



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Rosalynn Hughey

SUBJECT: SEE BELOW

DATE: December 3, 2018

Approved

D. DSYL

Date

12/4/18

COUNCIL DISTRICTS: 3 & 5

SUPPLEMENTAL

SUBJECT: FILE NO. GPT16-010. CITY-INITIATED GENERAL PLAN TEXT AMENDMENT TO THE ROOSEVELT PARK, LITTLE PORTUGAL, FIVE WOUNDS, AND 24TH & WILLIAM URBAN VILLAGE PLANS INCLUDING REVISED IMPLEMENTATION CHAPTERS AND MINOR TEXT MODIFICATIONS TO EACH URBAN VILLAGE PLAN.

REASON FOR THE SUPPLEMENTAL

This supplemental memorandum summarizes the changes to the Little Portugal, Five Wounds, 24th & William Village Plan documents made after the Planning Commission public hearing.

Following the October 24, 2018 Planning Commission recommendation of approval of the amendments to the four Urban Village Plans, Planning staff made minor modifications to the Five Wounds Urban Village Plan and the 24th & William Urban Village Plan, including format changes and the inclusion of interim land use policies to support existing text in the Land Use Chapters.

BACKGROUND

Modifications to the Urban Village Plan Document

The memorandum from the Planning Commission to the City Council (dated October 25, 2018) provides the Planning Commission recommendation to the City Council to adopt the resolutions approving amendments to the four Urban Village Plans, including modifications to the Five Wounds Urban Village Plan document as follows:

1. Revision of Land Use Policy 5 in the Five Wounds Urban Village Plan. The revised Land Use Policy reads as follows:

Land Use Policy 5: New **fully** commercial development **should** be built at Floor Area Ratios of 0.75 or greater.

2. Addition of Land Use Policy 7 in the Five Wounds Urban Village Plan. The new policy supports the land use discussion and provides an avenue to implement the intent of this Urban Village Plan. The new Land Use Policy reads as follows:

Land Use Policy 7: The required FAR for the commercial component of a mixed-use project shall be 0.75 FAR.

Following the Planning Commission hearing on the four urban village plan amendments, Planning staff made other non-substantive text changes (i.e., typo corrections and policy alignment) to the Five Wounds Urban Village Plan and the 24th & William Urban Village Plan which are discussed in detail below.

ANALYSIS

Following the Planning Commission hearing, Planning staff discovered minor typographical errors in the Five Wounds Urban Village Plan and 24th & William Urban Village Plan. Staff is proposing to correct these errors and make other non-substantive text changes. The following are the changes made to each of the Plan documents, with additions noted in **red text** and deletions noted in **red strikethrough text**. Also, the redlined Urban Village Plans are linked in this supplemental memorandum and include the changes recommended by the Planning Commission as well as those proposed by staff in this supplemental memorandum.

Changes to the 24th & William Urban Village Plan:

Changes to the Land Use Chapter:

- Revised the name of the Current Land Use Diagram to “Existing/Interim Land Use Diagram” to be consistent with the Five Wounds Urban Village Plan throughout the Village Plan document and diagrams.
- Clarified throughout the Land Use Chapter when residential development can occur for properties designated Light Industrial or Combined Industrial/Commercial on the Existing/Interim Land Use Diagram. Such residential development cannot occur until the 28th

Street BART Station is fully funded, permitted, and scheduled for commencement of construction.

- Clarified that once the 28th Street BART Station is fully funded, permitted, and scheduled for commencement of construction, the process to change the Light Industrial or Combined Industrial/Commercial land use designations to Urban Village or another designation that allows residential development would be through a General Plan Amendment. The General Plan Amendment can be city-initiated or privately-initiated, though the preference would be city-initiated.
 - Consequently, the land use designation of these Light Industrial or Combined Industrial/Commercial areas will not be changed to Urban Village (through a General Plan Amendment process), as shown on the 24th & William Future Land Use Diagram (Figure 2), or another designation that allows housing, until the 28th Street BART station is fully funded, permitted, and scheduled for commencement of construction planned for completion.
 - While it is not anticipated that BART will be completed before the allocation of Horizon III growth, if BART is completed first, the City Council could amend the General Plan through a General Plan Amendment process to allow residential uses on the Combined Industrial/Commercial and Light Industrial areas (as shown in Figure 1) prior to Horizon III allocation.
- Clarified when residential development can occur for properties designated Neighborhood/Community Commercial on the Existing/Interim Land Use Diagram.
- Added text referencing General Plan Policy Implementation IP-3.5.
 - The City Council can also decide to move into this Urban Village into another future growth Horizon as part of an Annual major-review Review of the General Plan, if the City is moving towards achievement of its employment and fiscal goals, as allowed by General Plan Implementation Policy IP-3.5.
- Included Interim Land Use Policies to clarify what type of uses would be allowed on an interim basis on lands designated Light Industrial, Combined Industrial/Commercial, and Neighborhood/Community Commercial on the Existing/Interim Land Use Diagram. These interim land use policies are included to provide clarity on what can occur prior to the 28th Street BART Station being fully funded, permitted, and scheduled for commencement of construction, and to provide consistency with the Five Wounds Urban Village Plan.
 - Interim Land Use Policy 1: Until such time the planned 28th Street BART station is fully funded, permitted, and scheduled for commencement of construction, this Village Plan supports uses consistent with those allowed by the Light Industrial or Combined Industrial/Commercial General Plan Land Use designations on those properties designated as Light Industrial or Combined Industrial/Commercial, respectively on the Existing/Interim Land Use Diagram (Figure 1).
 - Interim Land Use Policy 2: Until such time the planned 28th Street BART station is fully funded, permitted, and scheduled for commencement of construction, this Village Plan supports uses consistent with those allowed by the Neighborhood/Community Commercial General Plan Land Use designation on those properties designated as Neighborhood/Community Commercial on the Existing/Interim Land Use Diagram (Figure 1).

- Included Interim Land Use Policies to support the existing text contained in the Land Use Chapter (page 8 through 12 on the redlined document).
 - Interim Land Use Policy 3: No residential development shall occur on properties that are designated Light Industrial or Combined Industrial/Commercial on the Existing/Interim Land Use Diagram within the Village Plan boundary, until the planned 28th Street BART Station is fully funded, permitted, and scheduled for commencement of construction.
 - Interim Land Use Policy 4: No residential development may occur on properties that are designated Neighborhood/Community Commercial on the Existing/Interim Land Use Diagram within the Village Plan boundary, until the City Council allocates residential growth from Horizon III and the planned 28th Street BART Station is fully funded, permitted, and scheduled for commencement of construction.

Changes to the Urban Design Chapter

- Revised Building Height Policy 2 to include the name of the height diagrams (Figures 3 and 4) and provide further clarification regarding the 28th Street BART Station.
 - Building Height Policy 2: The height of new development within the 24th ~~and~~ & William Street Urban Village ~~should~~ shall not exceed the height limits shown on the 24th & William Existing/Interim Height Limits (Figure 3), prior to the City Council opening Horizon III for residential development ~~allocation of growth from Horizon III by the City Council and the planned completion of~~ when the planned 28th Street BART Station is fully funded, permitted, and scheduled for commencement of construction. ~~and~~ The height of new development within the 24th & William Urban Village shall not exceed the height limits shown on 24th & William Future Height Limits (Figure 4), until the City Council opens Horizon III for residential development ~~after allocation from Horizon III and when the planned 28th Street scheduled completion of~~ BART Station is fully funded, permitted, and scheduled for commencement of construction.
- Included Building Height Policy 3 to allow non-habitable architectural projections and mechanical and equipment rooms to exceed the maximum height limit by 10 feet. The Roosevelt Park, Little Portugal, and Five Wounds Urban Village Plans allows for this projection. Staff is providing consistency to the 24th & William Urban Village Plan.
 - Building Height Policy 3: Non-habitable architectural projections, and mechanical and equipment rooms, and special architectural treatments (e.g., chimneys, weather vanes, cupolas, pediments, etc.) shall be permitted to project above the maximum height limit by 10 feet.
- Clarified the name of the height diagram (Figure 3) to align with the naming convention of the Existing/Interim Land Use Diagram (Figure 1).
 - 24th ~~and~~ & William Existing/Interim Height Limits (Pre-BART Completion)
- Clarified the name of the height diagram (Figure 4) to align with the naming convention of the Future Land Use Diagram (Figure 2).
 - 24th ~~and~~ & William Future Height Limits (Post-BART Completion)
- Added language referencing the preferred ethnic and architectural heritage to Architecture Policy 4 to provided consistency for the 24th & William Urban Village Plan with the Roosevelt Park, Little Portugal, and Five Wounds Urban Village Plans.

- Architecture Policy 4: New commercial or mixed-use residential/commercial development should include decorative elements on building façades and entryways. The integration of unique, artisan, and artist-designed elements into the façade or public spaces **that contribute to the ethnic and architectural heritage of this area** is encouraged.
- Provided clarity to Trail Frontage Policy 3.
 - Trail Frontage Policy 3: Residential or mixed-use residential/commercial development adjacent to the trail should provide at least one or more direct entrances to the trail for residents of the development. ~~Townhome developments~~ **New development with residential components that are adjacent to the Five Wounds trail corridor** are encouraged to **have incorporate** stoops and individual entries directly facing the trail.
- Provided clarity to Trail Frontage Policy 4.
 - Trail Frontage Policy 4: Large blank walls or solid **(non-visually permeable)** fences along the Five Wounds Trail are discouraged. Where solid walls adjacent to ~~sidewalks the trail~~ are necessary, the walls should include architectural elements, landscaping and/or murals to add visual interest and soften **a wall the** visual impact.
- Provided clarity to Setback Policy 1.
 - Setback Policy 1: To establish a consistent street edge that is pedestrian oriented, new buildings along 24th Street/McLaughlin Avenue, **and William Street, William Court, Peach Court and, and San Antonio Streets** should be built up to and adjacent to the sidewalk, with ~~no zero~~ or minimal-~~front and side street~~ setbacks for the majority of **the street facing the front or side street** building façades.
- Revised the text related to the 28th Street BART Station from “planned completion” to “fully funded, permitted, and scheduled for commencement of construction” throughout the Urban Design Chapter.

Changes to the Five Wounds Urban Village Plan

Changes to the Land Use Chapter

- Provided reference to General Plan Implementation Policy IP-3.5 in the Phasing of Growth subsection.
 - Residential growth is not supported within a Horizon II Urban Village on lands with an Urban Village or non-residential land use designation until the City Council determines that the City is moving towards achievement of its employment and fiscal goals, and then allocates residential growth capacity to this Horizon **(as allowed in General Plan Implementation Policy IP-3.5)**; non-residential or employment development, is not subject to Horizons and can occur at any time consistent with the goals and policies of the General Plan and this Urban Village Plan.
- Revised the text related to the 28th Street BART Station from “planned completion” to “fully funded, permitted, and scheduled for commencement of construction” throughout the Land Use Chapter. This is to provide consistency with the discussion within the Land Use Chapter to the Interim Land Use Policies. The Interim Land Use Policies utilize the language “fully funded, permitted, and scheduled for commencement of construction”.

- Provided clarity to the General Plan Amendment process when interim land use designations in the Existing/Interim Land Use Diagram are changed to the future land use designations in the Future Land Use Diagram.
 - **The process in which the Five Wounds Village Future Land Use Plan will become effective is through a General Plan Amendment.**
- Revised Interim Land Use Policy 2 to state “shall” instead of “may.”
 - Interim Land Use Policy 2: No residential development ~~may~~ **shall** occur on properties designated Urban Village until the City Council allocates residential growth from Horizon II and the Alum Rock 28th Street BART station is fully funded, permitted, and scheduled for commencement of construction.

Changes to the Little Portugal Urban Village Plan

Changes to the Land Use Chapter

- Revised the planned job capacity from 270 to 100 and revised the employment square footages accordingly in the Employment Growth subsection within the Land Use Chapter. This is to align with a General Plan Amendment (File No. GPT16-009) that was approved by the City Council in 2016.
- Revised Table 1 within the Urban Village Land Use designation discussion to align with the required FAR as stated in the Urban Village Land Use designation text. The text states sub area B shall have a required commercial FAR of 0.35 and a required commercial FAR for sub area C of 0.24.

CONCLUSION

Staff recommends that Council adopt the four resolutions amending the Roosevelt Park, Little Portugal, Five Wounds, and 24th & William Urban Village Plans respectively, as recommended by the Planning Commission, and also include the additional changes to the Five Wounds Urban Village Plan and the 24th & William Urban Village Plan as described in this supplemental memorandum and highlighted in Attachments A, B, and C.

/s/

ROSALYNN HUGHEY, DIRECTOR
Planning, Building and Code Enforcement

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

Attachments:

- A: Redlined Five Wound Urban Village Plan: <http://www.sanjoseca.gov/DocumentCenter/View/81434>
- B: Redlined 24th & William Urban Village Plan: <http://www.sanjoseca.gov/DocumentCenter/View/81435>
- C: Redlined Little Portugal Urban Village Plan: <http://www.sanjoseca.gov/DocumentCenter/View/81503>