



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember
Donald Rocha

SUBJECT: SOUTH BASCOM (NORTH) URBAN VILLAGE PLAN
DATE: May 7, 2018

Approved

Don Rocha

Date

5/7/18

RECOMMENDATION

That staff be prepared to answer the following questions during discussion of this item:

1. **Displacement:** There is a collection of older apartments along the east side of Del Mar Ave. both to the north and south of Fruitdale Ave. Given their age it's reasonable to assume that these apartments are rent controlled. The Urban Village boundary is carefully drawn to include the apartments within the Urban Village while excluding adjacent parcels that are developed with lower density residential. The urban village plan proposes to designate the apartments as Urban Residential, which would allow intense residential development up to 130 ft. in height. This scenario raises the following questions:
 - a. Should we be concerned that our growth area boundaries seem to be drawn in a way that targets apartments, many of them rent controlled, for redevelopment?
 - b. If these apartments are redeveloped at some point under the Urban Village Plan, do we believe that our current displacement policies are adequate to prevent negative impacts to the apartment residents who would be displaced?
2. **Heights:** Are the height and setback rules proposed in the Urban Village Plan consistent with height and setbacks standards set for other Village plans or other projects approved in Urban Villages? Does a standard approach to height and setbacks make sense given that some neighborhoods are more organized and engaged than others, and thus may be better able to identify concerns with the proposal before the plan is approved?

ANALYSIS

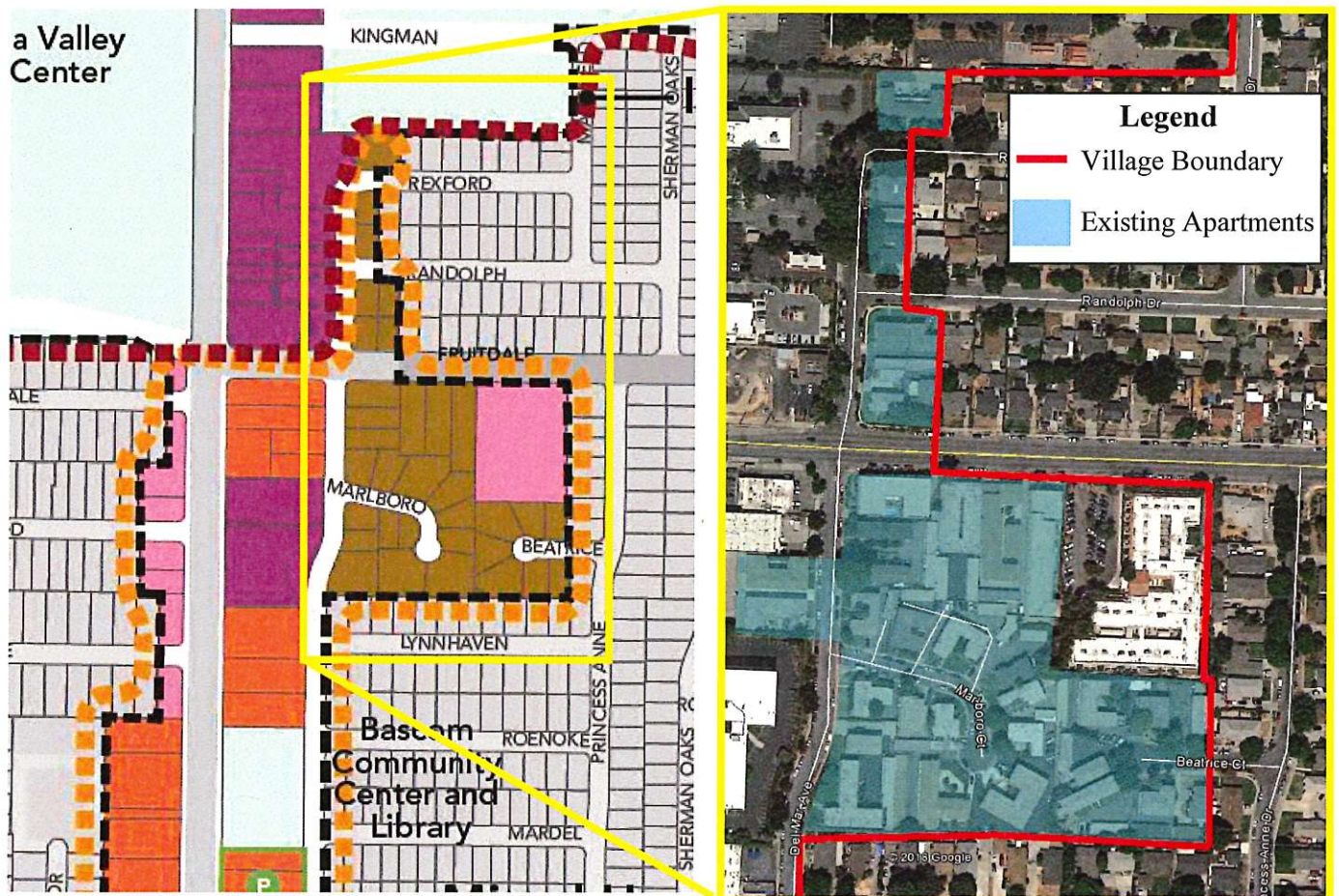
The purpose of this memo is to raise questions for consideration as we deliberate on the proposed Urban Village Plans. Let me provide some brief background to explain the reasoning behind my questions.

Displacement

As the Council has worked on renter protections over the past few years we've heard concerns from rental rights advocates that San Jose's land use policies encourage displacement of poor people and people of color. I've taken a close look at the Bascom and San Carlos Urban Village Plans in an effort to evaluate the validity of these concerns.

What I've found is that there is a concentration of older, probably rent controlled apartments included in the Bascom Urban Village. These apartments are located to the east of Del Mar Ave. both north and south of Fruitdale. The boundary of the Urban Village is carefully drawn to include the apartments in the Urban Village while excluding lower density residential immediately next door to the apartments. The apartments are proposed to be designated as Urban Residential, a high density residential designation.

This Village is not unique in having a boundary that is carefully drawn to include apartments in the growth areas. Rental rights advocates would argue that targeting apartments for redevelopment in this way may encourage displacement of poor people and people of color.



I think this is a concern that we should at least think about. There may be good reasons grounded in sound planning principles to target apartments for redevelopment. I don't think the General Plan was drafted with the intent of displacing people. That said, we know from recent discussions of implicit bias that government systems can be discriminatory even if public officials and employees have the best of intentions. We should think about whether encouraging redevelopment of apartments may entail some equity concerns, and whether our displacement protections will be adequate if these apartments start redeveloping.

Height

The proposed Urban Village Plans includes provisions on height and setbacks. The Bascom plan provides that new development adjacent to the Residential Neighborhood designation should be stepped back at a 45 degree angle from the property line, and that new development adjacent to the Mixed Use Neighborhood designation should have a setback of 30 feet for buildings of 45 feet in height.

I'm interested in hearing staff's perspective on how these height and setback provisions line up with what the Council has approved in previous Urban Villages. While there may be some variation between villages, the interface challenges we face with redevelopment sites that are immediately adjacent to single family houses tend to be very similar across the City.

I've looked back at some of the projects we've previously approved in Urban Villages. When the Council considered the reserve, a high-density residential project near the corner of Winchester and Williams, the Council established a requirement that any structure within 72 feet of the westerly property line could not exceed 40 feet in height. That setback provision seems to be more restrictive than the setbacks proposed for the Bascom village. There may be a good reason for that, but I think it's important to ask about consistency as we roll out Urban Villages across the city.