



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** April 27, 2018

**COUNCIL DISTRICT:** 6

**SUBJECT: FILE NO. GP17-013. CITY-INITIATED GENERAL PLAN AMENDMENT ASSOCIATED WITH THE ADOPTION OF THE WEST SAN CARLOS (EAST, MID, AND WEST) URBAN VILLAGE PLAN, INCLUDING MODIFICATIONS TO THE BOUNDARY AND CHANGES TO GENERAL PLAN LAND USE DESIGNATIONS ON PROPERTIES WITHIN THE BOUNDARIES OF THE URBAN VILLAGE PLAN AS SHOWN ON THE PROPOSED URBAN VILLAGE LAND USE PLAN. THIS URBAN VILLAGE PLAN WILL PROVIDE A POLICY FRAMEWORK TO GUIDE NEW JOB AND HOUSING GROWTH WITHIN THE URBAN VILLAGE BOUNDARIES, AS WELL AS, PROVIDE A FRAMEWORK FOR THE CHARACTERISTICS OF FUTURE DEVELOPMENT, INCLUDING URBAN DESIGN, OPEN SPACE, PUBLIC ART/PLACEMAKING, STREETScape AND CIRCULATION, AND IMPLEMENTATION.**

## **RECOMMENDATION**

The Planning Commission voted 6-0-1 (Commissioner Ballard absent) to recommend that the City Council:

- Consider the Determination of Consistency to the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041), the Supplemental EIR to Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto, in accordance with CEQA.
- Adoption of a resolution approving:
  1. General Plan Amendment to include the modifications to the West San Carlos (East, Mid, and West) Urban Village boundary and changes to General Plan land use designations on properties within the boundary of this Urban Village Plan area as shown on the Land Use Diagram; and
  2. Adoption of the West San Carlos (East, Mid, and West) Urban Village Plan as the guiding policy document for new development and identified public improvements within this Urban Village area.

## **OUTCOME**

If the City Council approves the Urban Village Plan as recommended by the Planning Commission and staff, any proposed new development within the West San Carlos Urban Village boundary would be analyzed for conformance with the goals, policies, standards, and guidelines of the Urban Village Plan.

## **EXECUTIVE SUMMARY**

On November 8, 2017, the Planning Commission held a public hearing for this Urban Village, concerns from eight members of the public, which included: height, setbacks, privacy, traffic, degradation of existing quality-of-life, and parking. Staff also received a petition signed by 45 people. Prior to the hearing over 50 public letters were received expressing similar concerns. The Planning Commission then voted 6-0-1 (Commissioner Ballard absent) to recommend to the City Council approval of the proposed West San Carlos (East, Mid, and West) Urban Village Plan.

## **BACKGROUND**

On November 8, 2017, the Planning Commission held a public hearing to consider the Determination of Consistency and approve the General Plan Amendment including the modification of the West San Carlos (East, Mid, and West) Urban Village boundary and changes to the General Plan Land Use designations within the boundary. The Director of Planning, Building, and Code Enforcement recommended approval of the proposed Plan and General Plan Amendment.

### **Staff Presentation**

Staff gave a brief presentation that included a description of the Urban Village and the planning process, including details of public engagement process. Staff also provided an overview of the contents of each Chapter, and the outcome of the adoption of the Plan.

Prior to the public testimony, Commissioner Yesney asked if the street section was showing the ultimate street condition as private projects are developed that the city would acquire right-of-way to widened sidewalks and streets because they are not adequately sized today. Staff confirmed that this was the case.

### **Public Testimony**

Eight members of the public spoke on the project, all of which live in the surrounding neighborhood or are developers. Concerns were expressed about height, privacy, and shadowing of southern-facing windows of the adjacent single-family homes. Some speakers supported higher-density development if it was contextually sensitive. More specifically, the following comments and concerns were shared:

- Step down buildings to no taller than three stories when adjacent to homes.
- Quality of architecture and good design guidelines are needed to ensure better architecture in the area.

- Confirmation that the setback, stepback, and landscaping screens were required.
- The 0.5-acre minimum lot size within the Mixed-Use Residential Character Area would limit infill development potential, and the requirement should be removed to allow the market to drive development. This policy forces developers to build only larger projects.
- If heights are reduced, how can the envisioned jobs and housing numbers be reached?
- Parking was mentioned as a constant issue in the neighborhood and expressed that new development should adequately park themselves.
- The two houses at 45 and 65 North Buena Vista Avenue (just north of West San Carlos Street) should not be within the Village boundary as they are residential buildings.
- The floating park overlay on Norton Avenue is oddly placed and concerned that the existing context would not support it.
- A connection to Norton Way from West San Carlos Street is unnecessary.
- Concerned about the location of the closest fire station and the lack of a community pool.
- Where is the water for new development coming from?
- The economic feasibility of development should be considered. Specifically, the difficulty to provide parking underground given the costs of this type of development, and the overall number of required parking spaces required of a development.
- The community's comments were not integrated into the Plan.
- There were inconsistencies in the maps of the Plan.

The Commission then closed the public hearing.

#### Staff Response to Public Comments

Staff responded that there are not inconsistencies on the maps, but rather the red dotted line shows the expanded boundary of the Village was difficult to see. Staff clarified that the proposed street connection between Norton Avenue and West San Carlos would be in conjunction with a development project and would only provide bicycle and pedestrian access, not automobile access. Staff was not aware of any public pools in the immediate area, and the closest fire station is approximately 1.2 miles away on Leigh Avenue.

Regarding the concerns about parking, the difficulty for some developments to provide underground parking on-site, and the economic implications to projects; to finance the underground parking, the project would need to build taller and denser.

Regarding the limits to future residential development within the Mixed-Use Residential Character Area, the original draft Plan from 2014 include an even stricter restriction which include a minimum parcel size of 25,000 square feet and a minimum depth of the property for residential development to be supported. Staff reevaluated these restrictions based upon other case studies and removed the lot depth requirement and decreased the minimum parcel size to 0.5 acres (21,780 square feet). This speaks directly to the concerns of the speaker and makes development easier in this area. The purpose of this policy is to encourage aggregation of parcels to limit small, undevelopable remnant parcels while ensuring the project can provide all required elements such as open space, setbacks, stepbacks, and parking.

In response to setback and stepback policies, staff stated that these policies are used in other adopted urban village plans and provide a sensitive stepdown to adjacent single-family homes, as well as ensure that shading is kept to a minimum. These policies coupled with the General Plan

policies and Design Guidelines provide strong guidance and requirements for future development to be done in a contextually sensitive manner.

The floating “P” park that is proposed is in response to community input and the fact that this area is underserved by parks. The City does not use eminent domain to acquire park lands; therefore, the approach is to promote the development of publicly-accessible, privately maintained open space (POPOS) and to locate the floating “P” park designation on the Land Use Plan in the general area where the City and the community would like to see a park. Specifically, staff and the community supported a park on Norton Avenue that is reflected in the Plan today.

In response to the community’s comments not being integrated into the Plan, staff stated that the Plan is the resulting compromise between the desires of the community and the City’s job and housing growth goals designated under the General Plan. The Plan does not include all the community’s comments when they conflict with overarching goals and policies contained in the General Plan.

#### Planning Commission Discussion

Commissioner Yesney inquired about water supply for the Plan. She also stated that the question concerning the fire station had more to do with if the station would have the appropriate equipment available to service a seven story building. Staff responded that as part of the General Plan update, a water supply assessment was conducted to ensure that water would be available from Muni, Great Oaks, and San Jose Water Companies for the new growth envisioned under the Plan. Staff clarified that during the development review process for any project, the Fire Department reviews the project for fire life safety issues to ensure that the building can be accessed during a fire.

Commissioner Allen shared his concerns about the City Council Outreach Policy over which staff does not have control. Email list servers do cause issues and emails are sometimes not received by the public. Staff does their best to ensure all community members receive emails who request them. It would benefit the wider community if news of these efforts were spread by word of mouth, which could get more people involved. Commissioner Allen expressed concern that the Public Outreach Policy should be updated as he did not receive a notice for the project and he lives relatively close to the Village. He agreed that the Fiesta Lanes and senior housing projects were executed poorly, but that is not staff’s fault. Regarding the dead commercial spaces, like the live/work units, this is due in part because the area is not a complete neighborhood yet, but the neighborhood is changing. Commissioner Allen shared his agreement that the Meridian at the Midtown building is not very exciting and should not be a model for future development. Staff needs more teeth in the form of policy and regulation to get better development architecturally in the area.

Commissioner Vora commented on the public feeling their comments were not heard. She said it would be interesting to see where the Plan started and the end product, and see the changes made in response to community concerns.

Commissioner Allen made a motion to consider the Determination of Consistency and recommended approval to the City Council of the General Plan Amendment, including the modification of the West San Carlos (East, Mid, and West) Urban Village boundary and changes to the General Plan Land Use designations within the boundary, as recommended by staff with

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direction that in the future, staff should provide a redlined version of the Urban Village Plan showing how the document has changed over time. Commissioner Vora seconded the motion.

Commissioner Bit-Badal spoke on the motion by stating that she has the same comments on this Plan as she did on the South Bascom Urban Village Plan, and wants staff to consult an architect when they draft the Urban Village Design Guidelines to get a full understanding of shading effects of buildings. Chairperson Pham echoed Commissioner Bit-Badal's comments and the comments made on the South Bascom Urban Village Plan.

The Planning Commission then voted 6-0-1 (Commissioner Ballard absent) to recommend to the City Council approval of the proposed West San Carlos (East, Mid, and West) Urban Village Plan.

### **ANALYSIS**

A complete analysis of the West San Carlos (East, Mid, and West) Urban Village Plan, including General Plan conformance, is contained in the staff report, which is attached for reference.

### **EVALUATION AND FOLLOW UP**

If the West San Carlos (East, Mid, and West) Urban Village Plan is approved, the land use designations depicted on the Plan's Land Use Diagram and the modifications to the Village boundaries will be incorporated into the Envision San Jose 2040 General Plan Land Use/Transportation Diagram.

### **PUBLIC OUTREACH**

Public engagement included three community workshops with approximately 50-90 participants at each meeting and one online survey. Staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the urban village boundary and posted on the City website. The notice was also published in a local newspaper, the Post Record. This transmittal is also posted on the City's website. Staff has been available to respond to questions from the public.

### **COORDINATION**

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

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**CEQA**

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/s/

ROSALYNN HUGHEY, SECRETARY  
Planning Commission

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

Attachments:

1. Planning Commission Staff Report and Attachments and Correspondence
2. Draft West San Carlos Urban Village Plan:  
<http://www.sanjoseca.gov/index.aspx?nid=3794>