

RESOLUTION NO. 80505

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING AN ADDENDUM TO THE ENVISION SAN JOSE 2040 GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, AS ADDENDED, FOR WHICH AN INITIAL STUDY WAS PREPARED; FOR AN AMENDMENT TO THE ENVISION 2040 GENERAL PLAN UPDATING DISCUSSION OF THE NORTH SAN JOSE AREA DEVELOPMENT POLICY AND AMENDING THE TRANSIT EMPLOYMENT RESIDENTIAL OVERLAY (TERO) LAND USE DESIGNATION TO INCREASE MINIMUM DENSITY AND REMOVE THE MINIMUM FLOOR AREA RATIO REQUIREMENT; AN AMENDMENT TO THE NORTH SAN JOSE AREA DEVELOPMENT POLICY TO LIMIT APPLICATION OF THE POLICY; AN AMENDMENT OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE ADDING CHAPTER 20.65 REGARDING OVERLAY ZONING DISTRICTS; AN AMENDMENT OF THE ZONING MAP TO INCLUDE THE TRANSIT EMPLOYMENT RESIDENTIAL OVERLAY (TERO) DISTRICT; AND AN AMENDMENT OF CHAPTER 14.29 OF TITLE 14 OF THE SAN JOSE MUNICIPAL CODE TO LIMIT THE APPLICATION OF THE NORTH SAN JOSE TRAFFIC IMPACT FEE, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, prior to the adoption of this Resolution, the Director of Planning, Building and Code Enforcement of the City of San José prepared an Initial Study/Addendum to the Envision San José 2040 General Plan Environmental Impact Report and the Supplemental Environmental Impact Report for the North San José Related Amendments to the General Plan, North San José Area Development Policy, Zoning Ordinance and Zoning Map, and Traffic Impact Fee, Planning File Nos. GPT21-003, C21-018, and PP21-008 (the “Initial Study/Addendum”), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively “CEQA”); and

WHEREAS, the Project analyzed under the Initial Study/Addendum consists of North San José related amendments to all of the following:

- (a) Envision San José 2040 General Plan (“General Plan”),
- (b) North San José Area Development Policy (“Policy”),
- (c) Title 20 of the San José Municipal Code to add Chapter 20.65 establishing overlay districts (“Zoning Ordinance”),
- (d) Amendment of the Zoning Map to add the TERO Transit Employment Residential Overlay District (“Zoning Map”), and
- (e) Amendment of Chapter 14.29 of the San José Municipal Code relating to the North San José Traffic Impact Fee (“Traffic Impact Fee”) (collectively the “Project”); and

WHEREAS, the amendments to the Policy and the Traffic Impact Fee are to limit the application of the Policy and the Traffic Impact Fee to development within the Policy area boundary that received approved land use entitlements, including any general plan amendment and/or zoning amendment, and/or land use permits on or after July 28, 2005, and prior to the effective date of the resolution making such an amendment to the Policy, and any subsequent amendments or adjustments to such entitlements and/or land use permits; and

WHEREAS, the amendment to the General Plan makes changes to acknowledge the amendments to the Policy, and changes the Transit Employment Residential Overlay (TERO) land use designation to increase the required minimum density from 55 dwelling units per acre to 75 dwelling units per acre and remove the minimum floor area ratio (FAR) requirement; and

WHEREAS, the amendment to the Zoning Ordinance adds Chapter 20.65 to the San José Municipal Code establishes Overlay Districts and the TERO District consistent with the General Plan; and

WHEREAS, the amendment of the Zoning Map adds the TERO District consistent with the General Plan; and

WHEREAS, the Initial Study/Addendum concluded that implementation of the Project would not result in any substantial changes due to any new impacts not considered in the prior certified Envision San José 2040 General Plan Environmental Impact Report (Resolution No. 76041) and the Supplemental Environmental Impact Report (Resolution No. 77617), and all addenda thereto; and

WHEREAS, the Initial Study/Addendum concluded that implementation of the Project would not result in any substantial increase in the severity of previously identified significant effects in the prior certified Envision San José 2040 General Plan Environmental Impact Report and the Supplemental Environmental Impact Report; and

WHEREAS, the Initial Study/Addendum concluded that implementation of the Project would not result in any substantial changes with respect to circumstances that will require major revisions to the prior certified Envision San José 2040 General Plan Environmental Impact Report and the Supplemental Environmental Impact Report; and

WHEREAS, the Initial Study/Addendum concluded that implementation of the Project would not affect one or more significant effects discussed in the prior certified Envision San José 2040 General Plan Environmental Impact Report and the Supplemental Environmental Impact Report due to substantial new information or information of substantial importance; and

WHEREAS, the Initial Study/Addendum concluded that implementation of the Project would not affect one or more significant effects previously examined that will be substantially more severe than those disclosed in the prior certified Envision San José 2040 General Plan Environmental Impact Report and the Supplemental Environmental Impact Report; and

WHEREAS, the City of San José is the lead agency on the Project, and the City Council is the decision-making body for the proposed approval to undertake the Project; and

WHEREAS, the City Council has reviewed and considered the Initial Study/Addendum for the Project and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the Initial Study/Addendum for the Project, the Envision San José 2040 General Plan Environmental Impact Report, and Envision San José 2040 General Plan Supplemental Environmental Impact Report are on file in the Office of the Director of Planning, Building and Code Enforcement, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, are available for inspection by any interested person at that location and on the Department of Planning, Building, and Code Enforcement's website and are, by this reference, incorporated into this Resolution as if fully set forth herein;

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

THAT THE CITY COUNCIL does hereby make the following findings: (1) it has independently reviewed and analyzed the Initial Study/Addendum and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Initial Study/Addendum prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Initial Study/Addendum represents the independent judgment and analysis of the City of San José, as lead agency for the Project.

The City Council designates the Director of Planning, Building and Code Enforcement at the Director's Office at 200 East Santa Clara Street, 3rd Floor Tower, San José,

California, 95113, as the custodian of documents and records of proceedings on which this decision is based.

THAT THE CITY COUNCIL does hereby find that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have any new significant effect on the environment and does hereby adopt the Initial Study/Addendum prepared for the Project (Planning File Nos. GP21-003, C21-018, and PP21-008). The Initial Study/Addendum is: (1) on file in the Office of the Director of Planning, Building and Code Enforcement, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113 and is posted to the Department of Planning, Building, and Code Enforcement's website and (2) available for inspection by any interested person.

ADOPTED this 17th day of May, 2022, by the following vote:

AYES: ARENAS, COHEN, DAVIS, ESPARZA, FOLEY, JONES,
MAHAN, PERALEZ, LICCARDO.

NOES: NONE.

ABSENT: JIMENEZ, CARRASCO.

DISQUALIFIED: NONE.



SAM LICCARDO
Mayor

ATTEST:



TONI J. TABER, CMC
City Clerk