



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: November 6, 2017

SUBJECT: GPT17-006. CITY-INITIATED GENERAL PLAN TEXT AMENDMENT TO REVISE POLICY IP-5.10 IN THE ENVISION SAN JOSE 2040 GENERAL PLAN.

RECOMMENDATION

The Planning Commission voted unanimously (7-0-0) to recommend that the City Council amend Signature Project Policy IP-5.10 in the Envision San José 2040 General Plan.

OUTCOME

Should the City Council approve the General Plan Text Amendment, the Signature Project Policy IP-5.10 of the Envision San José 2040 General Plan will be modified as detailed in the Planning Commission staff report (attached).

BACKGROUND

On October 11, 2017, the Planning Commission held a public hearing to consider the proposed General Plan Text Amendment. The Director of Planning, Building and Code Enforcement recommended approval of the General Plan Text Amendment. The item was on the consent calendar and was approved by the Planning Commission with no discussion.

ANALYSIS

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

EVALUATION AND FOLLOW UP

If the General Plan Text Amendment is approved, Policy IP-5.10 in the Envision San José 2040 General Plan will be modified to reflect the revisions detailed in the Planning Commission staff report.

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was published in the San Jose Post Record and on the City's website. The staff report is also posted on the City's website and staff has been available to respond to questions from the public.

COORDINATION

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

CEQA

Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that the proposed General Plan Text Amendment is within the scope of the approved Final Program EIR for the Envision San José 2040 General Plan and Supplemental EIR to the Envision San Jose 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.

/s/

ROSALYNN HUGHEY, SECRETARY
Planning Commission

For questions please contact Michael Brilliot, Division Manager, at 408-535-7831.

Attachment: Planning Commission Staff Report



PLANNING COMMISSION STAFF REPORT

File No.	GPT17-006
Applicant	City-Initiated
Location	Citywide
Council District	Citywide
CEQA	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 Jose General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto.

APPLICATION SUMMARY:

City-initiated General Plan Text Amendment to revise Signature Project Policy IP-5.10 in the Envision San José 2040 General Plan.

RECOMMENDATION:

Recommend that the City Council adopt a resolution approving the General Plan Text Amendment to revise Policy IP-5.10 in the Envision San José 2040 General Plan.

PROJECT DESCRIPTION

The proposed text amendment would modify Policy IP-5.10 of the Envision San José 2040 General Plan as follows in strikethrough/underline format:

Policy IP-5.10 Allow non-residential development to proceed within Urban Village areas in advance of the preparation of an Urban Village Plan. In addition, a residential, mixed-use “Signature” project may also proceed ahead of preparation of a Village Plan. A Signature project clearly advances and can serve as a catalyst for the full implementation of the Envision General Plan Urban Village strategy. A Signature project may be developed within an Urban Village designated as part of the current Plan Horizon, or in a future Horizon Urban Village area by making use of the residential Pool capacity. A residential, mixed-use Signature project may proceed within Urban Village areas in advance of the preparation of an Urban Village Plan if it fully meets the following requirements:

1. ~~Conforms to the Land Use / Transportation Diagram.~~ Within the Urban Village areas, Signature projects are appropriate on sites with an Urban Village, residential, or commercial Land Use / Transportation Diagram designation.

2. Incorporates job growth capacity above the average density of jobs/acre planned for the developable portions of the entire Village Planning area and, for portions of a Signature project that include housing, those portions incorporate housing density at or above the average density of dwelling units per acre planned for the entire Village Planning area. The commercial/office component of the Signature project must be constructed before or concurrently with the residential component.
3. Is located at a visible, prominent location within the Village so that it can be an example for, but not impose obstacles to, subsequent other development within the Village area.

Additionally, a proposed Signature project will be reviewed for substantial conformance with the following objectives:

4. Includes public parklands and/or privately maintained, publicly-accessible plazas or open space areas.
5. Achieves the pedestrian friendly design guideline objectives identified within this General Plan.
6. Is planned and designed through a process that provided a substantive opportunity for input by interested community members.
7. Demonstrates high-quality architectural, landscape and site design features.
8. Is consistent with the recommendations of the City's Urban Design Review process or equivalent recommending process if the project is subject to review by such a process.

Text Reference:

Envision San José 2040 General Plan, Chapter 7, "Urban Village Planning" section, pages 18-19

Site Location:

Urban Villages citywide.

ANALYSIS

Envision San José 2040 General Plan Conformance

The proposed General Plan Text Amendment is consistent with the following General Plan Major Strategies:

1. **Major Strategy #4 – Innovation/Regional Employment Center:** The Innovation/Regional Employment Center Major Strategy emphasizes economic development within the City to support San José's growth as a center of innovation and regional employment. The General Plan supports the development of up to 382,000 new jobs within San José and a J/ER ratio of 1.1/1.
2. **Major Strategy #5 – Urban Villages:** The development of Urban Villages at environmentally and fiscally beneficial locations throughout the city is a key General Plan Major Strategy. Focusing new job and housing growth to build attractive, compact, walkable urban districts will enable the location of commercial and public services in close proximity to residential and employee populations, allowing people to walk to services while also providing greater mobility for the expanding senior and youth segments of the population.

Analysis: The General Plan establishes an ambitious jobs goal of creating 382,000 new jobs by 2040 with the goal of improving City's jobs/housing imbalance and addressing the associated environmental and fiscal impacts. Much of this growth is located within Urban Villages. Signature Projects are one of the Plan's mechanisms used to create vibrant, high-quality, mixed-use developments within Urban Villages with a concentration on employment uses. Signature Projects allowed to move forward without constructing the commercial component of the project would be inconsistent with the Urban Village Major Strategy and negatively impact the City's already low Jobs to Employed Resident (J/ER) ratio. The proposed text amendment is consistent with the above Major Strategies as requiring the commercial component of Signature Projects to be constructed with the residential uses will ensure that jobs are located as proposed and within identified Growth Areas.

The first revision to Policy IP-5.10 is to delete the requirement that Signature Projects conform to the Land Use/Transportation Diagram. By their definition, Signature Projects will most likely not conform to a proposed site's land use designation within an Urban Village. The vast majority of properties in Urban Villages without an adopted Urban Village Plan are designated as Neighborhood/Community Commercial, which does not allow residential or mixed-use residential development. However, Signature Projects are allowed on "sites with an Urban Village, residential, or commercial Land Use/Transportation Diagram designation." Thus, the requirement that Signature Projects must conform to a site's land use designation contradicts the remaining criteria of the policy and is proposed to be deleted for clarity. Furthermore, the City Council has already approved three Signature Projects that did not conform to their site's land use designation: the Sparta Student Housing Signature Project in the E. Santa Clara Urban Village, the Orchard Signature Project in the N. Capitol Ave/McKee Road Urban Village, and Volar in the Santana Row/Valley Fair Urban Village.

The second revision includes language requiring that the commercial/office component of a Signature Project be constructed before or in tandem with the residential component. This requirement is currently standard practice for Signature Project proposals, however, adding the proposed text to Policy IP-5.10 will provide clear and consistent direction for applicants in the future. This policy revisions would only apply to Signature Projects where the commercial and residential components are separated, since vertical mixed-use projects necessitate constructing all components of the project together based on their design.

Without clarity, the policy as written leaves open the possibility of the residential component of a Signature Project moving forward absent the commercial component, which wholly undermines the Signature Project concept. In order to implement the Urban Village and Innovation/Regional Employment Center Major Strategies and associated goals and policies, Signature Projects should be constructed to include all components of project.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed General Plan Text Amendment does not include any construction, demolition, or other activity that has the potential to negatively impact the environment. The Text Amendment would not result in an increase in planned development beyond that which was analyzed in the Final Program EIR for the Envision San José 2040 General Plan. Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that 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 Jose 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 HEARING NOTIFICATION

Staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was published in the San Jose Post Record and on the City's website. 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: Kimberly Vacca

Approved by:



, Planning Official for Rosalynn Hughey,
Interim Planning Director

Date:

10/4/17

Attachments:
Attachment A – Draft Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
JOSE AMENDING THE ENVISION SAN JOSE 2040
GENERAL PLAN PURSUANT TO TITLE 18 OF THE SAN
JOSE MUNICIPAL CODE TO AMEND POLICY IP-5.10**

Fall 2017 General Plan Amendment Cycle (Cycle 3)

GPT17-006

WHEREAS, the City Council is authorized by Title 18 of the San Jose Municipal Code and state law to adopt and, from time to time, amend the General Plan governing the physical development of the City of San José; and

WHEREAS, on November 1, 2011, the City Council adopted the General Plan entitled, "Envision San Jose 2040 General Plan, San José, California" by Resolution No. 76042, which General Plan has been amended from time to time (hereinafter the "General Plan"); and

WHEREAS, in accordance with Title 18 of the San José Municipal Code, all general and specific plan amendment proposals are referred to the Planning Commission of the City of San José for review and recommendation prior to City Council consideration of the amendments; and

WHEREAS, on October 11, 2017, the Planning Commission held a public hearing to consider the proposed text amendment to the General Plan pertaining to the amendment of Policy IP-5.10, File No. GPT17-006 specified in Exhibit "A" hereto ("General Plan Amendment"), at which hearing interested persons were given the opportunity to appear and present their views with respect to said proposed amendment; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission transmitted its recommendations to the City Council on the proposed General Plan Amendment; and

WHEREAS, on November 14, 2017, the Council held a duly noticed public hearing; and

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

WHEREAS, pursuant to Title 18 of the San José Municipal Code, public notice was given that on November 14, 2017 at 6:00 p.m. in the Council Chambers at City Hall, 200 East Santa Clara Street, San Jose, California, the Council would hold a public hearing where interested persons could appear, be heard, and present their views with respect to the proposed General Plan Amendment (Exhibit "A"); and

WHEREAS, prior to making its determination on the General Plan Amendment, the Council reviewed and considered the Determination of Consistency with the Envision San José 2040 General Plan Environmental Impact Report (certified by Resolution No. 76041), and Supplemental Environmental Impact Report to the Envision San José 2040 General Plan EIR (certified by Resolution No. 77617) for File No. GPT17-006; and

WHEREAS, the Council of the City of San José is the decision-making body for the proposed General Plan Amendment.

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

SECTION 1. The Council's determinations regarding General Plan Amendment GPT17-006 is hereby specified and set forth in Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 2. This Resolution shall take effect thirty (30) days following the adoption of this Resolution.

ADOPTED this ____ day of _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

[illegible]

I hereby certify that the text amendments to the San Jose General Plan specified in the attached Exhibit "A" were adopted by the City Council of the City of San Jose on _____, as stated in its Resolution No. _____.

Dated: _____

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"

File No. GPT17-006. General Plan Policy IP-5.10 is hereby amended to read as follows:

"Policy IP-5.10 Allow non-residential development to proceed within Urban Village areas in advance of the preparation of an Urban Village Plan. In addition, a residential, mixed-use "Signature" project may also proceed ahead of preparation of a Village Plan. A Signature project clearly advances and can serve as a catalyst for the full implementation of the Envision General Plan Urban Village strategy. A Signature project may be developed within an Urban Village designated as part of the current Plan Horizon, or in a future Horizon Urban Village area by making use of the residential Pool capacity. A residential, mixed-use Signature project may proceed within Urban Village areas in advance of the preparation of an Urban Village Plan if it fully meets the following requirements:

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Additionally, a proposed Signature project will be reviewed for substantial conformance with the following objectives:

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6. Is planned and designed through a process that provided a substantive opportunity for input by interested community members.
7. Demonstrates high-quality architectural, landscape and site design features.

8. Is consistent with the recommendations of the City's Urban Design Review process or equivalent recommending process if the project is subject to review by such a process."

Council District: Citywide.

CEQA: Determination of Consistency with the Final Program EIR for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617).