

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 LOWER HILLSIDE TO RURAL RESIDENTIAL ON A 8.29-GROSS-ACRE SITE AT 3630 KETTMANN ROAD

**2025 General Plan Amendment
FILE NO. GP24-010**

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-3.11 of the General Plan provides an option for applicants to request an early consideration process for privately-initiated General Plan Amendment requests to receive City Council direction for continued processing or denial by the Planning Commission and the City Council before full review and submittal of other required permits; and

WHEREAS, the applicant who submitted the proposed amendment to the General Plan, File No. GP24-010 (“General Plan Amendment”), attached as Exhibit “A,” requested early consideration; and

WHEREAS, City of San José (“City”) staff recommend denial of the General Plan Amendment because the proposal is fundamentally inconsistent with the Major Strategies, goals, and policies of the General Plan, 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-3.11; 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. GP24-010, 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. GP24-010.

ADOPTED this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

EXHIBIT A: GP24-010 GENERAL PLAN AMENDMENT APPLICATION

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Planning, Building and
Code Enforcement

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 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.

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. 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.
- 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

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GENERAL PLAN AMENDMENT APPLICATION

PAGE 2 OF 5

Staff will assign

FILE #

Please download and save this computer-fillable form to your computer and then complete it.

1. SITE INFORMATION FIND APN AT WWW.SCCASSESSOR.ORG

ASSESSOR'S PARCEL NUMBER/S (APN) 676-23-013

USE A COMMA BETWEEN MULTIPLE NUMBERS:

PROJECT ADDRESS/ES: 3630 Kettmann Road

ZONING: A(PD) PDC96-047

PARCEL SIZE
GROSS ACRES: 8.3

CITY COUNCIL DISTRICT (find at WWW.SJPERMITS.ORG): 8

GENERAL PLAN DESIGNATION - CURRENT
WWW.SANJOSECA.GOV/GPDESIGNATION: Lower Hillside

GENERAL PLAN DESIGNATION - PROPOSED: Rural Residential

2. TYPE OF AMENDMENT CHECK ALL THAT APPLY

DIAGRAM AMENDMENT: ☒ LAND USE/TRANSPORTATION DIAGRAM ☐ TRANSPORTATION NETWORK DIAGRAM

TEXT AMENDMENT:

Enter General
Plan page #

☐ AMEND TEXT OF SPECIFIC PLAN OR URBAN VILLAGE PLAN NAME OF PLAN:

☐ AMEND TEXT OF POLICY NAME OF POLICY:

☐ AMEND TEXT OF CHAPTER # AND NAME OF CHAPTER:

☐ AMEND TEXT OF SPECIFIC PLAN OR URBAN VILLAGE PLAN # AND NAME OF APPENDIX:

IF PROPOSING A TEXT AMENDMENT Enter below the existing General Plan text, then use strikeout to show proposed removal of text and underline to show proposed new text. Attach a separate sheet if necessary.

OFFICE USE ONLY

INTAKE DATE:

BY:

PAID: \$

COMMENTS

PLANNING DIVISION 408-535-3555

SAN JOSE CITY HALL, 200 E. SANTA CLARA ST., SAN JOSE, CA 95113

WWW.SANJOSECA.GOV/PLANNING

A-2

File No. GP24-010

T-1201.092 / 2204673_2
Council Agenda: 6-10-2025
Item No.: 10.2(a)

DRAFT – Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

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GENERAL PLAN AMENDMENT APPLICATION

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3. PROJECT DESCRIPTION

	EXISTING	TO BE DEMOLISHED	PROPOSED
RESIDENTIAL USES IF ANY:	# UNITS: 1	# UNITS: 1	# UNITS: 13
NONRESIDENTIAL USES IF ANY:	SQ. FT. :	SQ. FT. :	SQ. FT. :

4. CONTACT INFORMATION

APPLICANT NAME: Van-Thi Huynh

NAME OF FIRM IF APPLICABLE: Viam Capital LLC

APPLICANT MAILING ADDRESS: 2189 Monterey Road, Suite 260

APPLICANT PHONE: (408)887-2782

EMAIL: vanthi.huynh@viamcapital.com

APPLICANT'S REPRESENTATIVE IF ANY: HMH Engineers - Deena Morsilli

REPRESENTATIVE MAILING ADDRESS: dmorsilli@hnhca.com

REPRESENTATIVE PHONE: (669) 221-7817

EMAIL: dmorsilli@hnhca.com

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:
Van Thi Huynh

6/3/2024

SIGNATURE OF APPLICANT

DATE [MM/DD/YYYY]

Van-Thi Huynh

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](#).

PLANNING DIVISION 408-535-3555 SAN JOSE CITY HALL, 200 E. SANTA CLARA ST., SAN JOSE, CA 95113 WWW.SANJOSECA.GOV/PLANNING

6. INDEMNIFICATION AGREEMENT

Applicant submitted an application to the City of San José Planning Division on (enter date): June 6, 2024
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

Van-Thi Huynh

PRINT NAME

6/3/2024

DATE [MM/DD/YYYY]

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
- Planned Growth Areas Map:
www.sanjoseca.gov/home/showdocument?id=22559

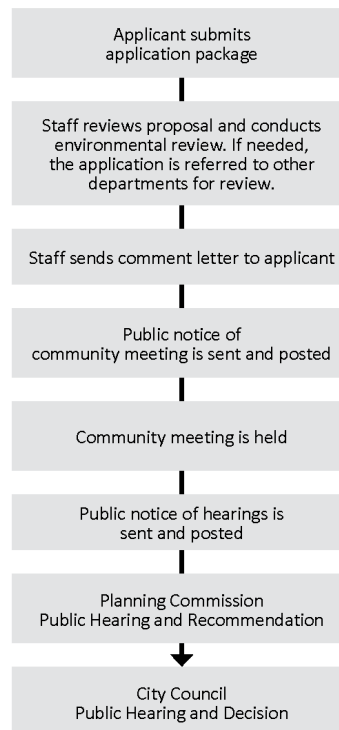
Annual Review and Amendments. Once a year, the Planning Commission and City Council hold hearings to consider proposals to amend the General Plan. As shown on the flow chart, several steps are required prior to the hearings. For amendment application due dates, view the Amendments and Annual Review webpage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

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 for phone service hours.

EXHIBIT B: GENERAL PLAN AMENDMENT STAFF REPORT

PLANNING COMMISSION 5/14/2025

AGENDA:

ITEM:



Memorandum

TO: PLANNING COMMISSION

FROM: Chris Burton

SUBJECT: File No. GP24-010

DATE: May 2, 2025

COUNCIL DISTRICT: 8

Type of Permit	General Plan Amendment
Project Planner	Laura Maurer
CEQA Clearance	Statutorily Exempt pursuant to CEQA Guidelines section 15270: Projects Which are Disapproved.
CEQA Planner	Nhu Nguyen

RECOMMENDATION

Staff recommends that the Planning Commission recommend the City Council take the following actions:

1. **Deny** the applicant's request to amend the Envision San José 2040 General Plan Land Use/ Transportation Diagram designation from Lower Hillside to Rural Residential on an approximately 8.29-gross-acre site (Exhibit A).

EARLY CONSIDERATION PROCESS

Policy IP-3.11 of the Envision San José 2040 General Plan ("General Plan") provides for an applicant of a privately-initiated General Plan Amendment to request Early Consideration. The Early Consideration process allows for a General Plan Amendment to be heard by City Council before the full review of the General Plan Amendment when an applicant requests early feedback from City Council or if staff does not support the proposed Amendment and the applicant would like direction from City Council before full review and submittal of other required permits. After recommendation from Planning Commission, City Council can either deny the proposed General Plan Amendment or direct staff to continue processing the General Plan Amendment and any other required permits.

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 Envision San José 2040 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 Planned Development Rezoning, Planned Development Permit, and Tentative Map 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, the earliest this project could be brought to a Planning Commission and City Council hearing would be the end of 2026.

PROPERTY INFORMATION

Location	3630 Kettmann Road
Assessor Parcel No.	676-23-013
Existing General Plan	Lower Hillside
Proposed General Plan	Rural Residential
Zoning	A(PD) (File No. PDC96-047, Ordinance No. 25259)
Historic Resource	No
Annexation Date	December 23, 1971 (Evergreen No 73)
Council District	8
Acreage	8.29-gross acres

PROJECT BACKGROUND

On June 10, 2024, the applicant, Van-Thi Huynh of Viam Capital LLC, submitted an application for a General Plan Amendment to change the General Plan Land Use/Transportation Diagram designation from Lower Hillside to Rural Residential on the 8.29-gross-acre subject site located at 3630 Kettmann Road (the "subject site"). On July 23, 2024, staff sent the initial comment letter to the applicant detailing how the proposed General Plan Amendment is inconsistent with the Envision San José 2040 General Plan major strategies, policies, and goals.

On August 12, 2024, the applicant submitted applications for a Planned Development Rezoning (File No. PDC24-053) to change the project site's zoning district from the A(PD) Planned Development zoning district (File No. PDC96-047) to a new Planned Development zoning district with an unspecified base district, a Planned Development Permit (File No. PD24-015) to allow the demolition of an existing single-family residence for the construction of 13 new single-family residences, a Vesting Tentative Map (File No. T24-027) to allow the subdivision of one parcel into thirteen parcels and one private street, and a Draft Initial Study supporting a Mitigated Negative Declaration for environmental review (File No. ER24-161).

The development plans submitted show a 13-lot single-family residential subdivision and new private street. The new private street would extend as a cul-de-sac from the intersection of Kettmann Road and Casey Way. Nine of the 13 single-family residences would have frontage along this new private street. Three single-family residences would front along Sequoia Creek Drive and one single-family residence would front along Twin Falls Court. The plans indicate the demolition of an existing single-family residence and the removal of 208 trees (130 ordinance-size and 78 non-ordinance-size) throughout the site to facilitate grading and the construction of the new single-family residences. A total of 104 replacement trees are proposed, which would be planted throughout the site (Exhibit B).

On September 11, 2024, staff sent the initial comment letter to the applicant for the Planned Development Rezoning, Planned Development Permit, and Vesting Tentative Map. The comment letter included an analysis of the three development permits with respect to the San José Municipal Code. This letter also restated the proposed General Plan Amendment inconsistency with the Envision San José 2040 General Plan major strategies, policies, and goals.

On March 10, 2025, the applicant requested Early Consideration for the General Plan Amendment.

On March 19, 2025, the applicant informally submitted a second development scenario for six new single-family residences with no private street. Three single-family residences would front Sequoia Creek Drive, two single-family residences would front Casey Way, and one single-family residence would front Twin Falls Court. The existing single-family residence would remain. The second development scenario did not provide a revised tree removal or replacement plan (Exhibit C).

Site Location

As shown in Figure 1, the northern portion of the site is located at the southeast corner of the intersection of Kettmann Road and Casey Way, and the southern portion of the site is located at the northwest corner of the intersection of Nieman Boulevard and Sequoia Creek Drive. The site is mostly undeveloped, hillside open space but is developed with one single-family residence in the northern portion of the site. The subject site is adjacent to single-family residences to the east and west and across the street from single-family residences to the north and south.

The subject site is not located in a designated Growth Area, however, is within the Urban Growth Boundary and Urban Service Area. As shown in Figure 2, most of the site is located above the 15% slope line, in a Geologic Hazard Zone, and in a Seismic Hazard Zone.

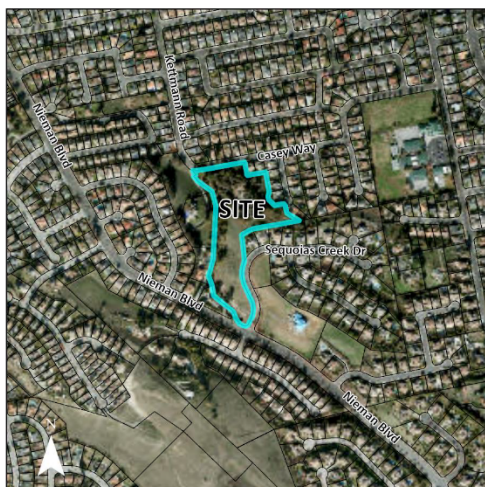


Figure 1 Aerial Map of Project Location

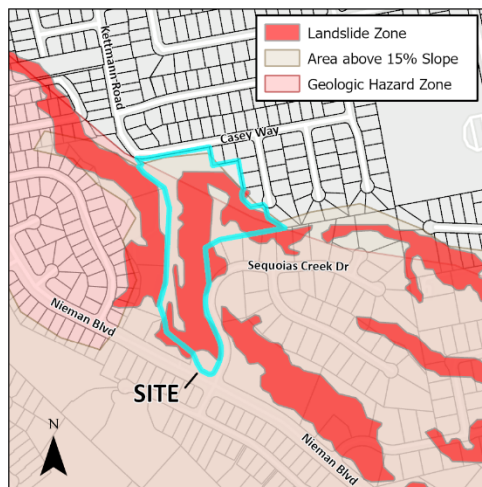


Figure 2 Map of Geologic Hazard and Landslide Zones, and Area above 15% Slope.

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	Residential Neighborhood	A(PD) Planned Development	Single Family Residential
South	Residential Neighborhood	A(PD) Planned Development	Single Family Residential
East	Residential Neighborhood, Rural Residential, and Lower Hillside	R-1-8 Single Family Residence and A(PD) Planned Development	Single Family Residential
West	Rural Residential	A(PD) Planned Development	Single Family Residential

Site Background

As shown in Figure 3, the 8.29-gross-acre subject site was previously part of a larger 39.9-gross-acre site. This larger site was annexed to the City of San José in 1971.

In 1982, the Silver Creek Planned Residential Community (SCPRC) Specific Land Use Plan was adopted with the intent to create a low-density suburban community within close proximity to the fully urbanized city. The SCPRC plan primarily used the lowest density residential land use categories to locate developments with various densities based on the ability of the topography to support development. The larger 39.9-acre site was included within the SCPRC area with a land use designation of Rural Residential (0.2 dwelling units per acre (DU/AC)).

In 1991, a General Plan Amendment (File No. GP91-003) was approved for the larger site to change the General Plan land use designation from Rural Residential (0.20 DU/AC) to Medium Density Residential (8 DU/AC) for 2.3 acres, Medium Low Density Residential (5 DU/AC) for 5.6 acres, and Rural Residential (0.20 DU/AC) for the remaining 32 acres of the larger site.

In 1996, a Planned Development Rezoning (File No. PDC96-047) and Planned Development Permit (File No. PD96-096) were approved for the larger site for the construction of 51 single-family residences, with the existing single-family residence to remain. The Focus on the Future San José 2020 General Plan allowed for a “transfer of density” or a rearrangement of density for sites with multiple land use designations. The overall density allowed with the three different land use designations on the larger site was approximately 1.3 DU/AC, which allowed a maximum of 52 units. Of the 51 new single-family residences approved to be developed, 49 were constructed and one parcel (APN 676-23-012) is still vacant. The last remaining undeveloped southeastern-most parcel, along with a larger adjacent parcel to the east, was included in a new Planned Development zoning district (File No. PDC09-010) and Planned Development Permit (File No. PD10-007), which allowed for the construction of 40 single-family residences, of which nine were located on the southeastern-most parcel. All nine single-family residences were constructed.

In 2011, the Envision San José 2040 General Plan was adopted which changed the names of many land use designations. The Rural Residential land use designation’s name was changed to Lower Hillside.

The existing single-family residence on the subject site has remained unchanged.

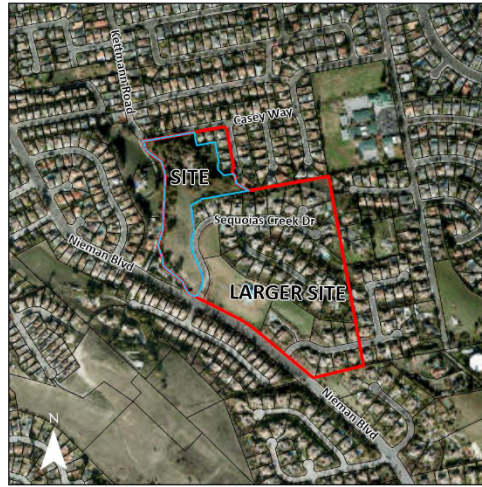


Figure 3 Larger Site Aerial Map

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

As shown in Figure 4, the existing Envision San José 2040 General Plan land use designation of the subject site is **Lower Hillside**, which has a maximum density of 1 DU/5 AC and a floor area ratio (FAR) of 0.35. This designation is applied to properties at the edge of the developed City, just inside its Urban Growth Boundary (UGB) and at the limit of the Urban Service Area (USA), but where urbanization has already partially occurred and where urban infrastructure and services (streets, utilities, etc.) are already available. This designation is applied to properties located downhill from the UGB, but that typically have hillside characteristics, and which typically have a higher cost for the provision of public services. Development of Lower Hillside properties is not intended to expand the City or create new areas of development, but rather to allow for limited infill that completes the existing pattern of development at its edge. Lower densities may be necessary in some locations to address the geologic, environmental, aesthetic, and public service issues mentioned above. Discretionary development permits should be required for new development and subdivisions in these areas to provide a mechanism to address the aforementioned issues.



Figure 4 Existing General Plan Land Use Designation Map

Proposed Land Use Designation

As shown in Figure 5, the proposed Envision San José 2040 General Plan land use designation of the subject site is **Rural Residential** which has density of up to 2 DU/AC and an FAR of up to 0.35. This designation is applied to areas already largely developed for residential use with a low density or rural character. Any new infill development should be limited to densities that match the established density, lot size, and character of surrounding properties. Properties with this designation that have existing zoning entitlements or traffic allocations in place may proceed with development of those entitlements, even if at a higher density than 2 DU/AC or existing land use pattern. New development in this designation may also be limited to densities lower than 2 DU/AC due to issues such as geologic conditions, grading limitations, proximity to creeks, or higher costs for provision of services. Since this designation is planned on the fringes of the City, the type and level of services required to support future developments in this category is expected to be less than that required for more urban land uses. Projects should minimize the demand for urban services and provide their own major funding for construction of service facilities necessitated for the project. Discretionary development permits should be required for new development and subdivisions in these areas as a mechanism to address public service levels, grading, geologic, environmental, aesthetics, and other issues.



Figure 5 Proposed General Plan Land Use Designation Map

General Plan Conformance

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

Major Strategy #3 - Focused Growth: Strategically focus new growth into areas of San José that will enable the achievement of City goals for economic growth, fiscal sustainability and environmental stewardship and support the development of new, attractive urban neighborhoods. The Plan focuses significant growth, particularly to increase employment capacity, in areas surrounding the City's regional Employment Center, achieve fiscal sustainability, and to maximize the use of transit systems within the region. A Major Strategy of the Envision General Plan is to focus new growth capacity in specifically identified "Growth Areas," while the majority of the City is not planned for additional growth or intensification. This approach reflects the built-out nature of San José, the limited availability of additional "infill" sites for development compatible with established neighborhood character, and the emphasis in the Plan Vision to reduce environmental impacts while fostering transit use and walkability.

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

High Quality Living Environment Policy LU-9.17: Limit residential development in established neighborhoods that are not identified growth areas to projects that conform to the site's Land Use / Transportation Diagram designation and meet Urban Design policies in this Plan.

Hillside / Rural Preservation Policy LU – 17.1: Allow development in hillside and rural residential areas consistent with or below existing or planned densities in these areas to maximize resource conservation. Support development only when it is compatible with the character and pattern of the surrounding area, even if below the maximum potential residential density as designated on the Land Use/Transportation Diagram.

Analysis: The General Plan focuses significant residential development to designated Growth Areas and restricts residential development in non-Growth Areas to projects that conform to the existing General Plan land use designation. Focusing growth helps achieve other General Plan goals related to fiscal and environmental goals, to deliver more efficient City services, and to foster more vibrant urban areas. The General Plan also restricts growth in hillside areas to minimize impacts to the quality of existing neighborhoods and to the open space character of hillside areas. The subject site is not located in a designated Growth Area and is located in a hillside area. Therefore, the proposed General Plan Amendment is inconsistent with the above strategies and policies of the General Plan.

Housing – Environmental sustainability 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.

Housing – Environmental Sustainability Policy H-4.3: Encourage the development of higher residential densities in complete, mixed use, walkable and bikeable communities to reduce energy use and greenhouse gas emissions.

Goal TR-9 - Reduction of Vehicle Miles Traveled: Reduce Vehicle Miles Traveled (VMT) per service population by 20% (2030 goal) and by 45% (2040 goal), from the 2017 levels.

Balanced Transportation System Policy TR-1.3: Increase substantially the proportion of travel using modes other than the single-occupant vehicle.

Analysis: Since 2018, the City of San José has used Vehicles Miles Traveled (VMT) as a measure of transportation impacts. Areas with high VMT necessitate the use of the automobile for commuting for most or all destinations. The use of the automobile for commuting to all destinations contributes significant greenhouse gases and in turn contributes to climate change. The General Plan has several policies that focus on reducing VMT by focusing growth in areas that support other transportation modes like biking and transit and restricting growth in areas that are auto dependent. The subject site is in a high VMT area and would contribute to increased VMT as the new residential units would necessitate automobile use for most or all trips for the residents of the new units. Therefore, the proposed General Plan Amendment is inconsistent with the General Plan policies above.

Housing Social Equity and Diversity Goal H-1: Provide housing throughout our City in a range of residential densities, especially at higher densities, and product types, including rental and for-sale housing, to address the needs of an economically, demographically, and culturally diverse population.

Analysis: The General Plan supports the provision of diverse housing types to address the needs of the diverse population of the City. The majority of land designated for residential uses in the City is for single-family residences. The proposed Rural Residential land use designation would allow only single-family residences and at a low density (2 DU/AC) which is not a diverse or dense housing type. Therefore, the proposed General Plan Amendment is inconsistent with the General Plan's goal to provide more diverse housing types at higher densities.

Environmental Considerations/Hazards Policy EC-4.3: Locate new public improvements and utilities outside of areas with identified soils and/or geologic hazards to avoid extraordinary maintenance and operating expenses. Where the location of public improvements and utilities in such areas cannot be avoided, effective mitigation measures will be implemented.

Hillside Development Hazard Avoidance Policy LU-18.6: Avoid locating public improvements, communication facilities, and utilities in hillside areas with identified soils and/or geologic hazards to limit any extraordinary maintenance and operating expenses. When the location of public improvements, communication facilities, and utilities in such areas cannot be avoided, implement effective mitigation measures to maximize their potential to remain functional during and after a seismic event.

Fiscal Sustainability Service Delivery Policy FS-5.8: To avoid any extraordinary maintenance and operating expenses, public improvements, communication facilities, and utilities should not be located in hillside areas with identified soils and/or geologic hazards, or other areas with similar hazards. When the location of such public improvements, communication facilities, and utilities in such areas cannot be avoided, effective mitigation measures should be implemented to maximize their potential to remain functional during and after a seismic event.

Analysis: The General Plan does not support the provision of new services in areas with known geologic hazards because of the potential for increased service and maintenance costs, and risk of a disruption of services to the area. The subject site is located in a geohazard hazard zone and seismic hazard zone and there have been known landslides on the site in the past, as shown in geologic hazard clearance reports for prior permits on the larger site the parcel was once a part of. The proposed Rural Residential land use designation could allow for the subdivision of the site for up to 16 parcels, which would necessitate the provision of new services in a geologic hazard area. Therefore, the proposed General Plan Amendment is inconsistent with the General Plan policies above.

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

Social Equity and Diversity 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 Rural Residential land use designation could facilitate the development of up to an additional 15 housing units than what could be permitted under the Lower Hillside land use designation, with potential for additional accessory dwelling units. While the proposed General Plan Amendment is consistent with General Plan Policy H-1.0, 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).

ZONING ORDINANCE CONFORMANCE

The subject site is currently zoned as A(PD) Planned Development Zoning District (File No. PDC96-047) which allows for one single-family home on the subject site. If the proposed General Plan Amendment is denied and the proposed Planned development zoning is withdrawn, subject site would remain as the A(PD) Planned Development zoning district as approved under file number PDC96-047.

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. A notice of the 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. Staff received four phone calls and two emails asking how to access the project files and staff report.

Project Manager: Laura Maurer

Approved by: /s/

Ruth Cueto, Principal Planner for
Chris Burton, Planning Director

ATTACHMENTS:	
Exhibit A	General Plan Amendment Draft Denial Resolution
Exhibit B:	PD24-015 Planned Development Permit Site Plan – Formal Submittal
Exhibit C:	PD24-015 Planned Development Permit Site Plan – Informal Submittal

Owner/ Applicant:	Applicant Representative:
Van-Thi Huynh Viam Capital LLC 2189 Monterey Road, Suite 260 San José, CA 95125 vinthi.huynh@viamcapital.com	Deena Morsilli HMH Engineers 1570 Oakland Road San José, CA 94131 dmorsilli@hnhca.com