

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 MODIFY THE LAND USE/ TRANSPORTATION DIAGRAM LAND USE DESIGNATION FROM NEIGHBORHOOD COMMUNITY/COMMERCIAL TO MIXED USE COMMERCIAL ON AN APPROXIMATELY 1.09 GROSS ACRE SITE LOCATED AT 2905 AND 2911 SENTER ROAD (ASSESSOR PARCEL NUMBERS: 497-27-110, 497-27-111)**

**2022 General Plan Amendment Cycle 1**

**FILE NO. GP21-007**

**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 San José City Charter section 1000 and 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 January 12, 2022 the Planning Commission held a virtual public hearing to consider the proposed amendment to the General Plan, File No. GP21-007 specified in Exhibit "A" hereto ("General Plan Amendment"), at which hearing interested persons

were given the opportunity to appear virtually and present their views with respect to said proposed amendments; and

**WHEREAS**, at the conclusion of the virtual public hearing, the Planning Commission transmitted its recommendations to the City Council on the proposed General Plan Amendment; and

**WHEREAS**, on February 8, 2022, the Council held a duly noticed public hearing; and

**WHEREAS**, a copy of the proposed General Plan Amendment is on file with the office of the Director of Planning, Building and Code Enforcement of the City, and available electronically on the Department of Planning, Building and Code Enforcement webpage, 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 February 8, 2022 at 6:00 p.m. 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 adopted the Initial Study/Negative Declaration for 2905 and 2911 Senter Road General Plan Amendment for File No. GP21-007 (Resolution No. \_\_\_\_\_) in accordance with the California Environmental Quality Act; and

**WHEREAS**, the Council of the City of San José is the decision-making body for the proposed General Plan Amendments; and

**WHEREAS**, the General Plan Amendment will not result in inconsistent zoning because the site is being concurrently rezoned to the Urban Residential Zoning District (File No. C21-029) and will not take effect until the associated rezoning ordinance takes effect; and

**WHEREAS**, pursuant to California Senate Bill (SB) 330, a city is prohibited from enacting a development policy, standard, or condition, as defined, that would have the effect of changing the land use designation or zoning of a parcel or parcels of property to a less intensive residential use or reducing the residential intensity of land use within an existing zoning district below what was allowed under the general plan or specific plan land use designation and zoning ordinances of the county or city as in effect on January 1, 2018; and

**WHEREAS**, California Government Code Section 66300(b)(1) allows a city to change a land use designation or zoning ordinance to a less intensive residential use if the city concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity; and

**WHEREAS**, no net loss of residential capacity will result from this General Plan amendment because the City is amending the General Plan land use designation of the property at 2905 and 2911 Senter Road (APN: 497-27-110, 497-27-111) from Neighborhood Community/Commercial to Mixed Use Commercial, in which the proposed project provides an additional 54 housing units and therefore there is no net loss in residential capacity with the change in land use designation set forth herein.

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

**SECTION 1.** The Council’s determination regarding General Plan Amendment File No. GP21-009 is hereby specified and set forth in Exhibit “A.” attached hereto and incorporated herein by reference.

**SECTION 2.** The General Plan Land Use Amendment specified in GP21-007, as set forth in Exhibit “A” of this Resolution, shall take effect upon the effective date of the associated rezoning ordinance for File No C21-029.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

\_\_\_\_\_  
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 Exhibit A were adopted by the City Council of the City of San José on \_\_\_\_\_, as stated in its Resolution No. \_\_\_\_\_.

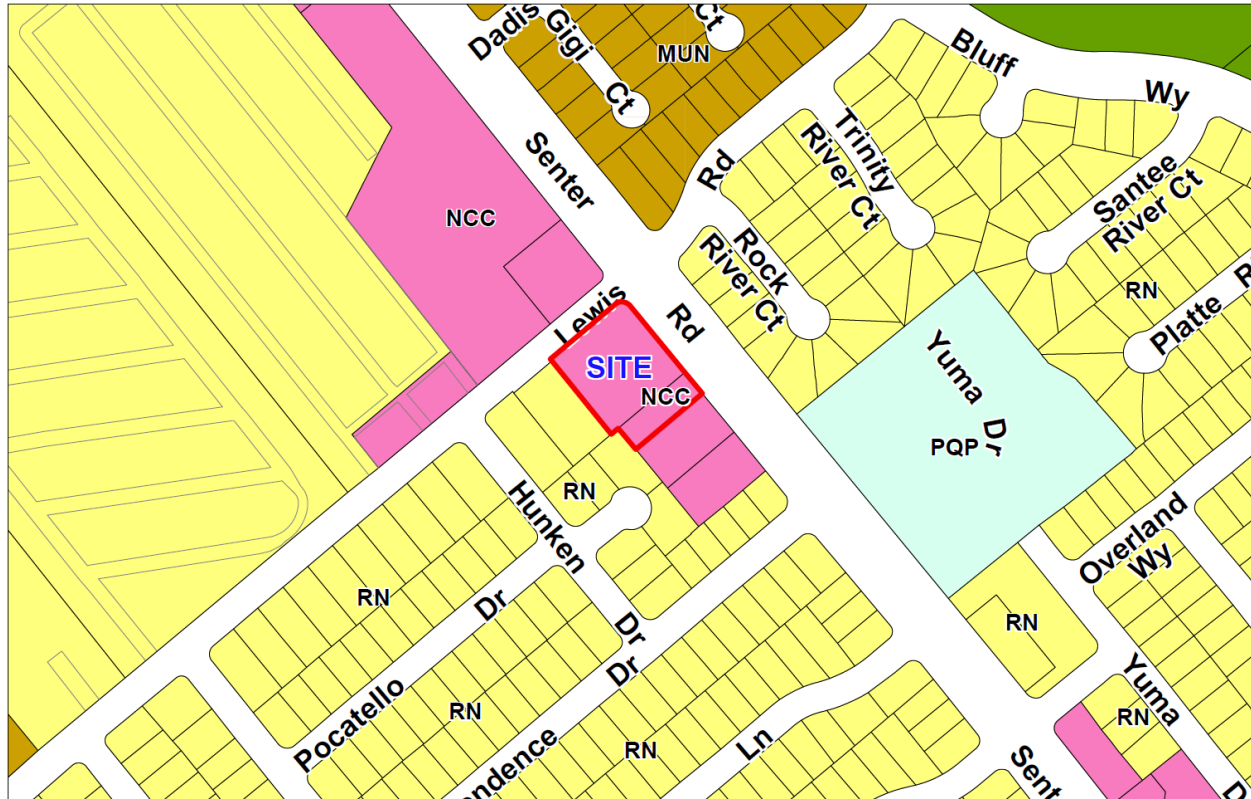
Dated: \_\_\_\_\_

\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk

## EXHIBIT A

**File No. GP21-007.** A General Plan Amendment to change the Land Use/ Transportation Diagram land use designation from NCC Neighborhood Community/ Commercial to MUC Mixed Use Commercial on an approximately 1.09 gross acre site located at 2905 and 2911 Senter Road (Assessor Parcel Numbers: 497-27-110, 497-27-111)

### Exhibit A-1: Existing Land Use Designation



A-1

Winter 2022 General Plan Amendment (Cycle 1)  
File No. GP21-007

T-1201.071/1892242  
Council Agenda: 2/8/2022  
Item No.: 10.2(b)(2)

**DRAFT – Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for final document.**

### Exhibit A-2: Revised Land Use Designation

