



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: December 7, 2018

COUNCIL DISTRICT: 3

SUBJECT: FILE NO. GP17-017: GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE/TRANSPORTATION DIAGRAM LAND USE DESIGNATION FROM MIXED USE COMMERCIAL TO TRANSIT RESIDENTIAL ON A 4.25-GROSS ACRE SITE LOCATED ON FIVE NON-CONTIGUOUS PARCELS LOCATED ON DUPONT STREET AND MCEVOY STREET, BETWEEN WEST SAN CARLOS STREET AND PARK AVENUE, IN THE DIRIDON STATION AREA OF THE CITY OF SAN JOSÉ (214, 214D, 205 DUPONT STREET, 226, AND 275 MCEVOY STREET) (AUTUMN LLC, OWNER).

RECOMMENDATION

The Planning Commission voted (5-0-1; Commissioner Vora absent) to recommend that the City Council take the following actions:

- a) Adopt a resolution approving the Addendum to the Diridon Station Area Plan Final Program Environmental Impact Report (Resolution No. 77096), and the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report (Resolution No. 77617) in accordance with CEQA; and
- b) Adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Mixed Used Commercial to Transit Residential on a 4.25-gross acre site. (214, 214D, and 205 Dupont Street, and 226 and 275 McEvoy Street).

OUTCOME

If City Council approves the General Plan Amendment, the Envision San José 2040 General Plan Land Use/Transportation Diagram would be amended to reflect the land use designation changes to Transit Residential.

BACKGROUND

The Planning Commission held a public hearing on December 5, 2018, which had been deferred from its November 17, 2018 hearing, to consider the proposed General Plan Amendment. Planning staff recommended approval of the General Plan Amendment requested by the applicant amending the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Mixed Use Commercial to Transit Residential on a 4.25-gross acre site. The Planning Commission made a recommendation to the City Council to adopt a resolution approving the Addendum to the Diridon Station Area Plan Final Program Environmental Impact Report (Resolution No. 77096), and the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report (Resolution No. 77617), in accordance with CEQA, and adopt staff's recommendation to approve the applicant's proposed General Plan Amendment.

Staff Presentation

Staff presented a summary of the applicant's request for the General Plan Amendment including a description of the proposal and details of the public engagement process and community input. Staff also presented a summary response to comments submitted by the Adams Broadwell Joseph & Cardozo before the November 7, 2018 Planning Commission hearing, and presented a summary of the supplemental memorandum, which is explained in detail in the attached report to the Planning Commission.

Public Testimony

The applicant spoke in support of staff's recommendation and stated that the proposed General Plan Amendment would bring the subject site into conformance with the surrounding area and the Diridon Station Area Plan.

Laura del Castillo of Adams Broadwell Joseph & Cardozo, representing San José Residents for Responsible Development, a coalition of residents and labor unions, commented on the responses provided on the comments raised regarding the Addendum to the Diridon Station Area Plan Final Program Environmental Impact Report prepared for the project. The speaker stated that she had reviewed the City's responses and said the CEQA clearance should not be a program level review but rather a project level document, that hazardous waste on the site could affect workers and school children, and that there was an inadequate analysis of energy use that could result from the proposed General Plan Amendment.

Commissioner Griswold, referring to the analysis in the supplemental memorandum and the responses to comments, asked Ms. del Castillo why maximum development intensities should be used as a standard when maximum development would exceed allocated capacity in the area. The speaker responded that it was her understanding that a development would be able to build to the maximum densities allowed by the General Plan land use designations. Staff responded that it is not possible to build to the maximum development intensities allowed in the General Plan on this specific site because of the Federal Aviation Agency (FAA) height limits among other limitations.

Planning Commission Discussion

Commissioner Yesney stated that she was confident that any future development project proposed for this site would undergo subsequent appropriate environmental review because it is the practice of the City and is required by State law. She made a motion to consider the Addendum to the Diridon Station Area Plan Final Program Environmental Impact Report in accordance with CEQA and recommend that the City Council adopt a resolution approving the applicant's General Plan Amendment request.

Commissioner Ballard seconded Commissioner Yesney's motion. Commissioner Ballard asked that the City ensure that circulation of bicycles is taken into account for future development on this site because currently, the link that bicyclists use from the existing bike trail to Diridon Station through Dupont Street is a poor connection. Staff responded that the Diridon Station Area Plan addresses improved multimodal access and amendments to the Plan would occur in the future to enhance bicycle and pedestrian circulation.

Commissioner Leyba and Allen supported Commission Ballard's comment and appreciated that future transit and amenities are being taken into account as a whole to ensure creation of complete communities.

The Planning Commission voted 5-0-1 (Vora absent) to recommend to the City Council to adopt a resolution approving the applicant's General Plan Amendment request amending the Envision San José 2040 General Plan Land Use/Transportation Diagram land use designation from Mixed Use Commercial to Transit Residential on a 4.25 gross-acre site.

ANALYSIS

For a complete analysis of the project and the CEQA clearance for the project, please see the Planning Commission staff report and Supplemental Memorandum to the Planning Commission (attached).

EVALUATION AND FOLLOW UP

If the application for General Plan Amendment is approved as recommended by the Planning Commission, the Envision San José 2040 General Plan Land Use/Transportation Diagram would be amended to reflect the land use designation change from Mixed Use Commercial to Transit Residential on a 4.25-gross acre site located on five non-contiguous parcels, located on Dupont Street and McEvoy Street, between West San Carlos Street and Park Avenue, in the Diridon Station Area of the City of San José. (214, 214d, 205 Dupont Street, 226, and 275 McEvoy street).

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy. On Thursday, August 16th, 2018, at Gardner Community Center, approximately six community members attended a community meeting for File No. GP17-017. Residents and stakeholders expressed their concerns, and asked questions related to procedural processes and project timeline. The property owners and occupants within a 500-foot radius were sent public hearing notices for the Planning Commission and City Council hearing, as well as all members of the public who requested to be placed on the application's contact list. A notice of the public hearing was also published in the *San José 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

An Addendum to the Diridon Station Area Plan Final Program Environmental Impact Report (Resolution No. 77096), and the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report (Resolution No. 77617) was prepared by the Director of Planning, Building and Code Enforcement for the subject General Plan Amendment. The law firm of Adams Broadwell Joseph & Cardozo, on behalf of Residents for Responsible Development, submitted a comment letter to City Staff and the Planning Commission at 4:30 p.m. on November 7, 2018, via email. A supplemental memorandum with response to comments was posted on December 4, 2018, prior to the Planning Commission Hearing. As detailed in the supplemental memorandum, staff determined that the comments do not identify any new issues that would result in a potentially significant or significant impact under CEQA that would trigger preparation of a Subsequent or Supplemental EIR as outlined in Sections 15162, Subsequent EIRs and Negative Declarations, and 15163, Supplement to an EIR, of the CEQA guidelines. The Final Addendum and Supplemental Memo with Response to Comments are available for review on the Planning website at: <http://www.sanjoseca.gov/index.aspx?NID=6233>

/s/

Rosalynn Hughey, Secretary
Planning Commission

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

Attachment: Planning Commission Staff Report
<http://www.sanjoseca.gov/DocumentCenter/View/80917>
Supplemental Memorandum to the Planning Commission
<http://www.sanjoseca.gov/DocumentCenter/View/81428>