

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 THE "TRANSIT EMPLOYMENT CENTER" AND "INDUSTRIAL PARK" LAND USE DESIGNATIONS, AND AMENDING THE NORTH SAN JOSE AREA DEVELOPMENT POLICY TO ALLOW FLEXIBILITY FOR LOCAL SERVING COMMERCIAL USES

**Fall 2017 General Plan Amendment Cycle (Cycle 3)
File Nos. GPT17-007; PP17-051**

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, on June 21, 2005, the City Council adopted the North San José Area Development Policy, which development policy has been amended from time to time (hereinafter the "Policy"); 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 November 15, 2017, the Planning Commission held a public hearing to consider the proposed text amendments to the General Plan, File No. GPT17-007 specified in Exhibit “A” hereto (“General Plan Text Amendment”), and proposed amendments to the Policy, specified in Exhibit “B” hereto (“Policy Amendment”), at which hearing interested persons were given the opportunity to appear and present their views with respect to said proposed amendments; and

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

WHEREAS, on December 12, 2017, the Council held a duly noticed public hearing; and

WHEREAS, copies of the proposed General Plan Text Amendment and Policy Amendment are on file in the office of the Director of Planning, Building and Code Enforcement of the City, with copies submitted to the City Council for its consideration; and

WHEREAS, pursuant to Chapter 18.08, Part 2 of Title 18 of the San José Municipal Code, public notice was given that on December 12, 2017 at 6:00 p.m. in the Council Chambers at City Hall, 200 East Santa Clara Street, San José, California, 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 Text Amendment (Exhibit “A”) and Policy Amendment (Exhibit “B”); and

WHEREAS, prior to making its determination on the General Plan Text Amendment and Policy Amendment, the Council reviewed, considered, and approved of the information contained in the Final Program EIR for the North San José Development Policies Update,

dated June 21, 2005 (certified by Resolution No. 72768) and Addenda thereto, and the Envision San José 2040 General Plan Environmental Impact Report (certified by Resolution No. 76041) and Supplemental Environmental Impact Report to the Envision San José 2040 General Plan EIR (certified by Resolution No. 77617), and Addenda thereto, and the Determination of Consistency therewith prior to acting upon and approving the subject General Plan Text Amendment and Policy Amendment; and

WHEREAS, the Council is the decision-making body for the proposed General Plan Text Amendment and Area Development Policy Amendment.

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

SECTION 1. The Council's determinations regarding the General Plan Text Amendment and Policy Amendment are hereby specified and set forth respectively in Exhibits "A" and "B" attached hereto and incorporated herein by reference.

SECTION 2. This Resolution shall take effect thirty (30) days following the adoption of this Resolution.

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ADOPTED this _____ day of _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

STATE OF CALIFORNIA)
) ss
COUNTY OF SANTA CLARA)

I hereby certify that the amendments to the San José General Plan and North San José Area Development Policy specified in the attached Exhibits A and B were adopted by the City Council of the City of San José on _____, as stated in its Resolution No. _____.

Dated: _____

TONI J. TABER, CMC
City Clerk

EXHIBIT A

ENVISION SAN JOSE 2040 GENERAL PLAN TEXT AMENDMENTS

GPT17-007. The Envision San José 2040 General Plan is hereby amended as follows (changes are underlined):

1. Chapter 5, entitled “Interconnected City,” “Land Use Designations” section, “Transit Employment Center” designation is hereby amended to read as follows:

“Transit Employment Center
Density: FAR Up to 12.0 (4 to 25 stories)

This designation is applied to areas planned for intensive job growth because of their importance as employment districts to the City and high degree of access to transit and other facilities and services. To support San José’s growth as a Regional Employment Center, it is useful to designate such key Employment Centers along the light rail corridor in North San José, in proximity to the BART and light rail facilities in the Berryessa/Milpitas area, and in proximity to light rail in the Old Edenvale area. All of these areas fall within identified Growth Areas and have access to transit and other important infrastructure to support their intensification. Uses allowed in the Industrial Park designation are appropriate in the Transit Employment Center designation, as are supportive commercial uses. The North San José Transit Employment Center also allows limited residential uses, while other Employment Centers should only be developed with industrial and commercial uses.

An important difference between this designation and the Industrial Park designation is that the development intensity and site design elements in Transit Employment Center areas should reflect a more intense, transit-oriented land use pattern than that typically found in Industrial Park areas. This designation permits development with retail and service commercial uses on the first two floors with office, research and development or industrial use on upper floors, as well as wholly office, research and development, or industrial projects. Additional flexibility may be provided for retail and service commercial uses within the North San José Development Policy area. The development of large hotels of at least 200 rooms and four or more stories in height is also supported within Transit Employment Centers. New development should orient buildings toward public

EXHIBIT A-1

streets and transit facilities and include features to provide an enhanced pedestrian environment.”

2. Chapter 5, entitled “Interconnected City,” “Land Use Designations” section, “Industrial Park” designation is hereby amended to read as follows:

“Industrial Park
Density FAR up to 10.0 (2 to 15 stories)

The Industrial Park designation is an industrial designation intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing and offices. This designation is differentiated from the Light Industrial and Heavy Industrial designations in that Industrial Park uses are limited to those for which the functional or operational characteristics of a hazardous or nuisance nature can be mitigated through design controls. Hospitals may be appropriate within this designation, if it can be demonstrated that they will not be incompatible with Industrial Park uses or other nearby activities. Areas identified exclusively for Industrial Park uses may contain a very limited number of supportive and compatible commercial uses, when those uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area. These commercial uses should typically be located within a larger industrial building to protect the character of the area and maintain land use compatibility. Additional flexibility may be provided for retail and service commercial uses within the North San José Development Policy area through the City’s discretionary review and permitting processes. One primary difference between this use category and the “Light Industrial” category is that, through the Zoning Ordinance, performance and design standards are more stringently applied to Industrial Park uses.”

Council District: Citywide.

EXHIBIT A-2

EXHIBIT B

NORTH SAN JOSE AREA DEVELOPMENT POLICY TEXT AMENDMENTS

GPT17-007. The North San José Area Development Policy, Section 3 entitled “Land Use” (page 17), Land Use Policies – Commercial Uses, Local Serving Commercial Uses is hereby amended to add the following after the second paragraph:

“Commercial support uses in single-use buildings proposed on properties in the IP Industrial Park Zoning District as defined in the City’s Zoning Ordinance, are allowed when the proposed amenities meet the following criteria:

1. Clustered on-site or in proximity to other nearby commercial uses;
2. Visible and readily accessible to the public;
3. Promote walkability and bicycle access by their design, and/or by their proximity to parks, trails, transit, and plazas, other amenities;
4. Promote or support the use of public gathering spaces;
5. Supports existing uses or serves as a catalyst for future industrial development;
6. Does not impair the continuing viability of surrounding existing and future industrial uses; and
7. Commercial/indoor recreational uses support nearby industrial businesses and their employees.”

Council Districts: 3 and 4.

EXHIBIT B