

SUPPLEMENTAL

COUNCIL AGENDA: 11-1-11
ITEM: 4.1



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

**SUBJECT: DRAFT ENVISION SAN JOSE 2040
GENERAL PLAN UPDATE**

DATE: October 17, 2011

Approved

Date

10/17/11

COUNCIL DISTRICT: Citywide
SNI AREA: Citywide

SUPPLEMENTAL

REASON FOR THE SUPPLEMENTAL

This supplemental memorandum is provided to highlight substantive revisions made to the Draft Envision San José 2040 General Plan (Draft Plan) text and Land Use/Transportation Diagram subsequent to the final Envision Task Force meeting conducted on September 12, 2011.

BACKGROUND

The Planning Commission considered the Draft Envision Plan at a public hearing on September 28, 2011. Prior to this hearing, as part of the ongoing Envision community engagement process, notices were sent to approximately 9,500 property owners most directly affected or potentially affected by proposed Land Use/Transportation Diagram changes included within the General Plan update. As a result of input received through these community engagement activities, staff has incorporated minor edits to the Draft Plan as discussed in this memorandum.

ANALYSIS

The following proposed modifications to the Draft Envision San José 2040 General Plan are consistent with the prior discussion and recommendations of the Envision Task Force and Planning Commission. The incorporation of these modifications into the Draft Plan supports the achievement of the overall Plan Major Strategies, Goals, Policies and Implementation Actions. Including these edits in the final version of the General Plan will improve its overall quality and usability as described for each topic.

The following analysis addresses:

Revisions to Draft Plan Policies and Text

- Major Strategies
- Airport Safety Policies
- “Pipeline” Project Policies
- Applicability of the Urban Village Design Policies
- Other Minor Text Changes

Revisions to the Draft Land Use/Transportation Diagram

- Downtown Area East of 4th Street
- “Reed and Graham” Property
- Brooktree Way PG&E Corridor
- 3010 Monterey Highway

Revisions to Draft Plan Policies and Text

Major Strategies

The Draft Envision Plan “Major Strategies” described in Chapter 1, were originally drafted and presented to the Envision Task Force in September, 2010, as part of the first Draft of the Plan. The First Draft included 10 strategies identified as “City Concepts”. These include Community-Based Planning, Regional Employment Center, Fiscally Strong City, Focused Growth, Urban Villages, Complete Streets, Destination Downtown, Greenline/Urban Growth Boundary, Environmental Stewardship, and Design for a Healthful Community. Over the course of the past year, discussions by the Task Force, Planning Commission and Council have involved various combinations of these ten strategies, as well as discussion of other key concepts or strategies of the Draft Plan.

As staff concludes work on the Draft Plan, it has become apparent that the ten strategies developed for the First Draft should be updated to better align with the key concepts of the Envision San José 2040 General Plan as they have evolved through the Task Force and public hearing process. Accordingly, the current Draft Envision Plan has been updated to add two additional concepts: Form Based Plan and Periodic Review/Horizons. Both of these concepts are well established as significant components of the Draft Envision Plan and staff concludes that identifying them among the twelve Major Strategies will improve the Plan’s usability. Similarly, using the familiar term “Major Strategies” (in place of “City Concepts”) should make it easier to read and understand the final version of the Envision General Plan.

Airport Safety Policies

The Draft Plan was initially presented to the Airport Land Use Commission (ALUC) at its August 24, 2011, hearing. At that hearing, County staff recommended and the ALUC requested changes to specific policies in the Draft Plan. A revised version of the Draft Plan incorporating the requested policy language was then prepared by San José Planning staff in coordination with the City Attorney’s Office and submitted to the County. At the next ALUC hearing, held on September 28, 2011, the ALUC found the Draft Envision San José 2040 General Plan to be consistent with ALUC policies provided that the Plan include the revised policy language.

Following the ALUC action, the Draft Plan text has been modified as follows:
(deleted text is indicated by ~~strikethrough~~; added text by underline)

TR-14.3 For development in the Airport Influence Area overlays, ensure that land uses and development are consistent with take into consideration the height, safety and noise policies identified in the Santa Clara County Airport Land Use Commission (ALUC) comprehensive land use plans for Mineta San José International and Reid-Hillview airports, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.

As drafted, this Policy recognizes the importance of regulating land uses to be consistent with the ALUC policies for height, safety and noise, while also preserving the City's ability to override the ALUC policies as provided for under State law. If this Policy is not included within the General Plan, it will be necessary for the City Council to make such an override based upon the action taken by the ALUC in September.

"Pipeline" Projects

The Draft Plan *Chapter 7 – Implementation* includes policy provisions to address three types of potentially non-conforming or "Pipeline" projects (Policies IP-1.3, IP-1.4 and IP-1.9) developed with input from development industry representatives throughout the Envision process. Following the final Envision Task Force meeting, additional input on Policy IP-1.4 and Policy IP-1.9 was received from development industry representatives at the Developers Roundtable meeting on September 16, 2011 conducted by the Department of Planning Building and Code Enforcement. These Policies, including edits to address the most recent input, were highlighted in the staff presentation on the Draft Envision General Plan to the Planning Commission.

Per input from development industry representatives and development review staff, the text of these Draft Plan policies has been modified as follows:

IP-1.3 Ensure that proposals for redevelopment or significant intensification of existing land uses on a property conform to the Land Use / Transportation Diagram. Because the Diagram designation identifies the City's long-term planned land use for a property, non-conforming uses should transition to the planned use over the timeframe of this General Plan. Allow improvements or minor expansions of existing, non-conforming land uses provided that such development will contribute to San José's employment growth goals or advance a significant number of other General Plan goals.

IP-1.4 Implementation of existing planned development zonings and/or approved and effective development permits (including use permits and subdivision maps), which were previously found to be in conformance with the General Plan prior to its comprehensive update, may be are generally considered as being in conformance with this General Plan when ~~provided that~~ the implementation of such entitlements supports the goals and policies of the San José 2040 General Plan.

IP-1.9 For a period of up to 18 months following the adoption date of this General Plan, discretionary ~~land use entitlements~~ planned development zonings and/or development permits (including use permits and subdivision maps) may be considered for General Plan conformance to the land use designations as shown on the final adopted version of the Focus on the Future San José 2020 Land Use/Transportation Diagram ~~provided that~~ when such “Pipeline” applications, including full payment of initial application fees, were submitted to the City prior to adoption of this General Plan.

Applicability of Urban Village Design Guidelines

A representative of Safeway Corporation submitted comments to the Planning Commission requesting the Draft Plan Policy CD-7.3 be revised to clarify the intent of the Policy relative to the affect of Urban Village Design Guidelines on commercial development in Village areas. Staff has worked with the representative to modify the policy as follows:

CD-7.3 Review development proposed within an Urban Village Area prior to approval of an Urban Village Plan for consistency with any applicable design policies pertaining to the proposed use. ~~(e.g., general Urban Design policies). Encourage such new development to be consistent with~~ Review proposed mixed-use projects that include residential units for consistency with the Design Policies for Urban Villages. Following adoption of an Urban Village Plan, review new development for consistency with design policies included within the Urban Village Plan as well as for consistency with any other applicable design policies.

Other Text Revisions

The current Draft of the Envision San José 2040 General Plan indicates notations (deleted text is indicated by ~~strikethrough~~; added text by underline) to indicate all edits made to the document following the final Envision Task Force meeting. Other text revisions made since this meeting include additions of explanatory text (particularly related to the Major Strategies and appropriate land uses within Urban Village Area Boundaries) and corrections to address grammar, background facts, and typos, as well as edits to improve consistency throughout the document in the use of terms such as “Urban Village.” The document also includes edits to update references to the City’s Redevelopment Agency (including deletion of Draft Plan Policy IP-18.3 which addressed use of tax increment financing) and other contextual issues that have changed since the prior Draft Plan language was originally written. Some edits have also been made to “illustrative” elements of the Draft Plan, including the Acknowledgments and Glossary sections.

Revisions to the Draft Land Use/Transportation Diagram

As a direct result of the most recent public outreach activities, staff is recommending that the Draft Land Use/Transportation Diagram be revised for four locations or properties within the City as described in the following sections. These revisions do not affect the planned amounts of job and housing growth supported by the Draft Plan and are consistent with the overall Draft Plan strategies and goals.

Revision #2 – Reed and Graham

The properties located at the southeast corner of Savaker Avenue and Sunol Street (referred to as the “Reed and Graham” property) comprise one of several specific sites which have the “Mixed Use with No Underlying Land Use Designation in the San José 2020 General Plan. Consistent with the Envision General Plan update goal of a more generalized, flexible Land Use/Transportation Diagram, this designation is not included within the Draft Plan. The Mixed Use with No Underlying Land Use Designation provided for very specific amounts of development (e.g., specific numbers of residential units and/or specific amounts of commercial square footage) to be maintained within the General Plan for the subject properties. Each site so designated for mixed uses in the San José 2020 General Plan was reviewed as part of the Envision process. In most cases, staff relied upon an existing land use entitlement to preserve the specific amounts of development supported by the San José 2020 General Plan. However, because the Reed and Graham site does not yet have such entitlements, staff considered several different methods for reflecting this mixed use development capacity within the Draft Envision Plan. While the site was already located within an Urban Village area in the Draft Plan, following recent conversations with the property owner, staff has revised the Draft Plan to identify the Reed and Graham site as a separate Urban Village area, allowing specific amounts of housing and employment growth to be identified within Appendix 5 of the Draft Plan.

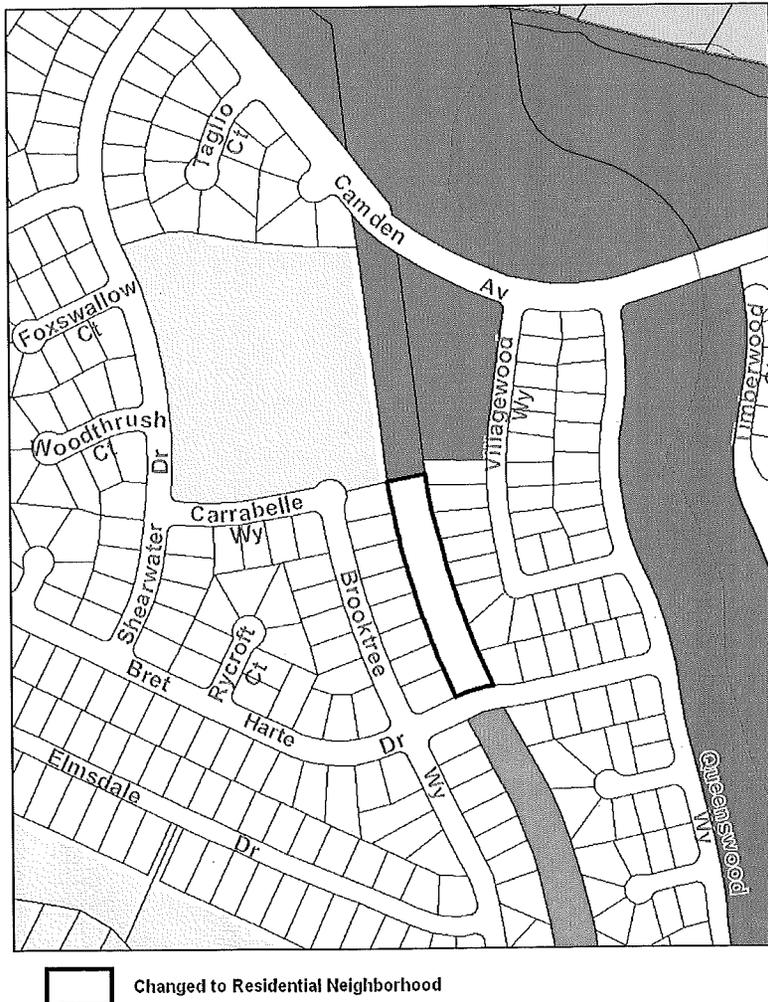
Figure: Properties Recommended for a Revised Designation of Urban Village on the Draft Land Use/Transportation Diagram



Revision #3 – Brooktree Way PG&E Corridor

At the September 28, 2011, Planning Commission hearing, residents living along Brooktree Way requested that the City change the Draft Land Use/Transportation Diagram designation for the PG&E high-voltage power line corridor located along the rear of their properties to a Residential Neighborhood designation. While this corridor likely has minimal development potential due to the presence of the power lines and a PG&E easement, staff supports the requested change given that the subject parcel is now in private ownership incorporated into adjacent residential rear yards. Accordingly, staff has modified the Draft Land Use/Transportation Diagram to designate this parcel as Residential Neighborhood rather than as Open Space, Parklands and Habitat as is proposed on the continuation of the easement to the north.

Figure: Properties Recommended for a Revised Designation of Residential Neighborhood on the Draft Land Use/Transportation Diagram



Revision #4 – 3010 Monterey Highway

Following conversations with multiple property owners located along Monterey Highway, staff determined that the Draft Plan should establish a clear and cohesive vision for the future development of this important corridor. While the prior Draft Plan included a change in the Land Use/Transportation Diagram designation for several similar parcels to Combined Industrial/Commercial, the property located at 3010 Monterey Road, currently in use as a mobile home park, was inadvertently omitted from this group. The current low level of investment in the property suggests that it may have redevelopment potential over the timeframe of the Envision San José 2040 General Plan. If such redevelopment occurs, a designation to Combined Industrial/Commercial will facilitate achievement of the General Plan’s economic development goals.

Figure: Properties Recommended for a Revised Designation of Combined Industrial/Commercial on the Draft Land Use/Transportation Diagram



□ Changed to Combined Industrial/Commercial

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Conclusion

Each of the above recommended revisions to the Draft Plan and Land Use/Transportation Diagram will improve the overall quality of the Draft Envision San José 2040 General Plan by addressing issues related to specific properties or by providing greater clarity to guide the Plan's implementation. The proposed revisions incorporated by staff are consistent with the planned amounts of job and housing growth supported by the Envision General Plan and will not affect the outcome of the General Plan except to provide greater flexibility and/or clarity towards the achievement of the Plan's vision, strategies and goals.

/s/

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