

RESOLUTION NO. 77618

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SPECIFYING THE COUNCIL'S DETERMINATIONS ON PROPOSED AMENDMENTS TO THE ENVISION SAN JOSE 2040 GENERAL PLAN PURSUANT TO TITLE 18 OF THE SAN JOSE MUNICIPAL CODE; AND APPROVING VARIOUS AMENDMENTS TO THE JACKSON-TAYLOR RESIDENTIAL STRATEGY

(2015 Annual General Plan Amendments, and Jackson-Taylor Residential Strategy Amendments)

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, the City Council is also authorized by Title 18 of the San José Municipal Code and state law to adopt and, from time to time, amend specific plans governing in greater detail the physical development of specified areas 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 October 6, 1992, the City Council approved the Jackson-Taylor Residential Strategy, which specific plan has been amended from time to time (hereinafter the "Jackson-Taylor Residential Strategy"); and

WHEREAS, the original copies of both the General Plan and the Jackson-Taylor Residential Strategy, and the amendments to both those documents, are on file in the

office of the Director of the Department of Planning, Building and Code Enforcement;
and

WHEREAS, in accordance with Title 18 of the San José Municipal Code, all General Plan amendment proposals 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 October 21, 2015, November 4, 2015, and December 2, 2015, the Planning Commission held public hearings to consider the proposed amendments to the General Plan for the 2015 General Plan Annual Review that are listed in Exhibits "A" and "B" hereto ("2015 Annual General Plan Amendments"), including the proposed amendments to the Jackson-Taylor Residential Strategy that are listed in Exhibit "C" hereto, at which interested persons were given the opportunity to appear and present their views with respect to said proposed amendments and policy; and

WHEREAS, at the conclusion of the public hearings, the Planning Commission transmitted its recommendations to the City Council on the proposed 2015 Annual General Plan Amendments and the proposed amendments to the Jackson-Taylor Residential Strategy; and

WHEREAS, copies of the proposed 2015 Annual General Plan Amendments, and the proposed Jackson-Taylor Residential Strategy Amendments are on file in the office of the Director of Planning, Building and Code Enforcement of the City, with copies of both 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 8, 2015 at 1:30 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 2015 Annual General Plan Amendments; and

WHEREAS, on December 8, 2015 and continued to December 15, 2015, at 1:30 p.m., the Council held a duly noticed public hearing and gave all persons full opportunity to be heard and to present their views with respect to the proposed 2015 Annual General Plan Amendments; and

WHEREAS, the Council reviewed and considered the Draft Negative Declarations for Project Nos. GP15-002, GP15-003, and GP15-005 prior to making its determination on the proposed 2015 Annual General Plan Amendments; and

WHEREAS, the Council reviewed and considered the Draft Mitigated Negative Declaration for Project No. GP15-001, prior to making its determination on the proposed 2015 Annual General Plan Amendments; and

WHEREAS, the Council reviewed and considered that certain Environmental Impact Report certified as the Envision San José 2040 General Plan EIR Resolution No. 76041, and Addenda thereto, for Project Nos. GPT15-001, GPT15-003, and GPT15-004 prior to the Council's determination on the proposed 2015 Annual General Plan Amendments; and

WHEREAS, the Council reviewed and considered that certain Draft Supplemental Program Environmental Impact Report to the Envision San José 2040 General Plan Environmental Impact Report (Resolution No. 76041) for Project No. GPT15-002 prior to making its determination on the proposed 2015 Annual General Plan Amendments; and

WHEREAS, pursuant to Title 18 of the San José Municipal Code, public notice was given that on December 8, 2015 at 1:30 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 Jackson-Taylor Residential Strategy Amendments; and

WHEREAS, on December 8, 2015 and continued to December 15, 2015 at 1:30 p.m., the Council held a duly noticed public hearing and gave all persons full opportunity to be heard and to present their views with respect to the proposed Jackson-Taylor Residential Strategy Amendments; and

WHEREAS, at the December 8, 2015 and December 15, 2015 public hearing, the Council also reviewed and considered the Draft 2898 Joseph Avenue General Plan Amendment Negative Declaration and considered the amendments to the Jackson-Taylor Residential Strategy for adoption; and

WHEREAS, the Council is the decision-making body for all of the proposed 2015 Annual General Plan Amendments and the Jackson-Taylor Residential Strategy Amendments.

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

SECTION 1. The Council's determinations regarding the 2015 Annual General Plan Amendments are hereby specified and set forth in Exhibits "A" and "B" attached hereto and incorporated herein.

SECTION 2. The Council hereby approves the amendments to the Jackson-Taylor Residential Strategy as specified and set forth in Exhibit "C" attached hereto and incorporated herein.

SECTION 3. This Resolution shall take effect thirty (30) days following the adoption of this Resolution.


ADOPTED this 15th day of December, 2015, by the following vote:

AYES: CARRASCO, HERRERA, JONES, KALRA, KHAMIS, M.
NGUYEN, T. NGUYEN, OLIVERIO, PERALEZ, ROCHA;
LICCARDO.


NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



SAM LICCARDO
Mayor

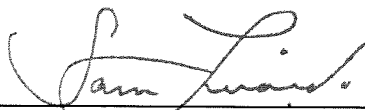
ATTEST:


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 Exhibits "A" and "B" and the Jackson-Taylor Residential Strategy Amendments attached hereto as Exhibit "C," were adopted by the City Council of the City of San José on December 15, 2015 as stated in its Resolution No. 77618.

Dated: December 15, 2015



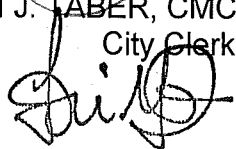
TONI J. TABER, CMC
City Clerk


EXHIBIT "A"

2015 ANNUAL GENERAL PLAN AMENDMENTS

GPT15-001. Amendment of the General Plan text to amend Chapter 5 "Interconnected City," "Land Use Designations" section, "Downtown" designation (p. 6) in its entirety to read as follows:

"Downtown

Density: Up to 800 DU/AC; FAR Up to 30.0 (3 to 30 stories)

This designation includes office, retail, service, residential, and entertainment uses in the Downtown. Redevelopment should be at very high intensities, unless incompatibility with other major policies within the *Envision General Plan* (such as Historic Preservation Policies) indicates otherwise. Where single-family detached homes are adjacent to the perimeter of the area designated as Downtown, new development should serve as a transition to the lower-intensity use while still achieving urban densities appropriate for the perimeter of downtown in a major metropolitan city. All development within this designation should enhance the "complete community" in downtown, support pedestrian and bicycle circulation, and increase transit ridership.

Residential projects within the Downtown designation should generally incorporate ground floor commercial uses. This designation does not have a minimum residential density range (DU/AC) in order to facilitate mixed-use projects that may include small amounts of residential in combination with significant amounts of non-residential use. Such mixed-use projects should be developed within the identified FAR range of up to 30.0. The broad range of uses allowed in Downtown could also facilitate medical office uses or full-service hospitals.

The Downtown Urban Design Policies speak to the urban, pedestrian-oriented nature of this area. As such, uses that serve the automobile should be carefully controlled in accordance with the Downtown Land Use Policies."

Council District. 3. CEQA: Use of the Envision 2040 General Plan Final EIR, Resolution 76041 and addenda thereto. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1; Ballard abstained). Council Action: 11-0.

GPT15-002. Various amendments of the General Plan text and Appendix 8 entitled "Greenhouse Gas Reduction Strategy" as follows:

1. Amend Chapter 3, entitled "Environmental Leadership," as follows:

a. Policy MS-2.6 is hereby amended in its entirety to read as follows:

"MS-2.6 Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts."

b. Policy MS-2.8 is hereby amended in its entirety to read as follows:

"MS-2.8 Develop policies which promote energy reduction for energy-intensive industries. For facilities such as data centers, which have high energy demand and indirect greenhouse gas emissions, require evaluation of operational energy efficiency and inclusion of operational design measures as part of development review consistent with benchmarks such as those in EPA's EnergyStar Program for new data centers. Also require consideration of distributed power production for these facilities to reduce energy losses from electricity transmission over long distances and energy production methods such as waste-heat reclamation or the purchase of renewable energy to reduce greenhouse gas emissions."

c. Policy MS-2.9 is hereby amended in its entirety to read as follows:

"MS-2.9 Develop, implement, and utilize programs that help businesses and homeowners improve the energy efficiency of new and existing buildings and use of renewable energy sources, such as solar, through on-site generation or purchase of electricity from solar power programs in California."

d. Policy MS-18.5 is hereby amended in its entirety to read as follows:

"MS-18.5 Reduce citywide per capita water consumption by 25% by 2030 from a baseline established using the 2010 Urban Water Management Plans of water retailers in San José."

2. Amend Chapter 6, entitled "Land Use and Transportation," as follows:

a. Policy TR-1.6 is hereby amended in its entirety to read as follows:

"TR-1.16 Develop a strategy to construct a network of public and private alternative fuel charging/fueling stations city wide. Revise parking standards to require the installation of electric charging infrastructure at new large employment sites and large, multiple family residential developments."

b. Policy TR-7.1 is hereby amended in its entirety to read as follows:

“TR-7.1 Require large employers to develop and maintain TDM programs to reduce the vehicle trips and vehicle miles generated by their employees through the use of shuttles, provision for car-sharing, bicycle sharing, carpool, parking strategies and other measures.”

c. Policy TR-7.2 is hereby amended in its entirety to read as follows:

“TR-7.2 Update and enhance the existing TDM program for City of San José employees. This program may include the expansion of transit pass subsidies, free shuttle service, preferential carpool parking, ridesharing, flexible work schedules, parking pricing, car-sharing, bicycle sharing, and other measures.”

3. Readopt and amend Appendix 8, entitled “Greenhouse Gas Reduction Strategy” as attached hereto and incorporated herein by reference as Exhibit “B.”

Council District. Citywide. CEQA: Use of the Envision 2040 General Plan Final EIR, Resolution 76041 and addenda thereto. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1 (Yesney absent). Council Action: 11-0.

GPT15-003. Various amendments of the General Plan text clarifying the frequency of City-initiated General Plan amendments, as follows:

1. Amend Chapter 7, entitled “Implementation,” as follows:

- a. The fifth full paragraph of Chapter 7 (p. 3) is amended in its entirety to read as follows:

“In addition to the Major General Plan Review, the General Plan Annual Review process provides for review of site specific proposals for possible amendment of the General Plan text and the Land Use / Transportation Diagram by private applicants on a yearly basis.”

- b. The first full paragraph in the “Implementation” section, “General Plan Phasing/Planning Horizons/Major Review” subsection, “Major Review of the General Plan” heading (p. 7) is hereby amended to read as follows:

“The *Envision General Plan* establishes an ongoing program for the City to monitor and evaluate its success in implementation, fundamental elements of which include both Annual and Major Reviews. Unlike the Annual Review which provides for review of site specific proposals for possible amendment of

the *Envision General Plan* text and the Land Use / Transportation Diagram by private applicants on a yearly basis, a Major Review of the *Envision General Plan* is a periodic review by the City Council every four years, allowing an assessment of progress and mid-course adjustments toward implementation of the *Envision General Plan*, using key economic, fiscal, and environmental indicators identified herein. A Major General Plan Review therefore provides the structure and opportunity for the City Council to determine whether to move into the next growth Horizon identified in the *Envision General Plan*.”

c. **Policy IP-3.3 is hereby amended in its entirety to read as follows:**

“IP-3.1 Beginning in 2013, hold one (1) Annual Review hearing for the Planning Commission and the City Council to review and consider privately proposed amendments to the *Envision General Plan* and to evaluate its Performance Measures.”

d. Policy IP-3.3 is hereby amended in its entirety to read as follows:

“IP-3.3 Consider only during Annual Review any privately 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. Early consideration for continued processing or denial for such projects may be considered outside of the General Plan Annual Review process.”

e. Policy IP-4.1 is hereby amended in its entirety to read as follows:

“IP-4.1 Conduct General Plan Review hearings to consider privately proposed amendments to the General Plan only once per year, beginning in 2013, for privately initiated amendments to facilitate a comprehensive review of the cumulative implications of proposed amendments. To further implement the Major Strategies of the General Plan, 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 up to four times a year.”

2. Amend Chapter 6, entitled “Land Use and Transportation,” Policy TR-5.3, second bulleted paragraph, to read as follows:

- “Area Development Policy. An “area development policy” may be adopted by the City Council to establish special traffic level of service standards for a specific geographic area which identifies development impacts and mitigation measures. These policies may take other names or forms to accomplish the same purpose. Area development policies shall be considered during the General Plan Review and Amendment Process.”

Council District. Citywide. CEQA: Use of the Envision 2040 General Plan Final EIR, Resolution 76041 and addenda thereto. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-1-1; Yesney opposed). Council Action: 11-0.

GPT15-004. Amendment of the General Plan text to amend Chapter 6, entitled “Land Use and Transportation,” and Appendix 2 as follows:

1. Chapter 6, entitled “Land Use and Transportation,” “Transportation Policies” section (p. 36) is amended in its entirety to read as follows:

“Transportation Policies

The Circulation Element of the *Envision San José 2040 General Plan* includes a set of balanced, long-range, multimodal transportation goals and policies that provide for a transportation network that is safe, efficient, and sustainable (minimizes environmental, financial, and neighborhood impacts). In combination with land use goals and policies that focus growth into areas served by transit, these transportation goals and policies are intended to improve multimodal accessibility to employment, housing, shopping, entertainment, schools and parks and create a city where people are less reliant on driving to meet their daily needs. San José’s Transportation Goals, Policies and Actions aim to:

- Establish circulation policies that increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips, to increase the City’s share of travel by alternative transportation modes.
- Promote San José as a walking- and bicycling-first city by providing and prioritizing funding for projects that enhance and improve bicycle and pedestrian facilities.

According to the California Government Code Section 65302 and the California Complete Streets Act of 2008, San José’s Circulation Element must plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan. The statute defines all “users of streets, roads, and highways” as “bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.” Transportation networks should additionally consider pedestrians, bicycle, and transit routes, which may not always be located on or along streets, roads, and highways.”

2. The first full paragraph of the “Circulation Element” section of Appendix 2 of the General Plan (App. 2, p. 15) is amended to read as follows:

“Appendix 2 – Circulation Element

State Law requires through California Government Code Section 65302 and the California Complete Streets Act of 2008: A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan. The circulation element shall plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan. “Users of streets, roads, and highways” means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.”

Council District. Citywide. CEQA: Use of the Envision 2040 General Plan Final EIR, Resolution 76041 and addenda thereto. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2; Yob and Pham absent). Council Action: 11-0.

GP15-001. A General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Mixed Use Neighborhood to Urban Residential and Combined Industrial/Commercial on an 11.43 acre site located on the northwest corner of N. 10th Street and E. Taylor Street (725 North 10th Street). (The Hanover Company, Owner).

Council District: 3. CEQA: Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program, Resolution No. 77609. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (5-1-1; Bit-Badal opposed, Ballard abstained). Council Action: 11-0.

GP15-002. A General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Industrial Park to Light Industrial on a 4.48 site located north of Silver Creek Valley Road, approximately 210 feet north of Hellyer Avenue (5880 Hellyer Avenue). (Edenvale Land Holdings, LLC., Owner).

Council District: 2. CEQA: Negative Declaration, Resolution No. 77608. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (5-0-2; Yob and Pham absent). Council Action: 11-0.

GP15-003. A General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Neighborhood/ Community Commercial to Residential Neighborhood on a 0.91 acre site located on the southeast corner of Redmond Avenue and Mancuso Street (12360 Redmond Avenue). (Redmond Road Fam, LP., Faz Ulla, Owner).

Council District: 10. CEQA: Negative Declaration, Resolution No. 77612. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (5-0-2; Yob and Pham absent). Council Action: 11-0.

GP15-005. A General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Mixed Use Neighborhood and to remove the site from the South Bascom Avenue Urban Village Boundary on a 0.19 acre site located on the northeast corner of Joseph Avenue and Shamrock Drive (2898 Joseph Avenue). (Jeffery A Schwartz and Cynthia Barry Trustee, Owner).

Council District: 9. CEQA: Mitigated Negative Declaration, Resolution No. 77613. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (4-0-2-1; Yob and Pham absent; Abelite abstained). Council Action: 9-2. Noes: Herrera, Liccardo..

EXHIBIT “B”

APPENDIX 8

GREENHOUSE GAS REDUCTION STRATEGY

Updated December 2015

Insert Separate Report

EXHIBIT "C"

2015 JACKSON-TAYLOR RESIDENTIAL STRATEGY AMENDMENTS

GPT15-005. Amendments to the Jackson-Taylor Residential Strategy text, as follows:

1. Title Page Text Changes

Amend the Jackson-Taylor Residential Strategy; Title Page as follows:

Title Page : Originally Approved by the City Council on October 6, 1992 and Amended November 16, 1996, November 20, 1997, and May 20, 2008, and December 8, 2015

2. Land Use Plan Text Changes

Amend the Jackson-Taylor Residential Strategy; Chapter 6, The Land Use Plan, Section B. The Illustrative Land Use Plan, Mixed-Use Core as follows:

Page 23, paragraph 1: Limited industrial uses are permitted in existing buildings within the area bounded by Mission, Tenth, Taylor and the railroad tracks. ~~Allowable industrial uses are those which typically might have a retail and/or restaurant component, and which do not generate noise, odor, or other nuisance impacts.~~ For example, allowable uses include the manufacturing of food products, beverages, furniture, and arts and crafts. Auto-related uses are not allowed.

3. Policies and Design Guidelines Text Changes

- a. Amend the Jackson-Taylor Residential Strategy; Chapter 7, Polices and Design Guidelines, Section B. Land Use Policies and Design Guidelines, Mixed Use (Residential, Office, Retail, and Industrial), Density/Intensity and Building Types, as follows:

Page 33, paragraph 1: Except... The residential component must develop to a minimum of 25 du/ac and may be a maximum density of ~~50~~ 95 du/ac. ...

- b. Amend the Jackson-Taylor Residential Strategy; Chapter 7, Polices and Design Guidelines, Section B. Land Use Policies and Design Guidelines, Mixed Use (Residential, Office, Retail, and Industrial), Industrial Guidelines, as follows:

Page 37, 2nd bullet point: Allowable industrial uses are those that typically might have a retail and/or restaurant component, such as the manufacturing of food

products, beverages, furniture, and arts and crafts. ~~These industrial uses cannot generate noise, odor, or other nuisance impacts.~~

- c. Amend the Jackson-Taylor Residential Strategy; Chapter 7, Policies and Design Guidelines, Section D. Streets and Parking Policies and Design Guidelines, Re-Opening/Closing Streets, as follows:

Page 41, 1st bullet point: ~~Two~~ One streets within the study area ~~have~~ has been identified for "re-opening" at the time that development occurs on adjacent parcels. ~~They are~~ It is:

- ~~East Mission between North 7th and 8th~~
~~North 9th between East Mission and Taylor~~

If it is not practical to re-establish ~~these streets~~ this street as a public streets (street types #1, #2, or #3) they it should be designed as a private "parking streets" (street type #4). ~~In particular, North 9th between Mission and Taylor must be a public street if there are long term, limited industrial uses present on one side of the street.~~

Council District: 3. CEQA: 2898 Joseph Avenue General Plan Amendment Negative Declaration, Resolution No. 77613 Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (4-0-2-1; Yob and Pham Absent; Abelite abstained). Council Action: 9-2. Noes: Herrera, Liccardo.