

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DENYING AN APPLICATION FOR AN AMENDMENT TO THE ENVISION SAN JOSE 2040 GENERAL PLAN PURSUANT TO TITLE 18 OF THE SAN JOSE MUNICIPAL CODE TO MODIFY THE LAND USE/ TRANSPORTATION DIAGRAM FROM NEIGHBORHOOD/ COMMUNITY COMMERCIAL TO MIXED USE NEIGHBORHOOD ON A 0.99-GROSS-ACRE SITE AT THE NORTHEASTERLY CORNER OF EMORY ST AND THE ALAMEDA (APN: 261-12-084)

FILE NO. GP25-002

WHEREAS, the City Council is authorized by Title 18 of the San José Municipal Code and state law to adopt and, from time to time, amend the General Plan governing the physical development of the City of San José; and

WHEREAS, on November 1, 2011, the City Council adopted a general plan entitled, “Envision San José 2040 General Plan, San José, California” by Resolution No. 76042, which General Plan has been amended from time to time (the “General Plan”); and

WHEREAS, Policy IP-3.11 of the General Plan provides for an applicant of a privately-initiated General Plan Amendment to request the early consideration of their project for denial or continued processing (“Early Consideration”) by the Planning Commission and City Council before the full review of the General Plan Amendment; and

WHEREAS, on May 2, 2025, the applicant who submitted the proposed amendment to the General Plan, File No. GP25-002 (“General Plan Amendment”), attached as Exhibit “A.” requested Early Consideration; and

WHEREAS, City of San José (“City”) staff recommend denial of the General Plan Amendment because the proposal involves the conversion of employment land to non-employment uses and is fundamentally inconsistent with the Major Strategies, goals, and policies of the General Plan, as described in the Memorandum dated August 27, 2025, from the Director of Planning, Building and Code Enforcement, attached as Exhibit “B”; and

WHEREAS, the General Plan Amendment was taken to the Planning Commission and City Council for Early Consideration pursuant to General Plan Policy IP-3.11; and

WHEREAS, on August 27, 2025, the Planning Commission held a duly noticed public hearing to consider the General Plan Amendment, where interested persons were given the opportunity to appear and present their views with respect to the proposed amendment, and whereby, at the conclusion of the public hearing, the Planning Commission transmitted its recommendations to the City Council; and

WHEREAS, on September 30, 2025, the City Council held a duly noticed public hearing where interested persons were given the opportunity to appear and present their views with respect to the proposed amendment, and the City Council reviewed and considered the California Environmental Quality Act Statutory Exemption Section 15270 for Projects Which are Disapproved; and

WHEREAS, a copy of the proposed General Plan Amendment is on file and available for inspection in the office of the Director of Planning, Building and Code Enforcement, with copies submitted to the City Council for its consideration;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:

SECTION 1. The foregoing recitals are incorporated by reference into this Resolution.

SECTION 2. The City Council has reviewed and considered the entirety of the administrative record regarding the General Plan Amendment, File No. GP25-002, attached and incorporated as Exhibit “A,” including the Memorandum dated August 27, 2025, from the Director of Planning, Building and Code Enforcement, attached and incorporated as Exhibit “B,” oral and written comments received by the City, and City Council deliberations, and hereby denies the General Plan Amendment, File No. GP25-002.

ADOPTED this ____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

TONI J. TABER, MMC
City Clerk

EXHIBIT A: GENERAL PLAN AMENDMENT APPLICATION



GENERAL PLAN AMENDMENT APPLICATION

On an annual basis, the Planning Commission and City Council hold hearings to consider privately-initiated proposals to amend the General Plan. This includes changing the land use designation of a property. See page 4 of this form for a summary of the steps. For amendment application due dates, go to www.envisionsj2040.org and view the Annual Review webpage.

For questions: Speak with a City Planner at **408-535-3555**; see phone service hours at www.sanjoseca.gov/Planning.

Para información en español, comuníquese con un Planificador de la ciudad al **408-793-4100**.

Để được hỗ trợ, nói chuyện với Người lập kế hoạch thành phố tại **408-793-4305**.

INSTRUCTIONS

As directed by a City Planner, apply for a general plan amendment by submitting an application package as outlined below:

FEES

Your invoice for permit application fees will be generated after you submit your application. Fees are outlined in the [Planning Fee Schedule](#). Note: For a general plan amendment, additional hourly and referral fees will apply if review by other departments is needed. For methods of payment, please visit www.sanjoseca.gov/PlanningApplications. Review of your submittal will not begin until initial fees are paid. Full fees must be paid within 14 days.

APPLICATION PACKAGE

HOW TO SUBMIT

- Schedule your required appointment at www.sanjoseca.gov/PlanningAppointments.
- During the appointment, you will email your application package. All documents, plans and forms must be saved as PDF files.

WHAT TO SUBMIT. Please include the following in your application package:

☒ [GENERAL PLAN AMENDMENT APPLICATION](#) - This form, completed and signed

☒ LEGAL DESCRIPTION of the property

☒ VICINITY MAP - Outline site in center of map; please show:

- Names of streets surrounding the site
- Label all land uses within 500 feet of the site
- Place North arrow at top of map

EARLY CONSIDERATION PROCESS.

☒ Please check this box if you are electing the Early Consideration process.

Applicants, at their discretion, may request an early consideration hearing by the City Council for continued processing of their proposed General Plan Amendment pursuant to General Plan Policy IP-3.11. For this process, applicants do not need to include a development permit application with their General Plan Amendment application, but the submittal of a development proposal and starting the CEQA scoping process is strongly encouraged. At the EC hearing, City Council can either deny the proposed General Plan Amendment proposal or direct staff to continue processing the application. If City Council directs staff to continue processing, you will need to submit appropriate CEQA documentation, rezoning application, and development permit applications to move the General Plan Amendment forward. When the review of all applications and environmental review process is complete, the General Plan Amendment application, rezoning, and development permit application will be scheduled for the Planning Commission and City Council hearings at the next available General Plan Annual hearing cycle. The Early Consideration hearing process will need additional processing time and fees.

DRAFT – Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

GENERAL PLAN AMENDMENT APPLICATION

PAGE 3 OF 5

3. PROJECT DESCRIPTION

	EXISTING	TO BE DEMOLISHED	PROPOSED
RESIDENTIAL USES IF ANY:	# UNITS: 0	# UNITS: 0	# UNITS: 18-20 (TBD)
NONRESIDENTIAL USES IF ANY:	SQ. FT.: 0	SQ. FT.: 0	SQ. FT.: 0

4. CONTACT INFORMATION

APPLICANT NAME: Dan Mountsier

NAME OF FIRM IF APPLICABLE: Emory Holdings LLC

APPLICANT MAILING ADDRESS: 1346 El Solvo Avenue, Campbell, CA 95008

APPLICANT PHONE: 4085904702

EMAIL: dan@mountsier.com

APPLICANT'S REPRESENTATIVE IF ANY: Deena Morsilli - HMM Engineers

REPRESENTATIVE MAILING ADDRESS: 1570 Oakland Road, San Jose, CA 95131

REPRESENTATIVE PHONE: 6692217817

EMAIL: dmorsilli@hmmca.com

5. APPLICANT DISCLOSURE STATEMENT

I declare, under penalty of perjury, that the statements furnished in this application and in documents pertaining to the environmental information of the proposed amendment are complete, true, and correct to the best of my/our knowledge. If any of the facts represented here change, it is my responsibility to inform the City of San José.

DocuSigned by:

Dan Mountsier

4/30/2025

SIGNATURE OF APPLICANT

DATE [MM/DD/YYYY]

Dan Mountsier

PRINT NAME

IMPORTANT: Submit this form with original wet signatures (not a photocopy) to the City.

By signing this application, you acknowledge that you are the property owner, the legally authorized agent of the property owner, a qualified tenant, or other signatory as allowed by [San José Municipal Code Section 20.100.110](#).

6. INDEMNIFICATION AGREEMENT

Applicant submitted an application to the City of San José Planning Division on (enter date): May 2, 2025
for the following development approval/s: General Plan Amendment - Early Consideration
(the "Project").

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Applicant hereby expressly agrees in connection with the processing of Applicant's Project application(s) to each and every one of the following terms and conditions:

1. Applicant agrees, as part of and in connection with each and any of the application(s), to defend, indemnify, and hold harmless the City of San José ("City") and its officers, contractors, consultants, attorneys, employees and agents from any and all claim(s), action(s), or proceeding(s) (collectively referred to as "proceeding") brought against City or its officers, contractors, consultants, attorneys, employees, or agents to challenge, attack, set aside, void, or annul:
 - a. Any approvals issued in connection with any of the above described applications by City; and/or
 - b. Any action taken to provide related environmental clearance under the California Environmental Quality Act of 1970, as amended by City's advisory agencies, boards or commissions; appeals boards or commissions; Planning Commission, or City Council.

Applicant's indemnification includes, but is not limited to, damages, fees and/or costs awarded against or incurred by City, and costs of suit, claim or litigation, including without limitation attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding, whether incurred by Applicant, City, and/or parties initiating or involved in such proceeding.

2. Applicant agrees to indemnify City for all of City's costs, fees, and damages incurred in enforcing the indemnification provisions of this Agreement.
3. Applicant agrees to defend, indemnify and hold harmless City, its officers, contractors, consultants, attorneys, employees and agents from and for all costs and fees incurred in additional investigation or study of, or for

supplementing, redrafting, revising, or amending, any document (such as an environmental impact report, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding, and if Applicant desires to pursue such City approvals and/or clearances, after initiation of the proceeding and that are conditioned on the approval of these documents.

4. In the event that Applicant is required to defend City in connection with such proceeding, City shall have and retain the right to approve:
 - a. The counsel to so defend City; and
 - b. All significant decisions concerning the manner in which the defense is conducted; and
 - c. Any and all settlements, which approval shall not be unreasonably withheld.
5. City shall also have and retain the right to not participate in the defense, except that City agrees to reasonably cooperate with Applicant in the defense of the proceeding. If City chooses to have counsel of its own defend any proceeding where Applicant has already retained counsel to defend City in such matters, the fees and expenses of the additional counsel selected by City shall be paid by City. Notwithstanding the immediately preceding sentence, if City's Attorney's Office participates in the defense, all City Attorney fees and costs shall be paid by Applicant.
6. Applicant's defense and indemnification of City set forth herein shall remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgments rendered in the proceeding.

After review and consideration of all of the foregoing terms and conditions, Applicant, by signature below, hereby agrees to be bound by and to fully and timely comply with all of the foregoing terms and conditions.

DocuSigned by:

C3385F1C0F04B1
• APPLICANT WET SIGNATURE

Dan Mountsier

PRINT NAME

4/30/2025

DATE [MM/DD/YYYY]

TITLE, IF ANY

IMPORTANT: Submit this form with original wet signatures (not a photocopy or a scan) to the City.

By signing this application, you acknowledge that you are the property owner, the legally authorized agent of the property owner, a qualified tenant, or other signatory as allowed by [San José Municipal Code Section 20.100.110](#).

EXHIBIT B: GENERAL PLAN AMENDMENT STAFF REPORT

PLANNING COMMISSION AGENDA: 8-27-25
ITEM: 6.a.



Memorandum

TO: PLANNING COMMISSION
SUBJECT: File No. GP25-002

FROM: Christopher Burton
DATE: August 27, 2025

COUNCIL DISTRICT: 6

Type of Permit	General Plan Amendment, Early Consideration
Project Planner	David Fong
CEQA Clearance	Statutorily Exempt pursuant to CEQA Guidelines section 15270: Projects Which are Disapproved.
CEQA Planner	David Keyon

RECOMMENDATION

Staff recommends that the Planning Commission make a recommendation to the City Council to:

Deny the request to amend the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Neighborhood/Community Commercial to Mixed Use Neighborhood on an approximately 0.99 gross acre site and direct Planning staff to evaluate the subject site in the context of evaluating the surrounding sites, as an area that would allow for residential or mixed-use development in the future, as part of the General Plan 4-Year Review.

EARLY CONSIDERATION PROCESS

Policy IP-3.11 of the Envision San José 2040 General Plan (General Plan) provides for an applicant of a privately-initiated General Plan Amendment to request the early consideration of their project for denial or continued processing (Early Consideration). The process allows the City Council to decide whether or not to continue processing a General Plan Amendment before the full review of the General Plan Amendment is completed. After recommendation from Planning Commission, City Council can either deny the proposed General Plan Amendment or direct staff to continue processing the General Plan Amendment and any other required permits.

Staff recommends denial because the proposal is fundamentally inconsistent with the Major Strategies, Goals, and Policies of the General Plan that focus on protecting neighborhood commercial lands from conversion to residential uses and focuses new growth in identified growth areas. These inconsistencies are explained in more detail in the General Plan Conformance section of this report.

If the City Council allows the General Plan Amendment to continue processing, the earliest this project could be brought to a Planning Commission and City Council hearing would be the Fall of 2026. A Draft Initial Study, Planned Development Zoning, and Planned Development Permit application must be submitted to meet that timeline.

PROPERTY INFORMATION

Location	Northeasterly corner of Emory Street and The Alameda
Assessor Parcel No.	261-12-084
Existing General Plan	Neighborhood/Community Commercial
Proposed General Plan	Mixed Use Neighborhood

Zoning	A(PD) Planned Development (File No. PDC85-081)
Historic Resource	No
Annexation Date	December 8, 1925 (College Park/Burbank Sunol)
Council District	6
Acreage	0.99-gross acres

PROJECT BACKGROUND

On May 2, 2025, the applicant Dan Mountsier of Emory Holdings, LLC, submitted an application for a General Plan Amendment (GPA) to modify the General Plan Land Use/Transportation Diagram designation (land use designation) from Neighborhood Community Commercial to Mixed Use Neighborhood on an approximately 0.99 gross-acre subject site located at the northeasterly corner of Emory St and The Alameda (subject site).

At the time of application submittal, the applicant requested for an early consideration hearing. No rezoning or development permit application was submitted with this General Plan Amendment application. However, a conceptual site plan for 18 townhomes was included with the General Plan Amendment application (See Attachment A). The proposed project has a density of 18 dwelling units per acre (du/ac), which is consistent with the proposed General Plan designation, which allows up to 30 du/ac, with no minimum density required.

On June 16, 2025, staff sent the initial comment letter to the applicant detailing how the proposed General Plan Amendment is inconsistent with the Envision San José 2040 General Plan Major Strategies, policies, and goals. The comment letter provided alternative considerations including preliminary analysis of the proposed project with applicable state laws, affordable housing policies, and the 4-Year Review opportunity. Analysis of potential housing opportunities using state laws is included later in this staff report. Staff also provided analysis on an alternative General Plan Land Use designation that could be supported under current General Plan policies. The Mixed Use Commercial land use designation allows a maximum density of 50 DU/AC, which would yield a maximum of 50 units on the subject site, with a maximum height of six stories (85 feet maximum). Commercial space with a minimum floor area ratio (FAR) of 0.5 is required for residential-commercial mixed-use projects in this land use designation, which would translate to approximately 22,000 square feet. The Mixed Use Commercial designation is a more suitable land use designation for this site as it would support housing while ensuring a minimum commercial component suitable for this vibrant commercial corridor.

On July 17, 2025, staff held a meeting with the applicant to discuss the hearing dates, environmental review submittal timelines, and the alternative considerations raised in the comment letter. The applicant indicated that an assisted living facility was considered as a potential use; however, due to current operational models, a small-scale assisted living facility was determined to be not viable. The applicant stated that the residential development at the proposed density is the most feasible option for the site at this time. The applicant also expressed that they faced challenge in achieving the 0.5 FAR that is required in lands designated as Mixed Use Neighborhood in other projects.

Site Location



Figure 1: Aerial Map of Existing Site

As shown on the aerial map (see Figure 1), the site is located at the northeast corner of the intersection of Emory Street and The Alameda. The site has frontage on both The Alameda and Emory Street. The site is currently vacant. The site is adjacent to a fraternity hall use to the north; a religious assembly use to the south; office uses and single-family residences to the east; and office uses, single-family residences, and religious assembly use to the west.

This area is characterized as a low-density neighborhood with mixed residential and commercial uses. The few single-family residences adjacent to the subject site were built at different times with varied heights and density. All the adjacent commercial properties are 2 to 3-stories tall. Most buildings in the vicinity are 2 to 4 stories tall. As detailed further below, the subject site is not located in a designated Growth Area. The closest Growth Area is approximately 2,200 feet to the north at The Alameda West Urban Village. Nearby bus stops are approximately 500 feet away.

The Alameda right-of-way is a designated City Landmark. In 1985, the City Council adopted a Planned Development (PD) zoning (File No. PDC85-081) to preserve and enhance the historic character of The Alameda. The development standards of this PD zoning such as setback, height, and other design requirements, were based on historic design guidelines titled "The Alameda", which were adopted by the Historic Landmarks Commission and the City Council in 1984. These standards and guidelines provide the historic context and outline preservation measures intended to ensure that new development is compatible with the historic character of properties along The Alameda. One of the most notable standards is a 40-foot landscaped setback for buildings and surface parking from The Alameda.

Three historic resources are also located adjacent to the subject site: Dunne Mansion (1818 the Alameda), a registered Historic Landmark Structure, is located to the west; First Church of Christ Science (797 The Alameda), an Identified Contributing Structure, is located to the southwest across The Alameda; and 1794 The Alameda, an Identified Contributing Structure, is located to the east across Emory St.

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	Public/Quasi-Public	PQP Public/Quasi-Public	Fraternity Hall
South	Neighborhood/Community Commercial & Public/Quasi-Public	A(PD) Planned Development	Religious Assembly
East	Neighborhood/Community Commercial & Residential Neighborhood	A(PD) Planned Development & R-M Multi-Family Residence	Commercial Office and Single-Family Residential
West	Residential Neighborhood & Neighborhood/Community Commercial	A(PD) Planned Development	Commercial Office, Single-Family Residential, and Religious Assembly

Site Background

The existing site was annexed into the City in 1925. Historic Sanborn maps and aerial photographs show that the site had three single family residences until around the 1950's. It is unclear when those residences were demolished, but the site has been vacant since 1980 when a Site Development permit application for a 20,000 square foot office building was submitted, but never built. From 1998 to 2019, there were inquiries to redevelop the site with an 85-unit assisted living facility (1998), a mixed-use residential development (2014), and a 50,000 square foot office building (2019), but no actual development applications were submitted.

General Plan Background

Through Major Strategies, goals, and policies, the Envision San José 2040 General Plan strives to support the City's growth as an innovation and regional employment center and focus new residential and commercial growth in specifically identified Growth Areas. San José is the only U.S. city with a population over 500,000 that is a "bedroom community," meaning that the City acts as a net exporter of workers within the region. Since 1980, approximately 2,300 acres of employment lands have been converted to non-employment uses, resulting in an estimated loss in job capacity between 52,000 and 110,000 jobs. The imbalance between residents and jobs in San José has led to significant fiscal, environmental and quality of life impacts for San José. Additionally, through multiple General Plan updates, San José has identified improvement of the City's jobs/housing balance or Jobs/Employed Residents Ratio (J/ER) as a critical objective to address multiple City goals. The General Plan establishes achievement of a J/ER ratio of 1.1 to 1 by the year 2040 as a core objective of the Plan informing its policies and Land Use/Transportation Diagram designations.

Employment lands are those land uses aimed at creating and sustaining employment opportunities, upon which commercial businesses generate critical revenue for the City to fund essential services for its residents. The conversion of employment lands to residential uses leads to a significant loss of revenue for the City, diminishing the funds needed to support the very residential uses that would replace a commercial or industrial use. To address the preservation and creation of employment lands, the General Plan established the Innovation/Regional Employment Center and the Focused Growth Major Strategy. These Major Strategies and their objectives inform the City's land use policies and designations. The Innovation/Regional Employment Center Major Strategy focuses employment growth in Downtown, other designated Growth Areas, as well as on currently designated employment lands citywide, while also encouraging the development of neighborhood-serving commercial uses throughout the community and

close to the residents they serve. The General Plan recognizes the value of existing employment lands to the City overall and therefore establishes goals and policies to preserve these employment lands.

General Plan 4-Year Review

The Planning Division will begin the General Plan 4-Year Review this fall, which will provide an opportunity to evaluate policies and goals related to housing. While existing policies focus new housing in Growth Areas and preserve employment lands to improve the City's jobs/employed resident ratio, current housing challenges and projected Regional Housing Needs Assessment (RHNA) obligations may require a more flexible approach. One of the topics of analysis is identifying additional areas outside of current Growth Areas to accommodate more residential growth through mid-density housing development in peripheral single-family neighborhood. An initial review indicates that the subject site and surrounding areas may be considered for such changes during the comprehensive evaluation of the General Plan 4-Year Review process.

ANALYSIS

The proposed General Plan Amendment application for Early Consideration 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 JOSE 2040 GENERAL PLAN CONFORMANCE

Existing Land Use Designation

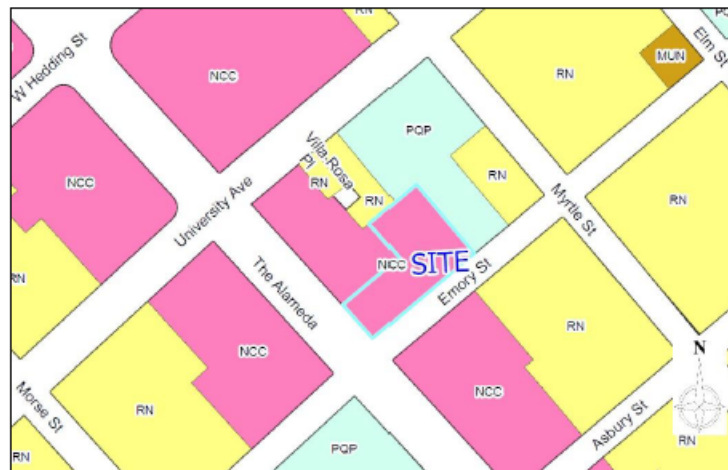


Figure 2: Existing General Plan Land Use Designation Map

The existing Envision San José General Plan land use designation of the subject site is **Neighborhood/Community Commercial**, which has no density specification, and a FAR of up to 3.5 (1 to 5 stories). This designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. Neighborhood / Community Commercial uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed

to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. General office uses, hospitals and private community gathering facilities are also allowed in this designation. This designation also supports one hundred percent (100%) deed restricted affordable housing developments that are consistent with General Plan Policy H-2.9 and Policy IP-5.12.

Proposed Land Use Designation

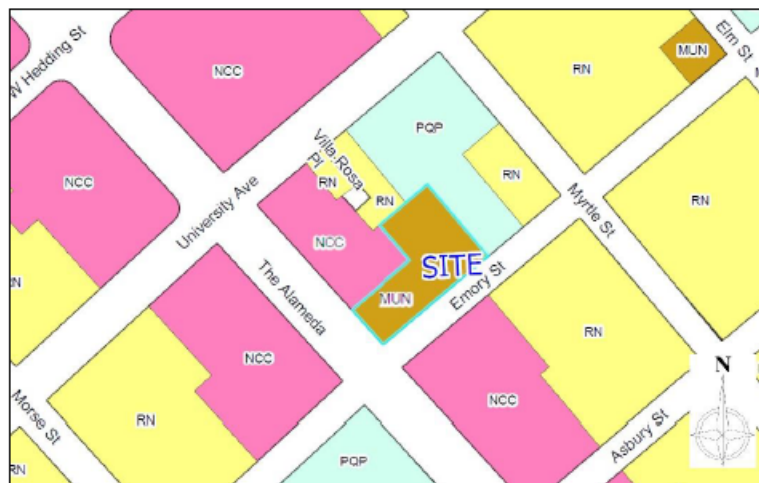


Figure 3: Proposed General Plan land use designation map

The proposed Envision San José General Plan land use designation of the subject site is **Mixed Use Neighborhood**, which has a maximum density of 30 DU/AC and a FAR of 0.25 to 2.0. This designation is typically 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. Because, within such mixed neighborhoods, the established overall neighborhood density and character is more intense than that found in typical single-family detached neighborhoods, it is appropriate to allow for infill development in Mixed Use Neighborhood areas that includes medium density residential uses such as townhouses or stacked flats and some opportunity for live/work, residential/commercial, or small stand-alone commercial uses. This designation should be used to establish new neighborhoods with a cohesive urban form, to provide transition between higher-density and lower-density neighborhoods, or to facilitate new infill development within an existing area that does not have an established cohesive urban character. This designation may also be appropriate for areas in close proximity to urban amenities (such as transit stations), but that are not within a proposed Urban Village area.

General Plan Conformance

The proposed General Plan Amendment is **inconsistent** with the following General Plan strategies and policies:

Major Strategy #3 – Focused Growth: The Focused Growth Major Strategy focuses new growth into areas of San José that will enable achievement of City goals for economic growth, fiscal sustainability, and environmental stewardship. The Plan focuses new growth capacity in specifically identified Growth Areas, while much of the city is not planned for additional growth or intensification. This Major Strategy also strictly limits new residential development through neighborhood infill outside of these Growth Areas to preserve and enhance the quality of established neighborhoods, to reduce environmental and fiscal impacts, and to

strengthen the City's Urban Growth Boundary.

Growth Area Policy LU-2.3: To support the intensification of identified Growth Areas, and to achieve the various goals related to their development throughout the City, restrict new development on properties in non-Growth Areas.

High Quality Living Environment Policy LU-9.17: Limit residential development in established neighborhoods that are not identified growth areas to projects that conform to the site's Land Use / Transportation Diagram designation and meet Urban Design policies in this Plan.

Analysis: The General Plan sets capacity for ambitious job and housing growth over its lifetime, with the vast majority of the growth planned within designated Growth Areas. Additionally, it restricts residential development in non-Growth Areas to projects that conform to the existing General Plan land use designation. This focused growth strategy helps achieve multiple General Plan goals such as fiscal sustainability, environmental stewardship, more efficient delivery of City services, and the creation of vibrant urban areas. The subject site is located along a commercial arterial roadway, but not located in a designated Growth Area, where new development is restricted. Additionally, the subject site is within an established neighborhood. Therefore, the proposed General Plan Amendment is inconsistent with the above strategy and policies of the General Plan.

Major Strategy #4 - Innovation/Regional Employment Center: Emphasize economic development within the City to support San José's growth as center of innovation and regional employment. Growing San José's role as an employment center will enhance the City's leadership role in North America, increase utilization of the regional transit systems, and support the City's fiscal health. The Plan recognizes that all existing employment lands add value to the City overall and therefore preserves those employment lands and promotes the addition of new employment lands when opportunities arise.

Fiscally Sustainable Land Use Framework Policy FS-3.3: Promote land use policy and implementation actions that increase the ratio of Jobs to Employed Residents to improve our City's fiscal condition, consistent with economic development and land use goals and policies. Maintain or enhance the City's net total employment capacity collectively through amendments made to this General Plan in each Annual Review process.

Fiscally Sustainable Land Use Framework Policy FS-4.1: Preserve and enhance employment land acreage and building floor area capacity for various employment activities because they provide revenue, near-term jobs, contribute to our City's long-term achievement of economic development and job growth goals, and provide opportunities for the development of retail to serve individual neighborhoods, larger community areas, and the Bay Area.

Land Use Policy LU-4.1: Retain existing commercial lands to provide jobs, goods, services, entertainment, and other amenities for San Jose's workers, residents, and visitors.

Analysis: The current Neighborhood/Community Commercial land use designation is intended to support employment generating land uses. Under this designation, with the maximum allowed FAR of 3.5, the site could accommodate a commercial development of up to approximately 150,000 square feet. In contrast, the proposed Mixed Use Neighborhood land use designation allows for a 100% residential use which is a non-employment-generating use. The proposed residential project without any commercial component would not create new or intensified employment opportunities at the site, nor provide goods, services or other amenities. The conversion would reduce the inventory of employment land in the City, while increasing the number of residents. Such a change from a revenue-generating land use to one which would require expanded City services, would hinder the City's ability to meet its stated jobs-to-employed-resident (J/ER) ratio goal and result in a negative fiscal impact. Therefore, the proposed General Plan Amendment is inconsistent with Major Strategy #4 and the above-mentioned General Plan policies.

The proposed General Plan Amendment is consistent with the following General Plan goal:

Housing Social Equity and Diversity 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.

Analysis: The proposed Mixed Use Neighborhood land use designation could facilitate the development of up to 30 housing units on the site (maximum allowable density), which could help to address the ongoing housing crisis. While the proposed General Plan Amendment is consistent with General Plan Goal H-1.0, residential development on the subject site is not required to fulfill this policy. The policy is already being implemented through the Focused Growth strategy and affordable housing policies aimed at meeting this Housing Element cycle's Regional Housing Needs Allocation (RHNA).

ZONING ORDINANCE CONFORMANCE



Figure 4: Existing zoning districts map

The existing zoning district for the subject site is A(PD) Planned Development (File No. PDC85-081). This Planned Development zoning was adopted by the Council for preserving and enhancing the historic character along The Alameda, which was designated as a Historic Landmark in 1984. The development standards of this zoning include setbacks, height and other design standards for parcels along The Alameda. In order to preserve the historic character of the area, a Planned Development Rezoning conforming to the new General Plan designation would be required. The standards of the zoning district would be determined after a Historic review is completed.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) CONFORMANCE

Under the provisions of Section 15270 of the State Guidelines for Implementation of the California Environmental Quality Act, the action to deny a General Plan Amendment is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended (CEQA), if the public agency disapproves of the project. Section 15270 is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the agency can determine that the project cannot be approved. This section shall not relieve an applicant from paying the costs for an EIR or Negative Declaration prepared for his project prior to the Lead Agency's disapproval of the project after normal evaluation and processing.

If City Council directs staff to continue processing the General Plan Amendment request, staff will complete full environmental review for the proposed General Plan Amendment, site development permit and rezoning.

NON-GENERAL PLAN AMENDMENT ALTERNATIVES

Staff conducted a preliminary analysis of State housing laws that may facilitate housing development on the site without a General Plan Amendment.

Based on recent state legislation and the current zoning district A(PD) Planned Development (File No. PDC85-081), which primarily only allows commercial uses, the site likely qualifies for a 100% affordable multifamily housing project under Assembly Bill 2011¹, or a residential or mixed-use project under Senate Bill 6², provided all development standards and prevailing wage requirements are met. AB2011 Bills allow for a streamlined ministerial process with no CEQA review.

A 100% affordable residential project is also allowed on the site under the current General Plan designation through the use of General Plan Housing Policy H-2.9, and such a project can take advantage of state ministerial, streamlining laws.

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy in order to inform the public of the proposed project. The project is considered a Significant Community Interest Proposal, so the applicant posted a 4'x 6' on-site sign at the subject site on June 20, 2025, to inform the neighborhood of the proposed project. Staff has received three inquiries for more information since the sign has been posted.

A notice of this public 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 website. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public. Since the notice was distributed, staff has not received any additional inquiries at the time of this staff report being posted.

¹ Assembly Bill 2011 of 2023 (AB 2011) provides a ministerial approval process for 100% affordable or mixed-income multifamily housing developments on sites with a zoning district where office, retail, or parking are a principally permitted use.

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220482011

² Senate Bill 6 of 2023 (SB 6) provides that residential or mixed-use projects meeting SB 6 criteria may invoke SB 35 Streamlined Ministerial Review and the Housing Accountability Act on sites with a zoning district where office, retail, or parking are a principally permitted use.

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202320260586

Project Manager: David Fong

Approved by: /s/ Manira Sandhir, Deputy Director, for Christopher Burton, Director of Planning,
Building & Code Enforcement

Please click on the title of each exhibit to view the document:

ATTACHMENTS:	
Exhibit A:	General Plan Amendment Draft Denial Resolution

Owner/ Applicant:	Applicant Representative:
Dan Mountsier Emory Holdings LLC 1346 El Solyo Avenue Campbell, CA 95008 dan@mountsier.com	Deena Morsilli HMH 1570 Oakland Road San José, CA 95131 dmorsilli@hnhca.com