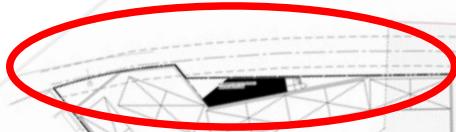
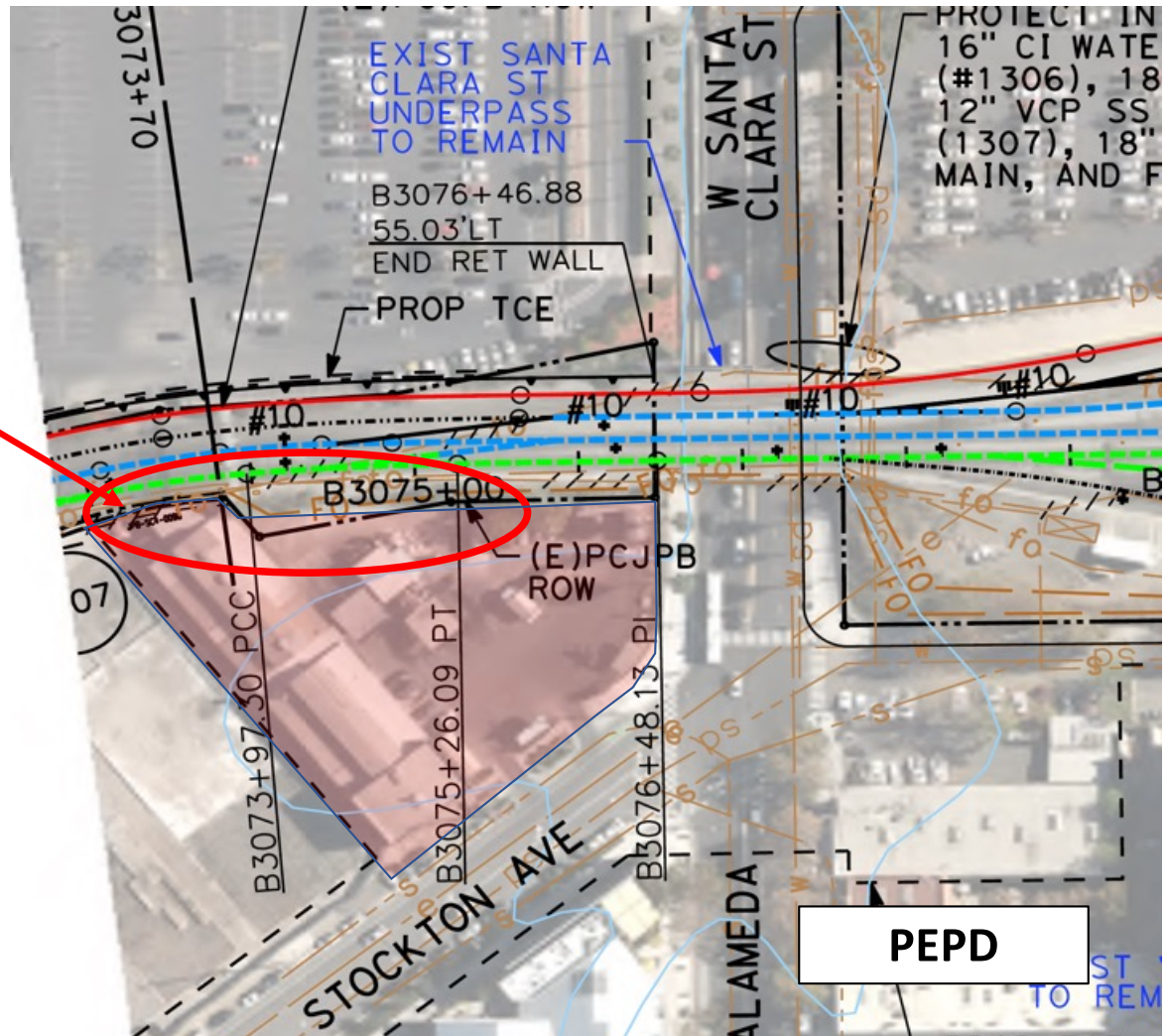
32 Stockton



PEPD Conflicts

Alternative 4

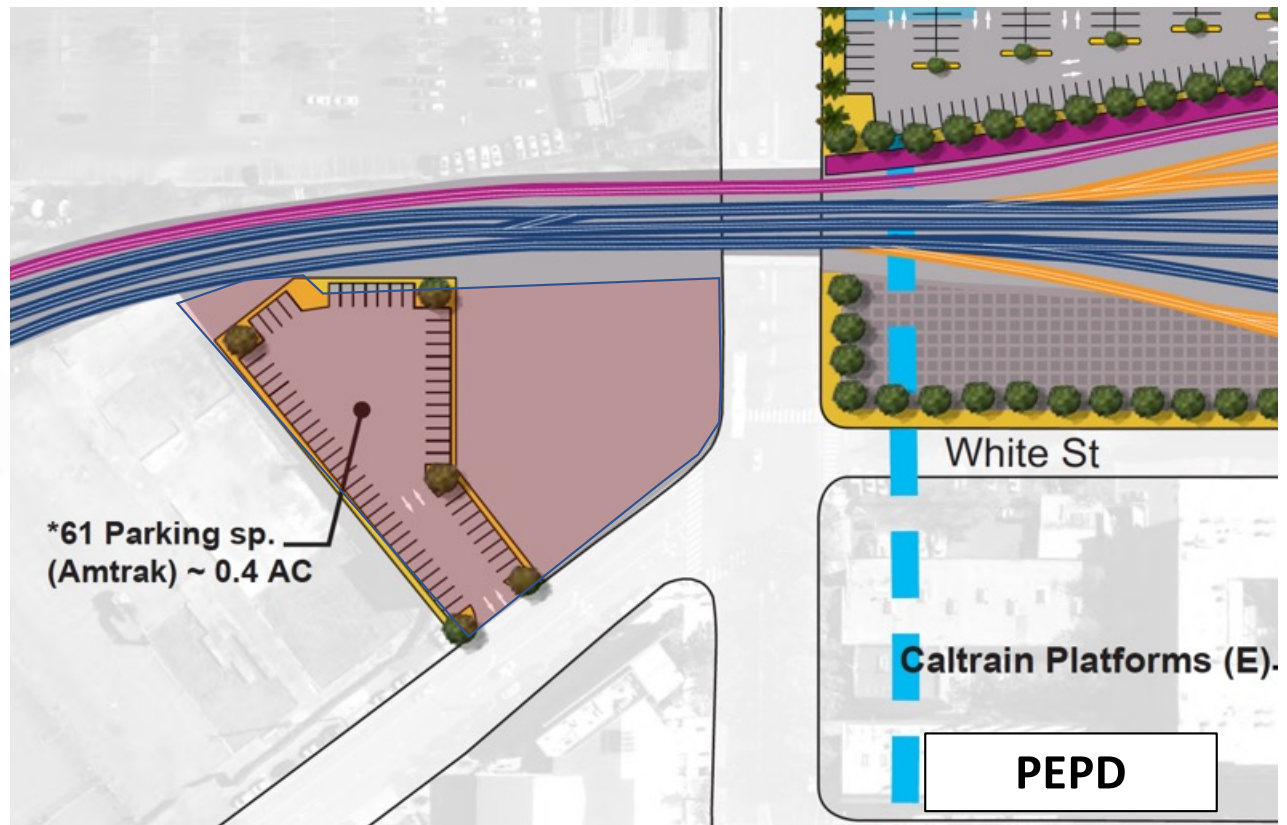
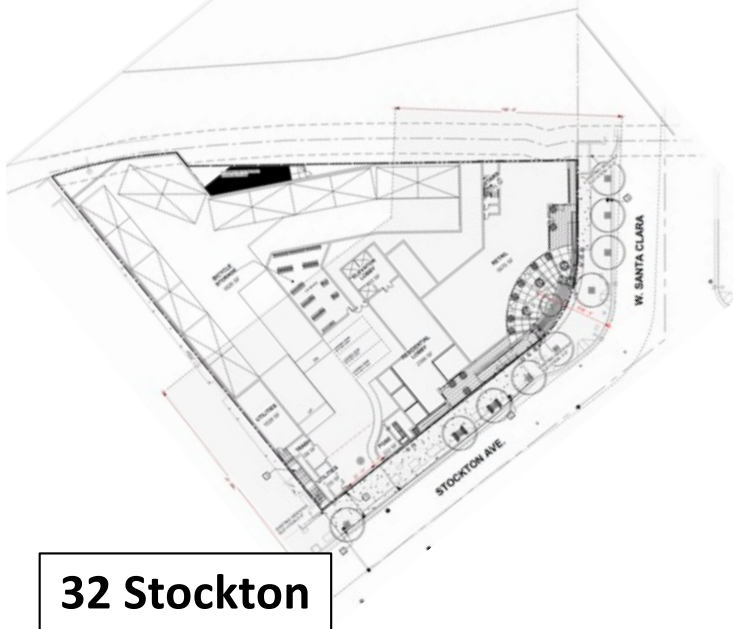
- Potential utility relocation impacts
- Displaces parking
- Locates stormwater filtration and dog run on rail corridor ROW
- Potential overlap on utility easement



32 Stockton

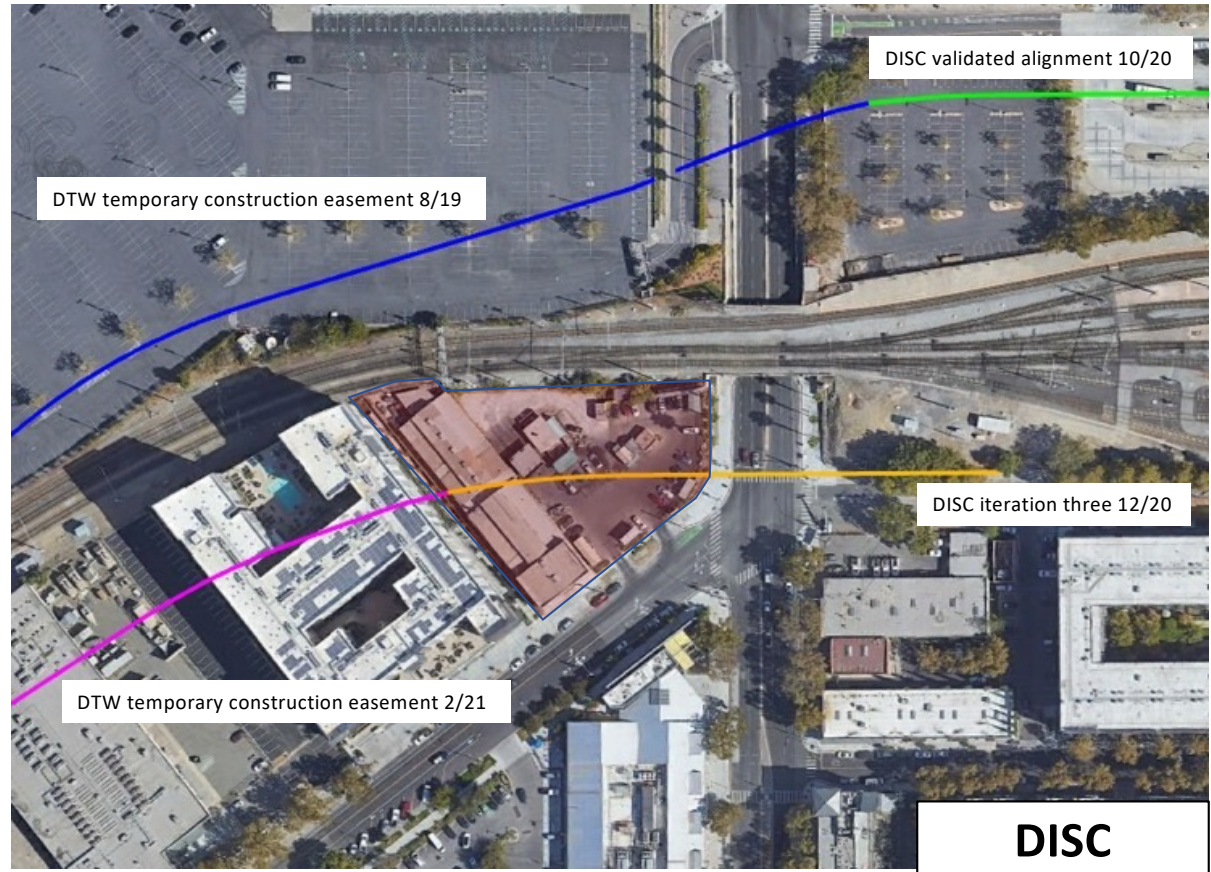
Alternative 4 - Replacement Parking Impact

- Displaces 61 replacement parking spaces for Amtrak and Capitol Corridor



Impact on DISC Conceptual Transit Boundary Line

- Impact to DISC footprint for viaduct structures, tracks, foundations and temporary construction easements



32 Stockton

DISC