

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 TO RESIDENTIAL
NEIGHBORHOOD AT 100 SOUTH CAPITOL AVENUE**

Fall 2017 General Plan Amendment Cycle (Cycle 3)

File No. GP17-001

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 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 October 25, 2017, the Planning Commission held a public hearing to consider the proposed amendment to the General Plan, File No. GP17-001 specified in Exhibit "A" hereto ("General Plan Amendment"), at which hearing interested persons were given the opportunity to appear and present their views with respect to said proposed 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, on November 28, 2017, the Council held a duly noticed public hearing; and

WHEREAS, a copy of the proposed General Plan Amendment is on file in the office of the Director of Planning, Building and Code Enforcement of the City, 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 November 28, 2017 at 6:00 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 General Plan Amendment (Exhibit "A"); and

WHEREAS, prior to making its determination on the General Plan Amendment, the Council reviewed and considered the Exemption per CEQA Guideline Section 15303; and

WHEREAS, the Council is the decision-making body for the proposed General Plan Amendment;

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

SECTION 1. The Council's determinations regarding General Plan Amendment File No. GP17-001 is hereby specified and set forth in Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 2. This Resolution shall take effect thirty (30) days following the adoption of this Resolution.

ADOPTED this _____ day of _____, 20___, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"

File No. GP17-001. A General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Residential Neighborhood on a 0.35 gross acre site located at the southeast corner of South Capitol Avenue and Rose Avenue (100 South Capitol Avenue) (Van Nguyen Hiep 2015 Trust, Owner).

Council District: 5. CEQA: Exempt per CEQA Guideline Section 15303, New Construction or Conversion of Small Structures. Planning Commission recommends approval (6-0-1 Commissioner Ballard absent).

Council Action: (X-X)

EXHIBIT A

Fall 2017 General Plan Amendment (Cycle 3)
GP17-001

T-1201.046/1457992_2.doc
Council Agenda: 11-28-2017
Item No.: 10.3

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