



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** June 10, 2021

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**COUNCIL DISTRICT: 6**

**SUBJECT: FILE NO. GP19-007. CITY-INITIATED GENERAL PLAN AMENDMENT TO THE ENVISION SAN JOSE 2040 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM TO CHANGE THE LAND USE DESIGNATION FROM MIXED USE NEIGHBORHOOD TO URBAN RESIDENTIAL ON AN APPROXIMATELY 5.93 GROSS-ACRE SITE LOCATED AT 2078 AND 0 EVANS LANE (APNS 456-09-016, AND 456-09-017).**

## **RECOMMENDATION**

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

1. Approve the Negative Declaration in accordance with CEQA; and
2. Approve the Envision San José 2040 General Plan Land Use/Transportation Diagram amendment to change the land use designation from Mixed Use Neighborhood to Urban Residential on an approximately 5.93-gross-acre site, located at 2078 and 0 Evans Lane (APNs 456-09-016 and 456-09-017).

## **OUTCOME**

Should the City Council approve the proposed General Plan Amendment, the Envision San José 2040 General Plan Land Use/Transportation Diagram would be changed from Mixed Use Neighborhood to Urban Residential on an approximately 5.93-gross-acre site, located at 2078 and 0 Evans Lane (APNs 456-09-016 and 456-09-017).

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

## **BACKGROUND**

On June 9, 2021, the Planning Commission held a public hearing on the proposed amendment to the Envision San José 2040 General Plan Land Use/Transportation Diagram. Staff provided an overview of the proposed amendment. The item was on the public hearing calendar and no members of the public spoke on the item.

Commissioner Oliverio commented that a similar proposal for this site was made in June 2015 but the City Council decided instead to move forward with a proposal to provide interim housing on the site at lower density. He supports the current proposal to develop the site for permanent housing at higher density. Commissioner Oliverio made a motion, seconded by Commissioner Bonilla, to support staff recommendation. The Commission voted 7-0 to recommend approval of staff's recommendation.

## **ANALYSIS**

A complete analysis of the proposed General Plan Amendment is included in the attached Planning Commission staff report.

## **CONCLUSION**

If the City Council adopts the resolution to approve the proposed General Plan Amendment, it will result in a change to the General Plan Land Use/Transportation Diagram from Mixed Use Neighborhood to Urban Residential on the subject property.

## **EVALUATION AND FOLLOW-UP**

If the proposed General Plan Amendment is approved by City Council, the amendment to the Envision San José 2040 General Plan Land Use/Transportation Diagram will be effective 30 days from adoption of the resolution by the City Council.

## **CLIMATE SMART SAN JOSE**

The recommendation in this memorandum has a positive effect on Climate Smart San José energy, water, or mobility goals by increasing residential density proximate to fixed rail facilities (Curtner Light Rail station) and therefore making transportation more accessible.

## **PUBLIC OUTREACH**

Staff followed City Council Public Outreach Policy 6-30. Planning staff facilitated a virtual community meeting on November 16, 2020 to discuss the proposed General Plan Amendment. A notice for the community meeting was distributed to all property owners and tenants of all properties within 1,000 feet of the subject site.

The property owners and tenants within a 1,000-foot radius were sent public hearing notices for the Planning Commission and City Council hearing. A notice of public hearing was also published in the San José Post-Record and emailed to a list of interested groups and individuals. Staff posted the hearing notice, staff report, and draft resolution on the Department website. Staff has been available to discuss the proposal with interested members of the public.

## **COORDINATION**

Preparation of this memorandum has been coordinated with the City Attorney's Office.

## **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 June 12, 2020 to July 1, 2020. 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 the City of San José Planning Building and Code Enforcement [webpage](#) link for [File No. GP19-007](#).

/s/  
CHU CHANG, Secretary  
Planning Commission

For questions please contact Michael Brilliot, Deputy Director, at [michael.brilliot@sanjoseca.gov](mailto:michael.brilliot@sanjoseca.gov).

Attachment: Planning Commission Staff Report



# Memorandum

**TO:** PLANNING COMMISSION

**FROM:** Chu Chang, Acting Director

**SUBJECT:** File No. GP19-007

**DATE:** May 26, 2021

**COUNCIL DISTRICT:** 6

<b>Type of Permit</b>	General Plan Amendment
<b>Project Planner</b>	Joe Sordi
<b>CEQA Clearance</b>	Negative Declaration
<b>CEQA Planner</b>	Reema Mahamood

## RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council take all of the following actions:

1. Consider the Negative Declaration in accordance with CEQA; and
2. Adopt a resolution to approve the Envision San José 2040 General Plan Land Use/Transportation Diagram amendment to change the land use designation from Mixed Use Neighborhood to Urban Residential on an approximately 5.93-gross-acre site, located at 2078 and 0 Evans Lane (APNs 456-09-016 and 456-09-017).

## PROPERTY INFORMATION

<b>Location</b>	2078 and 0 Evans Lane
<b>Assessor Parcel No.</b>	456-09-016, 456-09-017
<b>Existing General Plan</b>	Mixed Use Neighborhood
<b>Proposed General Plan</b>	Urban Residential
<b>Existing Zoning</b>	R-M(PD) Planned Development (PDC16-007)
<b>Historic Resource</b>	No
<b>Annexation Date</b>	April 5, 1978 (Canoas No. 19)
<b>Council District</b>	6
<b>Acreage</b>	5.93

## PROJECT BACKGROUND

In 1998, the City of San José Housing Department purchased the subject property with affordable housing funds which require that the site be used only for affordable housing. To facilitate affordable housing on the site, the City Council approved a City-initiated General Plan Amendment in 2002 to remove the Mixed Industrial Overlay on the site and change the General Plan Land Use / Transportation Diagram designation to High Density Residential with a floating park.

In 2011, the site's General Plan land use designation was inadvertently changed through the adoption of the Envision San José 2040 General Plan. Through the 2011 General Plan update process, the Evans Lane site was designated as part of the Curtner Light Rail/Caltrain Urban Village and was given a General Plan land use designation of Neighborhood/Community Commercial, as was the vast majority of the land within the Urban Village. However, the site should have been designated for residential use in the Envision San José 2040 General Plan given that the property was purchased by the City with funds limiting the use to affordable housing, and had been designated for High Density Residential under the prior General Plan 2020.

On February 9, 2016, the Housing Department submitted an application for a General Plan Amendment to Mixed Use Neighborhood. The amendment was approved by City Council on June 28, 2016 to facilitate a development that would provide interim housing units for the homeless population on a portion of the site. On January 7, 2019, the City Council approved a Planned Development Zoning and Planned Development Permit (PDC16-007/PD18-007), known as the Evans Lane Community Village project. In response to the COVID-19 emergency and the City's shelter crisis declaration, the City of San José developed emergency interim housing on this site for at-risk and unsheltered people in an effort to reduce the risk of the spread of COVID-19. Should the City Council approve the proposed General Plan amendment, the Housing Department anticipates permanent housing will be built on the site in phases, including building around the existing interim housing in the initial phase, with relocation of some or all of the interim housing residents as part of a second phase of development.

On June 3, 2020, the City of San José Housing Department applied for a General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Mixed Use Commercial to Urban Residential on the site. The base zoning designation of R-M for this site is consistent with the proposed General Plan designation of Urban Residential. The proposal is intended to re-establish the higher density residential designation to fulfill the City's long-term vision for the site and facilitate future development of permanent affordable housing. Changing the General Plan land use designation to Urban Residential would allow residential uses at a density of up to 95 dwelling units per acre, higher than the current density in which up to 30 dwelling units per acre are allowed.

Should the City Council approve the proposed General Plan Amendment, the developer selected by the City to improve the site must file a Site Development Permit application in order to develop the site. . The Site Development application and any potential rezoning application that may be desired by the selected developer will involve additional community meetings and public hearings.

### **Site Location**

The site is located on the east side of Evans Lane, approximately 300 feet north of Canoas Garden Avenue (2078 and 0 Evans Lane). The site is located within the Curtner Light Rail Station Urban Village. The subject 5.93-gross acre site consists of mostly unused open space (grass field), with a portion of the site supporting interim housing. The site is flanked on the west by Almaden Expressway and on the east by a mobilehome park and Highway 87. Immediately north of the site is an apartment community. Immediately to the south is a wellness and recovery center. To the west across Almaden Boulevard lies a condominium development, church and mobilehome park. The Curtner VTA Light Rail station is less than a one-half mile to the southeast and about a 10-minute walk from the site. See Exhibit A.

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	Neighborhood Community Commercial	A(PD) Planned Development	Apartments
East	Neighborhood Community Commercial	R-MH Mobilehome Park	Mobilehome Park
South	Neighborhood Community Commercial	LI Light Industrial	Wellness & Recovery Center
West	Urban Residential Public Quasi Public Residential Neighborhood	A(PD) Planned Development CO Commercial Office R-1-5 Single-family Residential	Condominiums Church Mobilehome Park

## ANALYSIS

The proposed General Plan Amendment application is analyzed with respect to conformance with:

- 1) Envision San José 2040 General Plan
- 2) Title 20 of the Municipal Code (Zoning Ordinance)
- 3) California Environmental Quality Act (CEQA)

### Envision San José 2040 General Plan Conformance

As shown in the attached General Plan map (Exhibit B), the subject site has an Envision San José 2040 General Plan designation of **Mixed Use Neighborhood**.

#### **Mixed Use Neighborhood**

Density: up to 30 DU/AC; FAR 0.25 to 2.0 (1 to 3.5 stories)

This designation is applied to areas intended for development primarily with either townhouse or small lot single-family residences and also to existing neighborhoods that were historically developed with a wide variety of housing types, including a mix of residential densities and forms. This designation supports commercial or mixed-use development integrated within the Mixed Use Neighborhood area. Existing neighborhoods with this designation are typically characterized by a prevalence of atypical lot sizes or shapes and a parcel-by-parcel development pattern where small townhouse development may exist adjacent to more traditional single-family development or more intense multifamily development.

The proposed General Plan Amendment would change the General Plan land use designation on the 5.93-acre site from Mixed Use Neighborhood to Urban Residential as shown in the attached General Plan map (Exhibit B).

#### **Urban Residential**

Density: up to 30-95 DU/AC; Commercial FAR 1.0 to 4.0 (3 to 12 stories)

Residential/Commercial Mixed-Use minimum of 30 DU/AC with maximum FAR of 4.0

This designation allows for medium to high density residential development and a fairly broad range of commercial uses, including retail, offices, hospitals, and private community gathering facilities, within identified Urban Villages, in other areas within the City that have existing residential development built at this density, within Specific Plan areas, or in areas in close proximity to an Urban Village or transit facility where intensification will support those facilities. Any new residential development at this density should be in Growth Areas or, on a very limited basis, as infill development within areas with characteristics

similar to the Urban Village areas (generally developed at high-density and in proximity to transit, jobs, amenities and other services). The allowable density for this designation is further defined within the applicable Zoning Ordinance designation and may also be addressed within an Urban Village Plan or other policy document. This designation is also used to identify portions of Urban Village areas where the density of new development should be limited to a medium intensity in order to provide for a gradual transition between surrounding low-density neighborhoods and other areas within the Urban Village suitable for greater intensification. The allowable density/intensity for commercial projects is a FAR of 1.0 to 4.0 with a minimum FAR of 1.0. Residential/commercial mixed-use development shall require a minimum of 30 DU/AC with a maximum FAR of 4.0. Developments in this designation would typically be three to four stories of residential or commercial uses over parking.

The proposed General Plan Amendment is **consistent** with the following General Plan major strategies, goals, and policies:

1. Major Strategy #3: Focused Growth: The Focused Growth Major Strategy plans for new residential and commercial growth capacity in specifically identified “Growth Areas” (Urban Villages, Specific Plan areas, Employment Areas, Downtown) while the majority of the City is not planned for additional growth or intensification. The strategy focuses new growth into areas of San José that will enable the achievement of economic growth, fiscal sustainability, and environmental stewardship goals, while supporting the development of new, attractive urban neighborhoods. Focusing new growth into the Growth Areas will help to protect the quality of existing neighborhoods, while also enabling the development of new Urban Village areas with a compact and dense form attractive to the City’s projected growing demographic groups, that support walking, provide opportunities to incorporate retail and other services in a mixed-use format, and support transit use.

*Analysis: The subject site is located within the Curtner Light Rail/Caltrain Urban Village Growth Area. The proposed General Plan Amendment from Mixed Use Neighborhood to Urban Residential would support the Focused Growth Major Strategy by facilitating new development and intensifying residential density within the Urban Village. The increase in density for the site will encourage development in a more compact/dense format and provide a walkable community given the site’s proximity (approximate 10-minute walk) to the Light Rail Station.*

Housing Goal H-1: Provide housing throughout our City in a range of residential densities, especially at higher densities, and product types, including rental and for-sale housing, to address the needs of an economically, demographically, and culturally diverse population. Housing

Policy 1.7: Facilitate the development of housing to meet San José’s fair share of the County’s and region’s housing needs.

*Analysis: The proposed General Plan Amendment would allow development of new multi-family homes at up to 95 DU/AC on a large site capable of integrating various unit and product types at higher density. The site is nearby to the Curtner Light Rail station and other various neighborhood serving commercial uses. The proposed increase in density for this site will assist the City in meeting its fair share of regional housing needs.*

Policy LU-2.1: Provide significant job and housing growth capacity within strategically identified “Growth Areas” in order to maximize use of existing or planned infrastructure (including fixed transit facilities), minimize the environmental impacts of new development, provide for more efficient delivery of City services, and foster the development of more vibrant, walkable urban settings.

*Analysis: The proposed General Plan Amendment will significantly increase the unit count capacity on this site which lies within a designated growth area in the General Plan and is less than one-half mile*

*from a fixed rail facility. The future permanent housing development maximizes the use of existing transit infrastructure because future residents will live within an approximate 10-minute walk to the Curtner Light Rail Station.*

2. Policy LU-4.3: Facilitate housing that is affordable to those employed in population serving business in the Urban Village area.

*Analysis: The proposed General Plan Amendment will facilitate the development of affordable housing in a location proximate to existing population serving businesses within the Urban Village area and would enhance the growth prospects and success of local businesses in this Urban Village by providing potential employees and customers within walking or short commute distance.*

### **Zoning Ordinance Conformance**

The properties located at the subject site on Evans Lane are zoned R-M(PD) Planned Development, File No PDC16-007. This Planned Development zoning allows for 61 residential Permanent Supportive Housing and Affordable Housing units in eight (8) prefabricated buildings, a residential community building/staff offices, community garden, and a public library. The current R-M base zoning designation for the site is consistent with the proposed General Plan designation of Urban Residential. The developer selected by the City may choose to rezone the site in order to establish development standards that better match the design of its project.

### **Senate Bill 330**

Governor Gavin Newsom signed Senate Bill 330, Housing Crisis Act of 2019, on October 9, 2019 to catalyze housing that would offset the high rents and home ownership costs leading to increasing homelessness. The bill is intended to speed housing construction in California by decreasing the time it takes to obtain building permits and limiting fee increases on housing applications. The bill also prohibits local governments from reducing the number of residential units that can be built on properties that allow housing, including downzoning, changing general or specific plan land use designations to a less intensive use, reductions in height, density or floor area ratio, or other types of more restrictive requirements. The exception to this is that a property may be allowed to reduce intensity of residential uses if changes in land use designations or zoning elsewhere ensure “no net loss” in residential capacity within the jurisdiction.

The Mixed Use Neighborhood designation currently limits development on this site to a range of up to 30 dwelling units per acre. The proposed Urban Residential designation would allow the site to be built up to 95 dwelling units per acre, increasing the number of residential units that can be built on the property. If approved, this proposal (GP19-007) would result in an increase of residential capacity consistent with SB 330.

### **Conclusion**

Staff recommends approval of the proposed General Plan Amendment as it is consistent with the Focused Growth major strategy and Housing Goal H-1 and associated housing policies of the General Plan. Furthermore, the project would result in an increase in density that is directly consistent with Land Use Policy LU-4.3.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (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 June 12, 2020 to July 1, 2020. 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 the City of San José Planning Building and Code Enforcement [webpage](#) link for File No. GP19-007.

## PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy. Planning staff facilitated a virtual community meeting for File No. GP19-007 on November 16, 2020 to discuss the proposed General Plan Amendment. A notice for the community meeting was distributed to all property owners and tenants of all properties within 1,000 feet of the subject site. There were 15 members of the public in attendance with eight public speakers. Below is a general summary of the comments by members of public.

- Concern that the Evans Lane property has challenges including flooding issues requiring back up pump stations.

*Response: Any need for back-up pump stations would be evaluated with the project-specific site development and construction plans for the future project. A review of the FEMA maps indicates that about 40% of the site (eastern portion) lies within the 100-year flood plain (Zone AH), with flood depths of 1 to 3 feet. As part of the Public Works review process, the future developer will be required to fulfill Public Works standard conditions which include, but may not be limited to, raising the finished floor elevation of structures out of the flood plain, floodproofing structures/systems and use of flood resistant construction materials where necessary.*

- Concern about traffic and pedestrian safety, such as: the confluence of roads and safety challenges with pedestrian use of the busy roads to Curtner Light Rail Station; traffic and the left turn movement onto Canoas Lane; Concerns about fatal accidents on the Highway 87 and Almaden Freeway underpasses;

*Response: The City's Department of Transportation will require a Local Transportation Analysis (LTA) for this project. The LTA focuses on local transportation operations surrounding the project and will be performed at the time that a specific development project is proposed. The analysis will address safety concerns associated with vehicle circulation, including pedestrian safety.*

- Suggestion was made that the future RFP process consider how to improve safer passage and that the developer participate in the improvements such as more lighting and wider sidewalks.

*Response: The Housing Department will consider safer passage and improvements such as increased lighting and wider sidewalks in the RFP and will address these issues when a developer is chosen and a development proposal is identified.*

- Questions about whether the chosen future developer will be responsible for relocating current tenants on the site.

*Response: The intent of the emergency interim housing project is to provide immediate shelter/housing for individuals and families while they take the necessary steps to locate and secure permanent housing. Eventually all of the residents will be relocated to permanent housing. This is the City's responsibility and will not be the responsibility of the future developer.*

- Concerns about use of Density Bonus Law to increase density even higher than allowed under the proposed new General Plan designation combined with VTA proposing high density on its property, at the southeast corner of Curtner Avenue and Canoas Garden Avenue, which consists of a 5.5-acre property currently used as a parking lot.

- *Response: The future developer may choose to increase intensity of development on this site using State Density Bonus Law. The determination as to whether the project qualifies for a density bonus increase will be evaluated after the developer is selected and if the developer requests a density bonus at the time its application/plans are submitted to the Planning Department.*

- Questions about whether community amenities proposed as part of the interim emergency housing project will be retained for the site and what size project footprint is envisioned at this point.

*Response: Plans regarding the future use/retention of amenities currently on the site have not yet been determined and will be evaluated during the RFP selection process for future development.*

- Concern about possible parking reductions in the future project when some people (elderly/disabled) are limited by mobility.

*Response: The Zoning Ordinance and the state Density Bonus Law, if applicable, allow the developer to take advantage of alternative parking arrangements that may be used to reduce parking on the site. The Zoning Ordinance includes reductions associated with the implementation of a transportation demand management (TDM) program, and reductions to standard parking ratios of up to 20% for development within urban villages. The developer may also choose to pursue parking reductions of varying amounts allowed under a variety of State Laws, including State Density Bonus Law, if the project qualifies. However, compliance with accessible parking requirements established under Americans with Disabilities (ADA) will still be required.*

A notice for the May 26, 2021 Planning Commission hearing was distributed to the owners and tenants of all properties located within 1,000 feet of the project site and posted on the City's website. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

**Project Manager:** Joe Sordi

**Approved by:** /s/ /Deputy Director for Chu Chang, Acting Director for Planning

ATTACHMENTS:
Exhibit A: Location and Aerial Map
Exhibit B: General Plan Land Use Amendment Maps
Exhibit C: General Plan Amendment Resolution
Exhibit D: <a href="#">Initial Study and Negative Declaration</a>
Exhibit E: CEQA Resolution

Owner:	Applicant:	Applicant's Representative:
City of San José Housing Department Attn: Rachel Vanderveen 200 E. Santa Clara St., T-12 San José, CA 95113	City of San José Housing Department Attn: Rachel Vanderveen 200 E. Santa Clara St., T-12 San José, CA 95113	City of San José Housing Department Attn: Rachel Vanderveen 200 E. Santa Clara St., T-12 San José, CA 95113

## **GP19-007 Links to Attachments**

Exhibit A: [Location and Aerial Map](#)

Exhibit B: [General Plan Land Use Amendment Maps](#)

Exhibit C: [General Plan Amendment Resolution](#)

Exhibit D: [Initial Study and Negative Declaration](#)

Exhibit E: [CEQA Resolution](#)