

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 UPDATE HOUSING POLICY H-2.9 WITH OBJECTIVE STANDARDS AND MAKE CLARIFYING REVISIONS TO THE NEIGHBORHOOD/ COMMUNITY COMMERCIAL LAND USE DESIGNATION

**Fall 2020 General Plan Amendment (Cycle 3)
File No. GPT20-005**

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 January 13, 2021, the Planning Commission held a virtual public hearing to consider the proposed text amendments to the General Plan to update Housing Policy H-2.9 with objective standards and make clarifying revisions to the Neighborhood/

Fall 2020 General Plan Amendment (Cycle 3)
GPT20-005

Community Commercial land use designation (File No. GPT20-005), 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 February 9, 2021, 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 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 February 9, 2021, at 6:00 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 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. GPT20-005 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.

ADOPTED this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

T-1201.065/1783942
Council Agenda: 02-09-2021
Item No.: 10.2

DRAFT – Contact the Office of the City Clerk at (408)535-1260 or CityClerk@sanjoseca.gov for final document.

REVISED – Administrative changes made to since original posting on 01-29-2021.

STATE OF CALIFORNIA)
) ss
COUNTY OF SANTA CLARA)

I hereby certify that the amendments to the San José General Plan specified in the attached Exhibit "A" 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"

File No. GPT20-005. The Envision San José 2040 General Plan is hereby amended as follows:

1. Chapter 4, entitled "Quality of Life," "Housing" section, Policy H-2.9 is hereby amended to read as follows:

"To increase the supply of affordable housing, one hundred percent ~~deed restricted~~ affordable housing developments that are deed restricted by a public agency for a period not less than 55 years to low income residents (earning 80% or less of the Area Median Income) would be allowed on sites outside of the existing Growth Areas on properties with a Mixed Use Commercial or Neighborhood/Community Commercial land use designation if the development meets the following criteria:

- a. The site is 1.5 gross acre or less.
- b. The site is vacant (no buildings or structures) or underutilized. "Underutilized" means the site is one of the following:
 - 1) Stand-alone surface parking lot; or
 - 2) Has a structure with a Floor Area Ratio (FAR) of 0.2 or less; or.
 - 3) If the FAR is greater than 0.2, the building must also be vacant (no tenants) for 5 years or more.
- c. ~~The site has adjacent properties shares a property line with a parcel that has a residential General Plan Land Use / Transportation Diagram designation. and the development would be compatible with the surrounding neighborhood.~~
- d. ~~The development would not impact the viability of surrounding commercial or industrial properties or businesses~~ The site shall be at least 1,000-feet from any property with a Heavy Industrial or Light Industrial general plan land use designation, and at least 500-feet from any property with a Combined Industrial Commercial or Industrial Park general plan land use designation.
- e. The site is located within a ~~1/2~~one-half (0.5) mile of an existing transit line with a minimum of 30-minute peak headway.
6. ~~The development integrates commercial uses that support the affordable housing project and/or the surrounding neighborhood.~~

- f. ~~7. Development on properties that contain structures that are on, or are eligible for inclusion on the City of San José's Historic Resources Inventory should adaptively reuse these structures. Development shall adaptively reuse any existing structures that are on, or are eligible for, inclusion on the City of San José's Historic Resources Inventory.~~
 - g. If the site has existing rental dwelling units that are proposed to be removed, the project shall provide relocation assistance to those tenants, consistent with State and federal relocation laws and the City's Ellis Act Ordinance, as may be amended from time to time.
 - h. The polices of safety, height and noise, as defined in either the San José International Airport, or Reid Hillview Airport Comprehensive Land Use Plans, shall govern projects within Airport Influence Areas proposed under this policy, or find, by a two-thirds vote of the governing body, that the proposed action is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, Public Utilities Code Section 21670 et seq.
2. Chapter 5, entitled "Interconnected City," "Land Use Designations" section, "Neighborhood Community/Commercial" designation subsection is hereby amended to read as follows:

Neighborhood/Community Commercial

Density: FAR Up to 3.5 (1 to 5 stories)

This designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. Neighborhood/Community Commercial uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. General office uses, hospitals and private community gathering facilities are also allowed in this designation. This designation also supports one hundred percent (100%) deed restricted affordable housing developments that are consistent with General Plan Policy H-2.9 and Policy IP-5.12.

Council District: Citywide