

# SUPPLEMENTAL



## Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** December 21, 2007

Approved

*Paul Kruhl*

Date

*1/3/08*

**COUNCIL DISTRICT:** # 8

**SNI AREA:** K.O.N.A, East  
Valley/680 and West  
Evergreen

### SUPPLEMENTAL MEMO

**SUBJECT:**

**GP07-T-06. AMEND THE SAN JOSÉ 2020 GENERAL PLAN TEXT TO MAKE ADDITIONS TO COMMERCIAL LAND USE AND ECONOMIC DEVELOPMENT GOALS AND POLICIES TO STRENGTHEN THE CITY'S COMMITMENT TO ENCOURAGE HIGH QUALITY RETAIL IN EVERGREEN, PRESERVE EXISTING COMMERCIAL CENTERS AND LIMIT GROCERY STORES IN SOUTHEAST EVERGREEN TO NO MORE THAN 20,000 SQUARE FEET, AND SUPPORT JOB GENERATION IN ORDER TO BALANCE THE LAND USE AND COMMUTE PATTERNS IN EVERGREEN.**

**REASON FOR SUPPLEMENTAL**

This supplemental memo is to recommend the proposed text amendment to the San Jose 2020 General Plan with the language proposed by the Vice Mayor, Dave Cortese, in his memo dated December 18, 2007.

**RECOMMENDATION**

Adopt the staff initiated General Plan text amendment to make additions to commercial land use and economic development goals and policies to strengthen the city's commitment to encourage high quality constructed retail in Evergreen, preserve existing commercial centers and limit grocery stores to a maximum floor area of 20,000 in Southeast Evergreen, and support job generation in order to balance the land use and commute patterns in Evergreen.

## **OUTCOME**

Should the City Council deny the proposed text amendment, the proposed text would not be added to the City's General Plan.

## **BACKGROUND**

On December 18 2007, the City Council tentatively approved the proposed text amendment with language provided by the Vice Mayor, Dave Cortese, in a memo dated December 18, 2007. Planning Staff requested an opportunity to review the language proposed by the Vice Mayor with the City Attorney's office prior to City Council's final approval of the subject text amendment on January 8, 2008.

In his memo dated December 18, 2007, the Vice Mayor proposed the following language be included in the text amendment related to grocery store size limitation in Southeast Evergreen:

"Grocery Stores are limited to a maximum floor area of 20,000 square feet in Southeast Evergreen (in the area bounded by Aborn Road to the north, San Felipe Road to the west, and the City's Urban Service Boundary to the south). Excepted from this policy are grocery stores permitted prior to January 1, 2007. Expansion or relocation of permitted grocery stores may be allowed upon the same site or within the center in accordance with zoning regulations and PD permitting processes as well as any other applicable City laws."

## **ANALYSIS**

After review of the proposed language, planning staff is supportive of the proposed language offered by Vice Mayor Cortese. Planning staff was initially concerned about insuring that the revised language continued to support General Plan text amendment's intent, which is in part, to facilitate the vitality of a neighborhood shopping center, the Evergreen Village Center. Planning staff wanted to make sure that the revised language did not allow the relocation of an existing grocery store site outside of the Evergreen Village Center, which would in advertently circumvent the intent of supporting the center.

Planning staff and the City Attorney's Office reviewed the text amendment language proposed by Vice Mayor Dave Cortese and confirmed that the proposed language will allow for the relocation of the existing grocery store site within the Evergreen Village Center and will not support the relocation of the existing grocery store site outside of the Evergreen Village Center. This text amendment to the *San Jose 2020 General Plan* would accomplish the purpose of allowing the existing grocery stores in Southeast Evergreen to continue and be able to expand and relocate within the same shopping center in accordance with other applicable City laws.

## **EVALUATION AND FOLLOW-UP**

Not applicable.

**POLICY ALTERNATIVES**

Should the City Council deny the proposed text amendment, the proposed text would not be added to the City's General Plan.

**PUBLIC OUTREACH/INTEREST**

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, a notice of public hearings for the proposed General Plan text amendment was published in the San José Post-Record and posted on the Planning Division's webpage. This staff report will be posted on the City's website and e-mailed to stakeholders and community members involved in the update to the Evergreen-East Hills Development Policy. The proposed General Plan text amendment was also presented to the Developers Roundtable.

**COORDINATION**

This project was coordinated with the City Attorney.

**FISCAL/POLICY ALIGNMENT**

This project is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

**COST SUMMARY/IMPLICATIONS**

Not applicable.

**BUDGET REFERENCE**

Not applicable.

HONORABLE MAYOR AND CITY COUNCIL

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**CEQA**

The proposed text amendment is covered by Reuse of the San Jose 2020 General Plan Final Environmental Impact Report, certified by the City Council on August 16, 1994, Resolution No. 65459.



for JOSEPH HORWEDEL, DIRECTOR  
Planning, Building and Code Enforcement

For questions please contact Reena Mathew at 408-535-7844.

Attachments:

Memorandum authored by Vice Mayor Dave Cortese dated December 18, 2007



# Memorandum

TO: Honorable Mayor & City Council

FROM: Vice Mayor Dave Cortese

SUBJECT: District 8 General Plan Text Amendment

DATE: December 18, 2007

APPROVED:

*Dave Cortese R.C.*

DATE:

*12/18/07*

## RECOMMENDATION

It is recommended that the San Jose City Council:

1. Approve staff's proposed text amendment language with the following modifications (underlined and strikethrough) to the policy language related to grocery store size limitation:

*"Grocery stores are limited to a maximum floor area of 20,000 square feet in Southeast Evergreen (in the area bounded by Aborn Road to the north, San Felipe Road to the west and the City's Urban Service Boundary to the south). Excepted from this policy are grocery stores ~~existing and permitted~~ prior to January 1, 2007. Expansion or relocation of existing permitted grocery stores may be allowed upon the same site or within the center in accordance with zoning regulations and PD permitting processes as well as any other applicable City laws.*

2. Direct staff to provide an update to either the annual General Plan: Economic Development and Employment Lands Study Session or in an equivalent form on their efforts to locate and/or encourage employment-serving uses at the industrial campus property on Yerba Buena Road including, but not limited to:
  - a. Opportunities to implement goals 1 (Create 25,000 Clean Tech jobs as the World Center of Clean Tech Innovation) and 4 (Build or retrofit 50 million square feet of green buildings) contained in Mayor Reed's Green Vision.
  - b. Federal and state grant opportunities to help implement reverse-commute projects such as the Job Assistance and Reverse Commute program administered by the Federal Transit Administration via the Metropolitan Transportation Commission.
3. Direct staff to continue working closely with Shapell Industries to fill vacant storefronts at the Evergreen Village Square with quality retail services.

## **BACKGROUND**

The general plan text amendment initiated by staff and modified herein intends to achieve the following policy objectives of the City Council:

- Smart growth: the proliferation and preservation of walkable communities which includes neighborhood serving uses such as grocery stores, coffee shops, etc.
- Jobs-housing balance: the location of business tax generating uses to support city services and infrastructure.
- Reverse commute: the balanced distribution of residential and industrial communities so as to support a congestion-free transportation system.

Council's support of the General Plan Text Amendment with the modification noted in recommendation #1 will underscore its support of the policy objectives enumerated above. The directions regarding the campus industrial property will focus professional staff's efforts on implementing the tenets of Mayor Reed's Green Vision while also exploring unique opportunities to test reverse-commute opportunities in a part of San Jose that was designed with the intention of a reverse-commute lifestyle. Finally, the protection afforded to permitted grocery uses within the boundaries of Southeast Evergreen (as defined above) reflects the Council's continued commitment to the City of San Jose's first-ever specific plan community, which from a residential capacity perspective has been a tremendous success but from a commercial capacity still needs close involvement of the city in order to ensure its long-term success.

This memorandum has been coordinated with the Office of the City Attorney and the Department of Planning, Building and Code Enforcement.