



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**SUBJECT:** SEE BELOW

**FROM:** Planning Commission

**DATE:** June 8, 2023

**COUNCIL DISTRICT:** 8

**SUBJECT: FILE NO. GP21-015. CITY-INITIATED GENERAL PLAN AMENDMENT TO MODIFY THE ENVISION SAN JOSÉ 2040 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM LAND USE DESIGNATION FROM OPEN SPACE, PARKLANDS AND HABITAT TO MIXED USE NEIGHBORHOOD TO ADDRESS A MAPPING ERROR ON AN APPROXIMATELY 0.54-GROSS-ACRE SITE LOCATED NORTH EASTERLY SIDE OF CLASSICO AVENUE AND WESTERLY SIDE OF EVERGREEN VILLAGE SQUARE AND CLASSICO AVENUE INTERSECTION (APN: 659-57-015).**

## **PLANNING COMMISSION RECOMMENDATION**

On May 24, 2023, the Planning Commission voted 10-0-0 to recommend that the City Council take all of the following actions:

1. Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto, in conformance with CEQA; and
2. Adopt a resolution approving the City-initiated General Plan Amendment to modify the Land Use/Transportation Diagram to address a mapping error at the subject location within the Evergreen Village area.

## **SUMMARY AND OUTCOME**

If the City Council adopts the resolution approving the City-initiated General Plan Amendment, the Envision San José 2040 General Plan Land Use/Transportation Diagram would be amended to reflect the land use designation changes of the subject site from Open Space, Parklands and Habitat to Mixed Use Commercial.

## **BACKGROUND**

On November 17, 2021, Hawkstone Development filed a privately initiated General Plan Amendment request to modify the Envision San José 2040 General Plan Land Use/Transportation Diagram designation at the subject site located within the Evergreen Village area, from Open Space, Parklands and Habitat designation to Mixed Use Neighborhood designation. After researching the history of the General Plan designation on the site, Planning staff identified that due to a mapping error, the Open Space, Parklands and Habitat land use designation was inadvertently assigned to this private property that is currently zoned for commercial and residential uses consistent with the Evergreen Specific Plan. The privately initiated General Plan Amendment request was then converted to a City-initiated Amendment to address this mapping error.

The Open Space, Parklands and Habitat land use designation is typically applied to lands owned by public agencies or non-profit organizations with intended permanent use as open space. This mapping error has caused confusion for property owners and applicants. The proposed General Plan amendment would apply the Mixed Use Neighborhood land use designation to the subject parcel, which is the appropriate designation for the properties to be consistent with the designation in the Evergreen Specific Plan.

## **ANALYSIS**

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

## **EVALUATION AND FOLLOW-UP**

Should the City Council approve the General Plan Amendment, the General Plan land use designation of the subject site will be changed to Mixed Use Commercial. No further follow-up is needed.

## **COORDINATION**

The preparation of this memorandum has been coordinated with the City Attorney's Office.

## **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the June 20, 2023, City Council meeting. Staff followed Council Policy 6-30: Public Outreach Policy 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, published in the San José

Post-Record on May 3, 2023, and posted on the City website. The staff report is also posted on the City's website. Staff has also been available to respond to questions from the public.

### **COMMISSION RECOMMENDATION AND INPUT**

On May 24, 2023, the Planning Commission held a public hearing to consider the General Plan Amendment to amend the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation to Mixed Use commercial. Planning staff recommended approval of the Amendment request.

#### *Staff Presentation*

This item was on the consent calendar, therefore there was no presentation by staff.

#### *Public Hearing*

No members of the public spoke on the proposed project.

#### *Planning Commission Discussion*

Commissioner Young made a motion to approve staff recommendations as part of the consent calendar and Commissioner Tordillos seconded the motion. The motion passed 10-0-0.

The Planning Commission recommended that the City Council consider the Addendum to the Mitigated Negative Declaration in accordance with CEQA and approve the proposed General Plan Amendment.

### **CEQA**

The City of San José, as the lead agency for this project, has made a Determination of Consistency, as this activity is within the scope of the approved Envision San José 2040 General Plan, and the Final Program EIR for the Envision San José 2040 General Plan and Supplemental EIR to the Envision San José 2040 General Plan EIR, and Addenda thereto, for which findings were adopted by City Council Resolution Nos. 76041 and 77617 respectively, that adequately describe the activity for the purposes of 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/  
Christopher Burton  
Secretary, Planning Commission

For questions, please contact Michael Brilliot, Deputy Director at [Michael.brilliot@sanjoseca.gov](mailto:Michael.brilliot@sanjoseca.gov) or (408) 535-7831.

The principal author of this memorandum is Sanhita Ghosal, Planning Project Manager. For questions, please contact at [Sanhita.ghosal@sanjoseca.gov](mailto:Sanhita.ghosal@sanjoseca.gov) or (408) 535-7894.

**ATTACHMENT**

Planning Commission Staff Report



# Memorandum

**TO:** PLANNING COMMISSION

**FROM:** Christopher Burton

**SUBJECT:** GP21-015

**DATE:** May 24, 2023

**COUNCIL DISTRICT: 8**

<b>Type of Permit</b>	City-initiated General Plan Amendment (GP21-015)
<b>Project Planner</b>	Sanhita Ghosal
<b>CEQA Clearance</b>	Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

## RECOMMENDATION

Staff recommends that the Planning Commission recommend to the City Council that it takes the following actions:

1. Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto, in conformance with CEQA; and
2. Adopt a resolution approving the City-initiated General Plan Amendment to modify the Land Use/Transportation Diagram to address mapping error at the subject location within the Evergreen Village area.

## PROPERTY INFORMATION

<b>Location</b>	North-easterly side of Classico Avenue, and westerly side of Evergreen Village Square and Classico Avenue intersection
<b>Assessor Parcel Nos.</b>	659-57-015
<b>Existing General Plan Land Use Designation</b>	Open Space, Parklands and Habitat
<b>Proposed General Plan Land Use Designation</b>	Mixed Use Neighborhood
<b>Existing Zoning District</b>	A(PD) Planned Development (File No. PDC99-031)
<b>Proposed Zoning District</b>	No Change
<b>Growth Area</b>	None (The Evergreen Village Area Urban Village Plan was eliminated as part of the 2nd Four Year Review of the Envision San José 2040.)

<b>Current Use of Site</b>	Vacant
<b>Demolition</b>	N/A
<b>Historic Resource</b>	No
<b>Annexation Date</b>	April 27, 1989 (Evergreen No. 171)
<b>Council District</b>	8
<b>Acreage</b>	0.54
<b>Floor Area Ratio</b>	N/A
<b>Proposed Density</b>	N/A

## PROJECT SETTING AND BACKGROUND

On November 17, 2021, Hawkstone Development filed a privately initiated General Plan Amendment request to modify the Envision San José 2040 General Plan Land Use/Transportation Diagram designation at the subject site located within the Evergreen Village area, from Open Space, Parklands and Habitat designation to Mixed Use Neighborhood designation. An accompanying Planned Development Rezoning request (File no. PDC21-036) was also filed to allow for the construction of 16 residential units including seven live-work units on this lot and the vacant lot located to its northwest.

After researching the history of the General Plan designation on the site, Planning staff identified that due to a mapping error, the Open Space, Parklands and Habitat land use designation was inadvertently assigned to this private property that is currently zoned for commercial and residential uses consistent with the Evergreen Specific Plan. The privately initiated General Plan Amendment request was converted to a City-initiated Amendment to address this mapping error.

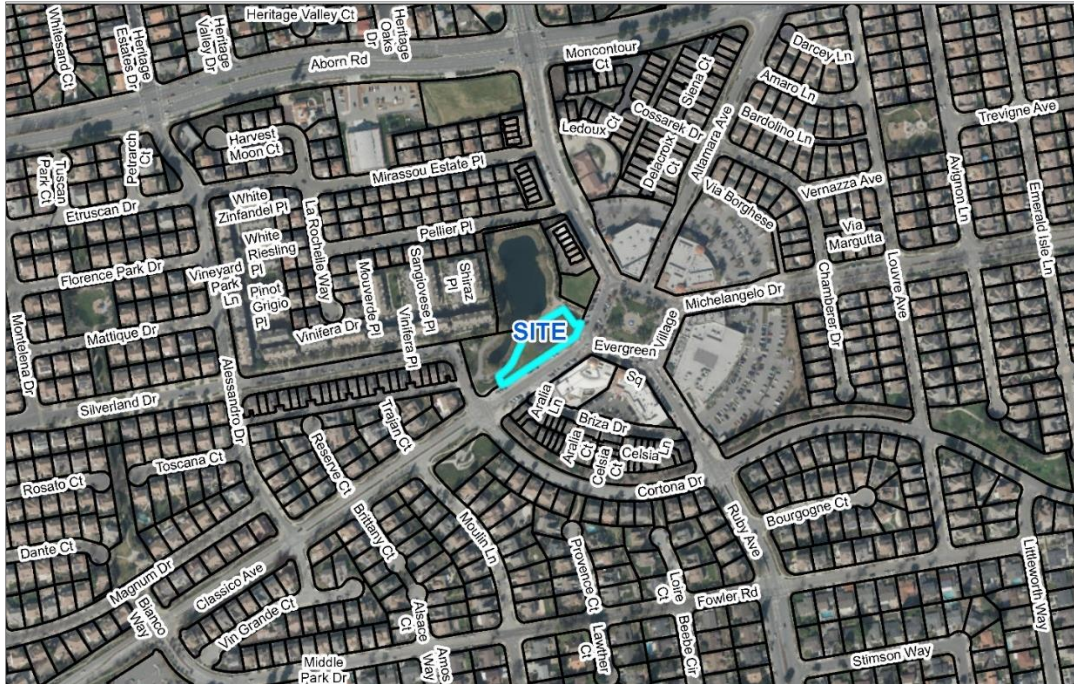
The Envision San José 2040 General Plan Land Use/Transportation Diagram incorporated the land uses of six Specific Plans including the Evergreen Specific Plan. The Envision San José 2040 also incorporated the land use categories in the Focus on the Future San José 2020 General Plan (2020 General Plan). Appendix 4, *Relationship to Previous General Plan Diagram*, of the Envision San José 2040 General Plan identifies the appropriate land use categories in the 2040 General Plan based on the land use categories of the 2020 General Plan and Specific Plans. The table in Appendix 4 identifies that sites with Evergreen Village Center designation should be identified as Mixed Use Neighborhood in the 2040 General Plan. However, the Land Use designation of the subject site was inadvertently mapped as Public Park/Open Space in the 2020 General Plan Land Use/Transportation Diagram, instead of the Village Center designation. It was therefore assigned the Open Space, Parklands and Habitat designation in Envision San José 2040 General Plan and not the Mixed Use Neighborhood designation as it should have been.

The Open Space, Parklands and Habitat land use designation is typically applied to lands owned by public agencies or non-profit organizations with intended permanent use as open space. This mapping error has caused confusion for property owners and applicants. The proposed General Plan amendment would apply the Mixed Use Neighborhood land use designation to the subject parcel, which is the appropriate designation for the properties to be consistent with the designation in the Evergreen Specific Plan (see Figures below).

The site is zoned A(PD) Planned Development Zoning District (City file no. PDC99-031, Ordinance number 26049.) The General Development Plan of this Planned development Zoning identifies the site as “Village Center,” that allows residential and a variety of local serving and specialty uses such as theater, health club, salon, restaurant, shops, market and community servicing offices. Residential uses were added to the Village Center Land Use designation in the Evergreen Specific Plan with a General Plan Amendment approved in 1999 (City file no.s GPA99-8-5 and GPA99-T-14).

### The Site:

As shown on the aerial map (in Figure 1 below), the 0.54-acre subject site is located on the north easterly side of Classico Avenue, and westerly side of the Evergreen Village Square and Classico Avenue intersection.



*Figure 1. Aerial Photograph of the Site and Surrounding Uses*

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
<b>North</b>	Open Space, Parklands, and Habitat	A(PD), PD Use: OS – Open Space	Evergreen Village Duck Pond
<b>South</b>	Mixed Use Neighborhood, Open Space, Parklands, and Habitat	A(PD), PD Use: COM – Commercial, A(PD), PD Use: RES –Residential	Village Square Branch Library, multifamily residential apartments, Fowler Creek Trail
<b>East</b>	Open Space, Parklands, and Habitat	A(PD), PD Use: OS –Open Space	Evergreen Farmer’s Market (Evergreen Village Square)
<b>West</b>	Mixed Use Neighborhood, Residential Neighborhood	A(PD), PD Use: MIX –Mixed Use, Residential	Multifamily Residential, Single-Family Homes

### ANALYSIS

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

- Envision San José 2040 General Plan
- California Environmental Quality Act (CEQA)



The purpose of the proposed General Plan Amendment is to address mapping errors on the Envision San José 2040 General Plan Land Use/Transportation Diagram.

### Envision San José 2040 General Plan Conformance

#### *Existing General Plan Designation*



Figure 2. Existing General Plan Land Use/Transportation Diagram Designation

As shown in the General Plan Map (see Figure 2 above), the project site has Envision San José 2040 General Plan designations of **Open Space, Parklands, and Habitat**. These lands can be publicly- or privately-owned areas that are intended for low intensity uses. Lands in this designation are typically devoted to open space, parks, recreation areas, trails, habitat buffers, nature preserves and other permanent open space areas. This designation is applied with the Urban Growth Boundary to lands that are owned by nonprofits or public agencies that intent their permanent use as open space, including lands adjacent to various creeks throughout the city. Privately-owned lands in this designation are to be used for low intensity, open space activities.

#### *Proposed General Plan Land Use Designation*

As shown in the proposed General Plan Map (see Figure 3 below), the proposed land use designation is **Mixed Use Neighborhood**. This designation is applied to areas intended for development primarily with either townhouse or small lot single-family residences and to existing neighborhoods that were historically developed with a wide variety of housing types, including a mix of residential densities and forms. This designation supports commercial or mixed-use development integrated within the Mixed Use Neighborhood area. Existing neighborhoods with this designation are typically characterized by a prevalence of atypical lot sizes or shapes and a parcel-by-parcel development pattern where small townhouse development may exist adjacent to more traditional single-family development or more intense multi-family development. This designation should be used to establish new neighborhoods with a cohesive urban form, to provide transition between higher-density and lower-density neighborhoods, or to facilitate new infill development within an existing area that does not have an established cohesive urban character. Small lot single-family neighborhoods with this designation may involve zero lot-line or other design features not available through a standard subdivision process.





Figure 3. Proposed General Plan Land Use/Transportation Diagram Designation

### General Plan Goals and Policies

The proposed General Plan Amendment is **consistent** with the following Envision San José 2040 General Plan goals and policies:

**Land Use / Transportation Diagram Goal IP-1:** Make land use and permit decisions to implement the Envision General Plan Land Use / Transportation Diagram and to further the vision, goals, and policies of the Envision General Plan.

**Land Use / Transportation Diagram Policy IP-1.1:** Use the Envision General Plan Land Use / Transportation Diagram designations to indicate the general intended land use, providing flexibility to allow for a mix of land uses, intensities, and development forms compatible with a wide variety of neighborhood contexts and to designate the intended roadway network to be developed over the timeframe of the Envision General Plan. Use the Zoning designation to indicate the appropriate type, form, and height of development for particular properties.

**Land Use/ Transportation Diagram Policy IP-1.5** Implementation of existing planned development zonings and/or approved and effective land use entitlements, which were previously found to be in conformance with the General Plan prior to its comprehensive update, are considered as being in conformance with the Envision General Plan when the implementation of such entitlements supports its goals and policies.

**Analysis:** The proposed General Plan Amendment would support implementation of the Envision San José 2040 Land Use/Transportation Diagram by addressing the mapping error on the Land Use/Transportation Diagram. The [Evergreen Specific Plan](#) (ESP) was approved by the City Council on July 2, 1991. The focused vision for the ESP for development in the ESP area was to increase commercial area (i.e., retail and service space) and increase residential development of varying types and densities, and additional improvements overall to the area. In 1999, Evergreen Specific Plan was amended (City file no.s GPA99-8-5 and GPA99-T-14) to include residential uses in the Village Center and a Planned Development Rezoning was approved to rezone the subject property and surrounding areas implementing the updated ESP (City file No. PDC99-101). The proposed General Plan Land Use/Transportation Diagram designation from Open Space, Parklands, and Habitats to Mixed Use Neighborhood was supported by the vision of the ESP. Addressing

*the error would allow properties to develop with the appropriate land use designation as it was envisioned in the ESP and was intended by the Envision San José 2040 General Plan.*

### **Zoning Ordinance Conformance**

The current zoning for the subject site is A(PD) Planned Development Zoning District (City file no. PDC99-031, Ordinance number 26049), which was found to be in conformance with the Evergreen Specific Plan land use designation of Village Square. Therefore, according to General Plan Policy IP-1.5 mentioned above, the current A(PD) Planned Development zoning is in conformance with the Mixed Use Neighborhood General Plan designation.

As mentioned earlier, a Planned Development zoning (File no. PDC21-036) was also filed to allow for the construction of 3 buildings on 2 lots, for a total of 16 residential units including 7 live-work units on this lot and the vacant lot located to its northwest in currently on file. This rezoning request will be scheduled for public hearing later when the environmental review and project review is completed. The proposed rezoning is consistent with the proposed Mixed Use Neighborhood Land Use Designation.



*Figure 4. Existing Zoning District Designation*

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

Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has made a Determination of Consistency, as this activity is within the scope of the approved Envision San José 2040 General Plan, and the Final Program EIR for the Envision San José 2040 General Plan and Supplemental EIR to the Envision San José 2040 General Plan EIR, and Addenda thereto, for which findings were adopted by City Council Resolution Nos. 76041 and 77617 respectively, that adequately describe the activity for the purposes of CEQA.

### **PUBLIC OUTREACH**

Staff followed Council Policy 6-30: Public Outreach Policy. Public hearing notices were mailed to residents within a radius of 1,000 feet around the subject site. In addition, a notice of the public hearing was published in the San José Post Record and on the City's website. A community meeting was conducted on October 27, 2022, for the General Plan Amendment and the Planned Development Rezoning. Two

members attended the meeting. No comment was received. The staff report is also posted on the City's website and staff has been available to respond to questions from the public.

**Project Manager:** Sanhita Ghosal

**Approved by:** /s/ Michael Brilliot, Deputy Director for Chris Burton, Planning Director

ATTACHMENTS:
Exhibit A: Draft General Plan Resolution

**GP21-015**

**Links to Attachment A**

Click on the title to view document

Exhibit A: Draft General Plan Resolution
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