



## Agenda Report

20-959

Agenda Date: 9/29/2020

### REPORT TO COUNCIL

#### SUBJECT

1. Continuance of the hearings for proposed Amendments to the Tasman East Specific Plan (TESP) to modify the TESP land use plan and transportation policies; Amendments to the Transit Neighborhood zoning district; and for the adoption of a Specific Plan Infrastructure Impact Fee, including approval of a Nexus Study, setting rates for the Fee, introduction of an Ordinance Adding Section 17.15.350 to Chapter 15 of Title 17 of the Santa Clara City Code, and Establishment of the Tasman East Infrastructure Improvement Fund and Related Budget Actions to November 17, 2020 City Council meeting; [Council Pillar: Promote and Enhance Economic, Housing and Transportation Development]
2. Direction to staff regarding an override of an ALUC determination of inconsistency

#### BACKGROUND

On November 13, 2018, the City Council adopted the Tasman East Specific Plan (TESP) to guide the transition of an underutilized 45-acre industrial neighborhood immediately adjacent to the Santa Clara Valley Transportation Authority (VTA) Lick Mill Light Rail Station into a pedestrian-friendly and transit-oriented development with the addition of 4,500 new residential units near transit and jobs. The Specific Plan incorporates approximately 100,000 square feet of neighborhood-oriented and convenience retail and 10 acres of open space including various outdoor recreational facilities and landscape features, a public plaza, pocket parks and paseos.

In accordance with prior discussions before the City Council, staff and the City's consultants have prepared an Amendment to the Specific Plan. The purpose of the Amendment is to replace a proposed street extension for Calle Del Sol with a pedestrian and bicycle paseo, modify allowed land uses, modify transportation policies including allowable Transportation Demand Management (TDM) measures, and correct some clerical errors. At the August 26<sup>th</sup> Planning Commission meeting, the Commission voted unanimously in favor of the Tasman East Specific Plan Amendment with an additional requirement to add the formation of a Transportation Management Association (TMA) as a site-wide TDM requirement should SmartPasses not be provided.

Additionally, in coordination with the Tasman East Specific plan developers, staff prepared a Tasman East Specific Plan Infrastructure Impact Fee (Fee) Nexus Study (Nexus Study) and corresponding ordinance and resolution to create a fee to equitably distribute common infrastructure costs, on a per unit basis, amongst all proposed residential development within the Tasman East Specific Plan area. The Nexus Study was prepared based on the proposed Amendment to replace a proposed street extension for Calle Del Sol with a pedestrian and bicycle paseo.

Because the proposal includes a Specific Plan Amendment and the Tasman East Specific Plan area

is within the land use referral area for the San Jose Mineta International Airport (SJC), the project was referred to the County Airport Land Use Commission (ALUC).

### **DISCUSSION**

At the September 23, 2020 ALUC hearing, the ALUC evaluated the project and made a determination of inconsistency with the SJC adopted Comprehensive Land Use Plan (CLUP), based upon potential noise impacts to a potential school included within the TESP as an allowed land use. The ALUC did not raise this issue when the City adopted the original TESP in 2018. City staff attended the ALUC hearing, and emphasized to the ALUC that the current Amendment was for items unrelated to the potential school site, and that the ALUC had previously reviewed the TESP, including the potential school, and not found it to be inconsistent with the CLUP. Nevertheless, following the guidance from ALUC staff that the item was a “de novo” hearing, the ALUC considered the entirety of the TESP and made their determination.

As a consequence of the ALUC determination, it will be necessary for the City to either further revise the TESP to address the ALUC’s new noise concerns, or for the City Council to override the inconsistency determination. Council action to override the determination will require a 2/3 vote of the Council, as well as a 45-day notification to the ALUC in advance of the Council hearing on the potential override action. Staff recommends that the proposed Amendment to the Specific Plan, as well as the associated adoption of and Infrastructure Impact Fee for the TESP (RTC 20-787), be continued to the November 17, 2020 City Council hearing for consideration, including a City Council override of the ALUC inconsistency determination. Additionally, as the Fee is based on the proposed amendment, staff also recommends that the public hearing associated with the Fee be continued to November 17, 2020.

### **ENVIRONMENTAL REVIEW**

The Tasman East Specific Plan was analyzed under an Environmental Impact Report (EIR) adopted and certified by the City Council on November 13, 2018. An Addendum to the EIR has been prepared which analyzes the proposed changes with this agenda item. Traffic flows have been analyzed to review the replacement of the Calle Del Sol extension with the pedestrian and bicycle paseo and determined that traffic circulation will not be adversely affected.

### **FISCAL IMPACT**

There is no fiscal impact to the City other than administrative staff time and expense processing the Specific Plan Amendment #1 and associated actions.

### **COORDINATION**

This report was coordinated with the Water and Sewer Utilities Department, Public Works Department, and City Attorney’s Office.

### **PUBLIC CONTACT**

A virtual community meeting was held on August 10, 2020 and approximately 30 members of the public attended. Comments were provided regarding the proposed dimensions of the sidewalks in the paseo as being too narrow. Also, several commenters wanted more retail within the paseo itself. Staff conducted a follow-up virtual meeting on Monday, August 17, 2020 and shared how community input was incorporated into revised plans for the paseo and the land use plan. The conceptual design options for the pump station enclosure were also shared which includes potential art elements. Participants made requests to add art pads or other areas of interest along

the paseo and to ensure a safe environment to avoid conflict between bicycles and pedestrians.

Hearing notices were mailed on September 17, 2020 to properties within the Tasman East Specific Plan and within 300 feet from the Specific Plan boundaries.

Public Notices for the proposed Fee were advertised twice in the Santa Clara Weekly, on September 16, 2020 and September 23, 2020. In addition, staff notified members of the City's development community by electronic mail on September 15, 2020. The City did not receive any responses to the email. On September 15, 2020, staff posted the draft nexus study on the City's web page and notified the development community that it was available.

Public contact was made by posting the City Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov).

## **ALTERNATIVES**

1. Direct staff to prepare a resolution to override the ALUC determination of inconsistency and continue consideration of the proposed amendment to the Tasman East Specific Plan and amendments to the Transit Neighborhood Zoning District to the November 17, 2020 City Council hearing.
2. Continue consideration on an Action on a Resolution Approving the Findings from the Tasman East Specific Plan Infrastructure Impact Fee Nexus Study and Setting the Rates for the Infrastructure Impact Fee, Action on the Introduction of an Ordinance Adding Section 17.15.350 to Chapter 15 of Title 17 of the Santa Clara City Code, and Establishment of the Tasman East Infrastructure Improvement Fund and Related Budget Actions to the November 17, 2020 City Council hearing.
3. Provide direction to staff to prepare an additional amendment to the Tasman East Specific Plan to address the Santa Clara County Airport Land Use Commission's new noise concerns and submit the additional amendment to the Commission for reconsideration.

## **RECOMMENDATION**

Alternatives 1 and 2:

1. Direct staff to prepare a resolution to override the ALUC determination of inconsistency and continue consideration of the proposed amendment to the Tasman East Specific Plan and amendments to the Transit Neighborhood Zoning District to the November 17, 2020 City Council hearing; and
2. Continue consideration of a Resolution Approving the Findings from the Tasman East Specific Plan Infrastructure Impact Fee Nexus Study and Setting the Rates for the Infrastructure Impact Fee, Action on the Introduction of an Ordinance Adding Section 17.15.350 to Chapter 15 of Title 17 of the Santa Clara City Code, and Establishment of the Tasman East Infrastructure Improvement Fund and Related Budget Actions to the November 17, 2020 City Council hearing.

Reviewed by: Andrew Crabtree, Director of Community Development  
Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Draft Tasman East ALUC Override Resolution