

**RESOLUTION NO. 77265**

**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**

**(DECEMBER 2014 GENERAL PLAN AMENDMENT)**

**WHEREAS**, the City Council of the City of San José ("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" (hereinafter the "General Plan") by Resolution No. 76042; and

**WHEREAS**, the original copy of the General Plan is 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 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 5, 2014, the Planning Commission held a public hearing to consider the proposed amendment to the General Plan that is listed in Exhibit "A" hereto ("December 2014 General Plan Amendment"), at which interested persons were given the opportunity to appear and present their views with respect to said proposed Plans and amendments; 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**, a copy of the proposed December 2014 General Plan Amendment is on file in the office of the Director of Planning, Building and Code Enforcement of the City of San José at 200 East Santa Clara Street, 3<sup>rd</sup> Floor, San José, California, with a copy 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 9, 2014, at 7:00 p.m. in the Council Chambers at City Hall, 200 East Santa Clara Street, San José, California, the City Council would hold a public hearing where interested persons could appear, be heard, and present their views with respect to the proposed Diridon Station Area Plan and related General Plan Amendments; and

**WHEREAS**, on December 9, 2014 at 7:00 pm, the City 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 December 2014 General Plan Amendment, which hearing was continued to December 16, 2014; and

**WHEREAS**, the Council reviewed and considered the "Envision 2040 General Plan Final Environmental Impact Report, Resolution 76041 and addenda thereto, for Project No. GPT14-007 prior to Council's determination on the proposed December 2014 General Plan Amendment; and

**WHEREAS**, the City Council is the decision-making body for the proposed December 2014 General Plan amendment.

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

**SECTION 1.** The City Council adopts the General Plan Amendment specified in Exhibit "A" attached hereto and incorporated herein by reference.

**SECTION 3.** This Resolution and the City Council's determination on the General Plan Amendment specified in Exhibit "A" shall take effect thirty (30) days following the adoption of this Resolution.

ADOPTED this 16<sup>th</sup> day of December, 2014, by the following vote:

AYES: CAMPOS, CONSTANT, HERRERA, KALRA, KHAMIS,  
LICCARDO, NGUYEN, OLIVERIO, ROCHA; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: DISTRICT 4



CHUCK REED  
Mayor

ATTEST:



TONI J. TABER, CMC  
City Clerk

STATE OF CALIFORNIA                    )  
  )    ss  
COUNTY OF SANTA CLARA            )

I hereby certify that the amendment to the San Jose General Plan specified in the attached Exhibit "A" was adopted by the City Council of the City of San Jose on 12/16/14, as stated in its Resolution No. 77265

Dated: 12/18/14

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TONI J. TABER, CMC  
City Clerk

## EXHIBIT A

### General Plan Amendment

#### GPT14-007

A General Plan Text Amendment to add a new policy to Goal H-1 "Housing – Social Equity and Diversity" that states that the City will facilitate housing affordable to those who are employed in serving industries, driving industries and business support industries, and to modify Goal H-2 "Affordable Housing" to state that the City's goal is that 15% or more of the new housing developed in San Jose be affordable to low and moderate income households, as follows:

Amend General Plan Chapter 4, Goal H-1, pages 29-30, to read as follows:

#### **Goal H-1 Housing – Social Equity and Diversity**

Provide housing throughout our City in a range of residential densities, especially at higher densities, and product types, including rental and for-sale housing, to address the needs of an economically, demographically, and culturally diverse population.

#### **Policies – Housing – Social Equity and Diversity**

**H-1.1** Through the development of new housing and the rehabilitation of existing housing, facilitate the creation of economically, culturally, and demographically diverse and integrated communities.

**H-1.2** Facilitate the provision of housing sites and structures across location, type, price and status as rental or ownership that respond to the needs of all economic and demographic segments of the community including seniors, families, the homeless and individuals with special needs.

**H-1.3** Create housing opportunities and accessible living environments that allow seniors to age in place, either in the same home, assisted living facilities, continuing care facilities, or other housing types within the same community.

**H-1.4** Encourage the location of housing designed for senior citizens in neighborhoods where health and community facilities and services are within a reasonable walking distance and are accessible by public transportation.

- H-1.5** Facilitate the development of multi-generational housing in compact form that meets the needs of families living together.
- H-1.6** Foster the production of housing to serve the “starter” housing market by leveraging financial resources such as purchasing assistance programs and by encouraging market-rate building typologies that serve the “starter” housing market.
- H-1.7** Comply with State and Federal laws prohibiting discrimination in housing and that support fair and equal access to housing.
- H-1.8** Encourage investments in infrastructure in order to maintain high-quality living environments in existing mobile home parks.
- H-1.9** Facilitate the development of housing to meet San José’s fair share of the County’s and region’s housing needs.
- H-1.10** Facilitate housing that is affordable to those employed in population-serving, business support and driving industries.

Actions – Housing – Social Equity and Diversity

- H-1.40-11** Develop a program to promote the “starter” housing market that leverages all financial resources and facilitates production of “starter” housing.
- H-1.44-12** Continue to work in close cooperation with other entities, public, private and non-profits, to foster information, techniques, and policies to achieve the housing Goals, Policies, and Implementation Actions in this Plan and make such information readily available.
- H-1.42-13** Continue to partner with local agencies, non-profits, and businesses to provide fair housing information, legal services, foreclosure prevention assistance, and anti-predatory lending assistance.
- H-1.43-14** Continue to monitor and participate in anti-predatory lending practices by partnering with local agencies.

Amend General Plan Chapter 4, Goal H-2, pages 30-31, to read as follows:

**Goal H-2 Affordable Housing**

Increase, preserve and improve San José’s affordable housing stock. Preserve and improve San Jose’s existing affordable housing stock and increase its supply such that 15% or more of the new housing stock developed is affordable to low, very low and extremely low income households. Nothing in this language

is intended, directly or indirectly, to impose any requirement on any individual housing project to include an amount or percentage of affordable units. Nothing in this language is intended to, directly or indirectly, result in a finding or determination that an individual housing project is inconsistent with the General Plan, if it doesn't contain any affordable housing units.

#### Policies – Affordable Housing

- H-2.1** Facilitate the production of extremely low-, very low-, low-, and moderate-income housing by maximizing use of appropriate policies and financial resources at the federal, state, and local levels; and various other programs.
- H-2.2** Integrate affordable housing in identified growth locations and where other housing opportunities may exist, consistent with the *Envision General Plan*.
- H-2.3** Conserve viable housing stock through a balanced combination of housing code enforcement and complementary programs such as rehabilitation loans and grants to help maintain the supply of low-priced housing.
- H-2.4** Allow affordable residential development at densities beyond the maximum density allowed under an existing Land Use/Transportation Diagram designation, consistent with the minimum requirements of the State Density Bonus Law (Government Code Section 65915) and local ordinances.
- H-2.5** Facilitate second units on single-family residential lots, in conformance with our City's Secondary Unit Ordinance, to take advantage of a potential source of affordable housing and to assist our City in meeting its needs as identified in its Consolidated Plan.
- H-2.6** Evaluate and incorporate, if feasible, an affordable housing component in the preparation of specific plans, master plans, or strategy plans that include plans for housing.
- H-2.7** Support strategies in collaboration with other jurisdictions and agencies to end homelessness by creating permanent housing solutions combined with services such as medical, education, and job placement.
- H-2.8** Facilitate the production of affordable and safe housing for workers who provide goods and services to San Jose residents and businesses.

Actions – Affordable Housing

- H-2.8-9** Coordinate and implement housing policies and goals contained in the City's, Consolidated Plan, and its 5-Year Investment Plan.
- H-2.9-10** Explore revisions to our City's Secondary Unit Ordinance that further support the provision of affordable housing and help achieve needs identified in its Consolidated Plan.
- H-2.10-11** Update the City's dispersion policy: 1) to align the location of future affordable housing developments with planned future Growth Areas identified in the *Envision General Plan*; 2) to be consistent with the City's inclusionary housing ordinance; 3) to maximize the access of transit, retail, services, and amenities to affordable housing developments; and 4) to reemphasize the support for integration and complete communities.
- H-2.11-12** Seek permanent sources of affordable housing funds.
- H-2.12-13** Maintain our City's Inclusionary Housing Policy and Ordinance, and provide technical assistance to the development community to ensure that residential projects conform to it.
- H-2.13-14** Support State and federal regulations that preserve "at-risk" subsidized rental units subject to potential conversion to market rate rents and that will encourage equitable and fair policies that protect tenant and owner rights.
- H-2.14-15** Support legislation at the State and Federal levels that: (1) facilitates private and/or public sector investment in housing affordable to households of extremely-low, very low-, low- and moderate-income; (2) provides for the greatest local autonomy in the administration of State and Federal housing programs; and (3) furthers the City's objective of conserving and rehabilitating the existing housing stock.
- H-2.15-16** Create and maintain a list of sites that are appropriate for meeting our City's affordable housing needs.

Council District: Citywide. CEQA: Envision 2040 General Plan Final Environmental Impact Report, Resolution 76041 and addenda thereto. Director of Planning, Building and Code Enforcement and Planning Commission (6-1, Abelite no) recommend approval. Council Action: \_\_\_\_\_.