

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
JOSE AMENDING POLICY IP-5.12 OF THE ENVISION SAN
JOSE 2040 GENERAL PLAN PURSUANT TO TITLE 18 OF
THE SAN JOSE MUNICIPAL CODE**

**Fall 2021 General Plan Amendment Cycle (Cycle 2)
General Plan Four-Year Major Review Policy IP-5.12 General Plan Amendment
(File No. GPT21-005)**

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 November 10, 2021, the Planning Commission held a virtual public hearing to consider various proposed amendments to the General Plan including Urban Village Text Amendments, File No. GPT21-005, which include an amendment to General Plan Policy IP-5.12, 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 November 30, 2021, and continued to December 7, 2021, and continued further to December 14, 2021, the Council held a duly noticed virtual public hearing to consider the amendment to General Plan Policy IP-5.12 (part of General Plan Amendment File No. GPT21-005); 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 online available 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 November 30, 2021 at 6:00 p.m., and continued to December 7, 2021, and further continued to December 14, 2021, the Council would hold a virtual public hearing where interested persons could appear, be heard, and present their views with respect to the proposed amendment to General Plan Policy IP-5.12 (Exhibit “A” hereto); and

WHEREAS, prior to making its determination on the General Plan Amendment, the Council, on November 16, 2021, under Resolution No. 80300, reviewed and considered the Initial Study/Addendum (File Nos. GP21-012, GPT21-001, GPT21-002, GPT21-005, GPT21-006, GPT21-007, PP21-012, C21-031, and PDC21-033) 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, pursuant to California Senate Bill (SB) 330, a city is prohibited from enacting a development policy, standard, or condition, as defined, that would have the effect of changing the land use designation or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing zoning district below what was allowed under the general plan or specific plan land use designation and zoning ordinances of the county or city as in effect on January 1, 2018; and

WHEREAS, California Government Code Section 66300(b)(1) allows a city to change a land use designation or zoning ordinance to a less intensive use if the city concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity; and

WHEREAS, the General Plan amendments set forth in Exhibit "A" will result in no net loss of the City's residential capacity, as defined California Senate Bill (SB) 330; and

WHEREAS, the Council 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 the amendment of General Plan Policy IP-5.12 in General Plan Amendment File No. GPT21-005 is 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 _____, 20__, 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 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. GPT21-005. The Envision San Jose 2040 General Plan is hereby amended as follows:

Chapter 7, "Implementation" section, page 20, Policy IP-5.12, is hereby amended to read as follows:

"Policy IP-5.12 Residential projects that are 100 **percent%** affordable deed restricted by a public entity for a period not less than 55 years to low income residents (earning 80 **percent%** or less of the Area Median Income), can proceed within an Urban Village without an approved Plan, ~~ahead of a Growth Horizon, or in a Village in a current Horizon that does not have a Council approved Plan regardless of Growth Horizon or a Council Approved Plan,~~ if the project meets the following criteria:

- ~~1. The project does not result in more than 25% of the total residential capacity of a given Urban Village being developed with affordable housing ahead of that Village's Growth Horizon. For Villages with less than a total housing capacity of 500 units, up to 125 affordable units could be developed, however the total number of affordable units cannot exceed the total planned housing capacity of the given Village.~~
- ~~2. The development is consistent with the goals, policies, and land use designation of the Urban Village Plan for a given Village, if one has been approved by the City Council.~~

1. Provides ground floor commercial space along the street frontage of the following Envision San José 2040 General Plan Roadway Typologies (Chapter 5), consistent with the requirements of the zoning ordinance:

- a. Grand Boulevard**
- b. On-Street Primary Bicycle Facility**
- c. Main Street**
- d. City Connector Street**
- e. Local Connector Street**
- f. Expressway**

13. Development that demolishes and does not adaptively reuse existing commercial buildings should substantially shall replace at least 50% of the existing commercial square footage. If the 50% replacement is less than 3,000 square feet, provide a minimum of 3,000 square feet.

24. The project is not located on identified key employment opportunity sites, which are sites that meet any of the following criteria:

a. generally Two (2) acres or larger; and/or

b. located at major intersections, which for the purpose of this policy means frontage on any two (2) or more of the following Envision San José 2040 General Plan Roadway Typologies:

1. Grand Boulevard

2. On-Street Primary Bicycle Facility

3. Main Street

4. City Connector Street

5. Local Connector Street

6. Expressway

c. Listed on the Key Employment Opportunity Site Inventory in the appendices of the General Plan and for which there is anticipated market demand for commercial uses within the next 10 to 15 years.

5. ~~Affordable housing projects built in Villages under this policy would not pull from the residential Pool capacity.~~

~~Projects must meet all criteria above to utilize use this policy and the criteria are not subject to State Density Bonus concessions or waivers."~~