



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: November 20, 2017

COUNCIL DISTRICT: 6

SUBJECT: GP17-002. GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE/TRANSPORTATION DIAGRAM LAND USE DESIGNATION FROM RESIDENTIAL NEIGHBORHOOD TO MIXED USE NEIGHBORHOOD ON A 1.06 GROSS ACRE SITE

RECOMMENDATION

The Planning Commission voted unanimously (6-0-1, Ballard absent) to recommend that the City Council approve the General Plan Amendment to change the General Plan land use designation to Mixed Use Neighborhood on a 1.06 gross acre site.

OUTCOME

Should the City Council approve the General Plan Amendment, the Envision San José 2040 General Plan Land Use/Transportation Diagram would be amended to reflect the proposed land use designation change to Mixed Use Neighborhood.

BACKGROUND

On November 8, 2017, the Planning Commission held a public hearing to consider the proposed General Plan Amendment. The Director of Planning, Building and Code Enforcement recommended approval of the General Plan Amendment. The Planning Commission made a recommendation to the City Council to adopt the Negative Declaration and approve the applicant's proposed General Plan Amendment request. The applicant introduced himself to the Planning Commission and stated that there is not a specific project proposal for the site at this time. There was no discussion or other public comment on the item.

ANALYSIS

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

EVALUATION AND FOLLOW UP

If the General Plan Amendment is approved, the Envision San José 2040 General Plan will be modified to reflect the proposed land use designation change to Mixed Use Neighborhood.

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was published in the San José 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

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. The documents were circulated for public review between October 3, 2017 and October 23, 2017. The ND states that the proposed General Plan Amendment will have a less than significant effect on the environment. No impacts were identified; therefore, no mitigation is required.

/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.	GP17-002
Applicant	Bret Hoefler
Location	2369 Moorpark Avenue
Existing General Plan Land Use Designation	Residential Neighborhood
Proposed General Plan Land Use Designation	Mixed Use Neighborhood
Existing Zoning Districts	Unincorporated
Council District	6
Historic Resource	No
Annexation Date:	N/A
CEQA:	Negative Declaration

APPLICATION SUMMARY:

General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Residential Neighborhood to Mixed Use Neighborhood on an approximately 1.06 gross acre site.

RECOMMENDATION:

1. Consider the Negative Declaration in accordance with CEQA and adopt a resolution approving the Negative Declaration.
2. Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram to change the land use designation from Residential Neighborhood to Mixed Use Neighborhood on an approximately 1.06 gross acre site, located on the northwest corner of Central Way and Moorpark Avenue.

PROJECT DATA

General Plan		<input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Inconsistent
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	None	CO Commercial Office	Highway 280
South	Public/Quasi-Public	None	Parking garage for Santa Clara Valley Medical Center
East	Residential Neighborhood Neighborhood/Community Commercial	None	Single family residences
West	Mixed Use Neighborhood	None	Single family residences and apartments

PROJECT DESCRIPTION

Background

On February 28, 2017, Bret Hoefler applied for a General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Residential Neighborhood to Mixed Use Neighborhood on a 1.06 gross acre site (see Figure 1). Changing the General Plan land use designation to Mixed Use Neighborhood would allow residential development of up to 30 DU/AC, or up to 31 units on the subject site. The subject site is currently located within Santa Clara County, and future development of the site would require annexation to the City of San José and pre-zoning.

Site Location

The subject site is located on the northwest corner of Central Way and Moorpark Avenue (APNs 282-01-014, 282-01-015, 282-01-016, 282-01-020, 282-01-021, 282-01-022), within the County of Santa Clara (see Figure 1 below). The site is not located within a General Plan Growth Area nor a Development Policy Area, but is located adjacent to the S. Bascom Avenue (North) Urban Village (Horizon 3). There are currently two fourplexes and one two-story 7-unit apartment building on the subject site. The fourplexes were constructed in 1948 and 1950, and the apartment building was built in 1956.



Figure 1: Site Location

ANALYSIS

Existing General Plan Land Use Designation: Residential Neighborhood

The Residential Neighborhood land use designation is applied broadly throughout the City to encompass most of the established, single-family residential neighborhoods, including both the suburban and traditional residential neighborhood areas which comprise the majority of its developed land. The intent of this designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. New infill development should improve and/or enhance existing neighborhood conditions by completing the existing neighborhood pattern and bringing infill properties into general conformance with the quality and character of the surrounding neighborhood. New infill development should be integrated into the existing neighborhood pattern, continuing and, where applicable, extending or completing the existing street network. The average lot size, orientation, and form of new structures for any new infill development must therefore generally match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project. The Residential Neighborhood land use designation allows a residential density of typically eight DU/AC and a commercial FAR up to 0.7 (1 to 2.5 stories).

Proposed General Plan Land Use Designation: Mixed Use Neighborhood

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. Small lot single-family neighborhoods with this designation may involve zero lot-line or other design features not available through a standard subdivision process.

Because, within such mixed neighborhoods, the established overall neighborhood density and character is more intense than that found in typical single-family detached neighborhoods, it is appropriate to allow infill development in Mixed Use Neighborhood areas that includes medium density residential uses such as townhouses or stacked flats and some opportunity for live/work, residential/commercial, or small stand-alone commercial uses. The Mixed Use Neighborhood land use designation allows a residential density up to 30 DU/AC and a commercial FAR ranging from 0.25 to 2.0.

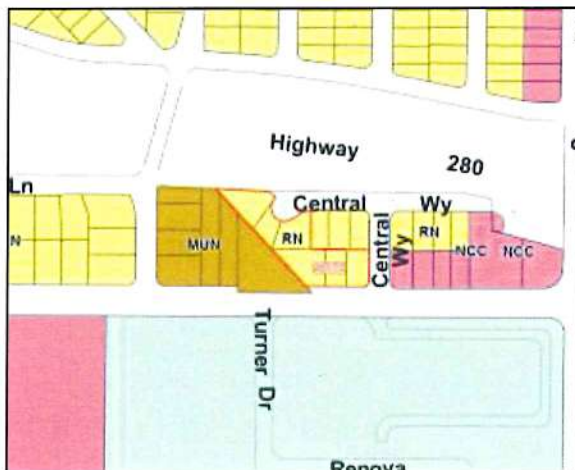


Figure 2: Existing General Plan Land Use Designation



Figure 3: Proposed General Plan Land Use Designation

General Plan Conformance

The proposed land use amendment was analyzed with respect to conformance with the goals and policies of the Envision San José 2040 General Plan. The proposed project is **consistent** with the following General Plan policies as discussed below.

Land Use Policy LU-9.7: Ensure that new residential development does not impact the viability of adjacent employment uses that are consistent with the Envision General Plan Land Use/Transportation Diagram.

Land Use Policy LU-10.5: Facilitate the development of housing close to jobs to provide residents with the opportunity to live and work in the same community.

Land Use Policy LU-11.6: For new infill development, match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project. As an exception, for parcels already developed with more than one dwelling unit, new development may include up to the same number of dwelling units as the existing condition. The form of such new development should be compatible with and, to the degree feasible, consistent with the form of the surrounding neighborhood pattern.

General City Design Policy CD-4.3: Promote consistent development patterns along streets, particularly in how buildings relate to the street, to promote a sense of visual order, and to provide attractive streetscapes.

***Analysis:** The proposed Mixed Use Neighborhood land use designation matches the densities of the surrounding development as well as the existing uses on the proposed site. The existing residential buildings on the site do not conform to the current Residential Neighborhood land use designation as their residential densities range from 27 to 29 dwelling units per acre (DU/AC). The Mixed Use Neighborhood land use designation is appropriate for this site as it will serve as a transition between the S. Bascom Avenue (North) Urban Village and the single-family homes to the west of MacArthur Avenue, and because the surrounding neighborhood includes a wide variety of housing types and densities. The proposed designation also supports low- to medium-density housing near the Santa Clara Valley Medical Center complex, which serve as a major employment center in the area.*

While the subject site is not within a General Plan Growth Area, residential densities of nearby properties vary. The site and its surrounding parcels are bounded between Highway 280, Highway 880/State Route 17, S. Bascom Avenue, and Santa Clara Valley Medical Center (see Figure 4). Given the location and existing variation in type and density of residential development on the site and surrounding properties as discussed above, the proposed Mixed Use Neighborhood land use designation is appropriate for the site.



Figure 4. Neighborhood Context

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. The documents were circulated for public review between October 3, 2017 and ends on October 23, 2017.

The ND states that the proposed General Plan Amendment will have a less than significant effect on the environment. No impacts were identified; therefore, no mitigation is required. The entire ND, Initial Study, technical reports, public comments and responses are available at:

<http://www.sanjoseca.gov/index.aspx?NID=2165>.

PUBLIC HEARING NOTIFICATION

Staff followed Council Policy 6-30: Public Outreach Policy. Planning staff facilitated a joint community meeting for File Nos. GP16-011, GP17-001, and GP17-002 on July 24, 2017 at 6:30 p.m. to discuss the proposed General Plan Amendment. A notice for the community meeting was distributed to all land owners and tenants of all properties within 500 feet of the subject site.

Approximately 25 community members attended the meeting. Out of the 25, approximately 15 community members were interested in the Moorpark Avenue General Plan Amendment. Most community members stated they attended the meeting to learn more about what was being proposed, and several people expressed concerns about the following:

- New development would increase traffic in the area and residents would utilize the street parking in front of the existing residences;
- Uncertainty over the properties the applicant desires to annex into the City;
- Whether the existing parking permit program with Santa Clara County would remain for the properties along Central Way; and
- Confusion over the development permit process should the General Plan Amendment be approved.

A notice for the November 8, 2017, Planning Commission hearing was distributed to the owners and tenants of all properties located within 500 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.

Project Manager: Kimberly Vacca

Approved by:



, Planning Official for Rosalynn Hughey,
Interim Planning Director

Date: 10/31/17

Owner:
Bret Hoefler 262 D East Hamilton Avenue Campbell, CA 95008

Attachments:
A) Draft Resolution B) Negative Declaration

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 MODIFY THE LAND
USE/TRANSPORTATION DIAGRAM TO MIXED USE
NEIGHBORHOOD AT 2323 MOORPARK AVENUE**

Fall 2017 General Plan Amendment Cycle (Cycle 3)

GP17-002

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

WHEREAS, on November 1, 2011, the City Council adopted the General Plan entitled, "Envision San José 2040 General Plan, San José, California" by Resolution No. 76042, which General Plan has been amended from time to time (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 November 8, 2017, the Planning Commission held a public hearing to consider the proposed amendment to the General Plan, File No. GP17-002 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 amendments; 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 December 12, 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 28, 2017 at 6:00 p.m. in the Council Chambers at City Hall, 200 East Santa Clara Street, San José, 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 Negative Declaration, File No. GP17-002, for this Amendment and on December 12, 2017 adopted Resolution No. _____ adopting the Negative Declaration; and

WHEREAS, the Council 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 File No. GP17-002 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 _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

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

Dated: _____

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"

File No. GP17-002. A General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Residential Neighborhood to Mixed Use Neighborhood on a 1.06 gross acre site located at the northwest corner of Moorpark Avenue and Central Way (2323 Moorpark Avenue) (Bret and Julie Hoefler, Owner).

Council District: 6. CEQA: Negative Declaration, File No. GP17-002, Resolution No. _____.

Attachment B:

The Initial Study/Negative Declaration for GP17-002

Can be viewed online at:

<http://www.sanjoseca.gov/index.aspx?NID=5706>