



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: April 16, 2018

COUNCIL DISTRICT: 6

SUBJECT: FILE NO. GP17-012. CITY-INITIATED GENERAL PLAN AMENDMENT ASSOCIATED WITH THE ADOPTION OF THE SOUTH BASCOM (NORTH) URBAN VILLAGE PLAN, INCLUDING MODIFICATIONS TO THE BOUNDARY AND CHANGES TO GENERAL PLAN LAND USE DESIGNATIONS ON PROPERTIES WITHIN THE BOUNDARIES OF THE URBAN VILLAGE AS SHOWN ON THE PROPOSED URBAN VILLAGE LAND USE PLAN. THIS URBAN VILLAGE PLAN WILL PROVIDE A POLICY FRAMEWORK TO GUIDE NEW JOB AND HOUSING GROWTH WITHIN THE URBAN VILLAGE BOUNDARIES, AS WELL AS, PROVIDE A FRAMEWORK FOR THE CHARACTERISTICS OF FUTURE DEVELOPMENT, INCLUDING URBAN DESIGN, OPEN SPACE, PUBLIC ART/PLACEMAKING, STREETScape AND CIRCULATION, AND IMPLEMENTATION.

RECOMMENDATION

The Planning Commission voted 6-0-1 (Commissioner Ballard absent) to recommend that the City Council:

- Consider the Determination of Consistency to the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041), the Supplemental EIR to Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto, in accordance with CEQA.
- Adopt a resolution approving:
 1. General Plan Amendment to include the modifications to the South Bascom (North) Urban Village boundary and changes to General Plan land use designations on properties within the boundary of this Urban Village Plan area as shown on the Land Use Diagram; and
 2. Adopt the South Bascom (North) Urban Village Plan as the guiding policy document for new development and identified public improvements within this Urban Village area.

OUTCOME

If the City Council approves the Urban Village Plan as recommended by the Planning Commission and staff, any proposed new commercial development within the Village boundaries would be analyzed for consistency with goals, policies, standards, and guidelines of the Urban Village Plan. Residential and residential mixed-use projects must wait until the residential capacity of Horizon III of the General Plan becomes available in order to move forward with entitlements. Alternatively, residential and residential mixed-use projects may use the residential pool policy in the General Plan that allows the City Council to approve residential development ahead of the opening of a Horizon.

EXECUTIVE SUMMARY

On November 8, 2017, the Planning Commission held a public hearing for this Urban Village, concerns from five members of the public, which included: height, setbacks, privacy, traffic, and parking. Prior to the hearing over 50 public letters were received expressing similar concerns. The Planning Commission then voted 6-0-1 (Commissioner Ballard absent) to recommend to the City Council approval of the proposed South Bascom (North) Urban Village Plan.

BACKGROUND

Public Comments prior to the Planning Commission Hearing

Prior to the November 8, 2017 Planning Commission meeting, staff received over 50 comment letters on the South Bascom (North) Urban Village Plan. These letters and comments included the following concerns:

- Height of the buildings too tall.
- Need for increased setbacks adjacent to single-family residences.
- Privacy important for adjacent single-family residences.
- The policy document would result in their houses being demolished.
- Traffic impacts (increased congestion) due to intense development.
- Negative impacts to home values.
- Degradation of existing quality-of-life.
- Tall developments shading southern-facing windows and backyards. Also, development shading properties in general.
- Negative impacts to street parking in the adjacent neighborhoods.

Staff Presentation

Staff gave a brief presentation that included a description of the Urban Village Plan and the planning process, including details of the public engagement process. Staff also provided an overview of the contents of each Chapter, and the outcome of the adoption of the Plan.

Public Testimony

Five members of the public spoke on the project, all of which live in the surrounding neighborhood. Three of the speakers mentioned heights, setbacks, privacy, and setbacks as the largest concerns with the Plan. More specifically, the following comments and concerns were shared:

- For the properties along Bayleaf Court, which is directly adjacent to one Urban Village designated property, the maximum heights should not be set at 85 feet.
- Narrowing of South Bascom Avenue is not desirable, but that beautification of the street is a priority.
- Architecture should be like Santana Row in that new development should provide a unified feel.
- The intersection of Southwest Expressway and South Bascom Avenue should be brought into the Village boundary.
- Public access to public space is paramount. A floating park overlay is not strong enough language.
- The Plan does not address complete streets.
- South Bascom Avenue should be more bicycle-friendly
- Height in some areas is acceptable, while other areas should be limited due to their context.
- The communities' concerns were not heard as part of this process.
- The Valley Transportation Authority (VTA) has stated that the Plan was stale and needed updating.

The Commission then closed the public hearing.

Staff Response to Public Comments

Staff responded to the concerns of height and privacy by stating that the proposed height diagram is staff's professional recommendation of how to accommodate growth in the Village while also providing protections to the adjacent properties through the use of setback and stepback policies. These setback and stepback policies are consistent with those in the other adopted urban village plans and are a way to sensitively step down new development to adjacent single-family homes.

The floating park overlay is used on the land use plan to identify where parks are desired within the Village. The City cannot designate private property for public uses, as that may be considered a taking of private land. The floating park designation allows staff to convey to private developers and Parks, Recreation, and Neighborhood Services Department (PRNS) staff the general area where a park is desired and should be considered through the entitlement process. Additionally, the Plan contains a policy which states that PRNS should explore updating the Parkland Dedication Ordinance/Park Impact Ordinance (PDO/PIO) to provide parkland credit for privately-owned, publicly-accessible open space.

Regarding complete streets, they are mentioned in the Plan and extensive coordination with VTA and the City's Department of Transportation (DOT) was conducted to ensure compliance with

these policies and other ongoing efforts. One of the primary focuses on the Plan is to identify how South Bascom Avenue could be transformed into a street that serves all modes of travel and not just automobiles. During the public outreach process, many residents expressed excitement about transforming South Bascom Avenue into a “great place” by reducing the number of lanes, installing a cycle track, and increasing tree coverage. VTA is excited about the efforts made in this Plan toward transforming South Bascom Avenue and continues to lead this work through its South Bascom Complete Streets Study.

Planning Commission Discussion

Commissioner Allen asked: 1) if the South Bascom (South) Urban Village was directly adjacent to this Village; 2) why the intersection at Southwest Expressway and South Bascom Avenue was not in the Plan; 3) if coordination was done with the City of Campbell; 4) why there are pockets of density and height near Fruitdale Avenue; and 5) why the property closest to Bayleaf Court is designated Urban Village. Staff responded that the South Bascom (South) Urban Village is not directly adjacent to this Village. The intersection at Southwest Expressway and South Bascom Avenue is not included as recommended by DOT, but will be addressed by future development of adjacent properties (like the Dick’s Center site), even though it is not within the Urban Village boundary. Extensive coordination with the City of Campbell was not done as it was with the Winchester Urban Village Plan, as they did not express desire for extensive involvement with this Village. The pockets of density near Fruitdale Avenue are designated Urban Residential as that is the designation that is most consistent with the existing land uses. It will also allow those properties to be intensified in the future should property owners wish to redevelop. Any other land use designation with less density allowance could require a commercial component, which is not desirable for this part of the Plan. The designated heights of 130 feet are what is typically chosen for Urban Residential land use designations, but can be reevaluated. The area near Bayleaf Court is designated Urban Village as it is a larger property that can accommodate more intense development.

Commissioner Yesney asked why there was a finger of 130-foot heights along properties at the northern terminus of Del Mar (by Rexford and Randolph), and why the height near Bayleaf is 85 feet if setbacks and stepbacks will likely limit the height. Staff responded that with the setbacks and stepbacks, buildings reaching these heights are not likely, and the recommended heights are maximums.

Commissioner Bit-Badal said an 85-foot height maximum near Bayleaf does not make sense, and that the height transitions from the adjacent 55-foot allowances to 85-feet will be awkward. She further shared that the setback minimum of 15 feet called for in the Plan is not enough when adjacent to single-family homes.

Chairperson Pham asked if there are any lessons learned from the other adopted Plans that we can use for this Plan, specifically regarding setbacks and stepbacks from adjacent single-family residences. Staff responded that the same setback and stepback transition requirements from all the previously approved Urban Village Plans (except for The Alameda, which has different transition policies) are included in this Plan. As this is a long-range plan, the height limits anticipate the allowed growth of these adjacent homes. Chairperson Pham asked if the setback

should be increased for the properties near Bayleaf; staff stated that this can be the recommendation of the Commission, but to keep in mind that these are minimum setbacks that can be negotiated to larger setbacks when a project is proposed.

Commissioner Abelite asked why staff is working on Horizon III Villages if Horizon I is not completed? Staff explained that the planning process for the South Bascom Urban Village was started prior to the adoption of the Envision San Jose 2040 General Plan, which included the planning Horizons. Staff had secured a grant to work on this Urban Village and the West San Carlos Urban Village. Additionally, all except two Horizon I villages are completed, with Berryessa BART and East Side Alum Rock moving forward next year.

Commissioner Bit-Badal expressed concerns about the compatibility of future development with Bayleaf, and indicated that parking should be placed at the rear of the site (adjacent to the residences) and the maximum height should be concentrated along South Bascom, to respect the existing residents. She also expressed excitement about this Plan because the transformation of South Bascom Avenue was used as a selling point for the urban village concept.

Chairperson Pham wanted to stress that the design guidelines of this Plan and the existing Residential Design Guidelines will help shape new development and ensure that it is visually appealing and compatible. He shared an example of a recent development project where the developer stepped the building back 60 feet from the adjacent residences and provided an ample row of trees along a driveway to provide privacy. Staff stressed that when development projects are reviewed, they will be held to both the Urban Village Plan and any existing applicable Design Guidelines.

Commissioner Abelite made a motion to consider the Determination of Consistency and recommend approval to the City Council of the General Plan Amendment including the modification of the South Bascom (North) Urban Village boundary and changes to the General Plan Land Use designations within the boundary, as recommended by staff. Commissioner Yesney seconded the motion. Commissioner Abelite spoke to his motion, stating that he is reluctant to add more guidelines to the Plan that are already provided for in other documents. He was happy to hear that the existing guidelines are applicable and can be updated as needed to address new concerns at a larger, citywide scale. Commissioner Yesney added that the City adopts and updates its Residential Design Guidelines which deal with compatibility between urban residential uses and the surrounding single-family residences. These guidelines support the General Plan's policy of guarding the privacy of the single-family homes and retaining the viability and desirability of the neighborhoods to make sure these new urban residential developments fit in with their context. Many design features can be employed to protect the privacy and livability of homes while allowing new development to provide a decent environment for its residents.

Commissioner Allen commented on the motion by stating that there should be consistency among the many urban village plans, as well as consistently upholding the design guidelines. He stated that this is a strong plan which aims to solve a problem the City inherited, sprawl and uncontrolled growth. He shared that the City is doing its best to deal with this issue with as few

impacts to the existing neighborhoods as possible as the City continues to grow.

Regarding the Implementation Plan, Commissioner Allen shared that the Council and staff should have a mechanism that would support improvements the City wants. This could be a percentage required of developers to go toward desired enhancements such as art or publicly-accessible open space. Staff responded that asking for enhancements with new development is in the current Implementation Chapter and would be determined as part of the development of residential projects.

Commissioner Vora spoke on the motion by agreeing that the Planning Commission should not recommend adding design guidelines if they already exist in other documents. She stated that urbanization is key to addressing increasing traffic issues caused by suburban sprawl, and dense urban development is essential to the development of decent public transportation. She further stated that there is a housing crisis and the younger generation is forced to move away because they cannot afford to live here. Those who do buy houses prefer denser, mixed-use, walkable developments. As this is a long-range plan, the City must keep in mind the needs of future generations.

Commissioner Bit-Badal spoke on the motion by stating that she wants to be sure staff captured her comments in the memorandum to Council, particularly her discomfort with the heights and setbacks near the Bayleaf properties, and that the urban village design guidelines reflect the issues raised, particularly privacy and sensitivity to single-family homes.

The Planning Commission then voted 6-0-1 (Commissioner Ballard absent) to recommend to the City Council approval of the proposed South Bascom (North) Urban Village Plan.

ANALYSIS

A complete analysis of the South Bascom (North) Urban Village Plan, including General Plan conformance, is contained in the staff report, which is attached for reference.

EVALUATION AND FOLLOW UP

If the South Bascom (North) Urban Village Plan is approved, the land use designations depicted on the Plan's Land Use Diagram and the modifications to the Village boundaries will be incorporated into the Envision San Jose 2040 General Plan Land Use/Transportation Diagram.

PUBLIC OUTREACH

Public engagement included three community workshops with approximately 50-90 participants at each meeting and one online survey. 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

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within 500 feet of the urban village boundary and posted on the City website. The notice was also published in a local newspaper, the Post Record. This transmittal is also posted on the City's website. Staff has been available to respond to questions from the public.

COORDINATION

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

CEQA

Determination of Consistency to the Final Program Environmental Impact Report (EIR) for the Envision San José 2040 General Plan (Resolution No. 76041), the Supplemental EIR to Envision San José General Plan EIR (Resolution No. 77617), and Addenda thereto, in accordance with CEQA

/s/

ROSALYNN HUGHEY, SECRETARY
Planning Commission

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

Attachments:

1. Planning Commission Staff Report and Attachments and Correspondence
2. Draft South Bascom Urban Village Plan: <http://www.sanjoseca.gov/index.aspx?nid=3791>