

City of San José, California

COUNCIL POLICY

TITLE PROCESS AND CRITERIA FOR DEVELOPING SPECIFIC PLANS	PAGE 1 of 4	POLICY NUMBER 6-22
EFFECTIVE DATE June 4, 1991	REVISED DATE March 22, 1994	
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BACKGROUND

The City Council has concluded that the specific plan process offers a unique opportunity not only to plan major areas of the City but to assure that development and public improvements will proceed according to the use, design, phasing and financing provisions of the specific plan. It has been determined that it is necessary to identify the conditions which justify the conduct of a specific plan or similar master plan and to identify the critical components of the process. The specific plan process is complex and requires a substantial commitment of time and of public and/or private funds and, therefore, should be used only when the benefits warrant the cost. In addition, the development of each specific plan should include those components which the City has determined to be necessary to the process.

PURPOSE

It is the purpose of this policy to define the circumstances under which the City Council will consider authorizing the conduct of a specific plan and to identify those procedural components which must be included in the development of any specific plan.

SCOPE

This policy addresses the preparation of local plans (hereinafter referred to as "specific plans") which are similar to specific plans as described in State Government Code Section 65450 et seq. as well as other master plans which incorporate most, if not all, of the elements of a specific plan so described. Specific plans may be limited to a General Plan level of detail or may go a step further and include zoning. In any case, specific plans must be consistent with the fundamental policy framework of the General Plan.

POLICY

It is the policy of the City of San José that:

I. City Councilmembers, the City Administration or area property owners may request that the City prepare a specific plan.

II. Only the City Council may authorize the initiation of the specific plan process. The City Council should base its decision on:

A. Site Criteria

1. The area should represent a substantial development potential deemed to be a positive benefit to the City.
2. There should be present a combination of obstacles to development which make it infeasible for individual properties to proceed with optimal development in the traditional sequence.
3. The area should consist of at least 50 net acres with development potential in the more urban areas of the City (central area and vicinity of more intensely developed major streets) and at least 100 acres with development potential in other parts of the City.

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4. The area should be comprised of a minimum of ten parcels with ten different property owners.

B. Funding Availability

1. Total funding includes the costs of consultant services, City staff and miscellaneous items and services.
2. Prior to City Council initiation of the specific plan process, the cost of preparing the plan must be identified and the source of funding to complete the project must be known and available.
 - a. Funding may be provided from City funds, private funds (usually property owners within specific plan area) or a combination of each. Requests from property owners to prepare a specific plan should include property owner funding of consultant services, City staffing costs, and miscellaneous expenses.
 - b. When all or part of the proposed funding is from a private source, the City should have the funds or the guarantee of such funds in hand prior to authorizing work to start.
 - c. Agreements for private funding should address the procedure for covering the cost of additions to the initial scope of work.
3. When specific plans are proposed by area property owners and privately financed, specific plan preparation costs should be shared equally by all benefiting property owners.
 - a. When development applications are filed a pro rata share of the preparation costs should be reimbursed by property owners who have not yet contributed a fair share toward the plan preparation costs to those property owner who financed the plan preparation.
 - b. The City should recover any staff costs of preparing otherwise privately financed specific plans by imposing a fee on all relevant development applications within the specific plan area.

C. City Staffing Resources

1. Prior to the initiation of the specific plan process, staffing resources in each affected City department should be identified and augmented if necessary.
2. Property owner funding of staff costs should cover those staff positions for which the subject specific plan is the primary assignment.

III. Because the specific plan process is generally applicable only to areas where development potential is subject to a complex set of constraints and because these areas are often politically sensitive, specific plans should be prepared with the advice and participation of professional consultants and representatives of the affected community:

A. Consultant Selection and Administration

1. Consultants should be selected through the Request for Proposal process.
2. Whether funding is public or private, the City is the client and will administer the consultant contract.

B. Task Force Charge and Appointment

1. Specific plans should be developed with the advice of a task force.
2. Task force members should represent interests having legitimate concerns regarding development in the specific plan area. Particular care should be taken to identify all legitimate interests which may typically include:
 - a. The District Councilmember's office.
 - b. The Planning Commission.
 - c. The Parks and Recreation Commission.

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- d. Housing Advisory Commission.
 - e. Area property ownership.
 - f. Neighborhood organizations.
 - g. School districts.
 - h. Local business.
 - i. Any other group, organization or geographic area which has a significant interest in development within the specific plan area. Citywide interests should be recognized and represented.
 - j. For specific plans which could have Citywide ramifications, the task force should include a City Council or citizen member to represent the Citywide perspective.
3. The district City Councilmember should nominate individuals for task force membership and approval by the City Council.
 4. Task forces may have as few as eight members but no more than 20 members.

IV. Specific plans should be consistent with major City plans and policies and any relevant governmental regulations.

A. General Plan Conformance

1. Specific plan proposals must be consistent with major strategies and goals and policies of the General Plan and should not be used as vehicles for changing any fundamental General Plan direction.
2. Major General Plan strategy or policy changes should be considered only in the context of an Annual Review or major update completed before the specific plan is initiated.

B. General Plan Amendments

1. Specific plans will be incorporated into the General Plan through the General Plan amendment process which may occur outside the General Plan Annual Review process. Minor boundary changes may be made at the same time.
2. Specific plans will typically be incorporated into the General Plan as Planned Residential Communities or an equivalent designation. The PRC may be amended to the General Plan in the Annual Review process or as part of the final specific plan action.
3. Specific plans may be revised only during the General Plan Annual Review process.

C. Comprehensive Housing Affordability Strategy (CHAS)

1. Each specific plan should include a reference to the CHAS as a complementary City document.

V. When major properties, particularly properties in public ownership or use, are being considered for a change of use, they often represent the potential for substantial impacts on the surrounding community. These properties will not meet the criteria for preparation of a specific plan but may benefit from a formal structured process which includes comprehensive planning of the entire property. In such cases, the City Council may direct the conduct of a more limited planning study which includes certain portions of the specific plan process.

A. Study Components

1. Oversight by a task force or other community committee.
2. Use of consultant services as an option (particularly for technical studies).
3. Land use planning.
4. General design concepts as an option.

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5. Infrastructure analysis to the degree feasible.
6. Environmental review integrated into the study as an option.

B. Study Financing

1. All the costs of conducting the study, including staff costs, should be financed by the property owner/developer.
2. Consultant work and costs should be as limited as possible, consistent with adequate study of the issues.

C. Implementation

1. Required General Plan land use amendments should be considered only in the Annual Review process and must be completed prior to approval of the subject plan unless that "plan" consists only of General Plan amendments.
2. Like specific plans, these more limited plans may be developed at the General Plan or zoning level, whichever is appropriate to the circumstances.