

# *Memorandum*

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** See Below

**DATE:** May 29, 2025

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**COUNCIL DISTRICT: 8**

**SUBJECT: GP24-010: Early Consideration for Denial of a Privately-Initiated General Plan Amendment to Change the Envision San José 2040 General Plan Land Use/Transportation Diagram From Lower Hillside to Rural Residential for Property Located at 3630 Kettmann Road**

## **RECOMMENDATION**

The Planning Commission on May 14, 2025, voted 8-0-1 (Bickford absent) to recommend that the City Council:

1. Adopt a resolution denying 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 located at 3630 Kettmann Road.

## **SUMMARY AND OUTCOME**

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 the Early Consideration process. This allows for a General Plan Amendment to be heard by the City Council for early feedback before the full review and submittal of the development permit.

City Council can approve one of the following actions: (1) approve staff recommendation and deny the proposed General Plan Amendment; (2) deny staff recommendation and direct staff to continue processing the General Plan Amendment and any other associated applications as proposed; or (3) deny staff recommendation and direct staff to continue processing the General Plan Amendment with suggested modifications to the proposal, such as with a different land use designation.

If the City Council denies the proposed privately-initiated General Plan Amendment, the site would retain its current land use designation of Lower Hillside.

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If the City Council directs staff to continue processing the application for future consideration, staff would complete the review of the General Plan Amendment, rezoning and the development permit, and conduct environmental analysis of the project under the California Environmental Quality Act (CEQA). Staff would bring a recommendation for approval or denial of those applications once the analysis is complete, potentially to the 2026 General Plan Annual Review hearing at the end of 2026.

## **BACKGROUND**

On May 14, 2025, the Planning Commission held a public hearing for Early Consideration of the proposed privately-initiated General Plan Amendment. Vice Chair Cantrell made a motion to approve the recommendation. Commissioner Bhandal seconded the motion. The motion passed 8-0-1 (Bickford absent).

## **ANALYSIS**

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

## **EVALUATION AND FOLLOW-UP**

If the City Council approves the recommendation to deny the proposed General Plan Amendment, staff will not continue to process the application. If the City Council denies the recommendation to deny the proposed General Plan Amendment, the City Council will need to direct staff to continue processing the proposed General Plan Amendment and other associated applications, including geologic hazard clearance review and environmental review, to be reheard by the City Council after full review.

## **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office.

## **PUBLIC OUTREACH**

A notice of the public hearings was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and a notice for the City Council hearing was posted in the San José Post printed paper and on the website on April 22,

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2025. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

Additionally, several public comment emails and a petition with 80 signatures opposing the proposed General Plan Amendment were received after the Planning Commission staff report was completed and one public comment email was received after the Planning Commission hearing. The comments received after the staff report was completed and before the Planning Commission hearing were attached separately to the staff report. The comment received after the Planning Commission hearing will be attached to this memorandum. The correspondences cited concerns about traffic, flooding risks, inconsistency with General Plan policies, loss of open space, and impacts to wildlife as reasons for opposition to the proposed General Plan Amendment.

This memorandum will be posted on the City's Council Agenda website for the June 10, 2025 City Council meeting.

### **COMMISSION RECOMMENDATION AND INPUT**

On May 14, 2025, the Planning Commission held a public hearing for Early Consideration of the proposed privately-initiated General Plan Amendment.

#### *Staff Presentation*

Planner Laura Maurer provided a presentation on the proposed Amendment, including site context, project review and analysis, and staff's recommendation.

#### *Applicant Presentation*

The project applicant, Van-Thi Huynh, provided a presentation in which he explained that the Lower Hillside designation, as described in the General Plan description, applies to properties at the urban edge with limited development, but stated the subject site is well within the Urban Service Area and located in a fully urbanized part of San José, making the designation inappropriate. He argued that the Rural Residential designation is more appropriate, as the area is largely developed with single-family homes and the proposed infill project matches surrounding properties in density, lot size, and character. He further stated that the property is surrounded by planned developments and R-1 zoning, making it consistent with existing land uses and better suited to a Rural Residential designation. He acknowledged the General Plan's Major strategy is to focus in designated Growth Areas but noted it does not prohibit development elsewhere and argued that Policy LU-17.1 supports their proposal, as it permits development below existing densities. He also maintained that the proposed six

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units would have minimal environmental impact and expressed willingness to add ADUs or similar features to support housing diversity goals.

### *Public Hearing*

Nine members of the public spoke on the proposed General Plan Amendment. Six of them spoke in opposition to the proposed Amendment. Those who spoke in opposition raised the following concerns as they relate to the proposed development that could result from a change in land use:

- increase in traffic volumes and reduced safety of neighborhood streets
- existing and increased geologic, seismic, and flooding hazards
- removal of many large mature trees to accommodate the proposed development
- impact to red-tail hawks in the area
- strain to water service where there was already low water pressure
- complaints about improper maintenance of the land from recent owners, which they believe contributed to fires on the site

Three members of the public spoke in support of the proposed General Plan Amendment. One speaker stated that the project could address the housing crisis and noted that small-scale developers often face challenges due to the lengthy and costly development review process. Another speaker highlighted the great amenities available in the neighborhood and that the site is a good location for new housing. A third speaker expressed concern about the current lack of maintenance on the site, suggesting that redevelopment of the site would resolve the issue and will give the property better curb appeal.

The applicant responded to concerns raised during public comment. He acknowledged that the site is within a geohazard zone but noted that development in such areas is common in San José and would require clearance through detailed geological and engineering studies. He stated that having residents on the property would promote better maintenance and reduce wildfire risk. He clarified that the development team resides in District 8 and is part of the local community. He explained that the trees proposed for removal are primarily eucalyptus, which are not considered desirable under city guidelines. Regarding traffic, he noted the project would utilize two access points for the six proposed units, potentially distributing vehicle flow.

### *Planning Commission Discussion*

Commissioner Bhandal expressed appreciation for the efforts of City staff, the applicant, and members of the public. He emphasized his familiarity with the project site, noting a personal connection to the area, as he resides in District 8 and frequently travels through Kettmann Road. He explained he met with both the developer and local residents, consistent with his open-door approach to planning matters. He asked staff to

clarify if either the 13-unit or 6-unit versions of the proposed development was included in the recommendation. Staff clarified the only item under consideration was the General Plan Amendment and that no development permit or zoning changes were being evaluated during this hearing, and without approval of the Amendment, the applicant could not proceed with any proposed development. Staff explained that the 6-unit proposal was informally submitted and had not undergone full review.

Commissioner Bhandal acknowledged the broader housing crisis and stated his general support for new housing. However, he emphasized that housing must be developed in appropriate locations and cited several concerns with the proposed site, including inconsistency with the General Plan, its location within a seismic hazard zone with documented landslides, and its classification as a high Vehicle Miles Traveled (VMT) area, which could lead to car-dependent lifestyles.

Commissioner Barocio asked whether approval of this amendment might open the door to similar proposals elsewhere. Staff explained that while each General Plan Amendment application is evaluated on a case-by-case basis for a given project site, decisions can create precedents that may influence future considerations.

Vice Chair Cantrell remarked on the housing crisis issue, noting that the need for upper-income housing is particularly acute. He asked staff whether the developer had proposed any strategies to meet General Plan's Housing Equity goals. Staff confirmed that the developer discussed options, but no affordable units were included in either the formal or informal development submittal. The applicant responded that they suggested deed-restricted accessory dwelling units (ADUs) and junior ADUs, but these ideas were not included in either submission due to a perceived lack of positive response from staff.

Vice Chair Cantrell inquired whether existing nearby homes had to address similar geologic or seismic hazards. Staff explained that most surrounding homes were located outside the seismic hazard zone, whereas the subject site was primarily within it. Staff added that homes can be permitted with appropriate Geologic Hazard Clearance from the City. When pursuing Geologic Hazard Clearance review, additional engineering may be necessary to mitigate the seismic risk on the subject site. The applicant affirmed their willingness to pursue the necessary geologic studies and permits.

Vice Chair Cantrell asked if the proposed project would address or mitigate the flooding concerns raised in public comment. The applicant stated that they had not observed any flooding during their ownership and believed the site was not in a flood zone. Staff clarified that all properties are assigned a flood zone category, and the subject site lies within FEMA Flood Zone D, which is non-specific and typical for much of the city. There are no additional flood-related development standards for Flood Zone D, and erosion and drainage would be addressed during Geologic Hazard Clearance review and grading permit review.

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Vice Chair Cantrell inquired whether the proposed development would generate sufficient tax revenue to cover municipal services. Staff indicated that this analysis was not conducted as part of the review, and Director Chris Burton added that past studies have generally found that lower-density residential developments tend to be fiscally negative.

Commissioner Young asked staff to respond to the applicant's claim that the current Lower Hillside designation was not appropriate due to its location not on the edge of the city, as is described as appropriate locations in the Lower Hillside designation. Staff noted that other properties within the Urban Growth Boundary and Urban Service Area are designated as Lower Hillside, even when not at the edge of the city. Staff further clarified that the Lower Hillside designation also includes parcels with hillside characteristics, such as the subject site.

Commissioner Young asked staff to further clarify why the Rural Residential designation would be inappropriate for the subject site. Staff explained that the General Plan supports increased residential density in designated Growth Areas, adjacent to Growth Areas or sites with access to good quality transit, none of which apply to the subject site. Additionally, the site is located in a high Vehicle Miles Traveled (VMT) area and additional auto-dependent development here would not help the City achieve VMT reduction goals. Staff referred to the existing landslide zones and steep slopes of the site as major concerns for increased development of the site.

Commissioner Young asked what development could proceed under the current designation. Staff responded that one single-family residence is currently permitted, and under California Senate Bill 9 (SB 9), the site could potentially be subdivided into two lots with two units each, resulting in up to four units.

Vice Chair Cantrell made a motion to approve staff recommendation and Commissioner Bhandal seconded the motion. The motion passed 8-0-1 (Bickford absent) to recommend the City Council deny the proposed privately-initiated General Plan Amendment.

## **CEQA**

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 allows for 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

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be approved. This section shall not relieve an applicant from paying the costs for an EIR or Negative Declaration prepared for their project prior to the Lead Agency's disapproval of the project after normal evaluation and processing.

Should the City Council allow continued processing of the proposed General Plan Amendment for future consideration, such action would not constitute an approval of a project under CEQA.

### **PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/  
CHRIS BURTON  
Secretary, Planning Commission

For questions, please contact Ruth Cueto, Principal Planner, Planning, Building and Code Enforcement Department at [ruth.cueto@sanjoseca.gov](mailto:ruth.cueto@sanjoseca.gov) or (408) 535-7886.

### **ATTACHMENT**

Planning Commission Staff Report from May 14, 2025



# Memorandum

**TO:** PLANNING COMMISSION

**FROM:** Christopher Burton

**SUBJECT:** File No. GP24-010

**DATE:** May 2, 2025

**COUNCIL DISTRICT: 8**

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

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

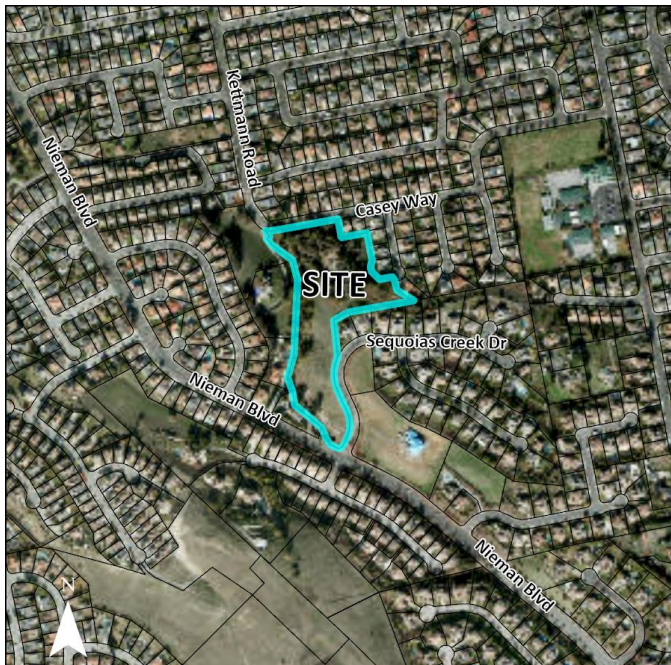


Figure 1 Aerial Map of Project Location

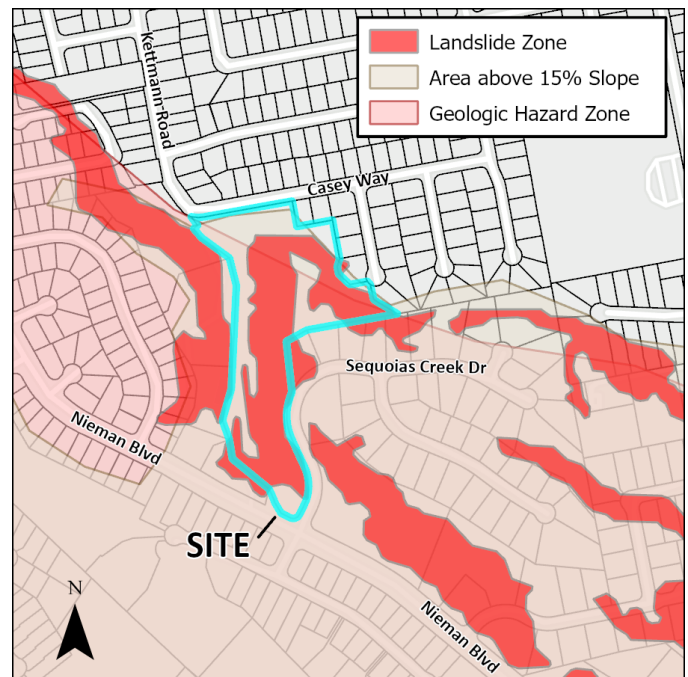


Figure 2 Map of Geologic Hazard and Landslide Zones, and Area above 15% Slope.

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.

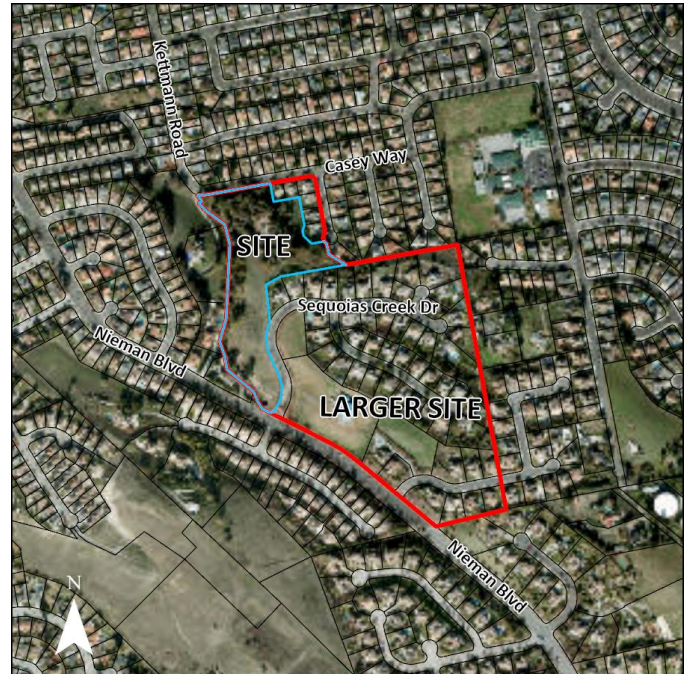


Figure 3 Larger Site Aerial Map

## 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.

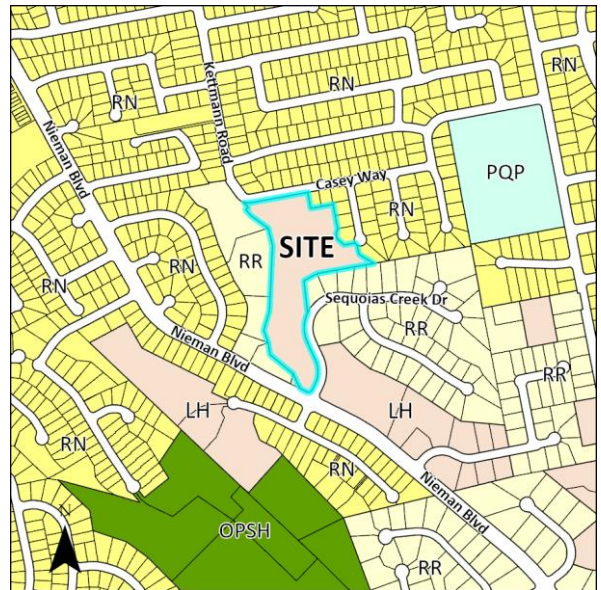


Figure 4 Existing General Plan Land Use Designation Map

### 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.

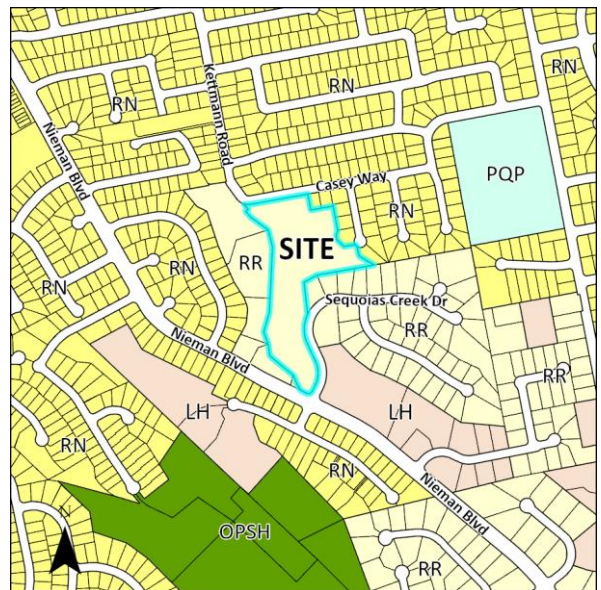


Figure 5 Proposed General Plan Land Use Designation Map

### 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 policy:

**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 three 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

**Please click on the title of each exhibit to view the document:**

### 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:
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[Correspondence received AFTER 5/7/2025](#)