

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 ALLOW ONE ADDITIONAL GENERAL PLAN AMENDMENT HEARINGS FOR NON-CITY-INITIATED AMENDMENTS FOR PUBLICLY FUNDED 100% DEED RESTRICTED AFFORDABLE HOUSING PROJECTS AND ESTABLISHMENT OF AN AFFORDABLE PRIORITY PLANNING AREA**

**Spring 2019 General Plan Amendment Cycle (Cycle 1)**

**File No. GPT19-002**

**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 April 10, 2019, and deferred to May 1, 2019, the Planning Commission held a public hearing to consider the proposed text amendments to allow one additional General Plan hearing cycle annually in spring for privately-initiated General Plan Amendments for publicly funded affordable housing projects, File No. GPT19-002

specified in Exhibit "A" hereto ("General Plan Amendment"), at which hearing interested persons were given the opportunity to appear 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 May 14, 2019, 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, 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 May 14, 2019 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 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. GPT19-002 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 \_\_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk



## EXHIBIT "A"

**File No. GPT19-002.** Amendments of the General Plan text to allow one additional General Plan hearing cycle annually in spring for privately-initiated General Plan Amendments for publicly funded affordable housing projects:

1. Chapter 5, entitled "Interconnected City," "Special Land Use Designations and Overlays" section, is hereby amended to add a new Subsection entitled "Affordable Priority Planning Area Overlay" following the "Neighborhood Business Districts" Subsection, to read as follows:

### "Affordable Priority Planning Area Overlay"

The Affordable Priority Planning Area Overlay (APPA Overlay) designation shall be applied to any site for which an application for a non-City-initiated General Plan amendment considered outside the Annual Review has been approved because it was represented to the City that the site would be developed with 100% deed restricted affordable housing with the intent of long-term affordability as defined in General Plan Policy IP-5.12. The APPA Overlay could also be applied to any site during the Annual Review for a non-City-initiated amendment when it is represented to the City that the site would be developed with 100% deed restricted affordable housing.

The APPA Overlay does not change the uses or densities otherwise allowed within the base General Plan land use designation. In order to develop residential uses on any site with an APPA Overlay, the project shall record deed restrictions insuring the continued affordability of the project, as defined in General Plan Policy IP-5.12, prior to or concurrently with the issuance of a land use permit for the affordable residential project."

2. Chapter 7, entitled "Implementation," is hereby amended as follows:
  - a. "Implementation" section, Policy IP-3.1 is hereby amended to read as follows:

"IP-3.1 Beginning in 2013, ~~h~~Hold one (1) Annual Review hearing for the Planning Commission and the City Council to review and consider privately non-City-proposed amendments to the *Envision San José 2040 General Plan* and to evaluate its Performance Measures. 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 publicly funded

100% deed restricted affordable housing projects as defined in General Plan Policy IP-5.12.

b. "Implementation" section, Policy IP-3.3 is hereby amended to read as follows:

**"IP-3.3** Consider only during the Annual Review any ~~privately 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 to consider non-City-initiated General Plan Amendments for ~~publicly funded~~ 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."

c. "Implementation" section, Policy IP-4.1 is hereby amended to read as follows:

**"IP-4.1** Conduct General Plan Review hearings to consider ~~privately non-City-~~initiated proposed amendments to the General Plan only once per year, ~~beginning in 2013,~~ to facilitate a comprehensive review of the cumulative implications of proposed amendments. One (1) separate General Plan hearing may be held to consider non-City-initiated General Plan Amendments for ~~publicly funded~~ 100% deed restricted affordable housing projects as defined in General Plan Policy IP-5.12. To further implement the Major Strategies of the General Plan, comply with existing State and Federal laws, respond to changes in State or Federal law, or correct identified errors, the City Council may consider City-initiated land use and/or text amendments at any time. All amendments to the General Plan are subject to the limitations on the frequency of General Plan amendments in Government Code section 65358."

Council District: Citywide.