

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 REVISE THE INTERIM LAND USE POLICIES AND URBAN VILLAGE LAND USE DESIGNATION OF THE FIVE WOUNDS URBAN VILLAGE PLAN

Fall 2020 General Plan Amendment Cycle (Cycle 3)

File No. GPT20-001

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 2, 2020, the Planning Commission held a virtual public hearing to consider the proposed text amendment to the General Plan to make revisions Interim Land Uses and Urban Village land use designation in the Five Wounds Urban Village Plan, File No. GPT20-001 specified in Exhibit "A" hereto ("General Plan Amendment"), at

which hearing interested persons were given the opportunity to appear virtually and present their views 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 December 15, 2020, the Council held a duly noticed public hearing; and

WHEREAS, a copy of the proposed General Plan Amendment is on file in the office of the Director of Planning, Building and Code Enforcement of the City, and is available electronically on the Department of Planning, Building and Code Enforcement webpage, 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 15, 2020 at 1:30 p.m. the Council would hold a virtual public hearing where interested persons could appear virtually, 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 Amendments, the Council reviewed and considered the Addendum to the Final Program Environmental Impact Report for the Envision San José 2040 General Plan adopted by Council on November 1, 2011 (Resolution No. 76041), and the Supplemental EIR (“SEIR”) to the Envision San José 2040 General Plan adopted by Council on December 15, 2015 (Resolution No. 77617), and addenda thereto, in accordance with CEQA; 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 determination regarding General Plan Amendment File No. GPT20-001 is hereby specified and set forth in Exhibit "A," attached hereto and incorporated herein by reference, and specifying which of the applicant's proposed amendments are approved and which amendments are denied.

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

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. GPT20-001. The Five Wounds Urban Village Plan, as incorporated by reference into the Envision San José General Plan, is hereby amended as follows:

1. “Land Use” Chapter, “B. Land Use Diagram” section, “2. Interim Land Use Policies” subsection is hereby amended as follows:

- a. “Interim Land Use Policies” section, Interim Land Use Policy 1 is amended to read as follows:

Interim Land Use Policy 1: Until such time the Valley Transportation Authority (VTA) has secured a Full Funding Grant Agreement for the planned 28th Street BART station, this Village Plan supports uses consistent with those allowed by the Combined Industrial/Commercial General Plan Land Use designation on those properties designated as Urban Village on the Existing/Interim Land Use Diagram (Figure 1). Proposed mixed-use developments exceeding 75 DU/AC on properties designated as Urban Village on the Future Land Use Diagram (Figure 2) may proceed ahead of VTA securing a Full Funding Grant Agreement for the planned 28th Street BART station.

- b. “Interim Land Use Policies” section, Interim Land Use Policy 2 is amended to read as follows:

Interim Land Use Policy 2: No residential development shall occur on properties designated Urban Village until the City Council allocates residential growth from Horizon II and the Valley Transportation Authority (VTA) secures a Full Funding Grant Agreement for the 28th Street BART station, with the exception of residential developments with a minimum density of 75 DU/AC.

- c. “Interim Land Use Policies” section, Interim Land Use Policy 4 is amended to read as follows:

Interim Land Use Policy 4: The General Plan “Signature Project” policy (General Plan Urban Village Planning Policy IP-5.10) and the General Plan “Pool Project” policy (General Plan General Plan Phasing/Planning Horizons/Major Review Policy IP-2.11) shall not be applicable on properties with an Urban Village Land Use designation until the Valley Transportation Authority (VTA) secures a Full Funding

Grant Agreement for the 28th Street BART station, with the exception of residential developments with a minimum density of 75 DU/AC.

2. "Land Use" Chapter, "B. Land Use Diagram" section, "4. Land Use Designations" subsection, "Urban Village" land use designation is hereby amended to read as follows:

Urban Village

Density: Up to 250 ~~95~~ DU/AC; minimum FAR 0.75 (3 to 9 stories)

The largest portion of the Village area is designated with the Urban Village Land Use designation. The Urban Village designation supports a wide variety of commercial, residential, institutional uses including stand-alone schools or other land uses with an emphasis on establishing an attractive urban form in keeping with the Urban Village concept. The Urban Village Land Use designation is a commercial designation that also allows residential uses in a mixed-use format. Residential and commercial mixed-use projects can be vertical mixed-use with residential above retail for example, or, where a larger site allows, they can be mixed horizontally, with commercial and residential uses built adjacent to each other, in one integrated development. Residential projects that "stand alone" and do not include a commercial component are not consistent with the Urban Village designation in this Village Plan.

The vision for the Five Wounds Urban Village is as an urban and pedestrian-oriented corridor with higher-intensity development than currently exists. This Village Plan establishes a long-term objective that properties redeveloped with fully commercial uses should have a minimum FAR of 0.75, and preferably higher. Fully commercial projects developed at less than an FAR of 0.75, while permitted, are intended to be interim uses to ultimately be replaced by high intensity commercial/employment uses in the future.

This Village Plan establishes a maximum FAR for mixed use residential/commercial development for properties designated Urban Village. To meet the employment lands and job development objectives for this Village, as described above in the Planned Growth Capacity and Objectives section, this Plan establishes a minimum FAR for the commercial/employment component of a mixed-use project to be 0.75.

The ultimate intensity or density of new development will effectively be limited by the maximum height limits established in this Village Plan and

shown in Five Wounds Village Height Diagram (Figure 3) and by the parking requirements established in the Zoning Ordinance, as may be amended in the future.

3. The portion of the Applicant's request to amend the floor area ratio (FAR) in the "Urban Village" land use designation is hereby **denied**.

Council District: 3