



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: January 25, 2022

COUNCIL DISTRICT: 3

SUBJECT: FILE NO. GP21-006 & C21-030: GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE/TRANSPORTATION DIAGRAM LAND USE DESIGNATION FROM MIXED USE NEIGHBORHOOD TO URBAN RESIDENTIAL AND A REZONING FROM THE R-1-8 SINGLE FAMILY RESIDENCE ZONING DISTRICT TO THE UR URBAN RESIDENTIAL ZONING DISTRICT ON AN APPROXIMATELY 0.97-GROSS ACRE SITE LOCATED AT 1271 E. JULIAN STREET (ASSESSOR PARCEL NUMBERS: 249-66-010, 249-66-009)

RECOMMENDATION

The Planning Commission voted 10-0-1 (Garcia and Montañez opposed; Cantrell absent) to recommend that the City Council take the following actions:

1. Consider the Negative Declaration in accordance with CEQA;
2. Adopt a resolution approving the General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Mixed Use Neighborhood to Urban Residential; and
3. Approve an ordinance approving the Conforming Rezoning from the R-1-8 Single Family Residence Zoning District to the UR Urban Residential Zoning District.

BACKGROUND

The Planning Commission held a public hearing on January 12, 2022, to consider the proposed General Plan Amendments and Rezoning. Planning staff recommended approval to amend the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Mixed Use Neighborhood to Urban Residential and to change the Zoning District from R-1-8 Single Family Residence to UR Urban Residential on an approximately 0.97-gross acre site. The Planning Commission made a recommendation to the City Council to consider the Negative Declaration in accordance with CEQA and adopt a resolution and an ordinance to approve the applicant's proposed General Plan Amendment and Rezoning.

Staff Presentation

Staff presented a summary of the applicant's General Plan Amendment and Rezoning including a description of the proposed project and details of the public engagement process and analysis, which is explained in detail in the attached report to the Planning Commission.

Public Testimony

The applicant's representative, Jerry Strangis, gave a brief presentation about the proposed project and stated his desire to increase the density of the site comparable to the adjacent Urban Village. The Urban Residential land use designation would facilitate a higher residential density on the site and would be adjacent to similar density and near future transit.

No members of the public spoke on the proposed project.

Planning Commission Discussion

Commissioner Oliverio made a motion to approve staff's recommendations and Commissioner Montañez seconded the motion.

The Planning Commission unanimously voted 10-0-1 (Cantrell absent) to recommend to the City Council to consider the Negative Declaration in accordance with CEQA to adopt a resolution approving the applicant's General Plan Amendment to amend the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Mixed Use Neighborhood to Urban Residential and approve an ordinance approving the conforming rezoning of certain real property located on the north side of east Julian Street, approximately 150 feet westerly of Wooster Avenue (1271 E. Julian Street) from the R-1-8 Single Family Residence Zoning District to UR Urban Residential Zoning District on an approximately 0.97-gross acre site.

OUTCOME

If the City Council adopts a resolution approving the General Plan Amendment, the Envision San José 2040 General Plan Land Use/Transportation Diagram would be amended to reflect the

land use designation changes from Mixed Use Neighborhood to Urban Residential and would be rezoned from R-1-8 Single Family Residence to UR Urban Residential Zoning District.

ANALYSIS

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

CONCLUSION

The Planning Commission unanimously voted to recommend that the City Council approve the staff's recommendations.

EVALUATION AND FOLLOW UP

If the application for the General Plan Amendment is approved as recommended by the Planning Commission, the Envision San José 2040 General Plan Land Use/Transportation Diagram would be amended to reflect the land use designation change from Mixed Use Neighborhood to Urban Residential and the Zoning District would be changed from R-1-8 Single Family Residence to UR Urban Residential on an approximately 0.97-gross acre site located at 1271 E. Julian Street. A subsequent permit would need to be submitted and approved for the project to obtain a Building and Public Works permit to begin construction.

CLIMATE SMART SAN JOSÉ

The proposed General Plan Amendment and Rezoning align with Climate Smart San José's overall goals by increasing residential density near future transit use to reduce vehicle miles traveled and increase future ridership of public transit. High-density residential efficiently uses resources consistent with Climate Smart San José.

PUBLIC OUTREACH/INTEREST

Staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 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. A community meeting was held on September 13, 2021, and six community members attended. Community members were interested in the timeline for development and staff explained that the proposed project would need additional entitlements for any proposed development. The proposed project would change the General Plan land use designation and Zoning District and would require a Site Development permit for further review. Other community members asked about traffic congestion and the

impacts related to parking. Staff responded that a cumulative traffic analysis was required under CEQA and if the proposed project would increase the number of trips to a significant level a site-specific analysis would be required; however, any specific project impacts based on parking or number of units would be analyzed during the application for a specific development.

COORDINATION

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

CEQA

An Initial Study (IS) and Negative Declaration (ND) were prepared by the Director of Planning, Building, and Code Enforcement for the subject General Plan Amendment and Conforming Rezoning. The documents were circulated for public review between November 10, 2021, and November 30, 2021. The ND states that the proposed General Plan Amendment and Conforming Rezoning will have a less than significant effect on the environment. No impacts were identified; therefore, no mitigation is required. Four comments were received from public agencies. The comments received on the draft IS/ND did not raise any new issues about the project's environmental impacts or provide information indicating that the project would result in new environmental impacts or impacts substantially greater in severity than disclosed in the IS/ND. The entire ND and Initial Study, public comments, and responses to those comments are available for review on the Planning website at:

<https://www.sanjoseca.gov/NegativeDeclarations> under File Nos. GP21-006 and C21-030.

/s/
Christopher Burton, Secretary
Planning Commission

For questions please contact Michael Brilliot, Deputy Director, at 408-535-7831.

Attachment: Planning Commission Staff Report



Memorandum

TO: PLANNING COMMISSION

FROM: Chris Burton

SUBJECT: GP21-006, C21-030

DATE: January 12, 2022

COUNCIL DISTRICT: 3

Type of Permit	General Plan Amendment (GP21-006) Conforming Rezoning (C21-030)
Project Planner	Robert Rivera
CEQA Clearance	Initial Study Negative Declaration for 1271 and 1279 East Julian Street
CEQA Planner	Reema Mahamood

RECOMMENDATION

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

1. Adopt a resolution adopting the Initial Study/Negative Declaration for 1271 and 1279 East Julian Street General Plan Amendment, for which an Initial Study was prepared, all in accordance with CEQA, as amended; and (Exhibit C)
2. Adopt a resolution approving the General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Mixed Use Neighborhood to Urban Residential on a 0.97-gross acre site (Exhibit A).
3. Approve an ordinance rezoning certain real property located northwest of East Julian Street, approximately 150 feet southwesterly of Wooster Avenue from the R-1-8 Single Family Residence Zoning District to the UR Urban Residential Zoning District on approximately 0.97-gross acres (Exhibit B).

PROPERTY INFORMATION

Location	Northwest of East Julian Street, approximately 150 feet southwesterly of Wooster Avenue (1271 E. Julian Street)
Assessor Parcel Nos.	249-66-010 and 249-66-009
Existing General Plan Land Use Designation	Mixed Use Neighborhood
Proposed General Plan Land Use Designation	Urban Residential
Existing Zoning District	R-1-8 Single Family Residence
Proposed Zoning District	UR Urban Residential

Growth Area	n/a
Demolition	n/a
Historic Resource	n/a
Annexation Date	3/17/1950 (Anne Darling No_3)
Council District	3
Acreage	0.97 acres
Floor Area Ratio	n/a
Proposed Density	n/a

PROJECT SETTING AND BACKGROUND

On March 10, 2021 the applicant submitted the following applications related to the approximately 0.97-gross acre subject site located on the northwest of East Julian Street, approximately 150 feet southwesterly of Wooster Avenue (1271 E. Julian Street):

- General Plan Amendment request to change the General Plan Land Use/Transportation Diagram land use designation from Mixed Use Neighborhood to Urban Residential; and
- Conforming Rezoning from the Mixed Use Neighborhood Zoning District to the Urban Residential Zoning District.

As shown on the attached aerial map ([Figure 1.](#)), the project site is 0.97-gross acres and contains an existing duplex and an existing single-family home. The site is approximately 1,000 feet from the future 28th Street/Little Portugal Bart Station.

The subject site is bounded by multi-family residential homes on the North, East and West. On the south across E. Julian are existing retail commercial buildings. The subject site is located just outside of the approved Five Wounds Urban Village plan boundary.

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	Mixed Use Neighborhood	R-M Residential Multiple	Multi-family residential
South	Urban Village	Light Industrial	Commercial Kitchen and Light Industrial R&D
East	Mixed Use Neighborhood	CP Commercial Pedestrian	Multi-family residential
West	Mixed Use Neighborhood	R-M Residential Multiple	Multi-family residential

ANALYSIS

The proposed General Plan Amendment, and Conforming Rezoning, are analyzed with respect to conformance with:

1. Envision San José 2040 General Plan
2. Zoning District Consistency with the Proposed General Plan Amendment (SB1333)
3. Municipal Code
4. Senate Bill 330
5. City Council Policies
6. California Environmental Quality Act (CEQA)

Envision San José 2040 General Plan Conformance

Existing Land Use Designation

As shown in the attached Existing General Plan Map ([Figure 2](#)), the project site, which is comprised of two parcels, has an Envision San José 2040 General Plan designation of:

Mixed Use Neighborhood

Density: up to 30 DU/AC; FAR 0.25 to 2.0 (1 to 3.5 stories)

This designation is applied to areas intended for development primarily with either townhouse or small lot single-family residences and also 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 multifamily 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.

Proposed General Plan Land Use Designation

As shown in the attached Proposed General Plan Map ([Figure 3](#)), the proposed land use designation is:

Urban Residential

Density: 30-95 DU/AC; Commercial FAR 1.0 to 4.0 (3 to 12 stories). Residential/Commercial Mixed Use minimum of 30 DU/AC with maximum FAR of 4.0

This designation allows for medium density residential development and a fairly broad range of commercial uses, including retail, offices, hospitals, and private community gathering facilities, within identified Urban Villages, in other areas within the City that have existing residential development built at this density, within Specific Plan areas, or in areas in close proximity to an Urban Village or transit facility where intensification will support those facilities. Any new residential development at this density should be in Growth Areas or, on a very limited basis, as infill development within areas with characteristics similar to the Urban Village areas (generally developed at high-density and in proximity to transit, jobs, amenities and other services). The allowable density for this designation is further defined within the applicable Zoning Ordinance designation and may also be addressed within an Urban Village Plan or other policy document. This designation is also used to identify portions of Urban Village areas where the density of new development should be limited to a medium intensity in order to provide for a gradual transition

between surrounding low-density neighborhoods and other areas within the Urban Village suitable for greater intensification. The allowable density/intensity for commercial projects is a FAR of 1.0 to 4.0 with a minimum FAR of 1.0. Residential/commercial mixed-use development shall require a minimum of 30 DU/AC with a maximum FAR of 4.0. Developments in this designation would typically be three to four stories of residential or commercial uses over parking.

General Plan Goals and Policies

The proposed General Plan Amendment and Conforming Rezoning are **consistent** with the following General Plan goals and policies:

1. **High Quality Living Environments Policy LU-9.3** Integrate housing development with our City's transportation system, including transit, roads, and bicycle and pedestrian facilities.
2. **Goal LU-10 – Efficient Use of Residential and Mixed-Use Lands**: Meet the housing needs of existing and future residents by fully and efficiently utilizing lands planned for residential and mixed-use and by maximizing housing opportunities in locations within a half mile of transit, with good access to employment areas, neighborhood services, and public facilities.
3. **Efficient Use of Residential and Mixed-Use Lands Policy LU-10.3**: Develop residentially- and mixed-use-designated lands adjacent to major transit facilities at high densities to reduce motor vehicle travel by encouraging the use of public transit.
4. **Passenger Rail Service Policy TR-4.1**: Support the development of amenities and land use and development types and intensities that increase daily ridership on the VTA, BART, Caltrain, ACE and Amtrak California systems and provide positive fiscal, economic, and environmental benefits to the community

Analysis: The project site's proximity to the Urban Village and the future 28th Street/Little Portugal BART station supports the proposed increase in residential density. The subject site is approximately 1,000 feet from the future 28th Street/Little Portugal BART Station. Should this amendment not be approved, the site could be developed with lower density development such as townhomes or small lot single-family residences which would result in a lost opportunity for more residents to live adjacent to a regional transit system and reduce their dependency on travel by car. The proposed General Plan Amendment would increase residential density to better utilize lands planned for residential by maximizing the housing opportunity. The proposed increase in residential density would support the daily ridership on the future BART station and may further the City's goals of reducing VMT and greenhouse gas emissions. Staff recommends approval of the proposed General Plan Amendment because it would immediately raise the minimum density of the site and guarantee a higher density that is appropriate for sites near high quality transit and would facilitate high density development in the future.

The project is **inconsistent** with the following Envision San José 2040 General Plan policy.

1. **Major Strategy #3: Focused Growth**: The Focused Growth Major Strategy plans for new residential and commercial growth capacity in specifically identified "Growth Areas" (Urban Villages, Specific Plan areas, Employment Areas, Downtown) while the majority of the City is not planned for additional growth or intensification. The strategy focuses new growth into areas of San José that will enable the achievement of economic growth, fiscal sustainability, and environmental stewardship goals, while supporting the development of new, attractive urban neighborhoods. While the Focused Growth strategy directs and promotes growth within identified Growth Areas, it also strictly limits new residential development through neighborhood infill outside of these Growth Areas to preserve and enhance the quality of established neighborhoods, to reduce environmental and fiscal impacts, and to strengthen the City's Urban Growth Boundary.

2. **Growth Areas Policy LU-2.3:** To support the intensification of identified Growth Areas, and to achieve various goals related to their development throughout the City, restrict new development on properties in non-Growth Areas.
3. **High Quality Living Environments 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.
4. **Goal CE-1 – Active Community Engagement Actively:** Develop community awareness, understanding, and interest in land use issues and public policy issues, including land use, and empower the community to engage in the shaping of those policies.

Analysis: The project site is located just outside of the Five Wounds Urban Village, sharing the Urban Village's western boundary. An update to the Five Wounds Urban Village Plan is currently in progress and any land use changes in or around the Urban Village would ideally be part of the Urban Village planning process. The typical community engagement included within an Urban Village planning effort would not be conducted and any future project would not need to conform to design standards of the Five Wounds Urban Village. City-wide Design Guidelines would be applicable to any future project and any future development would be required to comply with the Council Policy 6-30: Public Outreach Policy. Approval of this General Plan Amendment does not preclude consideration of this site in the future update to the Five Wounds Urban Village plan and may be included and studied in the future.

The proposed conforming rezoning is consistent with the following General Plan policies:

1. **Implementation Policy IP-1.7:** Ensure that proposals to rezone and prezone properties conform to the Land Use/Transportation Diagram, and advance Envision General Plan vision, goals, and policies.
2. **Implementation Policy IP-8.2:** Use the City's conventional zoning districts, contained in its Zoning Ordinance, to implement the Envision General Plan Land Use/Transportation Diagram. These districts include a range of allowed land uses, development intensities, and standards within major land use categories (residential, commercial and industrial) together with zoning districts for other land uses such as mixed-use and open space. The various ranges of allowed use and development intensity correspond generally to the respective Envision General Plan land use designations, while providing greater detail as to the appropriate land uses and form of development.
3. **Implementation Policy IP-8.3 – Zoning:** For the review of privately or publicly initiated rezoning applications, consider the appropriateness of the proposed zoning district in terms of how it will further the Envision General Plan goals and policies as follows:
 - a. Align with the Envision General Plan Land Use/Transportation Diagram.
 - b. Retain or expand existing employment capacity.
 - c. Preserve existing retail activity.
 - d. Avoid adverse land use incompatibilities.
 - e. Implement the Envision General Plan goals and policies including those for Urban Design.
 - f. Support higher density land uses consistent with the City's transition to a more urban environment.
 - g. Facilitate the intensification of Villages and other growth areas consistent with the goal of creating walkable, mixed-use communities
 - h. Address height limits, setbacks, land use interfaces and other design standards so as to provide for the intensification of land uses adjacent to already developed areas.

Analysis: The existing Zoning District R-1-8 Single Family Residence is inconsistent with the existing General Plan land use designation of Mixed Use Neighborhood. The City is currently in the process of rezoning all properties to align with their General Plan land use designation required by State Law SB1333. To align the Zoning with the General Plan land use designation this project includes rezoning the property from the R-1-8 Single Family Residence to the UR Urban Residential Zoning District which would be consistent with the General Plan land use designation if the proposed General Plan Amendment is approved. If the project is not approved, the City would rezone the property in the future to align with the existing General Plan land use designation.

Zoning Ordinance Conformance

The proposed project is located in the R-1-8 Single Family Residence Zoning District, see attached Existing Zoning District Map ([Figure 4](#)). The proposed rezoning from R-1-8 Single Family Residence Zoning District to UR Urban Residential Zoning District conforms with Table 20-270, [Section 20.120.110](#) of the San José Municipal Code, which identifies the UR Urban Residential Zoning District as a conforming district to the Urban Residential General Plan land use designation. If the proposed General Plan redesignation is to UR approved, the proposed rezoning to UR will be consistent.

The proposed rezoning ([Figure 5](#)) would allow the properties to be used and developed in accordance with the allowable uses in Table 20-90, Section 20.55.200, and consistent with the proposed Urban Residential General Plan land use designation if also approved, and will comply with the Senate Bill 1333 mandate that zoning be consistent with the general plan designation.

Senate Bill 330 Compliance

The Housing Crisis Act of 2019 (SB 330) limits the manner in which local governments may reduce the capacity for residential units that can be built on properties that allow housing, including actions such as down-zoning, changing general or specific plan land use designations to a less intensive use, reductions in height, density or floor area ratio, or other types of increased requirements. An exception to this is that a property may be allowed to reduce intensity of residential uses if changes in land use designations or zoning elsewhere ensure “no net loss” (down-zoning) in residential capacity within the jurisdiction. Additionally, SB 940 authorizes the City of San José to proactively change a zoning to a more intensive use (up-zoning) and to use the added capacity to subsequently change the zoning to a less intensive use.

SB 330 calculations are separated into two calculations, the General Plan residential capacity and Zoning District residential capacity. Any increase of residential capacity on the General Plan level could be used to offset any General Plan amendment that may decrease residential capacity if they are concurrently approved. Any increase in residential in the Zoning District can be pooled and used to offset rezonings that may decrease residential capacity in the future. Also, zoning residential capacity calculations are based on theoretical and average residential densities in the City, while General Plan residential capacity calculations are based on allowable densities in the General Plan.

Approval of File No. G21-006 would change the General Plan land use designation from Mixed Use Neighborhood (30 dwelling units per acre) to Urban Residential (maximum of 90 dwelling units per acre) and result in an increase of residential capacity in the City by 63 units. Approval of File no. C21-036 would change the Zoning District from R-1-8 Single Family Residence (8 dwelling units per acre) to UR Urban Residential (90 dwelling units per acre) and result in an increase of residential capacity by 85 units. Therefore, approval of these rezonings would result in no net loss of residential capacity, consistent with SB 330 and SB 940. If approved, the increase in residential capacity may be used to offset decreases in residential capacity of other General Plan Amendment that are concurrently approved and increases in residential capacity at the Zoning level would be added to the City’s SB 940 residential pool

City Council Policy Conformance

City Council Policy 6-30: Public Outreach Policy for Pending Land Use Development Proposals

Under City Council Policy 6-30, the project is considered a Significant Community Interest Proposal because of the project type. Following City Council Policy 6-30, the applicant has posted the on-site sign to inform the neighborhood of the proposed project. A community meeting was held in coordination with the Council District 3 office to discuss the project on September 13, 2021. Comments received during the community meeting and project review are further discussed later in this report, in the Public Outreach section.

Staff contact information have also been available on the community meeting notices and project site. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

An Initial Study (IS) and Negative Declaration (ND) were prepared by the Director of Planning, Building and Code Enforcement for the subject General Plan Amendment and Conforming Rezoning. The documents were circulated for public review between November 10, 2021, and November 30, 2021. The ND states that the proposed General Plan Amendment and Conforming Rezoning will have a less than significant effect on the environment. No impacts were identified; therefore, no mitigation is required. Four comments were received from public agencies. The comments received on the draft IS/ND did not raise any new issues about the project's environmental impacts or provide information indicating that the project would result in new environmental impacts or impacts substantially greater in severity than disclosed in the IS/ND. The entire ND and Initial Study, public comments and responses to those comments are available for review on the Planning website

at: <https://www.sanjoseca.gov/NegativeDeclarations> under file nos. GP21-006 and C21-030.

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 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. A community meeting was held on September 13th, 2021, and 6 community members attended. Community members were interested in the timeline for development and staff explained that the proposed project would need additional entitlements for any proposed development. The proposed project would change the General Plan land use designation and Zoning District and would require a Site Development permit for further review. Other community members asked about traffic congestion and impacts related to parking, staff responded that a cumulative traffic analysis was required under CEQA and if the proposed project would increase the number of trips to a significant level a site-specific analysis would be required, however any specific project impacts based on parking or number of units would be analyzed during the application for a specific development.

Project Manager: Robert Rivera

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

ATTACHMENTS:

Figures 1 through 5
 Figure 1 – Vicinity Map
 Figure 2 – Existing General Plan Land Use Designation
 Figure 3 – Proposed General Plan Land Use Designation
 Figure 4 – Existing Zoning District
 Figure 5 – Proposed Zoning District

Exhibit A: Draft Resolution

Exhibit B: Draft Ordinance

Exhibit C: CEQA Resolution

Exhibit D: Initial Study/Negative Declaration

Owner:	Applicant Representative:
Stephanie Yi (Yi's First Seed LLC)	Melanie Griswold 1842 University Avenue San Jose, CA 95126

Figure 1: Aerial of Site

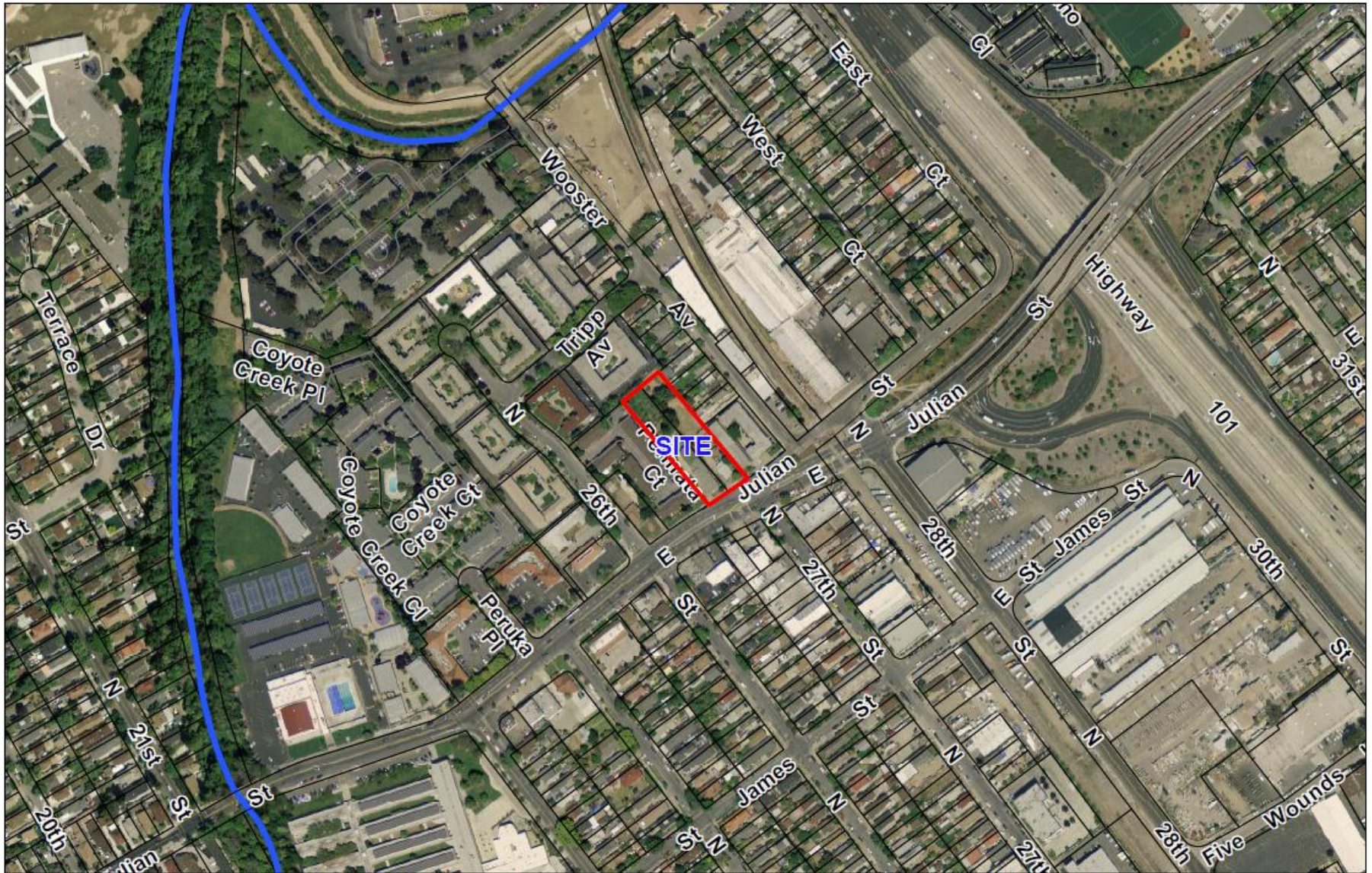


Figure 2: Existing General Plan

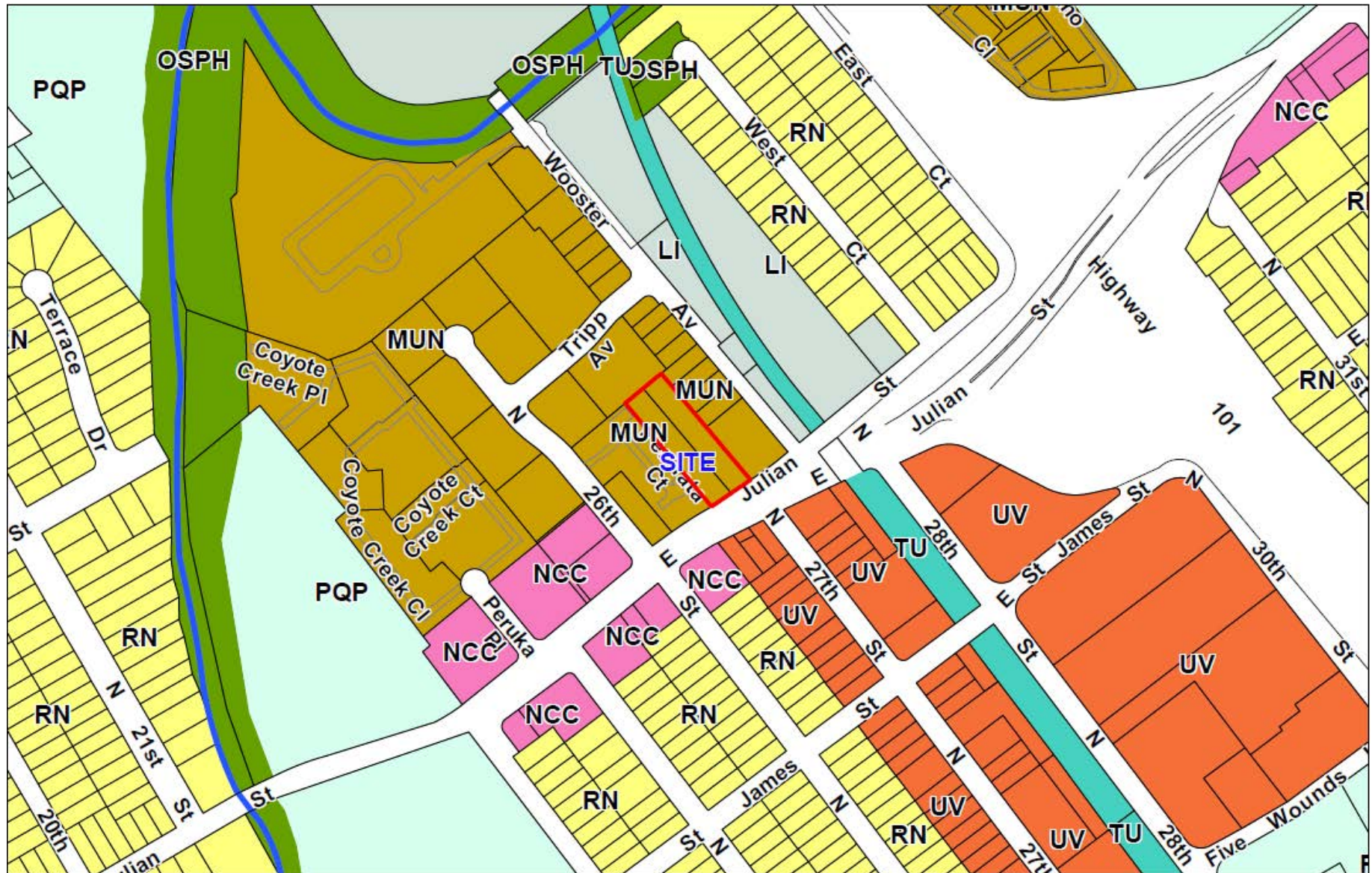


Figure 3: Proposed General Plan

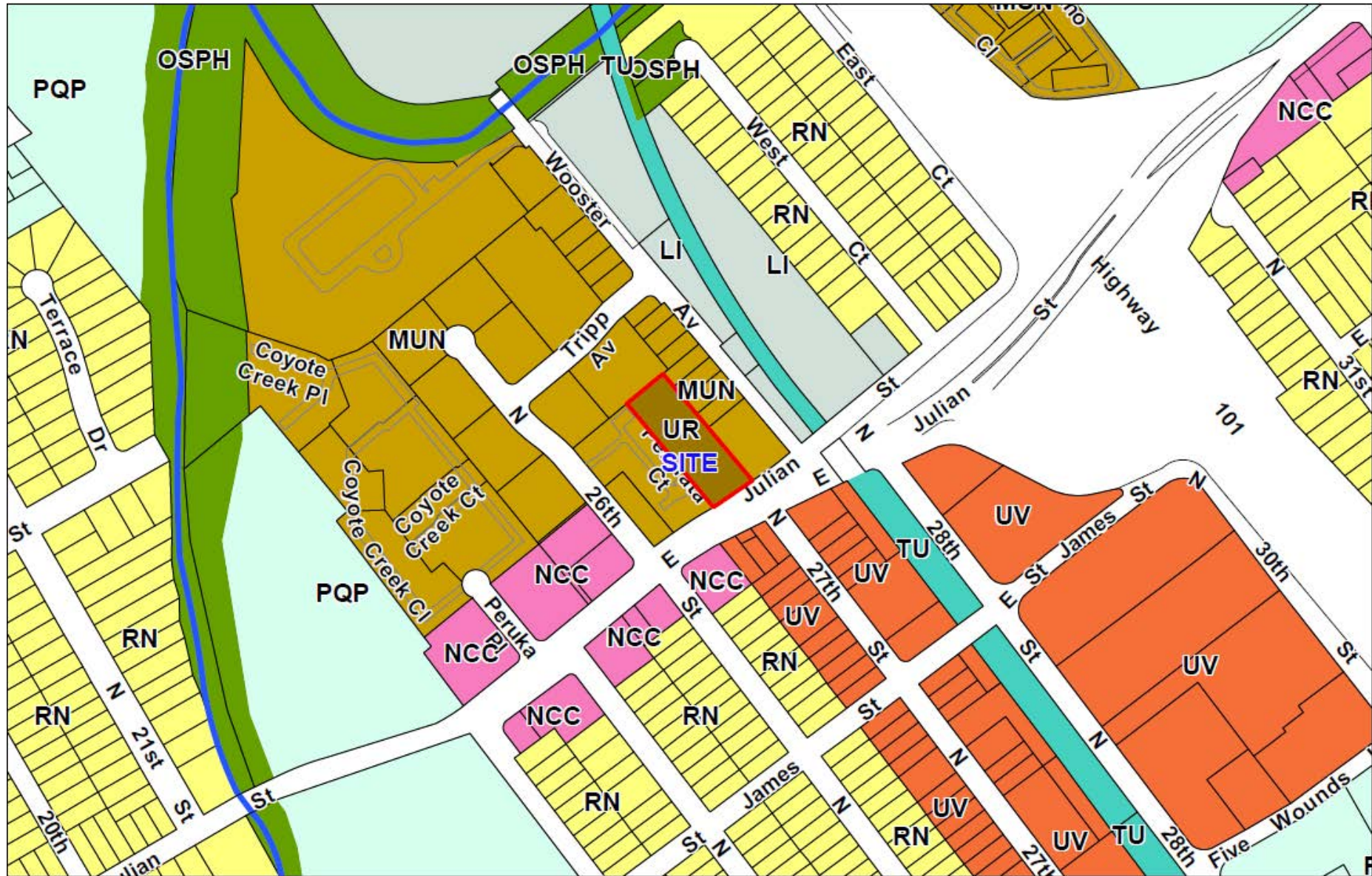


Figure 4: Existing Zoning Map

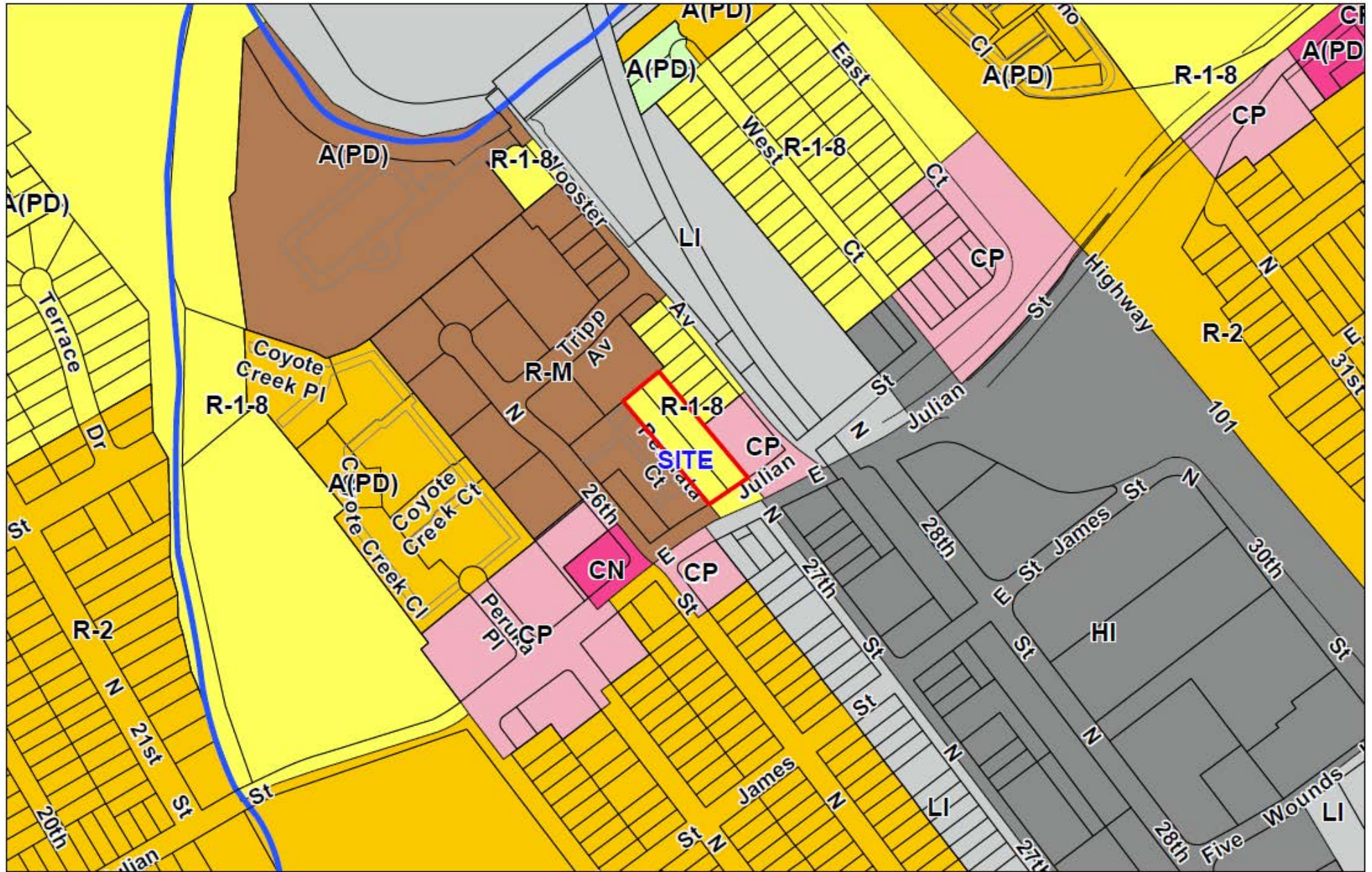
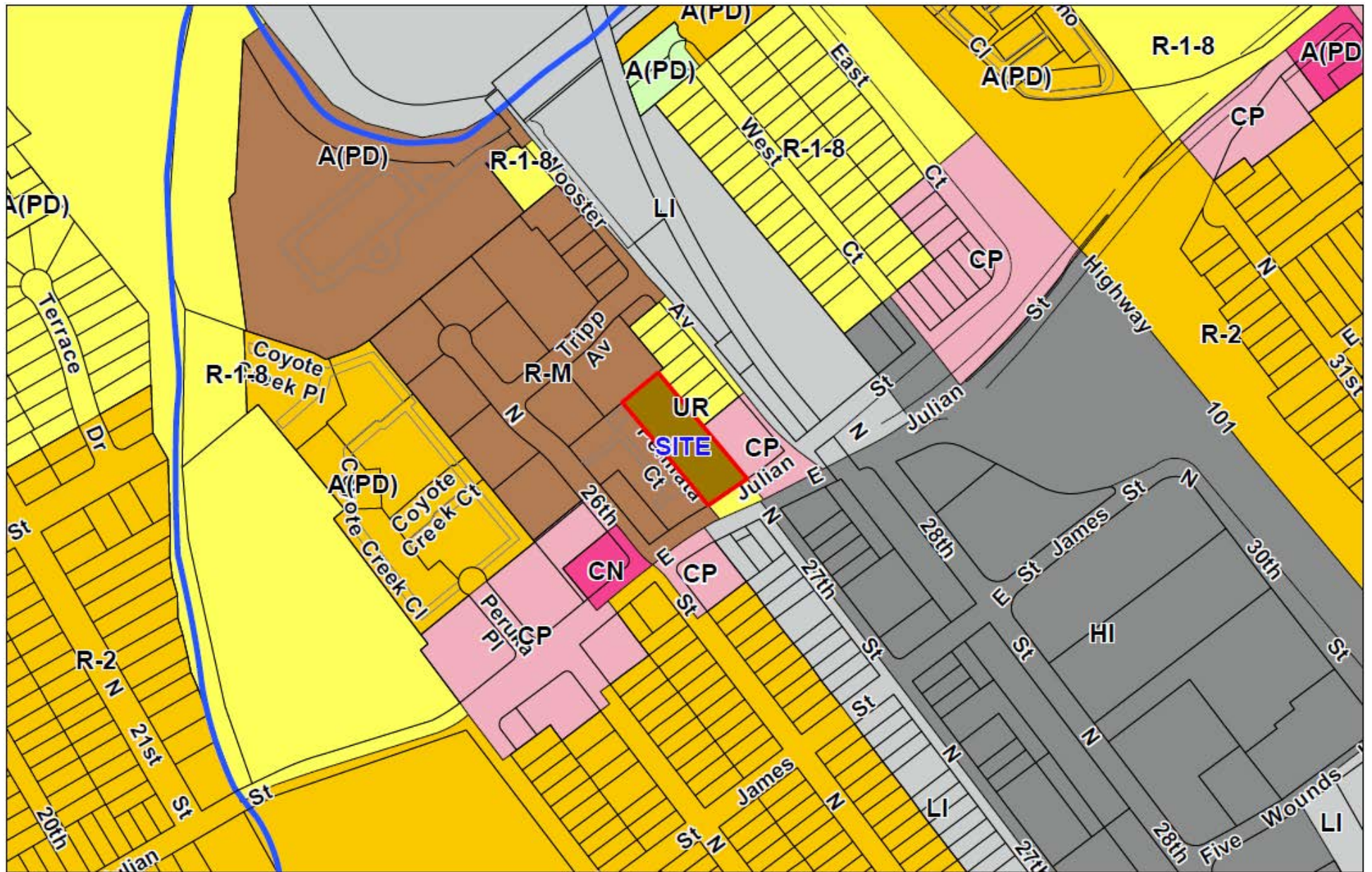


Figure 5: Proposed Zoning District



GP21-006 & C21-030

Links to Attachments A-D

Click on the title to view document

Exhibit A: Draft Resolution
Exhibit B: Draft Ordinance
Exhibit C: CEQA Resolution
Exhibit D: Initial Study/Negative Declaration