



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: November 22, 2010

Approved 

Date 11/29/10

COUNCIL DISTRICT: 10
SNI AREA: N/A

SUBJECT: PRIVATE REQUEST FOR ALTERNATIVE DRAFT ENVISION 2040 PLAN LAND USE DESIGNATION FOR URBAN RESIDENTIAL USES IN SOUTH ALMADEN VALLEY URBAN RESERVE (SAVUR) (REQUEST NO: ESJ2040-007)

RECOMMENDATION

Reject the private request for an Alternative Draft Envision 2040 Land Use/Transportation Diagram designation of *Residential Neighborhood* allowing urban residential uses in the South Almaden Valley Urban Reserve because it is inconsistent with the Council's prior direction to consider no housing or job growth in the Urban Reserves within the timeframe of the Envision 2040 Plan.

OUTCOME

Council rejection of the private request for an Alternative Draft Envision 2040 Land Use/Transportation Diagram designation of *Residential Neighborhood*, allowing urban residential uses in the South Almaden Valley Urban Reserve, would retain the designation *South Almaden Valley Urban Reserve* in the Draft Envision Plan Land Use/Transportation Diagram and would reaffirm the Council's prior direction that the General Plan Update should consider no housing or job growth in the Urban Reserves within the timeframe of the Envision 2040 Plan. Monies paid at the time of submittal as the base amount for staff costs for environmental review of the private request would be refunded.

BACKGROUND

On October 19, 2010, the City Council accepted staff's recommendation for a process to review private requests for Alternative Draft Envision 2040 land use designations and potentially allow

consideration by the City Council of requests which could achieve environmental clearance at the time of Council consideration of the Draft Envision Plan, scheduled for June 2011. This process established a deadline of November 15, 2010 for submittal of such requests for Alternative Envision 2040 land use designations on the Draft Envision Land Use/Transportation Diagram (Diagram).

Staff received fifteen requests by the November 15th deadline. The subject request for an Alternative land use designation of *Residential Neighborhood* on the Draft Diagram on an approximately 340-acre site in the South Almaden Valley Urban Reserve (Request No. ESJ2040-007) was submitted by the Keenan Land Company as both owner and representative of 19 parcels. The request letter states that the site is within the Urban Growth Boundary, and could accommodate 750 to 925 single-family residential units, a small commercial center and public open space.

Staff has begun initial review of all the request submittals. Through this initial review, staff has identified that the proposed request for an Alternative Draft Envision 2040 Land Use/Transportation Diagram designation of *Residential Neighborhood*, allowing future urban residential development and growth in the South Almaden Valley Urban Reserve, is inconsistent with the fundamental principles of the Envision General Plan Update previously accepted by the Council, and inconsistent with the Preferred Land Use Scenario approved by the Council as the basis for the development of the General Plan Update Draft Environmental Impact Report (DEIR). This request would require the major reworking of technical analyses prepared for the Update DEIR due to the request's potentially significant environmental and growth inducing impacts.

ANALYSIS

On June 16, 2009, the City Council approved the Final Selection of Growth Study Alternatives and provided direction to proceed with environmental, fiscal and economic analyses of the four proposed Land Use Study scenarios for the Envision 2040 General Plan Update, including a geographic distribution for new job and housing growth capacity within each scenario. The four Land Use Study scenarios were based on the clear set of principles articulated in the draft Envision San Jose 2040 Vision (Vision) and draft Land Use/Transportation Scenario Guidelines (Guidelines), both also previously accepted by the City Council in April 2009. Following these clear principles, and specific prior consideration of the potential use of the Urban Reserves as part of the General Plan Update, none of the four approved scenarios include either housing or job growth in both the South Almaden Valley and Coyote Valley Urban Reserves as part of the Envision San Jose 2040 process. All projected growth could be accommodated within the existing Urban Service Area. In contrast, growth in the Urban Reserves would not further the Guidelines, would be anticipated to result in significantly greater negative environmental implications and negative fiscal impacts than infill development, and would not improve the vibrancy or sustainability of the City of San Jose.

Subsequently on April 20, 2010, the City Council approved the selection of the General Plan Preferred Land Use Scenario to include the proposed geographic distribution and total amount of job and housing growth capacity, and to serve as the basis for the California Environmental Quality Act (CEQA) analysis required for consideration and approval by the Council of the Envision San Jose 2040 Plan, scheduled for June 2011. This Draft Environmental Impact Report (DEIR) will include

review and analysis of the approved Preferred Land Use Scenario and alternative scenarios as required by CEQA, including the "No Project" scenario. Only the No Project Scenario (continuation of the existing San Jose 2020 General Plan) anticipates partial development of the Coyote Valley Urban Reserve (3,700 jobs and 10,000 housing units) and South Almaden Valley Urban Reserve (0 jobs and 800 housing units), assuming the satisfaction of long established prerequisite conditions (commonly referred to as triggers). None of the Envision scenarios includes development in the Urban Reserves. Therefore, the DEIR would not provide environmental clearance for an alternative that mixes San Jose 2020 and Envision 2040 General Plans.

Conclusion

This request for consideration of urban residential uses in the South Almaden Urban Reserve is far outside the range of Envision 2040 land use alternatives currently being analyzed in the DEIR, both in the locations and the amounts of job and housing growth. Any consideration of this request would represent a dramatic departure from the careful iterative development of the Envision Preferred Land Use Scenario and Draft Envision Land Use/Transportation Diagram through the three-year process guided by the Task Force. This process included significant engagement by the community and a wide range of stakeholder groups, with significant milestones in the Envision process endorsed by the City Council.

Because there is no Envision land use scenario including any urban development by 2040 in the Urban Reserves, direction to allow consideration of this request for the Alternative Envision 2040 land use designation of *Residential Neighborhood* in SAVUR (rather than *Urban Reserve*) would require fundamental changes to the scope of review for, and a significant delay of many months in starting over with the technical analysis required for the completion of the Envision General Plan Draft Environmental Impact Report. The Envision DEIR is currently anticipated to circulate in mid-December 2010 to allow an on-schedule Council consideration of the Envision General Plan in June 2011.

POLICY ALTERNATIVES

Staff has identified the following policy alternative to the staff recommendation, with a Pro and Con for the alternative, as well as the reason for not selecting the policy alternative.

Alternative #1: Accept the request and direct staff to work with the requesting parties to analyze the Alternative Envision 2040 land use designation of Residential Neighborhood on 340 acres in the South Almaden Valley Urban Reserve and prepare environmental review documents to allow Council consideration of the Alternative land use designation together with consideration of the Envision San Jose 2040 General Plan.

Pros: Developing environmental clearance for and additional analysis of the requested Alternative land use designation to allow urban residential uses in the South Almaden Valley Urban Reserve would provide the City Council with an additional land use scenario option when considering approval of the Envision General Plan to guide the City's future development through 2040.

Cons: The requested Alternative Envision 2040 land use designation would be a fundamental change in Task Force and City Council direction for the Envision 2040 General Plan and would be entirely inconsistent with the Vision and Guiding Principles developed by the Envision Task Force and community during the past three years. Completing analysis and environmental review for this request is clearly inconsistent with the Draft Envision Plan and work of the Task Force and community as accepted by the City Council. Processing this request would create new ambiguity as to the City's goals as they are and have been expressed in the Draft Envision General Plan Update. Finally, processing this request would significantly delay the completion of the DEIR and therefore, consideration of the Update by the Council would extend past the deadline of June 2011.

Reason for not recommending: Sufficient policy direction has already been provided by the Envision Task Force and City Council during the past three years of the Envision General Plan Update, which have considered and refined a set of Land Use Study scenarios and a Preferred Land Use Plan to serve as the basis for the Update's Environmental Impact Report. Inclusion of an Envision Plan scenario with any development in the South Almaden Valley Urban Reserve would require extensive new technical analyses, delay the Update past June 2011, necessitate consultant contract amendments, and incur additional consultant and staff costs. Staff costs are high because all of the non-management positions involved in the Update are temporary, scheduled to expire in June 2011.

Even if the requestor is willing to pay for all of these additional costs, consideration of this request undermines the fundamental tenets of the Envision Plan which focuses growth in locations with transit and other infrastructure services. The Envision General Plan Update process represents a significant investment by the City Council, Envision Task Force and the community in developing a clear and cohesive vision for the City's future. Rejection of the proposed alternative urban land use designation in the South Almaden Urban Reserve would demonstrate a clear commitment to the Draft Envision General Plan as created through the collaborative community Envision process.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 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)**
- Criterion 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)**

The requestor and property owners of parcels within the subject site have received notice of the December 14, 2010 City Council meeting and of staff's recommendation for Council to reject the

request for an Alternative Envision 2040 land use designation in the South Almaden Valley Urban Reserve, and the notice was posted on the Envision General Plan web site.

Significant and regular community outreach has occurred as part of the Envision San José 2040 General Plan Update process, both through traditional means and through use of online resources. Prior to each Task Force meeting, e-mails are sent to a subscription list that consists of approximately 700 individuals who have subscribed online or at a Task Force or community meeting. All Task Force meeting agendas and materials are posted on the Envision San José 2040 website in advance of the meeting, and synopses and audio recordings of meetings are posted online following each meeting. Additional community outreach has occurred at seven Saturday and evening Community Workshops that attracted a cumulative total of approximately 500 people. Full summaries of all Community Workshops are available under the "Community Outreach & Task Force" heading at http://www.sanjoseca.gov/planning/gp_update/Background.asp.

In addition to the more traditional outreach efforts identified above, staff has engaged a significant portion of the San José community with online outreach efforts. Between August 1, 2009 and November 15, 2009, nearly 4,500 registered users visited an online Wiki planning site, and of these visitors, nearly 2,800 completed an online survey, and 2,200 answered open-ended questions. Improving public transit was most frequently referenced as the single thing that would make San José a better city, diversity was mentioned most frequently as San José's most significant asset, and respondents ranked "proximity to shops and restaurants" as their most important criteria in choosing a place to live during the next 30 years. A full summary of the Wiki planning report is available online at http://www.sanjoseca.gov/planning/gp_update/documents/WikiReport-Final_001.pdf.

Additionally, to support the development of the Preferred Land Use Scenario staff supplemented a conventional community meeting with an online questionnaire that generated approximately 1,000 complete responses. In allocating 100 points to any of ten priorities for shaping San José's future, community members ranked economic development first, fiscal stability second, and minimizing environmental impacts third. Increasing transit ridership was ranked fourth, with creating neighborhood villages closely following as a fifth priority. A full summary of the survey responses is available online at http://www.sanjoseca.gov/planning/gp_update/documents/SurveySummaryResponse-3-29-10_000.pdf.

In addition to these efforts, staff has created a Facebook page to help engage the community in providing input into and following the Envision process. All of these outreach efforts has garnered receipt of statewide recognition from the American Planning Association.

COORDINATION

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

Staff representatives of all City Departments are actively participating in the Envision process. The Envision process has been coordinated with a number of outside agencies, including the Santa Clara Valley Water District, the various School Districts, Santa Clara County and the California

Department of Transportation. Staff has worked particularly closely with the Valley Transportation Authority on the development of the Draft Land Use/Transportation Scenario.

FISCAL/POLICY ALIGNMENT

The submitted request for an Alternative Envision 2040 General Plan land use designation to allow urban uses within the South Almaden Valley Urban Reserve is inconsistent with the Guiding Principles of the Envision General Plan Update. The Principles focus growth in infill locations close to transit and existing services, particularly to achieve the Envision goal of improving the City's fiscal stability. Updating the General Plan is an opportunity for the City to determine the future fiscal and policy direction of the City. The Task Force and staff are working together to develop a General Plan update consistent with direction provided by the City Council when it launched the Envision San José 2040 process and consistent with the Council's funding actions for the Envision effort. Improvement of the City's fiscal condition through careful land use planning has been a key goal for the Task Force, the public, and staff throughout the Envision process, consistent with current City policies and goals; urban development in the Urban Reserves by 2040 is a fundamental contradiction to this goal.

COST SUMMARY/IMPLICATIONS

Council direction at this time to reject the request for an Alternative Envision 2040 General Plan land use designation would allow staff to complete the preparation of the DEIR for environmental review of the Draft Envision Plan and Land Use/Transportation Diagram under the City's current contracts with the environmental and technical consultants. Based on the existing scope of those contracts, staff is scheduled to complete the Envision San José 2040 process in June of 2011. Funding for this effort extends through June 2011.

BUDGET REFERENCE

Council rejection of the requested Alternative Envision 2040 General Plan land use designation would allow completion of the Envision General Plan Update with budgeted resources within the existing timeframe.

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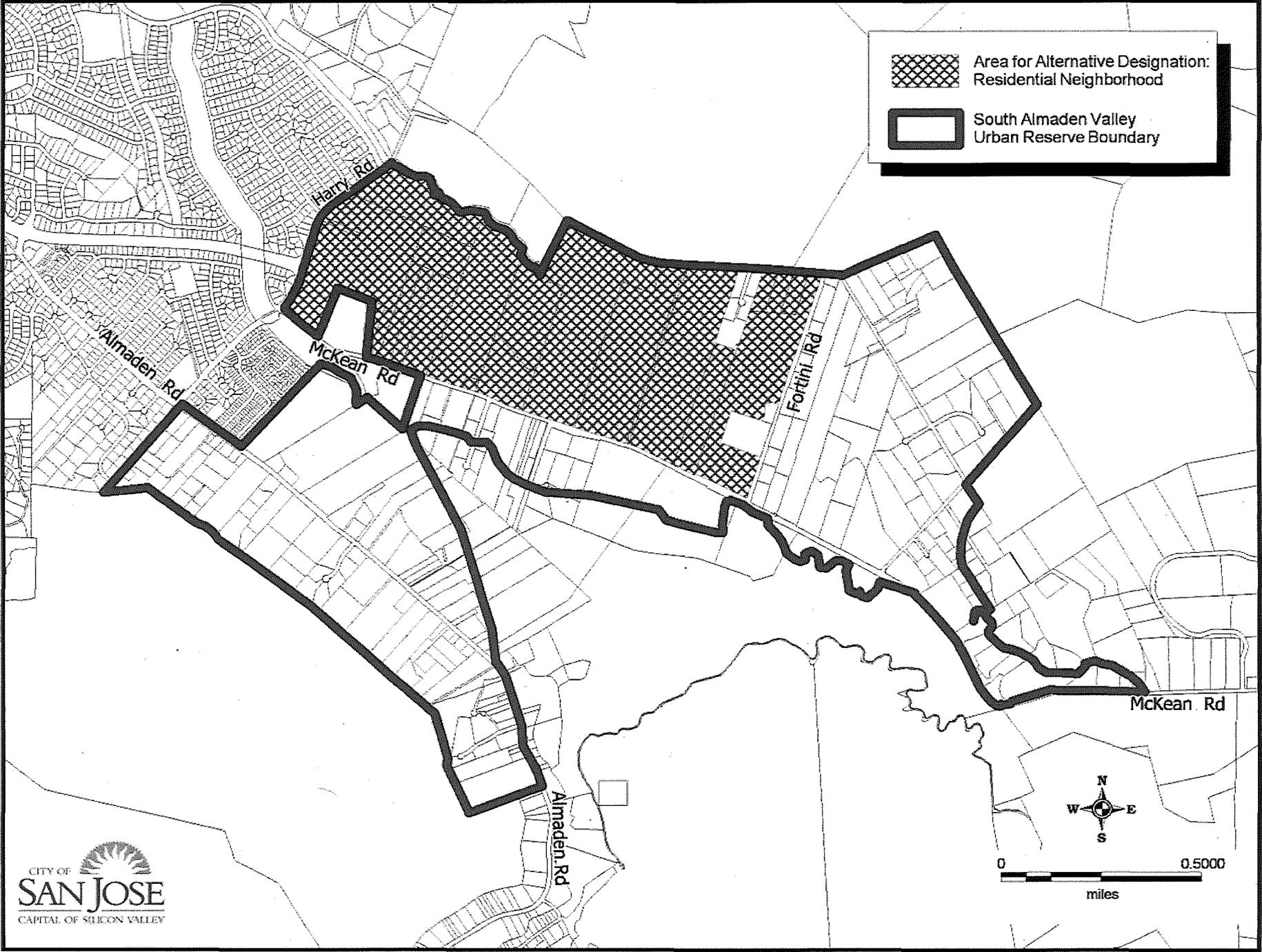
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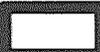
Incomplete.

/s/
JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Laurel Prevetti at 408-535-7901.

Attachment: Map of subject site



-  Area for Alternative Designation: Residential Neighborhood
-  South Almaden Valley Urban Reserve Boundary

