



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: November 13, 2018

COUNCIL DISTRICTS: 3 & 5

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

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council:

- a. Consider the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental Environmental Impact Report (Resolution No.77617), and Addenda thereto in accordance with CEQA for the Amendment of each Urban Village Plan; and
- b. Adopt four resolutions, each amending the Roosevelt Park, Little Portugal, Five Wounds, and 24th and William Urban Village Plans respectively.

OUTCOME

If the City Council approves the General Plan Text Amendment as recommended by the Planning Commission and staff, any proposed new development within these four Urban Village Plans would be analyzed for conformance with the goals and updated policies of these Urban Village Plans.

EXECUTIVE SUMMARY

On October 24, 2018, the Planning Commission held a public hearing for the amendment of these four Urban Village Plans. There was one member of the public who spoke in favor of staff's recommendation and urged the Commission to recommend approval of the updates to the

four Urban Village Plans to the City Council. The Planning Commission briefly discussed the Urban Village Implementation and Amenity Framework and voted 7-0-0 to recommend to the City Council approval of the updates to the previously approved Urban Village Plans (Roosevelt Park, Little Portugal, Five Wounds, and 24th & William).

BACKGROUND

On October 24, 2018, the Planning Commission held a public hearing to consider the following:

- Determination of Consistency with the General Plan Environmental Impact Report, General Plan Supplemental Environmental Impact Report, and Addenda thereto; and
- Recommend adoption of the four resolutions amending the Roosevelt Park, Little Portugal, Five Wounds, and 24th & William Urban Village Plans to revise the Implementation Chapter and minor text modifications to each Urban Village Plan.

The Director of Planning, Building, and Code Enforcement recommended approval of the General Plan Amendment.

Staff Presentation

Staff gave a brief presentation that included a brief history of the four previously approved Urban Village Plans and the planning process. Staff also provided an overview of the proposed text modifications, graphics (i.e., Land Use Plans and Height Diagrams), and the revised Implementation Chapters.

Staff presented a modification of a land use policy and an addition of a land use policy to the Five Wounds Urban Village Plan:

- Modification of Land Use Policy 5 (changes are in red): Land Use Policy 5: New fully commercial development **should** be built at Floor Area Ratios of 0.75 or greater.
- New Land Use Policy 7: The required FAR for the commercial component of a mixed-use project shall be 0.75 FAR.

Public Testimony

One member of the public provided a brief history on the Implementation Framework as it affected market-rate housing units, in that market-rate housing units could not proceed until the Implementation Chapters were revised. He spoke in favor of the General Plan Text Amendment and urged the Commission to recommend approval the General Plan Text Amendment.

Planning Commission Discussion and Staff Responses

Commissioner Leyba asked whether all private development projects would be subject to Implementation Framework or if there are exceptions for pipelined projects.

Staff responded that the Implementation Framework would apply to new development projects that are subject to a rezoning application which converts employment lands to allow residential uses. The Implementation Framework allows for exceptions for 100% deed restricted affordable housing projects, fully commercial projects, Signature Projects as defined by General Plan Policy IP-5.10, and projects that have Planned Development Zonings and/or Planned Development Permits on file prior to the adoption of the Implementation Framework.

Commission Leyba inquired whether the community had provided comments on the Village Plan documents and if they have expressed support of the changes. Staff responded that the community was provided the redline documents of the four Urban Village Plans prior to the hearing and staff responded to emails relating to the document changes. However, staff did not receive any changes to the Urban Village Plans from the community.

Commissioner Marquez expressed concern regarding the policy language for the parks, trails, and plazas, and inquired whether stronger language could be used (i.e., replace “consider” with a stronger word). Staff responded that the language was provided by the Parks, Recreation, and Neighborhood Services Department (PRNS) since it has purview over parks and trails, and Planning staff coordinates with PRNS when park and trail improvements are implemented in Urban Villages. Staff further stated that funding for parks is subject to the Ordinance that the City Council has approved. The Senior Deputy City Attorney clarified that these goals within the Village Plans are aspirational and may or may not be fulfilled over time as funding is available and budgeted by the City. Furthermore, the City is limited to the amount collected from private developers to fund these improvements, such as the Five Wounds trail, as well as any other potential sources of funding like grants.

Commissioner Griswold asked whether it would be possible to subject pipeline projects to the Implementation Framework and whether not doing this would cause an unreasonable burden on new private development projects. The City Attorney stated that there is not an unreasonable burden placed on new development projects subject to the Implementation Framework because new development will only pay its share for improvements required by the Implementation Framework.

Commissioner Marquez asked Planning staff to communicate with PRNS that parks and open spaces are important and should be prioritized.

Commissioner Allen clarified that the improvements from the Implementation Framework would be built over time as funding becomes available. Staff confirmed this statement.

Commissioner Yesney stated that the word “consider” is not definite and the changes sought in this community will rely on future development, the public, and involved parties to make it happen. She further stated that the Implementation Framework and Implementation Chapter act as the first step in bringing those amenities into the community.

Commissioner Leyba clarified that the Implementation Framework provides amenities that are above and beyond than what are already required and supports the General Plan Text Amendment.

Commissioner Leyba stated his support for the General Plan Text Amendment and clarified that the Implementation Framework provides amenities that are above and beyond what are already required.

Commissioner Vora inquired whether projects under Senate Bill 35 would be in conflict with the Implementation Framework. Staff responded that specific projects that meet specific criteria are allowed to take advantage of Senate Bill 35; however, staff is still working on the specifics of administering Senate Bill 35 and the Implementation Framework. Staff further clarified that affordable housing is not considered an amenity under the Implementation Framework.

Planning Commissioner Leyba made a motion, seconded by Commissioner Griswold, to recommend that the City Council:

1. Consider the Determination of Consistency with the Final Program Environmental Impact Report (FEIR) for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental EIR to Envision San José General Plan EIR (SEIR) (Resolution No. 77617), and Addendum thereto, in accordance with CEQA, and
2. Adopt four resolutions, each amending the Roosevelt Park, Little Portugal, Five Wounds, and 24th and William Urban Village Plans respectively, to revise and replace the existing Implementation Chapters in these Urban Village Plans; make non-substantive clean-up and updates to the text of the Roosevelt Park, Little Portugal, Five Wounds and 24th and William Urban Village Plans; and modify Land Use Policy 5 and add Land Use Policy 7, as specified above in the Five Wounds Urban Village Plan.

ANALYSIS

A complete analysis of the Roosevelt Park, Little Portugal, Five Wounds, and 24th and William Urban Village Plans, including General Plan conformance, is contained in the Planning Commission staff report, which is attached to this memorandum.

EVALUATION AND FOLLOW UP

If the proposed four resolutions amending each Urban Village Plan are adopted by Council, private development projects will be required to comply with the revised Implementation Chapters and minor text amendments.

PUBLIC OUTREACH

Public engagement included Neighborhood Advisory Committee meetings and email outreach to the community leaders. 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 within 500 feet of the four urban village boundaries and posted on the City website. The notice was also published in a local newspaper, the Post Record. This memorandum 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

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

/s/
ROSALYNN HUGHEY, Secretary
Planning Commission

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

Attachments:

1. Planning Commission Staff Report and Attachments and Correspondence
2. [Redlines of the Roosevelt Park, Little Portugal, Five Wounds, and 24th & William Urban Village Plans \(as of Planning Commission Hearing\)](#)

Link: <https://www.sanjoseca.gov/index.aspx?nid=4032>