

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

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DENYING AN APPLICATION FOR AN AMENDMENT TO THE ENVISION SAN JOSE 2040 GENERAL PLAN PURSUANT TO TITLE 18 OF THE SAN JOSE MUNICIPAL CODE TO MODIFY THE LAND USE/ TRANSPORTATION DIAGRAM FROM NEIGHBORHOOD/ COMMUNITY COMMERCIAL TO TRANSIT RESIDENTIAL ON A 0.61-GROSS ACRE SITE AT 826 NORTH WINCHESTER BOULEVARD**

**2025 General Plan Amendment  
FILE NO. GP23-011**

**WHEREAS**, the City Council is authorized by Title 18 of the San José 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 José; and

**WHEREAS**, on November 1, 2011, the City Council adopted a general plan entitled, “Envision San José 2040 General Plan, San José, California” by Resolution No. 76042, which General Plan has been amended from time to time (the “General Plan”); and

**WHEREAS**, Policy IP-3.3 of the General Plan provides an early consideration process for a privately initiated General Plan Land Use diagram amendment request involving the conversion of employment land to non-employment uses or other projects that are fundamentally inconsistent with the Major Strategies, goals, and policies of the General Plan for continued processing or denial by the Planning Commission and the City Council; and

**WHEREAS**, the proposed amendment to the General Plan, File No. GP23-011 (“General Plan Amendment”), attached as Exhibit “A,” involves the conversion of employment land to non-employment uses and is fundamentally inconsistent with the General Plan; and

**WHEREAS**, City of San José (“City”) staff recommend denial of the General Plan Amendment, as described in the Memorandum dated May 2, 2025, from the Director of Planning, Building and Code Enforcement, attached as Exhibit “B”; and

**WHEREAS**, the General Plan Amendment was taken to the Planning Commission and City Council for early consideration pursuant to General Plan Policy IP-3.3; and

**WHEREAS**, on May 14, 2025, the Planning Commission held a duly noticed public hearing to consider the General Plan Amendment, where interested persons were given the opportunity to appear and present their views with respect to the proposed amendment, and whereby, at the conclusion of the public hearing, the Planning Commission transmitted its recommendations to the City Council; and

**WHEREAS**, on June 10, 2025, the City Council held a duly noticed public hearing where interested persons were given the opportunity to appear and present their views with respect to the proposed amendment, and the City Council reviewed and considered the California Environmental Quality Act Statutory Exemption Section 15270 for Projects Which are Disapproved; and

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

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

**SECTION 1.** The foregoing recitals are incorporated by reference into this Resolution.

**SECTION 2.** The City Council has reviewed and considered the entirety of the administrative record regarding the General Plan Amendment, File No. GP23-011, attached and incorporated as Exhibit “A,” including the Memorandum dated May 2, 2025, from the Director of Planning, Building and Code Enforcement, attached and incorporated as Exhibit “B,” oral and written comments received by the City, and City Council deliberations, and hereby denies the General Plan Amendment, File No. GP23-011.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, MMC  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF SANTA CLARA ) ss

I hereby certify that the amendments to the San José General Plan specified in the attached Exhibit "A" were denied by the City Council of the City of San José on \_\_\_\_\_, as stated in its Resolution No. \_\_\_\_\_.

Dated: \_\_\_\_\_

TONI J. TABER, MMC  
City Clerk

## **EXHIBIT A: GP23-011 GENERAL PLAN AMENDMENT APPLICATION**

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PLANNING DIVISION 08/09/2023 SUBJECT TO CHANGE

FOR ALL TYPES OF PROPERTY

## **GENERAL PLAN AMENDMENT APPLICATION**

On an annual basis, the Planning Commission and City Council hold hearings to consider privately-initiated proposals to amend the General Plan. This includes changing the land use designation of a property. See page 4 of this form for a summary of the steps. For amendment application due dates, go to [www.envisionsj2040.org](http://www.envisionsj2040.org) and view the Annual Review webpage.

For questions: Speak with a City Planner at **408-535-3555**; see phone service hours at [www.sanJoseca.gov/Planning](http://www.sanJoseca.gov/Planning).

Para información en español, comuníquese con un Planificador de la ciudad al **408-793-4100**.

Để được hỗ trợ, nói chuyện với Người lập kế hoạch thành phố tại **408-793-4305**.

### **INSTRUCTIONS**

As directed by a City Planner, apply for a general plan amendment by submitting an application package as outlined below:

### **FEES**

Your invoice for permit application fees will be generated after you submit your application. Fees are outlined in the [Planning Fee Schedule](#). Note: For a general plan amendment, additional hourly and referral fees will apply if review by other departments is needed. For methods of payment, please visit [www.sanJoseca.gov/PlanningApplications](http://www.sanJoseca.gov/PlanningApplications). Review of your submittal will not begin until initial fees are paid. Full fees must be paid within 14 days.

### **APPLICATION PACKAGE**

#### **HOW TO SUBMIT**

- Schedule your required appointment at [www.sanJoseca.gov/PlanningAppointments](http://www.sanJoseca.gov/PlanningAppointments).
- During the appointment, you will email your application package. All documents, plans and forms must be saved as PDF files.

**WHAT TO SUBMIT.** Please include the following in your application package:

- ☐ [GENERAL PLAN AMENDMENT APPLICATION](#) - This form, completed and signed
- ☐ LEGAL DESCRIPTION of the property
- ☐ VICINITY MAP - Outline site in center of map; please show:
  - Names of streets surrounding the site
  - Label all land uses within 500 feet of the site
  - Place North arrow at top of map

#### **EARLY CONSIDERATION PROCESS.**

- ☐ Please check this box if you are electing the Early Consideration process.

Applicants, at their discretion, may request an early consideration hearing by the City Council for continued processing of their proposed General Plan Amendment pursuant to General Plan Policy IP-3.11. For this process, applicants do not need to include a development permit application with their General Plan Amendment application, but the submittal of a development proposal and starting the CEQA scoping process is strongly encouraged. At the EC hearing, City Council can either deny the proposed General Plan Amendment proposal or direct staff to continue processing the application. If City Council directs staff to continue processing, you will need to submit appropriate CEQA documentation, rezoning application, and development permit applications to move the General Plan Amendment forward. When the review of all applications and environmental review process is complete, the General Plan Amendment application, rezoning, and development permit application will be scheduled for the Planning Commission and City Council hearings at the next available General Plan Annual hearing cycle. The Early Consideration hearing process will need additional processing time and fees.

PLANNING DIVISION 408-535-3555 SAN JOSE CITY HALL, 200 E. SANTA CLARA ST., SAN JOSE, CA 95113 [WWW.SANJOSECA.GOV/PLANNING](http://WWW.SANJOSECA.GOV/PLANNING)



GENERAL PLAN AMENDMENT APPLICATION

PAGE 3 OF 5

**3. PROJECT DESCRIPTION**

	EXISTING	TO BE DEMOLISHED	PROPOSED
RESIDENTIAL USES IF ANY:	# UNITS: 0	# UNITS: 0	# UNITS: 135
NONRESIDENTIAL USES IF ANY:	SQ. FT. : +/- 12,000 SF	SQ. FT. : +/- 12,000 SF	SQ. FT. : 0

**4. CONTACT INFORMATION**

APPLICANT NAME: Vincent Yan

NAME OF FIRM IF APPLICABLE: Winchester Estate LLC

APPLICANT MAILING ADDRESS: 798 N. First St San Jose CA, 95112

APPLICANT PHONE: (312) 278-9786

EMAIL: vincent@vcicompanies.com

APPLICANT'S REPRESENTATIVE IF ANY:

REPRESENTATIVE MAILING ADDRESS:

REPRESENTATIVE PHONE:

EMAIL:

**5. APPLICANT DISCLOSURE STATEMENT**

I declare, under penalty of perjury, that the statements furnished in this application and in documents pertaining to the environmental information of the proposed amendment are complete, true, and correct to the best of my/our knowledge. If any of the facts represented here change, it is my responsibility to inform the City of San José.

DocuSigned by:  
  
2068B840852764B4...

11/20/2023

SIGNATURE OF APPLICANT

DATE [MM/DD/YYYY]

Vincent Yan

PRINT NAME

**IMPORTANT:** Submit this form with original wet signatures (not a photocopy) to the City.

By signing this application, you acknowledge that you are the property owner, the legally authorized agent of the property owner, a qualified tenant, or other signatory as allowed by [San José Municipal Code Section 20.100.110](#).



**6. INDEMNIFICATION AGREEMENT**

Applicant submitted an application to the City of San José Planning Division on (enter date): \_\_\_\_\_  
for the following development approval/s: General Plan Amendment \_\_\_\_\_ (the "Project").

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Applicant hereby expressly agrees in connection with the processing of Applicant's Project application(s) to each and every one of the following terms and conditions:

1. Applicant agrees, as part of and in connection with each and any of the application(s), to defend, indemnify, and hold harmless the City of San José ("City") and its officers, contractors, consultants, attorneys, employees and agents from any and all claim(s), action(s), or proceeding(s) (collectively referred to as "proceeding") brought against City or its officers, contractors, consultants, attorneys, employees, or agents to challenge, attack, set aside, void, or annul:

- a. Any approvals issued in connection with any of the above described applications by City; and/or
- b. Any action taken to provide related environmental clearance under the California Environmental Quality Act of 1970, as amended by City's advisory agencies, boards or commissions; appeals boards or commissions; Planning Commission, or City Council.

Applicant's indemnification includes, but is not limited to, damages, fees and/or costs awarded against or incurred by City, and costs of suit, claim or litigation, including without limitation attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding, whether incurred by Applicant, City, and/or parties initiating or involved in such proceeding.


- 2. Applicant agrees to indemnify City for all of City's costs, fees, and damages incurred in enforcing the indemnification provisions of this Agreement.
- 3. Applicant agrees to defend, indemnify and hold harmless City, its officers, contractors, consultants, attorneys, employees and agents from and for all costs and fees incurred in additional investigation or study of, or for

supplementing, redrafting, revising, or amending, any document (such as an environmental impact report, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding, and if Applicant desires to pursue such City approvals and/or clearances, after initiation of the proceeding and that are conditioned on the approval of these documents.

- 4. In the event that Applicant is required to defend City in connection with such proceeding, City shall have and retain the right to approve:
  - a. The counsel to so defend City; and
  - b. All significant decisions concerning the manner in which the defense is conducted; and
  - c. Any and all settlements, which approval shall not be unreasonably withheld.
- 5. City shall also have and retain the right to not participate in the defense, except that City agrees to reasonably cooperate with Applicant in the defense of the proceeding. If City chooses to have counsel of its own defend any proceeding where Applicant has already retained counsel to defend City in such matters, the fees and expenses of the additional counsel selected by City shall be paid by City. Notwithstanding the immediately preceding sentence, if City's Attorney's Office participates in the defense, all City Attorney fees and costs shall be paid by Applicant.
- 6. Applicant's defense and indemnification of City set forth herein shall remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgments rendered in the proceeding.

After review and consideration of all of the foregoing terms and conditions, Applicant, by signature below, hereby agrees to be bound by and to fully and timely comply with all of the foregoing terms and conditions.

DocuSigned by:



• APPLICANT WET SIGNATURE

11/20/2023

DATE [MM/DD/YYYY]

Vincent Yan

PRINT NAME

TITLE, IF ANY

**IMPORTANT: Submit this form with original wet signatures (not a photocopy or a scan) to the City.**

By signing this application, you acknowledge that you are the property owner, the legally authorized agent of the property owner, a qualified tenant, or other signatory as allowed by [San José Municipal Code Section 20.100.110](#).



### KEY STEPS OF THE GENERAL PLAN AMENDMENT PROCESS

The Envision San José 2040 General Plan is the adopted blueprint and land use policy that directs physical development of the City of San José. Maps that outline designations in the General Plan and that are helpful to applicants include:

- General Plan Land Use Map  
[www.sanjoseca.gov/GPdesignations](http://www.sanjoseca.gov/GPdesignations)
- Planned Growth Areas Map:  
[www.sanjoseca.gov/home/showdocument?id=22559](http://www.sanjoseca.gov/home/showdocument?id=22559)

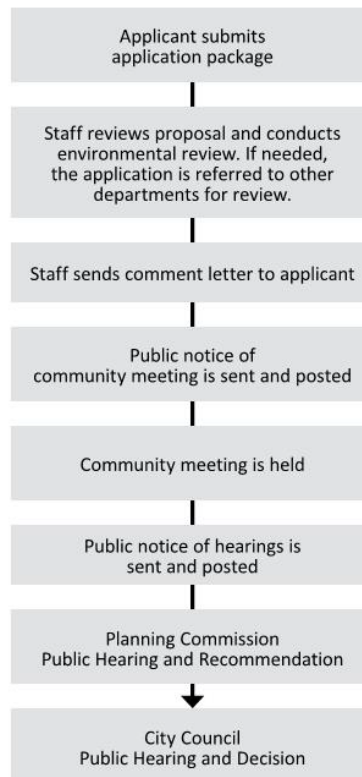
**Annual Review and Amendments.** Once a year, the Planning Commission and City Council hold hearings to consider proposals to amend the General Plan. As shown on the flow chart, several steps are required prior to the hearings. For amendment application due dates, view the Amendments and Annual Review webpage at [www.envisionsj2040.org](http://www.envisionsj2040.org).

**Environmental Evaluation.** The California Environmental Quality Act (CEQA) requires that General Plan amendments undergo environmental review, and environmental certification is required in order for the City Council to consider an amendment request. Please submit your application well in advance of the hearing date so that the environmental review can be completed in time.

**Evaluation Criteria.** Criteria that City staff use to evaluate the appropriateness of a proposed amendment include:

- The proposal must be consistent with General Plan major strategies, goals, and policies. See the [General Plan's Table of Contents](#) to find these items.
- The proposal must be compatible with surrounding land uses.
- Staff will also consider the proposal's impact on City services, including police, fire, park, library, sewer and transportation services.

### Summary of Process Steps:



**Questions?** Speak with a City Planner at 408-535-3555. Visit [www.sanjoseca.gov/Planning](http://www.sanjoseca.gov/Planning) for phone service hours.

## **EXHIBIT B: GENERAL PLAN AMENDMENT STAFF REPORT**

PLANNING COMMISSION AGENDA:  
ITEM:



# *Memorandum*

**TO:** PLANNING COMMISSION  
**SUBJECT:** File No. GP23-011

**FROM:** Chris Burton  
**DATE:** May 2, 2025

**COUNCIL DISTRICT: 6**

<b>Type of Permit</b>	General Plan Amendment
<b>Project Planner</b>	David Fong
<b>CEQA Clearance</b>	Statutorily Exempt pursuant to CEQA Guidelines section 15270: Projects Which are Disapproved.
<b>CEQA Planner</b>	Cort Hitchens

### **RECOMMENDATION**

Staff recommends that the Planning Commission make a recommendation to the City Council to **deny** the request to amend the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Neighborhood/Community Commercial to Transit Residential Neighborhood on an approximately 0.61 gross acre site.

### **EARLY CONSIDERATION PROCESS**

Policy IP-3.3 of Envision San José 2040 General Plan ("General Plan") provides for early consideration of a privately initiated General Plan Land Use diagram amendment request involving the conversion of employment land to non-employment uses or other projects that are fundamentally inconsistent with the Major Strategies, goals, and policies of the General Plan for continued processing or denial by the Planning Commission and the City Council. The policy allows that early consideration may be considered outside of the General Plan Annual Review process.

Staff recommends that the Planning Commission recommend the City Council deny the General Plan Amendment request because the proposal is fundamentally inconsistent with the Major Strategies, goals, and policies of the General Plan. These inconsistencies are explained in more detail in the General Plan Conformance section of this report. If the General Plan Amendment is denied by the City Council, the submitted Rezoning and Site Development Permit applications would need to be withdrawn by the applicant and partial refunds could be issued.

If the General Plan amendment is allowed to continue processing either under the Transit Residential density or an alternative density—as directed by the City Council—the earliest this project could be brought to a Planning Commission and City Council hearing would be the Fall of 2026.

#### PROPERTY INFORMATION

Location	826 North Winchester Boulevard
Assessor Parcel No.	275-50-061
Existing General Plan	Neighborhood/Community Commercial
Proposed General Plan	Transit Residential
Zoning	CP Commercial Pedestrian and R-1-8 Single-Family Residence
Historic Resource	No
Annexation Date	June 29, 1950 (Bascom No 4-A)
Council District	6
Acreage	0.61-gross acres

#### PROJECT BACKGROUND

On November 21, 2023, the applicant Vincent Yan of Winchester Estate, LLC, submitted an application for a General Plan Amendment (GPA) to modify the General Plan Land Use/Transportation Diagram designation from Neighborhood Community Commercial to Transit Residential on an approximately 0.61 gross-acre subject site located at 826 North Winchester Boulevard (the "subject site").

On September 17, 2024, the applicant submitted a Rezoning application (File No. C24-062) and a Site Development Permit application (File No. H24-052) for concurrent review and processing with the GPA application. The Rezoning application is proposing to rezone the site from the CP Commercial Pedestrian Zoning District and the R-1-8 Single-Family Residence District to the TR-Transit Residential Zoning District.

The Site Development permit application proposes a 17-story mixed-use development with 135-residential units and 15,000 square feet of commercial space. Twenty of the units are proposed to be affordable housing units for very low-income households which would qualify the project for density bonus under state law. The proposed project has a density of 226 du/ac, which is consistent with the proposed zoning district and proposed General Plan designation (50 du/ac to 250 du/ac required).

#### Site Location

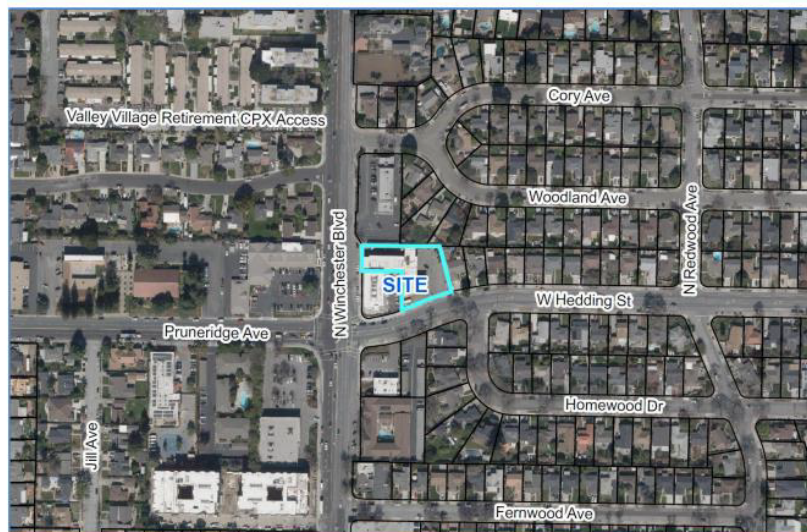


Figure 1: Aerial Map of Existing Site

As shown on the aerial map (see Figure 1), the site is located near the northeast corner of the intersection of Winchester Boulevard and West Hedding Street. The site has frontage on both Winchester Boulevard and West Hedding Street but does not occupy the corner. The site is developed with one office building, currently vacant, and a surface parking lot. The site is adjacent to commercial shopping centers and single-family residences to the north and south, and single-family residences to east. The City of San José's city boundary line with the City of Santa Clara runs along the western side of North Winchester Boulevard with a commercial shopping center located across the street.

This area is characterized as a low-density neighborhood with mixed residential and commercial uses. All the single-family residences adjacent to the subject site are 1-story tall. All the adjacent commercial properties are 1- to 2-stories in height. Most buildings in the vicinity are 2 to 4 stories tall. The tallest building within a 500-foot radius is 4 stories tall. As detailed further below, the subject site is not located in a designated Growth Area. The closest Growth Area is approximately 1,200 feet to the south at the Westfield Valley Fair shopping mall. The closest regional transit station is approximately 1.5 miles to the north at the Santa Clara Caltrain Station. The closest bus stop is 200 feet north of the site which is serviced by one bus route (VTA bus route 60) with 15-minute headway.

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	Neighborhood/Community Commercial & Residential Neighborhood	CP Commercial Pedestrian & R-1-8 Single Family Residence	Commercial Shopping Center and Single Family Residential
South	Neighborhood/Community Commercial & Residential Neighborhood	CP Commercial Pedestrian & R-1-8 Single Family Residence	Veterinary Hospital, Convenience Store and Single Family Residential across W Hedding St.
East	Residential Neighborhood	R-1-8 Single Family Residence	Single Family Residential
West	Neighborhood/Community Commercial & City of Santa Clara	CP Commercial Pedestrian & City of Santa Clara	Veterinary Hospital and Commercial Shopping Center across N Winchester Blvd.

#### Site Background

The existing site is currently developed with a 11,742 square-foot, 2-story office building with an associated surface parking lot, built in the 1950's. The building was last known to be occupied in 2020 right before the COVID-19 pandemic. An unresolved code case on this site has been active since 2018 for unpermitted interior and exterior building modifications. There was an attempt to correct the code violations and bring the property into compliance with a Site Development permit application and Conforming Rezoning application filed in 2019. However, both of those applications were subsequently withdrawn. From 2020 to 2023, there were inquiries to redevelop the site with different project proposals, but no actual application submittals were received by the City.

#### General Plan Background

Through Major Strategies, goals, and policies, the Envision San José 2040 General Plan strives to support San José's growth as an innovation and regional employment center and focus new residential and



commercial growth in specifically identified Growth Areas. San José is the only U.S. city with a population over 500,000 that is a “bedroom community,” meaning that the City acts as a net exporter of workers within the region. Since 1980, approximately 2,300 acres of employment lands have been converted to non-employment uses, resulting in an estimated loss in job capacity between 52,000 and 110,000 jobs. The imbalance between residents and jobs in San José has led to significant fiscal, environmental and quality of life impacts for San José. Additionally, through multiple General Plan updates, San José has identified improvement of the City’s jobs/housing balance or Jobs/Employed Residents Ratio (J/ER) as a critical objective to address multiple City goals. The General Plan establishes achievement of a J/ER ratio of 1.1 to 1 by the year 2040 as a core objective of the Plan informing its policies and Land Use/Transportation Diagram designations.

Employment lands are those land uses aimed at creating and sustaining employment opportunities, upon which commercial businesses generate critical revenue for the City to fund essential services for its residents. The conversion of employment lands to residential uses leads to a significant loss of revenue for the City, diminishing the funds needed to support the very residential uses that would replace a commercial or industrial use. To address the preservation and creation of employment lands, the General Plan established the Innovation/Regional Employment Center and the Focused Growth Major Strategy. These Major Strategies and their objectives inform the City’s land use policies and designations. The Innovation/Regional Employment Center Major Strategy focuses employment growth in Downtown, other designated Growth Areas, as well as on currently designated employment lands citywide, while also encouraging the development of neighborhood-serving commercial uses throughout the community and close to the residents they serve. The General Plan recognizes the value of existing employment lands to the City overall and therefore establishes goals and policies to preserve these employment lands.

The Focused Growth Major Strategy concentrates new growth in defined areas, such as Downtown, Specific Plan areas, and Urban Village areas, while strictly limiting new residential development outside of these Growth Areas to preserve the quality of established neighborhoods, to reduce environmental impacts, and to support transit ridership. Focusing new residential into Growth Areas supports the quality of existing neighborhoods and enables the development of new Urban Villages and other Growth Areas to accommodate the City’s projected growth. Infill development within neighborhoods outside of designated Growth Areas, often at a density and form inconsistent with the existing neighborhood pattern, has been disruptive to the development of a positive neighborhood character.

#### ANALYSIS

The proposed General Plan Amendment application is analyzed with respect to conformance with:

1. Envision San José 2040 General Plan
2. Title 20 of the Municipal Code (Zoning Ordinance)
3. California Environmental Quality Act (CEQA)

## ENVISION SAN JOSE 2040 GENERAL PLAN CONFORMANCE

### Existing Land Use Designation



Figure 2: Existing General Plan Land Use Designation Map

The existing Envision San José 2040 General Plan land use designation of the subject site is **Neighborhood/Community Commercial**. The Neighborhood/Community Commercial designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. Neighborhood/Community Commercial uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. General office uses, hospitals and private community gathering facilities are also allowed in this designation. The Neighborhood/Community Commercial land use designation allows a floor area ratio (FAR) up to 3.5 (1 to 5 stories).

### Proposed Land Use Designation



Figure 3: Proposed General Plan land use designation map

The proposed Envision San José 2040 General Plan land use designation of the subject site is **Transit Residential**. This is the primary designation for new high-density, mixed-use residential development sites that are located in close proximity to transit, jobs, amenities, and services. This designation also supports intensive commercial employment uses, such as office, retail, hotels, hospitals, and private community gathering facilities. To help contribute to “complete communities,” commercial uses should be included with new residential development in an amount consistent with achievement of the planned job growth and Urban Village Plan for the relevant Urban Village area. The allowable density/intensity for commercial projects is a FAR of 2.0 to 12.0 with a minimum FAR of 2.0. Residential/commercial mixed-use development shall require a minimum of 50 DU/AC with a maximum of FAR of 12.0. The allowable density for this designation is further defined within the applicable Zoning Ordinance designation and may also be addressed within an Urban Village Plan or other policy document. The Transit Residential land use designation requires a density of 50-250 Dwelling Units/Acre (DU/AC) and/or commercial FAR of 2.0 to 12.0 (5 to 25 stories), and Residential/ Commercial Mixed-Use minimum of 50 DU/AC with maximum FAR of 12.0

#### General Plan Conformance

The proposed General Plan Amendment is **inconsistent** with the following General Plan strategies and policies:

**Major Strategy #3 - Focused Growth:** The Focused Growth Major Strategy focuses new growth into areas of San José that will enable achievement of City goals for economic growth, fiscal sustainability, and environmental stewardship. The Plan focuses new growth capacity in specifically identified Growth Areas, while much of the city is not planned for additional growth or intensification. This Major Strategy also strictly limits new residential development through neighborhood infill outside of these Growth Areas to preserve and enhance the quality of established neighborhoods, to reduce environmental and fiscal impacts, and to strengthen the City’s Urban Growth Boundary.

**Land Use Policy LU-2.3:** To support the intensification of identified Growth Areas, and to achieve various goals related to their development throughout the City, restrict new development on properties in non-Growth Areas.

*Analysis: The General Plan sets capacity for ambitious job and housing growth over the lifetime of the Plan, the vast majority of which is planned within identified Growth Areas. The subject site is located on a commercial arterial roadway but is not located within a Growth Area. The Transit Residential land use designation should only be applied to areas adjacent to regional transit stations, identified Urban Villages, or in other areas of the city that have existing residential development built at this density. The subject site does not meet any of those qualifications. If approved, the proposed Transit Residential land use designation would allow dense, infill residential development surrounded by single-family residential neighborhoods located outside of the Growth Areas. This land use designation would also allow new residential development at up to 250 dwelling units per acre density, which would be out of scale with the existing neighborhood. Thus, the proposed General Plan Amendment is inconsistent with the Focused Growth Major Strategy and LU-2.3.*

**Major Strategy #4 - Innovation/Regional Employment Center:** Emphasize economic development within the City to support San José’s growth as center of innovation and regional employment. Growing San José’s role as an employment center will enhance the City’s leadership role in North America, increase utilization of the regional transit systems, and support the City’s fiscal health. The Plan recognizes that all existing employment lands add value to the City overall and therefore



preserves those employment lands and promotes the addition of new employment lands when opportunities arise.

**Fiscally Sustainable Land Use Framework Policy FS-3.3:** Promote land use policy and implementation actions that increase the ratio of Jobs to Employed Residents to improve our City's fiscal condition, consistent with economic development and land use goals and policies. Maintain or enhance the City's net total employment capacity collectively through amendments made to this General Plan in each Annual Review process.

**Land Use Policy LU-1.1:** Foster development patterns that will achieve a complete community in San José, particularly with respect to increasing jobs and economic development and increasing the City's jobs-to-employed resident ratio while recognizing the importance of housing and a resident workforce.

**Fiscally Sustainable Land Use Framework Policy FS-4.1:** Preserve and enhance employment land acreage and building floor area capacity for various employment activities because they provide revenue, near-term jobs, contribute to our City's long-term achievement of economic development and job growth goals, and provide opportunities for the development of retail to serve individual neighborhoods, larger community areas, and the Bay Area.

*Analysis: The current Neighborhood/Community Commercial land use designation is an employment-generating land use designation. Redevelopment of the site under this designation could allow a commercial development of up to approximately 95,000 square feet (3.5 FAR). The proposed Transit Residential land use designation requires a commercial component for a mixed-use project, but no minimum commercial space is required. Thus, the proposed General Plan Amendment would convert employment-only land to predominantly residential land with optional commercial use. The conversion would reduce the inventory of employment land and jobs in the City, while increasing the number of residents. Such a change from a revenue-generating land use to one which would require service expansions severely inhibits the City from achieving the desired J/ER ratio and results in a negative fiscal impact to the City. Therefore, the proposed General Plan Amendment is inconsistent with Major Strategy #4 and the above-mentioned General Plan policies.*

**Vibrant, Attractive, and Complete Neighborhoods Policy VN-1.11** Protect residential neighborhoods from the encroachment of incompatible activities or land uses which may have a negative impact on the residential living environment.

**Land Use Policy LU-11.3:** Direct all significant new residential growth to identified Growth Areas to further the environmental, transit, healthy community, and other Envision General Plan objectives. Limit infill development within areas designated as Residential Neighborhood on the Land Use / Transportation Diagram to projects that maintain the prevailing neighborhood form and density as it exists on adjoining properties, with particular emphasis upon establishing and/or maintaining a consistent streetscape form between new and existing development.

**Land Use Policy LU-11.6:** For new infill development, match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project. As an exception, for parcels already developed with more than one dwelling unit, new development may include up to the same number of dwelling units as the existing condition. The form of such new development should be compatible with and, to the degree feasible, consistent with the form of the surrounding neighborhood pattern.

**Land Use Policy LU-11.7:** Permit new development to establish a unique character as defined by density, lot size and shape only in cases where the new development is completely separated from

existing neighborhoods by freeways, major expressways, or a riparian corridor or other similar barrier.

**Community Design Policy CD-4.3:** Promote consistent development patterns along streets, particularly in how buildings relate to the street, to promote a sense of visual order, and to provide attractive streetscapes.

**Community Design Policy CD-4.4:** In Non-Growth areas, design new development and subdivisions to reflect the character of predominant existing development of the same type in the surrounding area through the regulation of lot size, street frontage, height, building scale, siting/setbacks, and building orientation.

*Analysis: The subject site is adjacent to multiple single-story single-family residences, and the adjacent commercial properties are no more than two-stories in height. This area is characterized as a low-density mixed neighborhood. The proposed 17-story high-density mixed-use or residential tower directly adjacent to these properties would be incompatible with the existing residential neighborhood and the prevailing neighborhood form, highly contrasting in scale and form to adjacent properties. There are no major expressways, riparian corridors, or other barrier to separate the proposed structure, the tallest within a 2-mile radius, from the existing neighborhood. Therefore, the proposed General Plan Amendment is inconsistent with these above-mentioned land use policies.*

**Land Use Policy LU-10.3:** Develop residentially- and mixed-use-designated lands adjacent to major transit facilities at high densities to reduce motor vehicle travel by encouraging the use of public transit.

**Housing Policy H-4.2:** Minimize housing's contribution to greenhouse gas emissions, and locate housing, consistent with our City's land use and transportation goals and policies, to reduce vehicle miles traveled and auto dependency.

*Analysis: While the subject site is located within half of a mile of a local bus line, it is not near a regional transit facility, that provides access to major transit services such as BART, High-Speed Rail, and Caltrain. The nearest regional transit station is around 1.5-miles north of the site. The proposed 135-unit residential project reliant on a single bus route with a 15-minute headway would unlikely reduce reliance on single occupancy vehicle trips.*

The proposed General Plan Amendment is **consistent** with the following General Plan policy:

**Housing Policy H-1.9:** Facilitate the development, preservation, and rehabilitation of housing to meet San José's fair share of the County's and region's housing needs.

*Analysis: The proposed General Plan Amendment land use designation of Transit Residential could allow up to 153 multi-family residences on the site. These potential new residential units could help to address the housing shortage that contributes to the ongoing housing crisis. While the General Plan Amendment is consistent with General Plan Policy H-1.9, additional density on the subject site is not necessary because this policy is already being implemented through the General Plan's focused growth strategy and affordable housing policies to meet this Housing Element cycle's Regional Housing Needs Allocation (RHNA). For example, an 100% affordable residential project is allowed on the site under the current General Plan designation through the use of Housing Policy H-2.9, and such a project can take advantage of state ministerial, streamlining laws.*

#### ZONING ORDINANCE CONFORMANCE



Figure 4: Existing zoning districts map

The subject site is currently zoned as CP Commercial Pedestrian and R-1-8 Single-Family Residence zoning district. The proposed Zoning District would be consistent with the proposed Transit Residential General Plan land use designation if the General Plan Amendment is approved. If the proposed amendment is denied, the portion of the site currently designated R-1-8 would be required to be rezoned by the City in the future to the CP Commercial Pedestrian District to fulfill the requirements of Senate Bill 1333, which requires the Zoning District to conform with the General Plan land use designation.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) CONFORMANCE

Under the provisions of Section 15270 of the State Guidelines for Implementation of the California Environmental Quality Act, the General Plan Amendment is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended (CEQA), if the public agency disapproves of the project. Section 15270 is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the agency can determine that the project cannot be approved. This section shall not relieve an applicant from paying the costs for an EIR or Negative Declaration prepared for his project prior to the Lead Agency's disapproval of the project after normal evaluation and processing.

#### PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy in order to inform the public of the proposed project. The project is considered a Significant Community Interest Proposal, so the applicant posted a 4'x 6' on-site sign to inform the neighborhood of the proposed project. Since the public notification sign has been posted and prior to the December 16, 2024, community meeting, staff received 37 emails and letters from 32 parties taking a position on the project. Eleven emails were in support and 21 emails were in opposition to the project.

On December 16, 2024, a joint EIR scoping, and community meeting was held virtually via Zoom to present the project details to the community and inform them about the EIR process. This meeting was noticed at a radius of 1,000 feet, with e-mails sent to all those who had previously contacted staff about the project. Approximately 169 members of the public were in attendance in addition to City Staff from

the Planning Division and Public Works Department.

After staff and applicant presentations, 54 members of the public spoke on the project. Forty-Nine comments were issued against the project, with 20 or more comments touching on the themes of traffic and parking, height and density, and General Plan policies on neighborhood compatibility and the Transit Residential designation description; 10 commenters spoke about shadowing and loss of sunlight and bike and pedestrian safety. Other topics brought up less frequently included impacts to privacy, property values, and aesthetics. There were also environmental concerns regarding liquefaction, chemicals from the prior use of the property, and bird safety. Four comments were made in favor the project, focusing mainly on the provision of new housing and new commercial space. One comment was for the use of local labor standards and wages.

Staff responded to many of the concerns and answered questions regarding parking, grading, traffic analysis, vehicle queuing, and past use studies. After the community meeting, staff received 18 emails from neighbors objecting to the project.

A notice of this public hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City website. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public. Since the notice was distributed, eight emails from neighbors stating their objection to the project have been received at the time of this staff report being posted.

**Project Manager:** David Fong

**Approved by:** /s/ Ruth Cueto, Principal Planner for  
Chris Burton, Planning Director

ATTACHMENTS:	
Exhibit A:	Draft Denial Resolution
Exhibit B:	Public Comment Letters

Owner/ Applicant:	Applicant Representative:
Winchester Estate LLC 798 N. First St. San José, CA 95112 <a href="mailto:carl@vcicompanies.com">carl@vcicompanies.com</a>	Tianxing Wang VCI Companies 798 N. First St. San Jose, CA 95112 <a href="mailto:carl@vcicompanies.com">carl@vcicompanies.com</a>