

COUNCIL AGENDA: 11/28/17  
FILE: 17-380  
ITEM: 10-1 (w)

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** November 6, 2017

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**COUNCIL DISTRICT: 3**

**SUBJECT: GP17-014. CITY-INITIATED GENERAL PLAN AMENDMENT TO MODIFY THE LAND USE/TRANSPORTATION DIAGRAM TO ADDRESS MAPPING ERRORS AT LOCATIONS WITHIN THE RINCON SOUTH, JACKSON – TAYLOR, AND MARTHA GARDENS GENERAL PLAN GROWTH AREAS.**

## RECOMMENDATION

The Planning Commission voted unanimously (7-0-0) to recommend that the City Council adopt a resolution approving the General Plan Amendment to modify the Land Use/Transportation Diagram to address mapping errors at locations within the Rincon South, Jackson – Taylor, and Martha Gardens General Plan Growth Areas.

## OUTCOME

Should the City Council approve the General Plan Amendment, the Envision San José 2040 General Plan Land Use/Transportation Diagram will be modified as detailed in the Planning Commission staff report (attached).

## BACKGROUND

On October 11, 2017, the Planning Commission held a public hearing to consider the proposed General Plan Amendment to modify the Land Use/Transportation Diagram to address mapping errors at locations within the Rincon South, Jackson – Taylor, and Martha Gardens General Plan Growth Areas. The Director of Planning, Building and Code Enforcement recommended approval of the General Plan Amendment. The item was on the consent calendar and was approved by the Planning Commission with no discussion.

### **ANALYSIS**

For a complete analysis, please see the Planning Commission staff report (attached).

### **EVALUATION AND FOLLOW UP**

If the General Plan Amendment is approved, the Envision San José 2040 General Plan Land Use/Transportation Diagram will be modified to address mapping errors at locations within the Rincon South, Jackson – Taylor, and Martha Gardens General Plan Growth Areas.

### **PUBLIC OUTREACH**

Staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was published in the San Jose Post Record and on the City's website. The staff report is also posted on the City's website and staff has been available to respond to questions from the public.

### **COORDINATION**

Preparation of this memorandum has been coordinated with the City Attorney's Office.

### **CEQA**

Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that the proposed General Plan Text Amendment is within the scope of the approved Final Program EIR for the Envision San José 2040 General Plan and Supplemental EIR to the Envision San Jose 2040 General Plan EIR, and Addenda thereto for which findings were adopted by City Council Resolution Nos. 76041 and 77617 respectively, that adequately describe the activity for the purposes of CEQA.

/s/  
ROSALYNN HUGHEY, SECRETARY  
Planning Commission

For questions please contact Michael Brilliot, Division Manager, at 408-535-7831.

Attachment: Planning Commission Staff Report



## PLANNING COMMISSION STAFF REPORT

<b>File No.</b>	GP17-014
<b>Applicant</b>	City-initiated
<b>Location</b>	Rincon South, Jackson – Taylor, and Martha Gardens General Plan Growth Areas
<b>Council District</b>	3
<b>CEQA</b>	Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto

### APPLICATION SUMMARY:

City-initiated General Plan Amendment to modify the Land Use/Transportation Diagram to address mapping errors at locations within the Rincon South, Jackson – Taylor, and Martha Gardens General Plan Growth Areas.

### RECOMMENDATION:

1. Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto, in conformance with CEQA; and
2. Recommend that the City Council adopt a resolution approving the General Plan Amendment to modify the Land Use/Transportation Diagram to address mapping errors at locations within Rincon South, Jackson – Taylor, and Martha Gardens General Plan Growth Areas.

### PROJECT DESCRIPTION

The proposed General Plan amendment would modify the General Plan Land Use/Transportation Diagram to address mapping errors at locations within Rincon South, Jackson – Taylor, and Martha Gardens Growth Areas. The Envision San José 2040 General Plan Land Use/Transportation Diagram incorporated the land uses of six Specific Plans, including the Rincon South Specific Plan, Jackson – Taylor Specific Plan, and Martha Gardens Specific Plan. This resulted in minor mapping errors where either no designation was assigned to private properties, or the Open Space, Parklands and Habitat designation was assigned to portions of private properties that are currently developed or which have existing entitlements for development. The locations within the three Growth Areas that are currently incorrectly



designated are shown in Figures 1, 3, and 5 below, while the proposed land use designations to address the mapping errors are shown in Figures 2, 4, and 6 below.

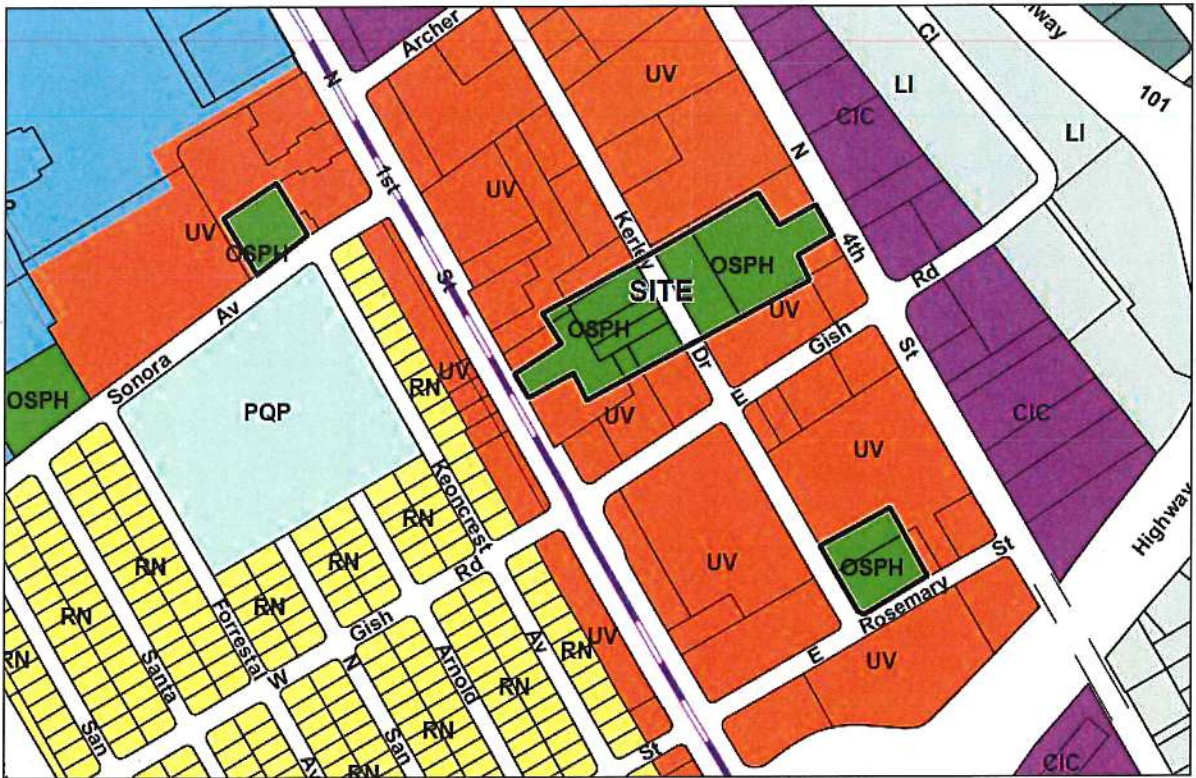


Figure 1: Rincon South – Existing

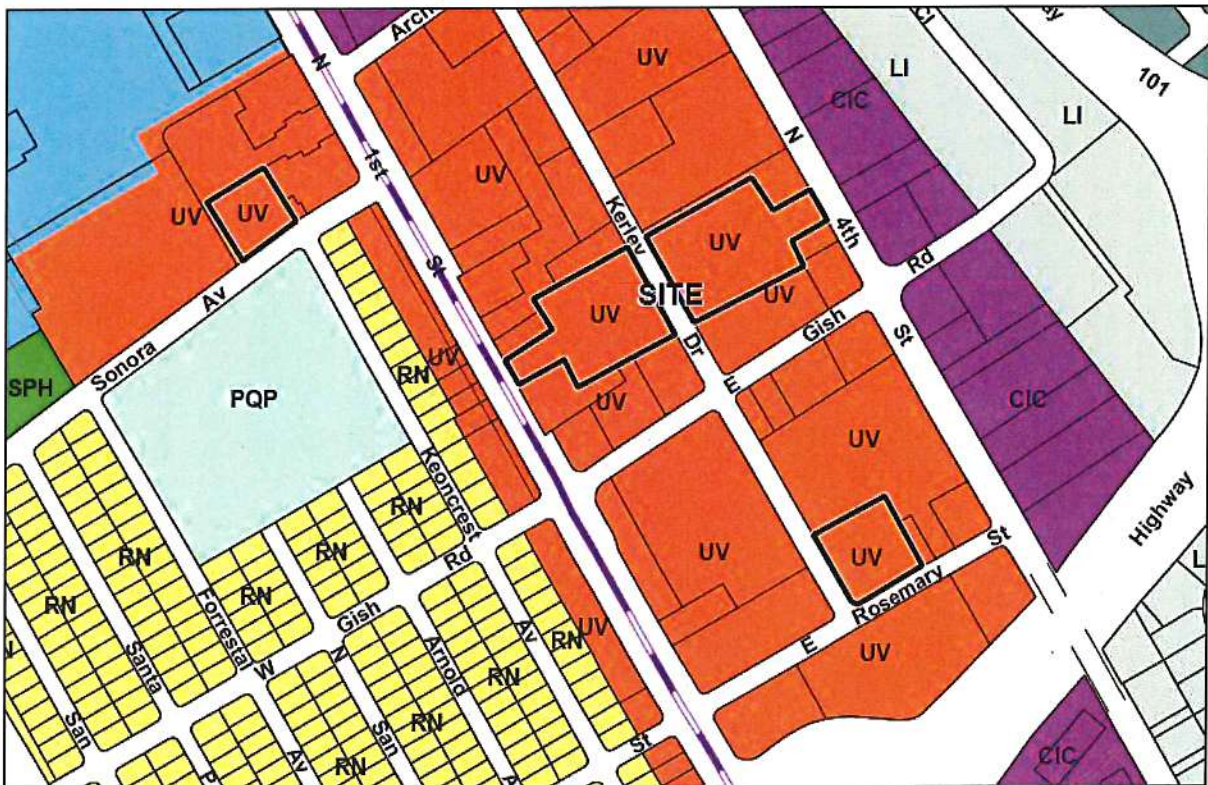


Figure 2: Rincon South – Proposed



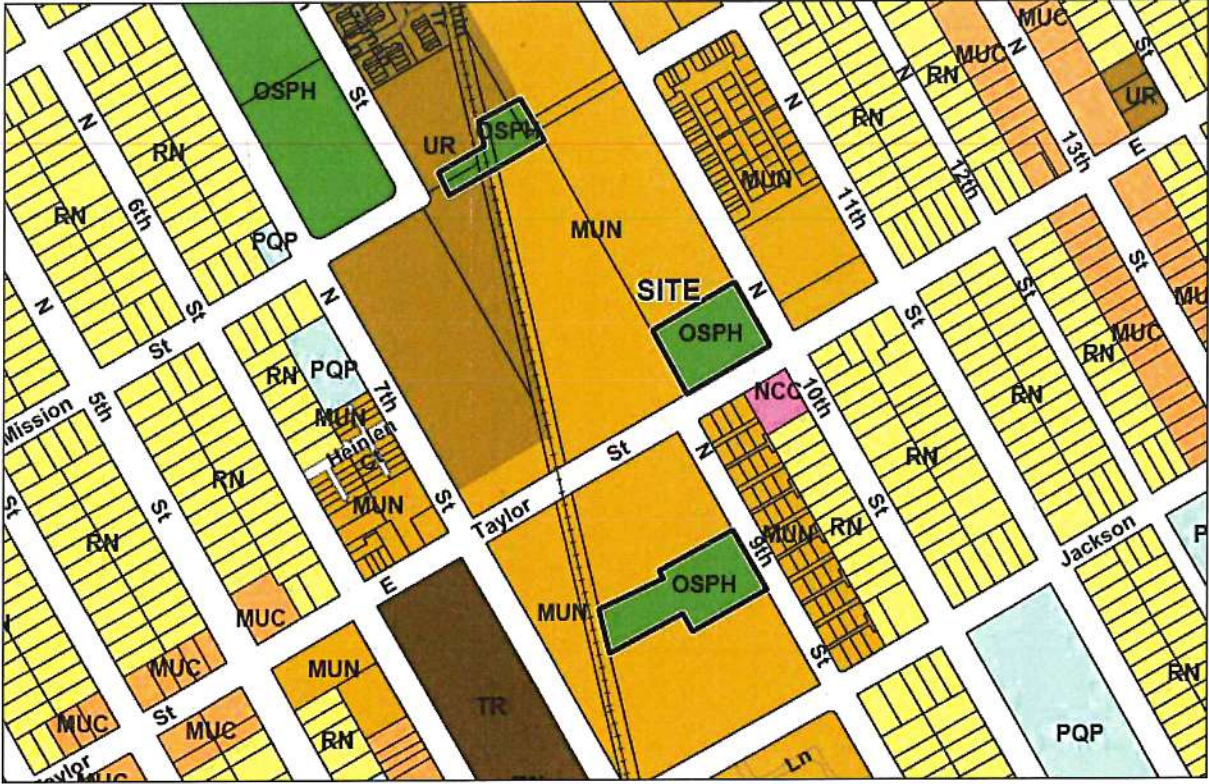


Figure 3: Jackson-Taylor – Existing

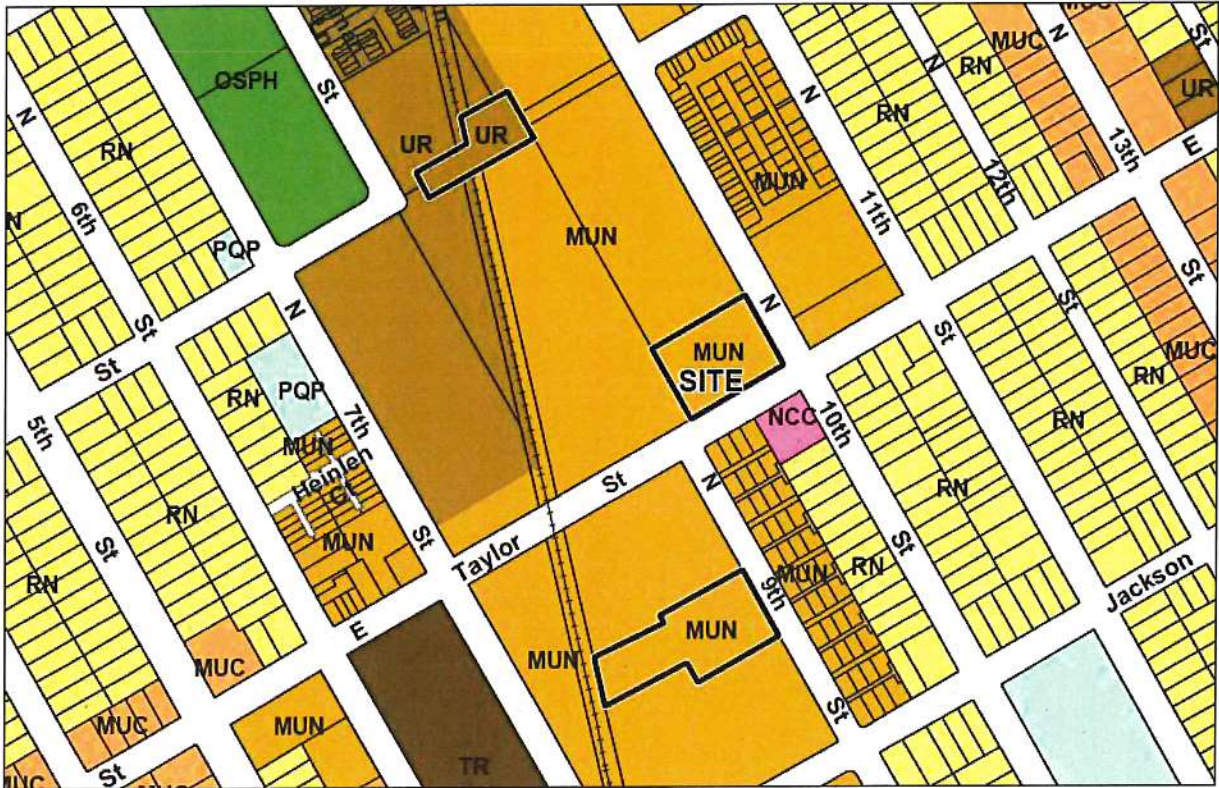


Figure 4: Jackson-Taylor – Proposed



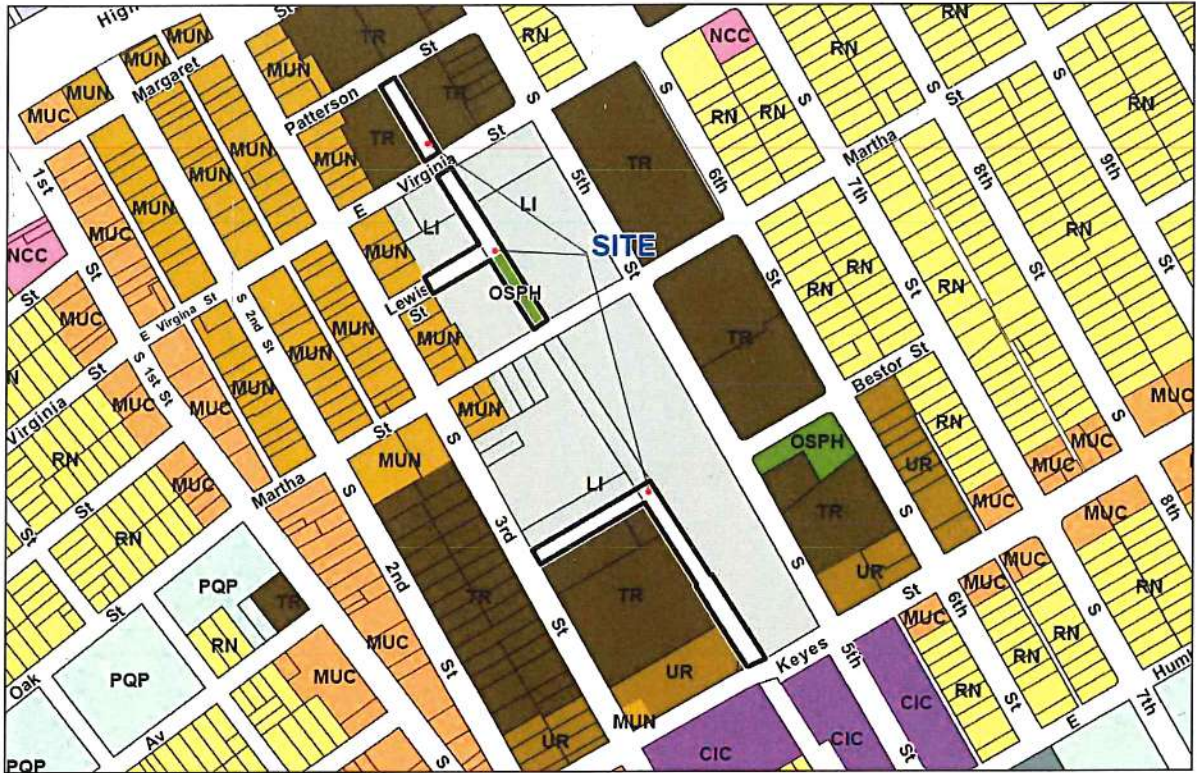


Figure 5: Martha Gardens – Existing

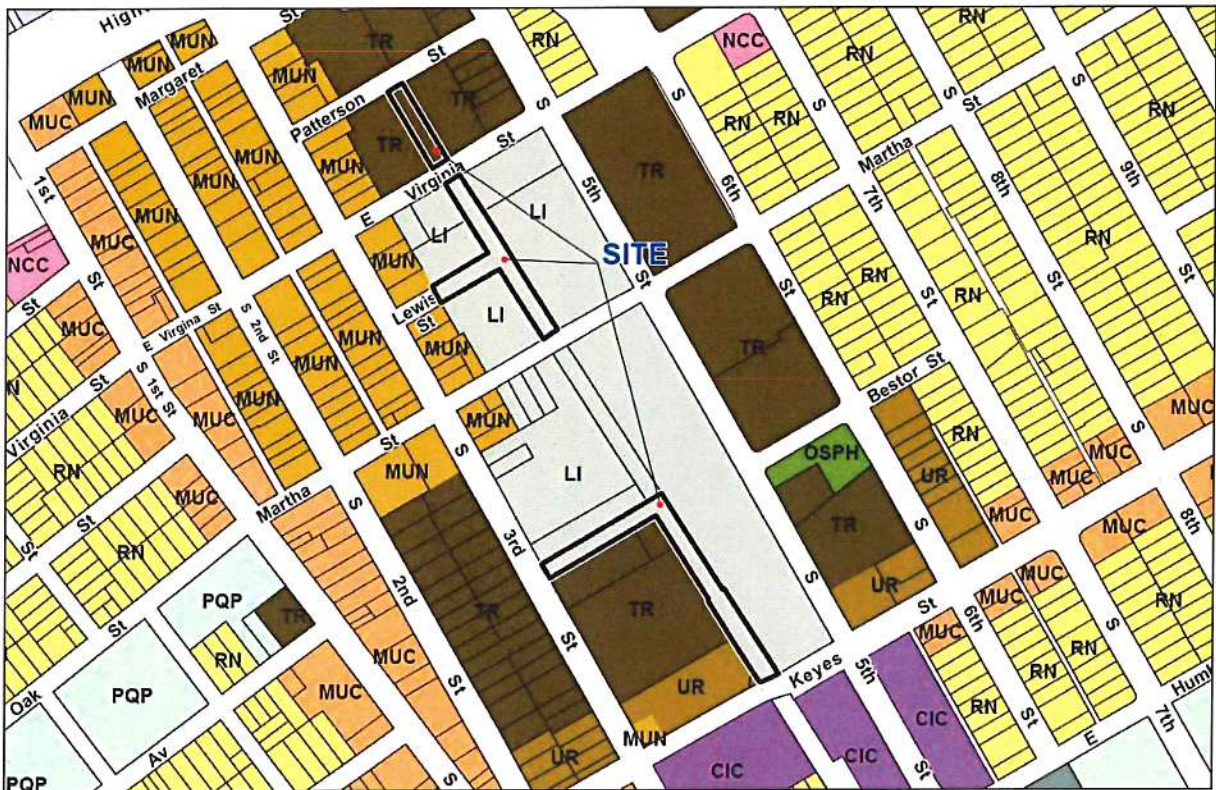


Figure 6: Martha Gardens – Proposed



**Site Location:**

The locations where the mapping errors are proposed to be addressed are located in the Rincon South, Jackson – Taylor, and Martha Gardens General Plan Growth Areas, as shown in the figures above.

**ANALYSIS**

The purpose of the proposed General Plan Amendment is to address mapping errors on the Envision San José 2040 General Plan Land Use/Transportation Diagram. The General Plan incorporated, with only very limited modifications; the land uses designated within the Specific Plan areas into the Land Use/Transportation Diagram. As a result, private properties within the Rincon South Specific Plan, Jackson – Taylor Specific Plan, and Martha Gardens Specific Plan Growth Areas were inadvertently assigned an Open Space, Parklands and Habitat designation, or given no General Plan land use designation. The Open Space, Parklands and Habitat land use designation is typically applied to lands that are owned by non-profits or public agencies that intend their permanent use as open space.

The properties that were assigned Open Space, Parklands and Habitat designation were locations where the Specific Plans conceptually envisioned parkland. Consistent with the Specific Plans, these areas were also assigned a Floating Park overlay on the General Plan Land Use/Transportation Diagram. Floating parks are indicated by the letter “P,” on the Land Use Diagram which represents a “floating” designation and is only intended to indicate a general area within which a park is anticipated to be needed based on planned residential growth; but where no specific site has yet been identified or where details of surrounding development have not been finalized. While the floating park symbols were correctly incorporated, the Open Space, Parkland and Habitat land use designation was inappropriately applied to fragments of private properties. If the City were to acquire property with a Floating Park overlay, then the City could change the General Plan land use to an Open Space, Parklands and Habitat land use designation. Additionally, no land use designation was applied in two areas within the Martha Gardens Specific Plan area.

These mapping errors have caused confusion for property owners and applicants. The proposed General Plan amendment would apply the appropriate General Plan land use designation to the properties to be consistent with their designations on the remainder of the site, or the designation bounding the portion of the property containing the mapping error (see Figures above).

**Envision San José 2040 General Plan Conformance**

The proposed General Plan amendment is consistent with the following Envision San José 2040 General Plan goals and policies:

1. **Land Use / Transportation Diagram Goal IP-1:** Make land use and permit decisions to implement the *Envision General Plan* Land Use / Transportation Diagram and to further the vision, goals and policies of the *Envision General Plan*.

**Land Use / Transportation Diagram Policy IP-1.1:** Use the *Envision General Plan* Land Use / Transportation Diagram designations to indicate the general intended land use, providing flexibility to allow for a mix of land uses, intensities and development forms compatible with a wide variety of neighborhood contexts and to designate the intended roadway network to be developed over the timeframe of the *Envision General Plan*. Use the Zoning designation to indicate the appropriate type, form and height of development for particular properties.

*Analysis: The proposed General Plan Amendment would support implementation of the Envision San José 2040 Land Use/Transportation Diagram by address mapping errors on the Land Use/Transportation Diagram. The mapping errors have caused confusion for property owners and applicants, and could have direct implications for proposed development projects in the Rincon South, Jackson – Taylor, and Martha Gardens Growth Areas. Addressing the errors would allow properties to develop with the appropriate land use designation. In areas where the Open Space, Parklands and Habitat designation was incorrectly applied, a floating park overlay is currently present to identify the general area of need and location future parklands.*

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The proposed General Plan Text Amendment does not include any construction, demolition, or other activity that has the potential to negatively impact the environment. The text amendment would not result in an increase in planned development beyond that which was analyzed in the Final Program EIR for the Envision San José 2040 General Plan. Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has made a Determination of Consistency, as this activity is within the scope of the approved Envision San José 2040 General Plan, and the Final Program EIR for the Envision San José 2040 General Plan and Supplemental EIR to the Envision San José 2040 General Plan EIR, and Addenda thereto, for which findings were adopted by City Council Resolution Nos. 76041 and 77617 respectively, that adequately describe the activity for the purposes of CEQA.

**PUBLIC HEARING NOTIFICATION**

Staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was published in the San José Post Record and on the City’s website. The staff report is also posted on the City’s website and staff have been available to respond to questions from the public.

**Project Manager:** Jared Hart

**Approved by:**



, Planning Official for Rosalynn Hughey,  
Interim Planning Director

**Date:** 10/4/17

**Attachment:**

Draft Resolution



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE ENVISION SAN JOSE 2040 GENERAL PLAN PURSUANT TO TITLE 18 OF THE SAN JOSE MUNICIPAL CODE TO MODIFY THE LAND USE/TRANSPORTATION DIAGRAM TO ADDRESS MAPPING ERRORS AT LOCATIONS WITHIN RINCON SOUTH, JACKSON – TAYLOR, MARTHA GARDENS, AND EVERGREEN VILLAGE GROWTH AREAS**

**Fall 2017 General Plan Amendment Cycle (Cycle 3)**

**GP17-014**

**WHEREAS**, the City Council is authorized by Title 18 of the San Jose Municipal Code and state law to adopt and, from time to time, amend the General Plan governing the physical development of the City of San Jose; and

**WHEREAS**, on November 1, 2011, the City Council adopted the General Plan entitled, "Envision San Jose 2040 General Plan, San Jose, California" by Resolution No. 76042, which General Plan has been amended from time to time (hereinafter the "General Plan"); and

**WHEREAS**, in accordance with Title 18 of the San Jose Municipal Code, all general and specific plan amendment proposals are referred to the Planning Commission of the City of San Jose for review and recommendation prior to City Council consideration of the amendments; and

**WHEREAS**, on October 11, 2017, the Planning Commission held a public hearing to consider the proposed text amendment to the General Plan pertaining to the clarification of General Plan land use designations associated with the vacation, sale, or relocation of City right-of-way and State freeways and transportation corridors, File No. GP17-014

specified in Exhibit "A" hereto ("General Plan Amendment"), at which hearing interested persons were given the opportunity to appear and present their views with respect to said proposed amendments; and

**WHEREAS**, at the conclusion of the public hearing, the Planning Commission transmitted its recommendations to the City Council on the proposed General Plan Amendment; and

**WHEREAS**, on November 14, 2017, the Council held a duly noticed public hearing; and

**WHEREAS**, copies of the proposed General Plan Amendment are on file in the office of the Director of Planning, Building and Code Enforcement of the City, with copies submitted to the City Council for its consideration; and

**WHEREAS**, pursuant to Title 18 of the San Jose Municipal Code, public notice was given that on November 14, 2017 at 6:00 p.m. in the Council Chambers at City Hall, 200 East Santa Clara Street, San Jose, California, the Council would hold a public hearing where interested persons could appear, be heard, and present their views with respect to the proposed General Plan Amendment (Exhibit "A"); and

**WHEREAS**, prior to making its determination on the General Plan Amendment, the Council reviewed and considered the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto; and

**WHEREAS**, the Council is the decision-making body for the proposed General Plan Amendment.



**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:**

**SECTION 1.** The Council's determinations regarding General Plan Amendment File No. GP17-014 is hereby specified and set forth in Exhibit "A," attached hereto and incorporated herein by reference.

**SECTION 2.** This Resolution shall take effect thirty (30) days following the adoption of this Resolution.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk





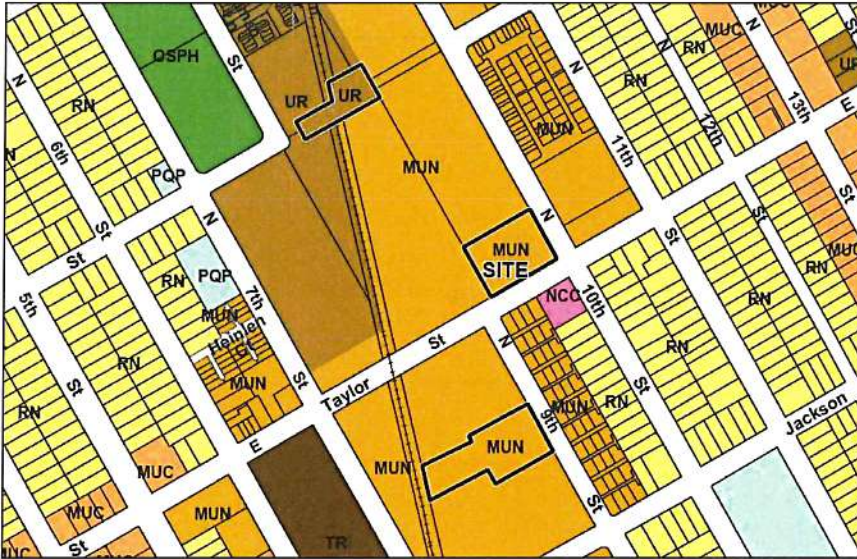
**EXHIBIT "A"**

**File No. GP17-014.** A General Plan Amendment to change the Land Use/Transportation Diagram land use designation on various sites located in the Rincon South, Jackson-Taylor, and Martha Gardens General Plan Growth Areas as shown below:

**Rincon South Growth Area (between Sonora Avenue and E. Rosemary Street between N. 1st Street and N. 4th Street):**



**Jackson-Taylor Growth Area (west side of 9th Street between E. Taylor Street and Jackson Street; northwest corner of E. Taylor Street and N. 10<sup>th</sup> St.; and E. Mission Street between 8th Street and 9th Street):**



**Martha Gardens Growth Area (between 3rd Street and 5th Street between Martha Street and Keyes Street; between Martha Street and Virginia St. between S. 3<sup>rd</sup> Street and S. 5<sup>th</sup> Street; and E. Virginia Street and Patterson Street between S. 3<sup>rd</sup> Street and 5<sup>th</sup> Street):**





RD:VMT:JMD  
09/28/2017

Citywide. CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San Jose General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto.