

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE AMENDING THE ENVISION SAN JOSE 2040
GENERAL PLAN TO REVISE GENERAL PLAN POLICY
TR-1.4 TO ALLOW IMPLEMENTATION OF THE
UPDATED CITY COUNCIL POLICY 5-1, ENTITLED
“TRANSPORTATION ANALYSIS POLICY”**

**2023 General Plan Amendment Cycle (Cycle 2)
File No. GPT23-003**

WHEREAS, the City Council is authorized by Title 18 of the San José Municipal Code and state law to adopt and, from time to time, amend the General Plan governing the physical development of the City of San José; and

WHEREAS, on November 1, 2011, the City Council adopted the General Plan entitled, "Envision San José 2040 General Plan, San José, California" by Resolution No. 76042, which General Plan has been amended from time to time (hereinafter the "General Plan"); and

WHEREAS, in accordance with Title 18 of the San José Municipal Code, all General Plan and Specific Plan amendment proposals are referred to the Planning Commission of the City of San José for review and recommendation prior to City Council consideration of the amendments; and

WHEREAS, on December 6, 2022, the City Council adopted amendments to Council Policy 5-1 to streamline environmental review under Vehicle Miles Traveled (VMT) for affordable housing and market housing projects, and to provide a process for City Council to consider adopting a Statement of Overriding Considerations under California Environmental Quality Act for housing projects with Significant and Unavoidable VMT Impacts; and

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WHEREAS, the City proposes to amend General Transportation Policy TR-1.4 to allow for implementation of the updated City Council Policy 5-1 related to Statement of Overriding Considerations, as set forth in Section 1.D and Section D.2.C of Appendix B of City Council Policy 5-1; and

WHEREAS, on May 24, 2023, the Planning Commission held a hybrid public hearing to consider the proposed text amendments to the General Plan to update Transportation Policy TR-1.4 (File No. GPT23-003), as specified in Exhibit A hereto (“General Plan Amendment”), at which hearing interested persons were given the opportunity to appear in person or virtually and provide public comments with respect to said proposed amendment; and

WHEREAS, at the conclusion of the public hearing, the Planning Commission transmitted its recommendations to the City Council on the proposed General Plan Amendment; and

WHEREAS, on June 20, 2023, the Council held a duly noticed public hearing; and

WHEREAS, a copy of the proposed General Plan Amendment is on file with the City of San José Director of Planning, Building and Code Enforcement and available online digitally at sjpermits.org, with copies submitted to the City Council for its consideration; and

WHEREAS, pursuant to Title 18 of the San José Municipal Code, public notice was given that on June 20, 2023, at 1:30 p.m., the Council would hold a public hearing where interested persons could appear, be heard, and present their views with respect to the proposed General Plan Amendment (Exhibit A); and

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act (CEQA), together with related State CEQA Guidelines and Title 21 of the San José Municipal Code, the Director of Planning, Building and Code Enforcement has determined that the provisions of this Resolution do not constitute a project, under File No. PP17-008 (General Procedure & Policy Making resulting in no changes to the physical environment); and

WHEREAS, the Council of the City of San José is the decision-making body for the proposed General Plan Amendment;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:

SECTION 1. The Council's determinations regarding General Plan Amendment File No. GPT23-003 is hereby specified and set forth in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2. The General Plan Amendment listed under File No. GPT23-003, as set forth in Exhibit A of this Resolution, shall take effect upon thirty (30) days from date of adoption by the City Council.

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ADOPTED this ____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

ATTEST:

MATT MAHAN
Mayor

TONI J. TABER, CMC
City Clerk

EXHIBIT A

File No. GPT23-003. The Envision San Jose 2040 General Plan is hereby amended as follows:

1. Chapter 6, “Transportation Policies” section, pages 37-38, Policy TR-1.4 is hereby amended to read as follows:

TR-1.4 Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand.

- Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San José 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems.
- The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less than significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with Public Resources Code Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will

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only consider a statement of overriding considerations for (i) ~~market-rate housing located within General Plan Urban Villages~~ market-rate or mixed-income housing consistent with the General Plan Land Use Designation effective on November 29, 2022 or future City-initiated General Plan amendments; (ii) market-rate or mixed-income housing that requires a privately initiated General Plan amendment that is on land currently designated with a Private Recreation and Open Space land use designation; ~~(iii)~~(iii) commercial projects; ~~or~~(iv) industrial projects; and ~~(iii)~~(v) 100% deed-restricted affordable housing as defined in General Plan Policy IP-5.12. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1.

- Area Development Policy. An “area development policy” may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.