

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE AMENDING THE ENVISION SAN JOSE 2040
GENERAL PLAN PURSUANT TO TITLE 18 OF THE
SAN JOSE MUNICIPAL CODE TO AMEND
IMPLEMENTATION POLICY IP-3.3 AND ADD
IMPLEMENTATION POLICY IP-3.11**

**2022 General Plan Amendment Cycle (Cycle 3)
File No. GPT22-004**

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 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 7, 2022, the Planning Commission held a virtual public hearing to consider the proposed text amendments to the General Plan to amend Implementation Policy IP-3.3 and add Implementation Policy IP-3.11 (File No. GPT22-004), as specified in Exhibit "A" hereto ("General Plan Amendment"), at which hearing interested persons were given the opportunity to appear virtually and provide public comments with respect to said proposed amendment; and

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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 December 13, 2022, the Council held a duly noticed virtual 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 December 13, 2022, 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, prior to making its determination on the General Plan Amendment, the Council reviewed and considered the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto; 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. GPT22-004 is hereby specified and set forth in Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 2. This Resolution shall take effect thirty (30) days following the adoption of this Resolution. This policy change will exclude the following applications: (a) General Plan Amendment applications already filed with the Planning Department during previous Annual Review cycles and (b) newly-filed General Plan Amendment applications submitted before March 31, 2023, that would be able to complete their CEQA analysis and clearance and can be scheduled for the 2023 Annual Review cycle.

ADOPTED this ____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"

File No. GPT22-004. The Envision San Jose 2040 General Plan is hereby amended as follows:

1. Chapter 7, "Implementation" section, pages 8 through 9, Policy IP-3.3, is hereby amended to read as follows:

IP-3.3 Consider only during the Annual Review any non-City-initiated General Plan Amendment proposals to modify the Land Use / Transportation Diagram or to make minor modifications to the Urban Growth Boundary or expansion of the Urban Service Area. One (1) separate General Plan hearing may be held for the Planning Commission and the City Council to review and consider non-City proposed amendments for 100% deed-restricted affordable housing projects as defined in General Plan Policy IP-5.12. Early consideration for continued processing or denial may be considered outside of the General Plan Annual Review process for projects involving the conversion of employment land to non-employment uses, or other projects that are fundamentally inconsistent with the General Plan, or in response to a request for early consideration by the project applicant for privately-initiated General Plan amendments submitted pursuant to General Plan Policy IP-3.11.

2. Chapter 7, "Implementation" section, page 11, following Policy IP-3.10, Policy IP-3.11 is hereby added to read as follows:

IP-3.11: For all privately-initiated General Plan Amendment proposals, applicants shall be required to submit a concurrent development/use permit application with the privately-initiated General Plan Amendment application. The two applications shall be considered concurrently by the Planning Commission and City Council, and both applications shall go to those hearings together. Applicants, at their discretion, can apply for early consideration by the City Council of their proposed General Plan amendment. Early Consideration applications do not need to include a Development Permit application. At the early consideration hearing, Council can either deny the proposed General Plan Amendment or direct staff to complete CEQA review and process such an application if formally submitted with a permit application.

Council District: City-wide