



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** November 25, 2019

**COUNCIL DISTRICT: 5**

**SUBJECT: GP19-004. AMENDMENT TO THE ENVISION SAN JOSE 2040 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM DESIGNATION FROM NEIGHBORHOOD COMMUNITY COMMERCIAL TO MIXED USE NEIGHBORHOOD ON AN APPROXIMATELY 0.44-GROSS ACRE SITE ON THE EAST SIDE OF N. CAPITOL AVENUE, APPROXIMATELY 250 FEET NORTH OF ALUM ROCK AVENUE (ASSESSOR PARCEL NO. 484-19-094)**

## **RECOMMENDATION**

The Planning Commission voted (5-2; Commissioners Ballard and Bonilla opposed) to recommend to the City Council to adopt a resolution approving the Capitol Avenue General Plan Amendment Initial Study/Negative Declaration in accordance with CEQA, approve the General Plan Land Use/Transportation Diagram Amendment resolution, as described in the attached Staff Report, and consider the acquisition of the site as a park.

## **OUTCOME**

Should the City Council approve the proposed General Plan Amendment, the General Plan Land Use/Transportation Diagram designation would be changed from Neighborhood Community Commercial (NCC) to Mixed Use Neighborhood (MUN) on an approximately 0.44-gross acre site on the east side of North Capitol Avenue, approximately 250 feet north of Alum Rock Avenue.

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

## **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 Capitol Avenue General Plan Amendment Initial Study/Negative Declaration in accordance with CEQA, to approve the General Plan Land Use/Transportation Diagram Amendment resolution, and to consider the acquisition of the site as a park.

A member of the public requested to speak on the proposed General Plan Amendment and it was pulled from the consent item on the agenda.

### **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 Mixed Use Neighborhood (MUN) is consistent with General Plan compatibility policies as the development pattern and density would be comparable to existing land uses in the surrounding area. The subject site, a former VTA park and ride lot that is currently a vacant parking lot, is constrained due its linear configuration and lack of lot depth. The MUN land use designation would allow more flexibility for the property to be developed with uses that would be consistent with, and contribute to the overall character of the neighborhood.

### **Public Testimony**

Following staff's presentation, the Commission received public testimony from Paul Landon, a neighbor of the project site on Avenue A and Pala Avenue. He expressed that a future development under the General Plan designation would adversely exacerbate the following existing conditions: 1) the existing neighborhood has high traffic volumes on the roadways and lack of vehicle parking; and 2) deteriorated curbs, gutters, and other infrastructure.

The applicant's representative, Gerry DeYoung, commented that the site is problematic to develop a viable commercial space due to market demand and the City's requirements for vehicle parking. A development with the current parking requirements would likely require a podium to accommodate parking which would visually affect the neighborhood character. Mr. DeYoung expressed that residential uses would allow the design of the development to minimize visual impacts to the neighborhood.

### **Planning Commission Discussion**

Commissioner Ballard expressed that the applicant knew the development constraints prior to purchasing the site. She was concerned that a future development under the MUN land use designation would not provide enough transitional space between the single-family neighborhood to the east and the subject site.

Commissioner Griswold commented she was inclined to support staff's recommendation and that there are existing protections with the MUN land use designation that could better meet the needs of the community than the existing designation. Also, if a commercial development is not viable under NCC land use designation, then the applicant should not be saddled with the burden.

Commissioner Bonilla commented that he visited the site and based on the lot configuration and proximity to the single-family neighborhood, he did not believe a residential development could be designed in a way to not adversely impact the character of the neighborhood.

Commissioners Allen, Ballard, and Oliverio discussed the potential for a park as an amenity that would better serve the community. Commissioner Allen asked if the City looked into procuring the property and considered the site for a park. Staff responded that the site was previously held by VTA and sold to the applicant and was not aware of any City discussions or actions to procure the property for a future park. Staff further elaborated that while a park could be a good use for the site, it is privately held and the requested amendment is to the MUN land use designation. Staff's evaluation of the MUN land use designation in the context of the neighborhood had shown compatibility as stated in the staff report; and therefore, staff recommended approval of the proposal amendment.

The Planning Commission voted 5-2 (Commissioners Ballard and Bonilla opposed) to recommend to the City Council to adopt a resolution approving the Capitol Avenue General Plan Amendment Initial Study/Negative Declaration in accordance with CEQA, to approve the General Plan Land Use/Transportation Diagram Amendment resolution, and to consider the acquisition of the site as a park.

## **ANALYSIS**

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

## **CONCLUSION**

Due to issues unique to the site including lot width and depth constraints, limited vehicle accessibility, and lack of visibility from Alum Rock Avenue (a corridor with commercial uses), viable commercial uses under the existing designation would be significantly limited and the General Plan's neighborhood compatibility goals outweigh its goals related to retaining commercial land in this specific instance. The Planning Commission recommends approval of the proposed General Plan Amendment to the MUN land use designation.

## **EVALUATION AND FOLLOW-UP**

If the Amendment is approved, the General Plan Land Use/Transportation Diagram designation would be changed from Neighborhood Community Commercial to Mixed Use Neighborhood on

an approximately 0.44-gross acre site on the east side of North Capitol Avenue, approximately 250 feet north of Alum Rock Avenue.

### **CLIMATE SMART SAN JOSE**

The recommendation in this memorandum aligns with one or more Climate Smart San José energy, water, or mobility goals by allowing the 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 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.

### **COMMISSION RECOMMENDATION/INPUT**

The Planning Commission voted 5-2-0 (Commissioners Ballard and Bonilla opposed) to recommend to the City Council to adopt a resolution approving the Capitol Avenue 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 Staff Report, and consider the acquisition of the site as a park.

**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 27, 2019 to October 17, 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. GP19-004.

/s/  
Rosalynn Hughey, Secretary  
Planning Commission

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

Attachment: Planning Commission Staff Report