

**TO: Envision San José 2040  
Task Force**

**FROM: Andrew Crabtree**

**SUBJECT: August 22, 2011  
TASK FORCE MEETING #50**

**DATE: August 16, 2011**

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This memorandum provides information to assist you in preparing for the August 22, 2011 Envision San José 2040 Task Force Meeting. Links to the referenced documents and other resource materials (e.g., reading materials and correspondence) are posted on the Envision website.

### **Agenda Item 3 – Envision San José 2040 General Plan Draft #7**

Consistent with the current schedule for City Council consideration of the Draft Plan in October of this year, the August 22<sup>nd</sup>, Task Force meeting provides a final opportunity for the Task Force and community members to review and comment upon the Draft Plan. The Task Force may recommend further refinements to the Draft Plan document provided that those refinements are consistent with the project description and the identified environmental impacts as stated within the Draft Program Environmental Impact Report (PEIR). The September 12, 2011 Task Force meeting will be used to provide Task Force members with an opportunity to make closing comments on the Envision Task Force process and to make formal recommendations on the Draft Envision Plan and Land Use/Transportation Diagram prior to scheduled Planning Commission (September 28, 2011) and City Council (October 25, 2011) hearings.

The Task Force most recently reviewed a complete draft of the plan (Draft #5) at the March 21, 2011 Task Force meeting. Task Force comments and additional input from the City's environmental consultant were incorporated into a revised complete draft (Draft #6) which was posted on the Envision website in June concurrent with the circulation of the Envision Draft PEIR.

The Task Force is scheduled to meet on Monday, September 12<sup>th</sup> to make a recommendation on the complete Draft Envision San José 2040 General Plan and to formally conclude the Envision Task Force process.

#### **a) Community Engagement**

As has been previously discussed, community engagement is an ongoing focus for the Envision work program. In addition to the 49 Envision Task Force meetings and 7 formal community workshops and numerous conversations with interested parties, Envision staff and/or Task Force ambassadors have conducted over 100 Envision outreach meetings with community stakeholders or stakeholder groups. A summary list of these meetings is included in the Task Force meeting packet as a reference item. Recent meetings conducted by Envision staff or ambassadors have included key property owners or developers, several neighborhood associations, and ongoing work with the Five Wounds community for preparation of Urban Village plans for their neighborhood. Additionally, a brochure promoting

awareness of the Envision Draft Plan and Land Use/Transportation Diagram was sent to approximately 200,000 residential property owners within San Jose as an insert with the residential garbage/recycling bills. This brochure insert is posted on the Envision website.

**b) Key changes from Draft#6**

The complete Plan Draft #7 text and Draft Plan Appendices are included within the packet as Reference Materials. The Draft Plan document includes notations to identify all substantive edits (e.g. edits that affect proposed goals and policies, but not including minor edits to correct typos, punctuation, grammar, spelling, formatting, sentence structure, etc.), made since the last Task Force Meeting (Draft #5). Newly inserted text is indicated by underline and deleted text is indicated by ~~striketrough~~ notation.

Substantive changes in this draft are intended, in line with principles previously agreed upon by the Task Force, to address specific comments made by Task Force and community members, or to provide greater clarification and guidance for sections where community member comments suggested that the previous language was potentially ambiguous. Also, at the request of the City’s environmental consultant, prior to circulation of the Envision Draft PEIR some policies which contribute toward environmental mitigation were edited to provide more clarity or updated to reflect the current environmental context.

A separate document included in the packet Meeting Materials highlights substantive Draft #7 changes by topic area. These topics include Task Force requested edits to the Open Hillside and Urban Village Planning goals and policies. An additional new policy for “Pipeline” Projects has not been included with Draft#7 as it introduces a new topic, but rather is proposed for separate Task Force consideration as part of Agenda Item 4 (see below).

**c) Urban Village Planning Guidelines**

Posted with Draft #7 is a complete set of Draft Plan Appendices, including Appendix 06: Urban Village Planning Guidelines. These Guidelines have been prepared to help address questions and comments identified through the Five Wounds Urban Village planning process and property owner and developer outreach activities related to the preparation of an Urban Village Plan and the evaluation of a Signature Project within an Urban Village area.

**Agenda Item 4 – Proposed Implementation Actions**

The Task Force will have an opportunity to review and provide input or recommendations on two topics related to implementation activities that will be important following the anticipated adoption of the Envision General Plan.

The first part of this agenda item, “Pipeline” projects, addresses a possible grandfathering-in of the current *Focus on the Future San José 2020* General Plan for pending Planning permit applications. The Task Force will be asked to make a recommendation on a proposed policy to address such projects.

This second part of this agenda item provides Task Force and community members with an opportunity to give input on a proposed work plan for future Zoning Ordinance changes to bring the City’s Zoning Ordinance into better alignment with the Envision General Plan. Task Force and

community members may comment on the scope or priority for ordinance changes or other related concerns.

**a) “Pipeline” Projects**

While Envision staff have conducted an extensive outreach program for the Envision General Plan Update, it is not possible to ensure that every property owner or potential developer is fully aware of the land use policy changes proposed as part of the Envision Draft Plan and Land Use/Transportation Diagram. In addition, the City has a number of pending applications that were submitted to the City prior to or concurrent with the Envision process. Following adoption of a new General Plan, the City will need to find General Plan conformance for any discretionary action taken by the City, including the consideration of a wide range of Planning permits (e.g., zoning changes, conditional use permits, site development permits, tentative maps, etc.). Recent stakeholder input has identified this as a concern. It is possible to incorporate within the General Plan provisions that would potentially allow the City to find General Plan consistency for projects already in the development review process, also known as “pipeline” projects.

To provide a significant amount of flexibility for project proponents, while also addressing the need to limit the potential for long-term need to continue processing inactive projects, staff proposes that the Task Force consider the addition of a policy within the Envision Draft Plan Chapter 7 that would allow the City to continue use of the *Focus on the Future San José 2020* General Plan in order to find General Plan consistency for all “Pipeline” projects for a period of up to 18 months. This would require such projects to complete all discretionary Planning permits within this time period. In order to qualify as a “Pipeline” project, an application including full payment of initial filing fees will need to have been submitted prior to the adoption date of the Envision General Plan. The following proposed policy could be used to address this issue:

IP-1.9 For a period of up to 18 months following the adoption date of this General Plan, discretionary land use entitlements may be considered for General Plan conformance using the final adopted version of the *Focus on the Future San José 2020* General Plan provided that such “Pipeline” applications, including full payment of initial application fees, were submitted to the City prior to adoption of this General Plan.

**b) Zoning Ordinance Changes**

The Task Force packet includes a “Proposed Work Plan for Zoning Ordinance Changes” that identifies three categories or levels of proposed Zoning Ordinance changes. The first level includes basic changes needed to remove or update references to the San José 2020 General Plan that will become obsolete upon adoption of the Draft Envision Plan. The second level of changes include new Ordinance sections to reflect key new Envision General Plan concepts (e.g., establishment of an Urban Village zoning district, changes to land use regulations to support Urban Agriculture, etc.). The third level would bring the Zoning Ordinance more broadly into alignment with the Envision General Plan by comprehensively adjusting land use and development standards to align with the Draft Plan land use policies and to resolve multiple Draft Plan Implementation Actions that call for updates to the Zoning Ordinance.

As the first level changes are necessary for the normal implementation of the Zoning Ordinance, staff anticipates that an update to the Zoning Ordinance addressing these changes will be brought to the City Council shortly after adoption of the Draft Envision General Plan. The second level changes are

considered a high priority but most likely require additional staff resources in order to implement. The third level changes represent a significant new work program.

#### **Agenda Item 5 – Update on Five Wounds Urban Village Planning and Outreach Activities**

Since the last Task Force meeting staff has continued to work closely with community members to prepare four Urban Village Plans for the Five Wounds neighborhood area, meeting several times with the community planning team and participating in two community meetings. A brief synopsis prepared by a community member for the second of these meetings is included in the packet correspondence materials. Preparation of these four Urban Village plans is currently scheduled to be completed in January 2012.

#### **Agenda Item 6 – Pending Land Use Options and Requests**

While the Task Force has previously developed and endorsed a Draft Envision Land Use/Transportation diagram (Diagram), the Envision process has also provided the opportunity for property owners to request alternative designations (Envision Requests) and, as part of the project formulation for the preparation of the PEIR, has incorporated analysis of three pending General Plan Amendments (Envision Options) which were not otherwise incorporated within the Draft Diagram. Staff will provide a brief update on the status of these Options and Requests (summarized in a table provided as part of the packet materials) and, following public input (Agenda Item 8), Task Force members will have an opportunity to formally make recommendations on each of these.

#### **Agenda Item 7 – Draft Program EIR: Summary of Comments Received**

At the request of several interested parties, the comment period for the Draft PEIR was extended from 45 days to 60 days so that it concluded on August 15, 2011. Per CEQA requirements, any comments received by the City during the circulation period which in some way referenced a potential environmental impact, were treated as comments relevant to the PEIR even if they did not specifically address the adequacy of the document. As of August 16, 2011, the City has received 83 comments on the PEIR. Staff will provide a summary of these comments to the Task Force so that they may be aware of their scope and common themes. These comments are posted on the Planning Division website at: [http://www.sanjoseca.gov/planning/eir/ESJ2040\\_EIR\\_Comments.asp](http://www.sanjoseca.gov/planning/eir/ESJ2040_EIR_Comments.asp).

#### **Agenda Item 8 – Public Comment**

Members of the community will be provided with an opportunity to address the Task Force and provide input on the Agenda discussion items.

#### **Agenda Item 9 – Task Force Recommendations and Voting**

Task Force members will be asked to vote on specific recommendations for the Draft Plan related to the topics on the meeting agenda.

#### **Reading / Resource Materials**

Reading and Resource Materials for this Task Force meeting include:

- Agenda Item 3: Envision Plan Draft #7 (with Appendices).
- Agenda Item 3: Summary of Key changes from Envision Plan Draft #5 to Draft #7.
- Agenda Item 4: Proposed Work Plan for Zoning Ordinance Changes.
- Agenda Item 4: Zoning Ordinance – Identified General Plan References & Draft Plan Actions
- Agenda Item 5: Summary of the 7/26/11 Five Wounds Village Plan Community Meeting.

- Agenda Item 6: Summary Table of Pending Envision Land Use Options and Requests
- Agenda Item 6: Staff analysis and recommendations for Pending Envision Land Use Options and Requests
- Agenda Item 7: Comments received on the Envision Draft PEIR

### **Task Force / Public Correspondence**

The packet includes three items of public correspondence from Terry Christensen, Ron Canario and the Portland Equity Initiative.

### **Announcements**

Included in the packet materials is an evaluation of the quality of staff work for Task Force members to complete and return by the September 12<sup>th</sup> Task Force meeting.

Staff and Task Force members will have an opportunity to provide additional announcements.

### **Next Meetings**

Please note that the next Envision Task Force Meeting is scheduled for **Monday, September 12, 2011** at the usual time (6:30 to 9:00 pm) and location (City Hall Wing Committee Meeting Rooms). The September 12 meeting is planned to be the conclusion of the Envision Task Force process, including time for Task Force members to make concluding remarks and to sign the Draft Document as part of a formal recommendation to the City Council.

If you have any questions, please contact either myself or Susan Walton. I can be reached by phone at (408) 535-7893 or by email at: [andrew.crabtree@sanjoseca.gov](mailto:andrew.crabtree@sanjoseca.gov). Susan can be reached by phone at (408) 535-7847 or by email at: [susan.walton@sanjoseca.gov](mailto:susan.walton@sanjoseca.gov).

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