

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 FROM THE NCC NEIGHBORHOOD COMMUNITY COMMERCIAL DESIGNATION TO THE MUN MIXED USE NEIGHBORHOOD DESIGNATION ON AN APPROXIMATELY 0.6-GROSS ACRE SITE LOCATED AT 7246 SHARON DRIVE (ASSESSOR PARCEL NUMBER: 372-21-003)

Winter 2022 General Plan Amendment Cycle (Cycle 1)

GP21-004

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 January 12, 2022, the Planning Commission held a public hearing to consider the proposed amendment to the General Plan File No. GP21-004 ("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 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 application for the General Plan amendment, the Council reviewed and adopted the 7246 Sharon Drive General Plan Amendment and Conforming Rezoning Negative Declaration (Resolution No. _____) in accordance with the California Environmental Quality Act; and

WHEREAS, the General Plan Amendment will not result in inconsistent zoning because the MUN Mixed Use Neighborhood Zoning District rezoning (File No. C21-009) is consistent with the General Plan land use and development on-site; 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, the City is amending the General Plan land use designation of the property at 7246 Sharon Drive (APN: 372-21-003) from Neighborhood/Community Commercial to Mixed Use Neighborhood, which would result in a net increase of residential capacity in the city of approximately 18 units and therefore, there is no net loss in residential capacity with the change in land use designation set forth herein; 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 AS FOLLOWS:

SECTION 1. The Council’s determination regarding General Plan Amendment File No. GP21-004 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 GP21-004, as set forth in Exhibit “A” of this Resolution, shall take effect upon the effective date of the associated rezoning ordinance for File No C21-009. This Resolution shall take effect thirty (30) days following the adoption of this Resolution immediately upon adoption.

ADOPTED this _____ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

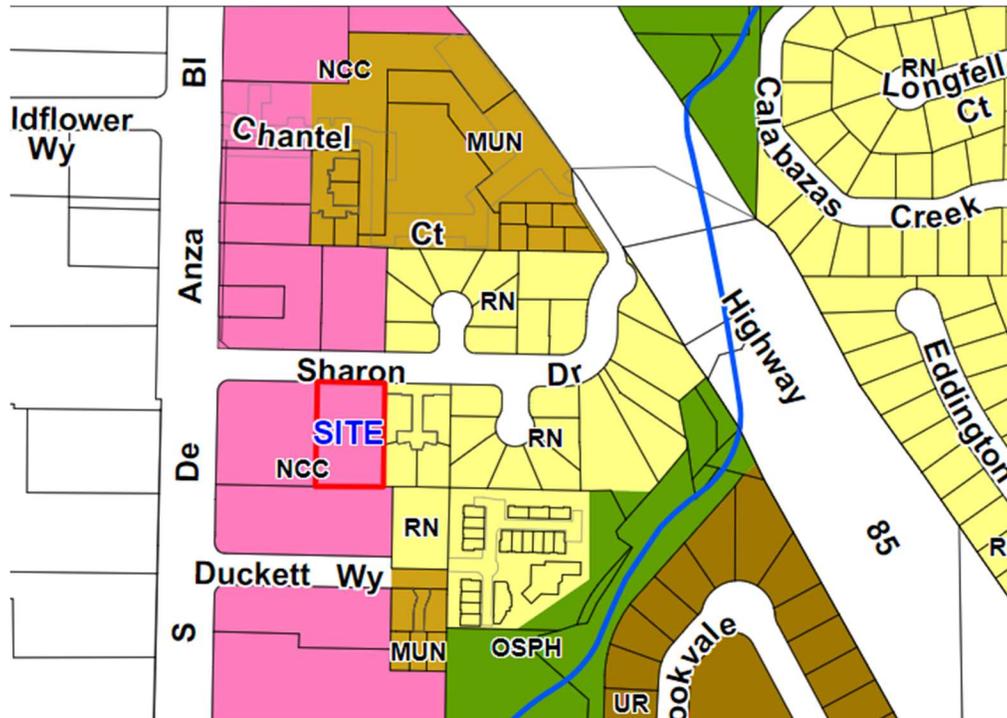
ATTEST:

TONI J. TABER, CMC
City Clerk

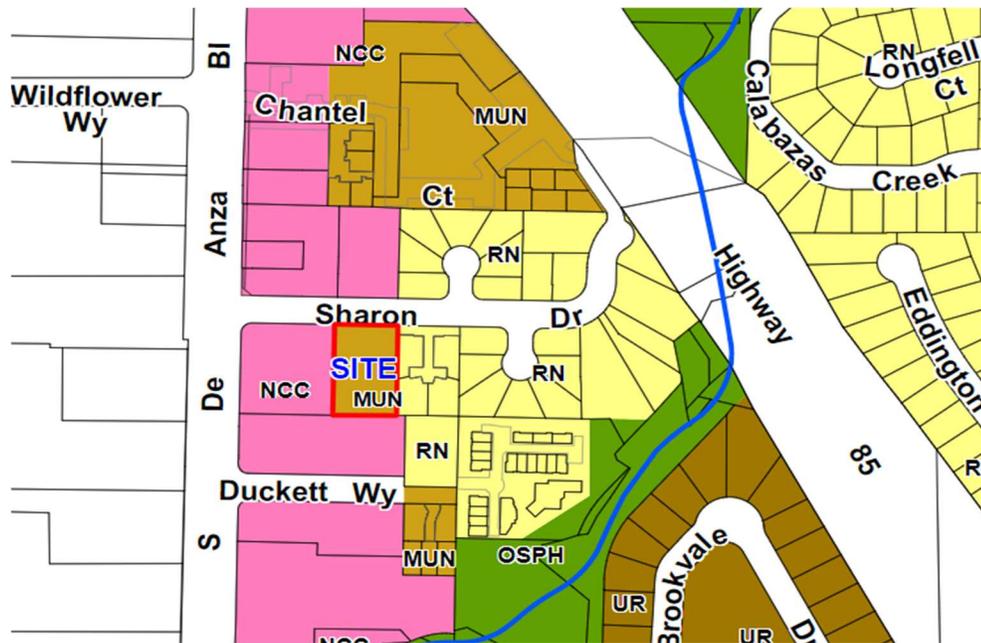
EXHIBIT "A"

File No. GP21-004. A General Plan Amendment to change the Land Use/Transportation Diagram land use designation from NCC Neighborhood/Community Commercial to MUN Mixed Use Neighborhood on a 0.6-gross acre site located at 7246 Sharon Drive (Lexicon Development – Applicant).

Existing General Plan Designation



Proposed General Plan Designation



Council District: 1.