



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** December 2, 2019

---

**COUNCIL DISTRICT: 2**

**SUBJECT: GP18-010. AMENDMENT TO THE ENVISION SAN JOSE 2040 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM DESIGNATION FROM RURAL RESIDENTIAL TO RESIDENTIAL NEIGHBORHOOD ON AN APPROXIMATELY 2.6-GROSS ACRE SITE ON THE EAST SIDE OF DIAMOND HEIGHTS DRIVE, APPROXIMATELY 200 FEET SOUTH OF SENTER ROAD**

## **RECOMMENDATION**

The Planning Commission voted (5-2; Commissioners Ballard and Allen opposed) to recommend to the City Council to adopt a resolution approving the Valley Christian Schools Residential General Plan Amendment Initial Study/Negative Declaration in accordance with CEQA, and approve the General Plan Land Use/Transportation Diagram Amendment resolution, as described in the attached Planning Commission Staff Report with a change to Exhibit A of the resolution to change the word “west” to “east”.

## **OUTCOME**

Should the City Council approve the proposed General Plan Amendment, the General Plan Land Use/Transportation Diagram designation would be changed from Rural Residential to Residential Neighborhood on an approximately 2.6-gross acre site consisting of three parcels on the east side Diamond Heights Drive, approximately 200 feet south of Senter Road.

Should the City Council deny the General Plan Amendment, the site would retain the Land Use/Transportation Diagram designation of Rural Residential.

## **BACKGROUND**

On November 6, 2019, the Planning Commission held a public hearing to consider the proposed General Plan Amendment. The Planning Commission made a recommendation to the City Council to adopt a resolution approving the Valley Christian Schools Residential General Plan

Amendment Initial Study/Negative Declaration in accordance with CEQA, and to approve the General Plan Land Use/Transportation Diagram Amendment resolution.

### **Staff Presentation**

Staff stated that the proposed General Plan Amendment was analyzed with respect to conformance with the goals and policies of the General Plan. The proposed land use amendment to Residential Neighborhood (RN) is consistent with the predominant land use designation of the surrounding neighborhood and General Plan goals and policies focused on neighborhood compatibility. The RN designation, furthermore, would require a new development on the project site to be consistent in density and character of the neighborhood, which is in alignment with the Form Based Plan Major Strategy in the General Plan.

### **Public Testimony**

The applicant's representative, Gerry DeYoung, commented that a specific development proposal is not required for a general plan amendment application and that the intent of the property owner is to develop housing to support teachers and faculty at Valley Christian High School. Based on the context of the surrounding neighborhood, Mr. DeYoung surmised that the proposal of a General Plan Amendment from Rural Residential to Residential Neighborhood would be compatible with the community. The Chief Financial Officer of Valley Christian Schools stated that they are having challenges with retaining teachers due to the high cost of living, especially those who want to own a home and raise a family. No members of the public spoke at the hearing.

### **Planning Commission Discussion**

Commissioner Griswold asked for an explanation of the existing General Plan designation for the property. Planning staff responded that based on the existing Planned Development (PD) Zoning, when the City adopted the Envision 2040 General Plan, the closest land use designation and density was Rural Residential. If the site was zoned R-1-8 Single-Family Residence District, the General Plan designation would have been Residential Neighborhood.

Commissioner Yesney commented that the existing Rural Residential designation is intended for the edges of the City and should not be designated on the subject site. She also noted that due to the property location on the hillside, there will be specific engineering required because of landslide potential and a high density development may not be suitable.

Commissioner Allen noted that the site is east of Diamond Heights Drive. (Note: Staff has corrected the resolution.) He expressed that the site is located on a hillside and there is a precedent to discourage development on hillsides. Also, the future development based on the existing PD Zoning would be five to six residences – development subject to geological limitations. He stated he was not supportive of the proposed General Plan Amendment for that type of development.

Commissioner Ballard stated that there is nothing compelling about the proposal to grant the amendment. She expressed that the General Plan supports sustainability, and development with no jobs component should not be located in undeveloped areas. Furthermore, she inferred that that staff should spend time and resources on General Plan amendment proposals that would meet the General Plan goals. Senior Deputy City Attorney Vera Todorov responded that it is not up to staff to accept or deny a General Plan amendment application; she also clarified that no findings are required for General Plan amendments and that actions on General Plan amendments are purely legislative.

A motion by Commission Allen to recommend denial of the General Plan amendment failed by a vote of 2-5 (Commissioners Griswold, Bonilla, Caballero, Oliverio, and Yesney opposed). A subsequent motion to recommend to the City Council to adopt a resolution approving the Valley Christian Schools Residential General Plan Amendment Initial Study/Negative Declaration in accordance with CEQA, and approve the General Plan Land Use/Transportation Diagram Amendment resolution, with a change to Exhibit A of the resolution to change the word “west” to “east”, was passed (5-2; Commissioners Ballard and Allen opposed).

### **ANALYSIS**

A complete analysis of the proposed General Plan Amendment is contained in the attached Planning Commission Staff Report.

### **CONCLUSION**

The proposed General Plan Amendment is consistent with the Form Based Plan Major Strategy, and other goals and policies of the General Plan, which promote consistent development patterns within existing neighborhoods. Planning Commission recommended approval of the proposed General Plan Amendment from Rural Residential to Residential Neighborhood on the subject site.

### **EVALUATION AND FOLLOW-UP**

If the General Plan Amendment is approved, the General Plan Land Use/Transportation Diagram designation would be changed from Rural Residential to Residential Neighborhood on an approximately 2.6-gross acre site on the east side of Diamond Heights Drive, approximately 200 feet south of Senter Road.

### **CLIMATE SMART SAN JOSE**

The proposed General Plan Amendment aligns with one or more Climate Smart San José energy, water, or mobility goals by allowing an increase in density of new development within an urbanized area, thereby reducing the impact from expanding any public services or infrastructure.

### **PUBLIC OUTREACH**

Staff followed Council Policy 6-30: Public Outreach Policy. The property owners and occupants within a 1,000 feet radius were sent public hearing notices for the Planning Commission and City Council hearing. A notice of the public hearing was 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.

### **COMMISSION RECOMMENDATION/INPUT**

The Planning Commission voted (5-2; Commissioners Ballard and Allen opposed) to recommend to the City Council to adopt a resolution approving the Valley Christian Schools Residential General Plan Amendment Initial Study/Negative Declaration in accordance with CEQA, and approve the General Plan Land Use/Transportation Diagram Amendment resolution, with a change to Exhibit A of the resolution to change the word "west" to "east".

HONORABLE MAYOR AND CITY COUNCIL

December 2, 2019

**Subject: File No. GP18-010**

Page 5

**CEQA**

An Initial Study (IS) and Negative Declaration (ND) were prepared by the Director of Planning, Building and Code Enforcement for the subject General Plan Amendment. The documents were circulated for public review from September 10, 2019 to September 30, 2019. No public comments were received. The ND states that the proposed General Plan Amendment will have a less than significant effect on the environment. No impacts were identified; therefore, no mitigation is required. The entire ND, Initial Study, technical reports, public comments and responses are available at: <http://www.sanjoseca.gov/NegativeDeclarations> under File No. GP18-010.

/s/

ROSALYNN HUGHEY, Secretary  
Planning Commission

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

Attachment: Planning Commission Staff Report