



Date: May 16, 2017

To: City Manager for Council Action

From: Director of Community Development

Subject: Adopt an Early Consideration Policy for General Plan Amendment Applications and provide direction on the applicability of the Policy to Pending General Plan Amendment Applications

EXECUTIVE SUMMARY

Background: On March 28, 2017, the City Council discussed the status of the Santa Clara 2010 – 2035 General Plan. During that discussion, a number of the Councilmembers expressed a desire to implement an early consideration or “gatekeeper” process whereby proposed General Plan Amendment applications would be presented to the City Council shortly after the application has been received by the City. This Early Consideration Policy would provide an opportunity for the City Council to review proposed General Plan Amendments prior to the significant investment in time and cost by the applicant and City staff required to complete the full review process. The City Council would determine at the early consideration if the project should continue with a complete application process or be denied prior to further review. A determination to allow continued process would not indicate City Council support or lack of support for the project.

Early Consideration Process: The early consideration process would be utilized for all formally submitted General Plan Amendment applications. Following submittal, at least one community meeting would be conducted for the project and the project would be evaluated by the Project Clearance Committee (PCC) before the Council’s early consideration of the request. Staff will prepare a report for Council’s consideration that summarizes the community feedback received to date, significant concerns stemming from the PCC review, an initial analysis of the General Plan Amendment’s consistency with the General Plan Major Strategies, and a recommendation as to whether the application should be allowed to proceed through a full Planning review.

Early Consideration Outcomes: Through the early consideration process, the Council can direct staff to continue processing the General Plan Amendment application, or the Council can preemptively deny the proposed General Plan Amendment request as inconsistent with the City’s General Plan goals and policies. Should the Council provide direction to continue processing the application, staff would complete the review process for the proposed General Plan Amendment, including environmental analysis of the proposed project consistent with the requirements of the California Environmental Quality Act (CEQA). Direction to continue the review process in no way obligates or commits the Council to ultimately approve the proposal.

More information on the proposed Early Consideration Policy for General Plan Amendment Applications is included in the attached draft document.

Policy Applicability to Pending General Plan Amendments: The City is currently reviewing four pending General Plan Amendment Applications, as shown in Table 1 on the following page.

Staff is seeking direction from the City Council as to how to apply the Early Consideration to these four Applications.

Table 1: Pending General Plan Amendment Applications

Address	Applicant / Reference Name	File Number	Description	Status
1205 Coleman Avenue at Brokaw	Hunter-Storm (Gateway Crossings)	PLN2016-12318	General Plan Amendment for the Santa Clara Station Focus Area to allow residential development at 51 - 100 dwelling units per acre and commercial development at a minimum 0.20 floor area ratio (to allow up to 1,600 residential units and approximately 220k square feet [s.f.] of hotel/retail/restaurant)	CEQA Notice of Preparation (NOP) circulation complete; administrative draft Environmental Impact Report (EIR) currently being prepared
3905 Freedom Circle at Mission College Boulevard	Greystar	PLN2017-12516	General Plan Amendment from High Intensity Office/R&D to a new GP designation to allow ~606,968 s.f. of office, 1,018 residential units, 18,653 s.f. of commercial, 2.5 acres of publicly accessible open space, parking, and related improvements.	First PCC meeting held 4/4/17 (project deemed incomplete)
575 Benton Street at El Camino Real	Prometheus	PLN2017-12489	General Plan Amendment from High Density Residential to Very High Density Residential (355 apartment units and ~22,000 square feet of retail)	Staff and consultants verifying that previously-certified EIR for Irvine's Mission Town Center project adequately covers this proposal
2500 El Camino Real, et. al. at Buchanan	Mariani	PLN2016-11684	General Plan Amendment from Community Mixed Use to Regional Mixed Use for the development of 315 market rate residential units and 77 senior residential units totaling 392 units, and a 311-room hotel with a 6,000 to 8,000 square foot restaurant totaling 223,200 s.f. of commercial space on a 7.14 acre site	CEQA Notice of Preparation circulation complete; administrative draft EIR currently being prepared

Staff's recommendations and reiteration of prior direction follows:

Hunter-Storm. This General Plan Amendment application was submitted in late 2016. Given that a Notice of Preparation (NOP) has been circulated for the project and the consultant has already begun preparation of the project Environmental Impact Report (EIR), staff is recommending that the Planning review continue without a separate referral to Council under the newly proposed Early Consideration process.

Greystar. During the Council's March 28, 2017 discussion of the General Plan status, the Council directed staff to add preparation of a Specific Plan for the Freedom Circle area as a priority for the City's long-range planning work plan and to incorporate review of the Greystar application into the Specific Plan process. Staff is preparing a request for proposals (RFP) for a City-led and consultant-prepared Specific Plan. The contents of the RFP would be presented to the Council prior to its release. Following adoption of a Specific Plan for the area, Greystar's related development proposals would be reviewed for consistency with the new Specific Plan criteria.

Prometheus. The City Council approved a separate, previous General Plan Amendment for this property in February 2016 that changed the site's General Plan designation to High Density Residential. However, that previous request and the associated CEQA analysis were made to request a change to a Very High Density Residential General Plan designation. Because the current proposal is also a requested change to Very High Density Residential, environmental review for the project can be accomplished by making use of the previous project's CEQA analysis. Accordingly, the CEQA review in this proposal is limited to a confirmation that the current proposal is covered by the previous CEQA analysis, and an early consideration of this application would not achieve the objective of the Early Consideration process to save time and money associated with the CEQA review when a project has no potential for Council support. Given the minimal CEQA work necessary for this project, staff is recommending that the full Planning review continue without a separate referral to Council under the newly proposed Early Consideration Policy.

Mariani. The City Council recently provided direction which directly affects this proposal. During the Council's April 18, 2017 discussion of the El Camino Real Specific Plan, the Council indicated that it would not consider new General Plan Amendment applications in the El Camino Real Focus Area until after the primary community outreach and visioning portion of the process is complete in six to ten months' time. Given that the Council has indicated that it will be looking to the Specific Plan visioning process to help direct future applications, staff recommends that the disposition of this General Plan Amendment application be deferred until after the visioning process is complete. At that time, the Council can consider this project's consistency with the updated vision for the area and provide direction on the Council's consideration of this General Plan Amendment.

Council may provide alternative direction to any of the above staff recommendations.

CEQA: The Early Consideration Policy was determined to be Categorically Exempt under CEQA Guidelines Section 15306, Information Collection, in that the proposed policy dictates application processing steps as part of a study that may lead to a future approval action. Any such future approval action would require its own, separate CEQA analysis.

Community Outreach: The applicants for the four pending General Plan Amendments were notified of the subject hearing. This agenda report was posted online and staff was available for questions from the public.

ADVANTAGES AND DISADVANTAGES OF ISSUE

The Early Consideration Policy offers an opportunity for the Council to consider feedback from staff and the community early in the General Plan Amendment review process in order to consider whether such applications merit further review. This process does require a limited amount of additional staff time at the beginning of General Plan Amendment application review process; however, should Council choose to deny an application at the early stage, the process would result in substantial time savings for staff, the applicant, and the public, as well as substantial cost savings for applicants.

ECONOMIC/FISCAL IMPACT

City costs associated with General Plan Amendments are paid for by applicants, so the proposed policy would not have a fiscal impact on the City.

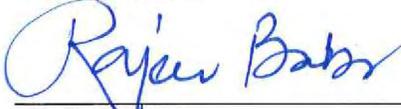
RECOMMENDATION

That the Council adopt a resolution adopting the proposed Early Consideration Policy for General Plan Amendment applications and direct staff to not apply the policy to the identified pending General Plan Amendment applications (PLN2016-12318, PLN2017-12516, PLN2017-12489, and PLN2016-11684), consistent with the recommendations contained in the agenda report.



Andrew Crabtree
Director of Community Development

APPROVED:



Rajeev Batra
City Manager

Documents Related to this Report:

- 1) *Council Resolution*
- 2) *Draft Early Consideration Policy for General Plan Amendment Applications*

RESOLUTION NO. _____**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, ADOPTING AN EARLY CONSIDERATION
POLICY FOR GENERAL PLAN AMENDMENT
APPLICATIONS****BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:**

WHEREAS, on March 28, 2017, the City Council expressed a desire to implement an early consideration process whereby proposed General Plan Amendment applications would be presented to the City Council shortly after the application has been received by the city.

WHEREAS, the Early Consideration Policy for General Plan Amendment Applications would provide an opportunity early in the application process for the City Council to review proposed General Plan Amendments prior to the significant investment in time and cost by the applicant and City staff.

WHEREAS, the Early Consideration Policy would be utilized for all formally submitted General Plan Amendment applications.

WHEREAS, as part of their early consideration of proposals, the City Council would identify whether the General Plan Amendment is consistent with the General Plan Major Strategies and Long-term Policies.

WHEREAS, through the early consideration process, the Council can direct staff to continue processing the General Plan Amendment application, or the Council can preemptively deny the proposed General Plan Amendment request as inconsistent with the City's General Plan goals and policies.

WHEREAS, the Early Consideration Policy process was determined to be Categorical Exempt under CEQA Guidelines Section 15306, Information Collection, in that the proposed policy

process dictates application processing steps as part of a study that may lead to a future approval action.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That the City Council establishes the Early Consideration Policy for General Plan Amendment Applications for all formally submitted General Plan Amendment applications.

3. That the City Council hereby finds that the Early Consideration Policy was determined to be Categorically Exempt under CEQA Guidelines Section 15306.

4. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

5. Effective date. This resolution shall become effective immediately.

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I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2017, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments:

- 1. Policy for Early Consideration of General Plan Amendment Applications

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May 9, 2017

Early Consideration Policy for General Plan Amendment Applications

PURPOSE / INTENT

The Early Consideration Policy provides an opportunity early in the application process for the City Council to review and comment on whether a proposed General Plan Amendment should continue through with a complete application process or whether the request should be denied.

This Early Consideration Policy provides an opportunity for the City Council to review proposed General Plan Amendments prior to the significant investment in time and cost by the applicant and City staff required to complete the full review process. Additionally, the early consideration can save the public time that they would otherwise spend tracking and commenting on the proposal, and it can provide clarity for future applicants on the types of land use conversions that would generally not be supported by the City Council.

APPLICABILITY

The Early Consideration Policy is utilized for all formally submitted General Plan Amendment applications. A formal General Plan Amendment application submittal is required; preliminary review applications will not go through the early consideration process.

TIMING / PROCESS

Following submittal, at least one community meeting would be conducted for the project and the project would be evaluated by the Project Clearance Committee (PCC) before the Council's early consideration of the request. If a community meeting was recently conducted for the General Plan Amendment request, said community meeting may, at the discretion of the Director of Community Development, substitute for the community meeting for the formal application.

Staff will prepare a report for Council's consideration that summarizes the community feedback received to date, significant concerns stemming from the PCC review, an initial analysis of the General Plan Amendment's consistency with the General Plan Major Strategies, and a recommendation as to whether the application should be allowed to proceed through a full Planning review.

The City Council's early consideration of the General Plan Amendment request will typically be conducted within ninety (90) days of the General Plan Amendment submittal.

Early Consideration Policy for General Plan Amendment Applications

OUTCOMES

Through the Early Consideration Policy, the Council can direct staff to continue processing the application or the Council can preemptively deny the proposed General Plan Amendment request as inconsistent with the City's General Plan goals and policies.

Should the City Council provide direction to continue processing the application, staff would complete the review process for the proposed General Plan Amendment, including environmental analysis of the proposed project consistent with the California Environmental Quality Act (CEQA). Upon completion of the City's review and the necessary CEQA documentation, the proposed General Plan Amendment would proceed with the standard public hearing process with a presentation to the Planning Commission for recommendation and to the City Council for a decision. At that time, the City Council would determine whether to approve or deny the request. Should the Council's vote to have the application proceed through the full review process, said action in no way obligates or commits the Council to ultimately approve the proposal.

Should the City Council preemptively deny the proposed General Plan Amendment during the Early Consideration Policy, the site would retain its current General Plan Land Use designation, and partial refund of the application fees would be provided based on the work completed, staff time, and other City expenses to date.