



COUNCIL AGENDA: 12/04/18  
FILE: 18-1615  
ITEM: 10.1 (c)

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** November 9, 2018

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**SUBJECT: FILE NO. GP15-012. CITY-INITIATED GENERAL PLAN TEXT AMENDMENT TO MODIFY THE LAND USE/TRANSPORTATION DIAGRAM TO ADDRESS MAPPING ERRORS AT LOCATIONS WITHIN THE EVERGREEN VILLAGE AREA.**

## **RECOMMENDATION**

The Planning Commission voted unanimously (5-0-2; Ballard and Griswold absent) to recommend that the City Council approve the General Plan Amendment to modify the Land Use/Transportation Diagram to address mapping errors at locations within the Evergreen Village area.

## **OUTCOME**

If City Council approves the General Plan Text Amendment, the Envision San José 2040 General Plan Land Use/Transportation Diagram would be modified as detailed in the Planning Commission staff report (attached).

## **BACKGROUND**

On November 7, 2018, the Planning Commission held a public hearing to consider the proposed General Plan Amendment to modify the Land Use/Transportation Diagram to address mapping errors at locations within the Evergreen Village area. The Director of Planning, Building and Code Enforcement recommended approval of the General Plan Amendment. The item was on the consent calendar and was approved by the Planning Commission with no discussion.

## **ANALYSIS**

For 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 Land Use/Transportation Diagram will be modified to reflect the land use changes 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 Planning Commission agenda was posted on the City of San José website, which included a copy of the staff report, and staff has been available to discuss the project with members of 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, Deputy Director, at 408-535-7831.

Attachment: Planning Commission Staff Report



# Memorandum

**TO:** PLANNING COMMISSION

**FROM:** Rosalynn Hughey

**SUBJECT:** File No. GP15-012

**DATE:** October 29, 2018

**COUNCIL DISTRICT:** 8

<b>Type of Permit</b>	General Plan Land Use/Transportation Diagram Amendment
<b>Project Planner</b>	Jared Hart
<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
<b>CEQA Planner</b>	N/A

## PROPERTY INFORMATION

<b>Location</b>	North side of Classico Avenue at Evergreen Village Square, and east side of Aborn Road between Alessandro Drive and Ruby Avenue
<b>Assessor Parcel No.</b>	659-840-94, 659-84-095, and 659-57-015
<b>General Plan</b>	Open Space, Parklands and Habitat
<b>Growth Area</b>	Evergreen Village (Urban Village)
<b>Existing Zoning</b>	A(PD) Planned Development (File No. PDC10-001) and A(PD) Planned Development (File No. PDC99-031)
<b>Historic Resource</b>	N/A
<b>Annexation Date</b>	April 27, 1989 (Evergreen No. 171)
<b>Council District</b>	8
<b>Acreage</b>	2.73

## RECOMMENDATION

Staff recommends that the Planning Commission recommend the City Council to:

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 General Plan Amendment to modify the Land Use/Transportation Diagram to address mapping errors at locations within the Evergreen Village area.

## PROJECT BACKGROUND

The proposed General Plan amendment would modify the General Plan Land Use/Transportation Diagram to address mapping errors at locations within the Evergreen Village area. The Envision San José 2040 General Plan Land Use/Transportation Diagram incorporated the land uses of six Specific Plans, including the Evergreen Specific Plan. As part of this process minor mapping errors occurred where the Open Space, Parklands and Habitat land use designation was assigned to private properties that are currently zoned and developed for commercial uses, or should have been designated for commercial uses consistent with the Evergreen Specific Plan. The locations within the Evergreen Village area that are incorrectly designated are shown in Figures 1 and 2, while the proposed land use designations to address the mapping errors are shown in Figure 3 below.

## ANALYSIS

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

- a. Envision San José 2040 General Plan
- b. 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. The General Plan incorporated the land uses designated within Specific Plan areas into the Land Use/Transportation Diagram. During this process private properties within the Evergreen Village Growth Area were inadvertently assigned an Open Space, Parklands and Habitat designation. The Open Space, Parklands and Habitat land use designation is typically applied to lands that are owned by public agencies or non-profits that intend their permanent use as open space.

The location of the mapping errors include two parcels (APN Nos. 659-840-094; 095) that have been zoned and developed for commercial uses part of the Mirassou Planned Development project (File Nos. PDC10-001/PD11-003). Another parcel (APN No. 659-57-015) was designated as Village Center under the Evergreen Specific Plan, which allows for community-serving commercial uses. The Open Space, Parklands and Habitat land use designation was inadvertently applied to all three properties.

These mapping errors have caused confusion for property owners and applicants. The proposed General Plan amendment would apply the Neighborhood/Community Commercial land use designation to the three parcels, which is the appropriate designation for the properties to be consistent with the current use or designation in the Evergreen Specific Plan (see Figures below).

### Envision San José 2040 General Plan Conformance

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.

*Analysis: The proposed General Plan Amendment would support implementation of the Envision San José 2040 Land Use/Transportation Diagram by address mapping errors on the Land Use/Transportation Diagram. The mapping errors have caused confusion for property owners and applicants, and could have direct implications for proposed development projects in the Evergreen Village Growth Area. Addressing the errors would allow properties to develop with the appropriate land use 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. 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:** Jared Hart

**Approved by:**  Deputy Director for Rosalynn Hughey, Planning Director

<b>ATTACHMENTS:</b>
Draft Resolution



Figure 1: Aerial of Site



Figure 2: Existing General Plan Land Use/Transportation Diagram Designations





Figure 3: Proposed General Plan Land Use/Transportation Diagram Designations



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 ADDRESS MAPPING ERRORS AT LOCATIONS WITHIN THE EVERGREEN VILLAGE AREA**

**Fall 2018 General Plan Amendment Cycle (Cycle 4)**

**File No. GP15-012**

**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 7, 2018, the Planning Commission held a public hearing to consider the proposed amendments to the General Plan, File No. GP15-012 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 4, 2018, 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 December 4, 2018 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 Exemption pursuant to CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations; and

**WHEREAS**, the Council is the decision-making body for the proposed General Plan Amendments.

**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. GP15-012 are 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

) ) ) SS

Dated: \_\_\_\_\_

County of Santa Clara)

Whereby certify that the amendments to the San José General Plan specified in the Exhibit “A” were adopted by the City Council of the City of San José on \_\_\_\_\_ stated in its Resolution No. \_\_\_\_\_.

Witness my hand and the seal of said office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk

## **EXHIBIT "A"**

**File No. GP15-012.** General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Open Space, Parklands and Habitat to Neighborhood/Community Commercial for sites located on the north side of Classico Avenue at Evergreen Village Square, and the east side of Aborn Road between Alessandro Drive and Ruby Avenue as shown below.



Council District: 8.