

COUNCIL AGENDA: 11/28/17
FILE: 17-354
ITEM: 10.3

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: November 14, 2017

SUBJECT: GP17-001. 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

RECOMMENDATION

The Planning Commission voted unanimously (6-0-1, Ballard absent) to recommend that the City Council approve the General Plan Amendment to change the General Plan land use designation to Residential Neighborhood on a 0.35 gross acre site.

OUTCOME

Should the City Council approve the General Plan Amendment, the Envision San José 2040 General Plan Land Use/Transportation Diagram would be amended to reflect the proposed land use designation change to Residential Neighborhood.

BACKGROUND

On November 8, 2017, the Planning Commission held a public hearing to consider the proposed General Plan Amendment. The Director of Planning, Building and Code Enforcement recommended approval of the General Plan Amendment. The item was on the consent calendar and was approved by the Planning Commission with no discussion.

ANALYSIS

For a complete analysis, please see the Planning Commission staff report (attached).

HONORABLE MAYOR AND CITY COUNCIL

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EVALUATION AND FOLLOW UP

If the General Plan Amendment is approved, the Envision San José 2040 General Plan will be modified to reflect the proposed land use designation change to Residential Neighborhood.

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was published in the San Jose Post Record and on the City's website. The staff report is also posted on the City's website and staff has been available to respond to questions from the public.

COORDINATION

Preparation of this memorandum has been coordinated with the City Attorney's Office.

CEQA

Pursuant to Section 15303 of the CEQA Guidelines, the City of San José has determined that the proposed General Plan Amendment is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code as amended. An exemption pursuant to Section 15303 of the CEQA Guidelines was prepared by the Director of Planning, Building and Code Enforcement for the subject General Plan Amendment.

/s/

ROSALYNN HUGHEY, SECRETARY
Planning Commission

For questions please contact Michael Brilliot, Division Manager, at 408-535-7831.

Attachment: Planning Commission Staff Report



PLANNING COMMISSION STAFF REPORT

File No.	GP17-001
Applicant	Henry Cord
Location	100 S. Capitol Avenue
Existing General Plan Land Use Designation	Neighborhood/Community Commercial
Proposed General Plan Land Use Designation	Residential Neighborhood
Existing Zoning Districts	R-1-8 Single Family Residence
Council District	5
Historic Resource	No
Annexation Date:	July 2, 1970 (Capitol No. 30)
CEQA:	Exempt per CEQA Guideline Section 15303

APPLICATION SUMMARY:

General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Residential Neighborhood on an approximately 0.35 gross acre site.

RECOMMENDATION:

Recommend that the City Council adopt a resolution amending the Envision San José 2040 General Plan Land Use/Transportation Diagram from Neighborhood/Community Commercial to Residential Neighborhood on an approximately 0.35 gross acre site, located on the southeast corner of S. Capitol Avenue and Rose Avenue.

PROJECT DATA

GENERAL PLAN CONSISTENCY			
Consistent Policies		Policies CD-4.3, CD-4.4; Goal VN-1; Policies VN-1.7, VN-1.11; Policy LU-11.6	
Inconsistent Policies		Innovation/Regional Employment Center Major Strategy; Fiscally Strong City Major Strategy; Policy LU-9.17; Goal IE-1; Policy IE-1.4; Policy LU-4.1; Goal FS-4; Policies FS-4.1	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Residential Neighborhood	CP Commercial Pedestrian A(PD) Planned Development	Vacant lot Townhomes
South	Residential Neighborhood	R-1-8 Single Family Residence	Single-family residence

East	Residential Neighborhood	A(PD) Planned Development	Townhomes
West	Neighborhood/Community Commercial	CG Commercial General	Single-family residence
RELATED APPROVALS			
Date	Action		
1990	General Plan Amendment to change the site's land use designation from Medium High Density Residential (8-16 DU/AC) to Office to legalize an illegal conversion of a single-family dwelling to an office (File No. GP90-5-02).		

PROJECT DESCRIPTION

Background

In 1990, a former property owner applied for a General Plan Amendment to change the subject site's land use designation from Medium High Density Residential (8-16 DU/AC) to Office. This request was in response to a Code Enforcement case to legalize an illegal conversion of a single-family dwelling to an office. At that time, staff did not support the proposed General Plan Amendment and recommended denial for the following reasons:

- The existing building and proposed parking did not meet the City's Commercial Design Guidelines and would conflict with the City's Horizon 2000 General Plan policy of avoiding commercial traffic on residential streets;
- The site would contain an isolated commercial use surrounded by residential uses; and
- The proposal was inconsistent with the character of the neighborhood.

The City Council, however, approved the General Plan Amendment to Office. At that time, the property was zoned R-1 and needed to be rezoned to allow office uses. However, the property owner never submitted a Rezoning application, and the building has been used for single-family residential use since this time. Subsequent updates to the City's General Plan in 1994 and 2011 have continued to carry forward a commercial land use designation at this site due to the 1990 General Plan Amendment. As a result, the subject site currently has a land use designation of Neighborhood/Community Commercial.

On February 24, 2017, Henry Cord applied for a General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Residential Neighborhood on the 0.35-gross acre subject site. The intent of the proposed General Plan Amendment is to change the site's land use designation back to its original residential use. Changing the General Plan land use designation to Residential Neighborhood would allow residential development of up to eight dwelling units per acre (DU/AC) or the prevailing neighborhood density, whichever is lower, as well as commercial development with a 0.7 Floor Area Ratio (FAR). The prevailing neighborhood density, as defined by the area outlined in blue in Figure 1, has an average of 10.9 DU/AC. The prevailing neighborhood density was determined by analyzing residentially zoned properties that surround the subject site on the east side of South Capitol Avenue. Based on this analysis, eight DU/AC would be allowed on the subject site, allowing potentially up to two dwelling units on the site.

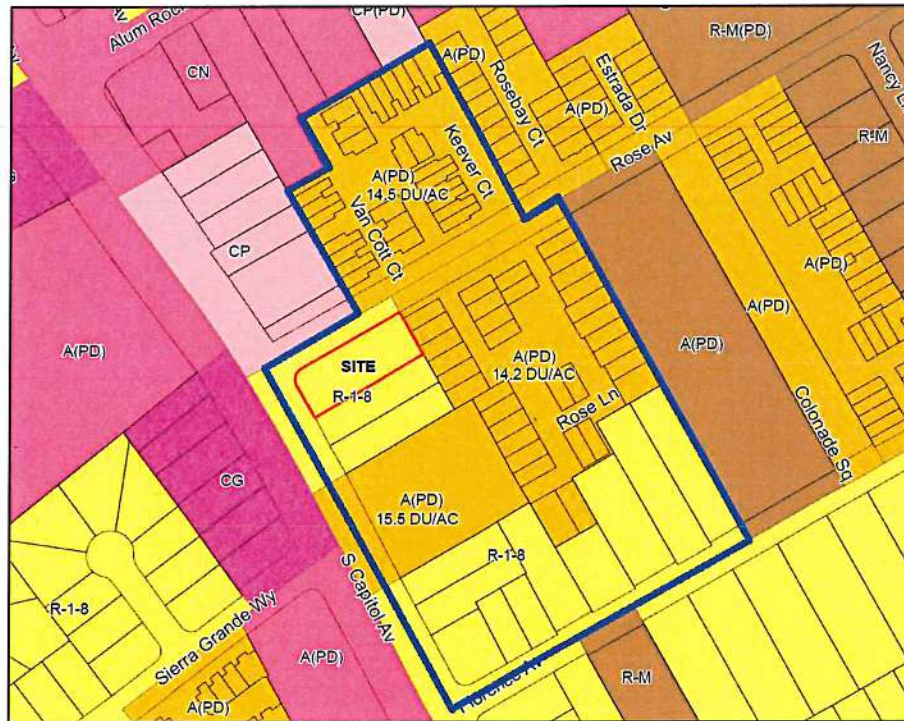


Figure 1. Surrounding Zoning Districts

Site Location

The site is located on the southwest corner of South Capitol Avenue and Rose Avenue (APN 484-23-039). The site is not located within a General Plan Growth Area nor a Development Policy Area. There is currently one single-family residence built in 1930 on the project site, totaling a density of 2.9 DU/AC. The single-family home is not listed on the City's Historic Resources Inventory.

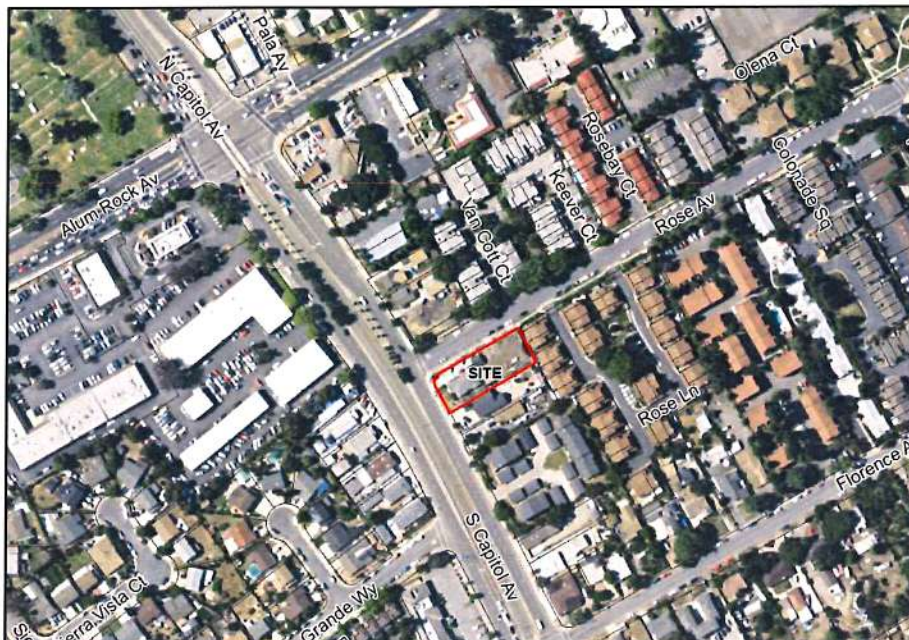


Figure 2: Site Location

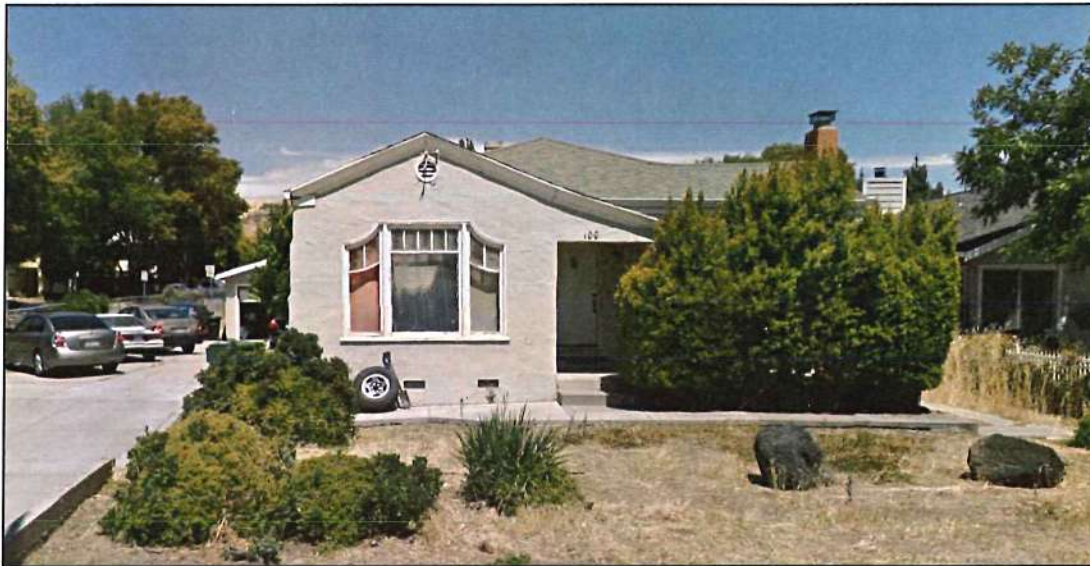


Figure 3: Elevation facing S. Capitol Avenue

ANALYSIS

Existing General Plan Land Use Designation: Neighborhood/Community Commercial

This designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. Neighborhood/Community Commercial uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use and public interaction. General office uses, hospitals and private community gathering facilities are also allowed in this designation. The Neighborhood/Community Commercial land use designation allows a commercial Floor Area Ratio (FAR) up to 3.5.

Proposed General Plan Land Use Designation: Residential Neighborhood

The Residential Neighborhood land use designation is applied broadly throughout the City to encompass most of the established, single-family residential neighborhoods, including both the suburban and traditional residential neighborhood areas which comprise the majority of its developed land. The intent of this designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. New infill development should improve and/or enhance existing neighborhood conditions by completing the existing neighborhood pattern and bringing infill properties into general conformance with the quality and character of the surrounding neighborhood. New infill development should be integrated into the existing neighborhood pattern, continuing and, where applicable, extending or completing the existing street network. The average lot size, orientation, and form of new structures for any new infill development must therefore generally match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project. The Residential Neighborhood

land use designation allows a residential density of typically eight DU/AC and a commercial FAR up to 0.7 (1 to 2.5 stories).

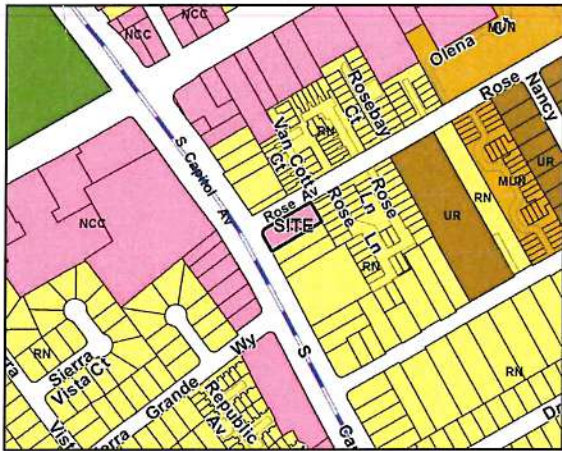


Figure 4: Existing General Plan Land Use Designation

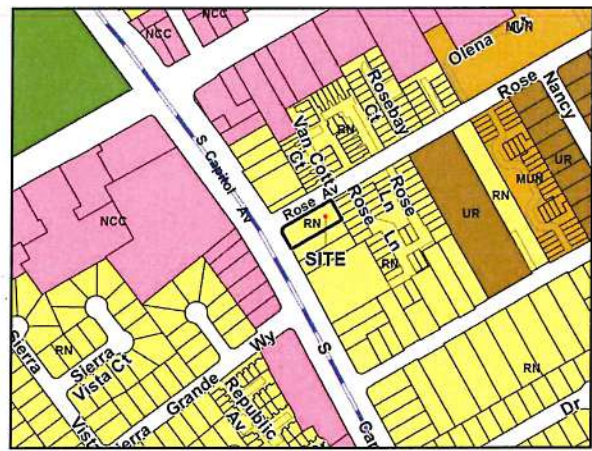


Figure 5: Proposed General Plan Land Use Designation

General Plan Conformance

The proposed amendment was analyzed with respect to conformance with the goals and policies of the Envision San José 2040 General Plan. The proposed General Plan Amendment is **consistent** with the following General Plan goals and policies as discussed below:

1. **Compatibility Policy CD-4.3:** Promote consistent development patterns along streets, particularly in how buildings relate to the street, to promote a sense of visual order, and to provide attractive streetscapes.

Compatibility Policy CD-4.4: In non-growth areas, design new development and subdivisions to reflect the character of predominant existing development of the same type in the surrounding area through the regulation of lot size, street frontage, height, building scale, siting/setbacks, and building orientation.

Residential Neighborhoods Policy LU-11.6: For new infill development, match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project. As an exception, for parcels already developed with more than one dwelling unit, new development may include up to the same number of dwelling units as the existing condition. The form of such new development should be compatible with and, to the degree feasible, consistent with the form of the surrounding neighborhood pattern.

Analysis: The neighborhood surrounding the site is predominantly developed with low- to medium-density residential buildings. The proposed Residential Neighborhood land use designation allows up to eight dwelling units per acre or a density that is compatible with the surrounding neighborhood's character and building form, whichever is lower. The Residential Neighborhood land use designation would allow up to two dwelling units on the subject site, which would match the surrounding typical lot sizes and is compatible with the surrounding neighborhood pattern and densities.

2. **Vibrant Neighborhood Goal VN-1:** Develop new and preserve and enhance existing neighborhoods to be vibrant, attractive and complete.

Vibrant Neighborhood Policy VN-1.7: Use new development within neighborhoods to enhance the public realm, provide for direct and convenient pedestrian access, and visually connect to the surrounding neighborhood. As opportunities arise, improve existing development to meet these objectives as well.

Vibrant Neighborhood Policy VN-1.11: Protect residential neighborhoods from the encroachment of incompatible activities or land uses which may have a negative impact on the residential living environment.

Analysis: The General Plan supports vibrant neighborhoods by encouraging new development to enhance the public realm and maintain a consistent character with the surrounding neighborhood. Consistent with staff's original analysis in 1990, staff supports residential uses at this location as the site is in a poor location for commercial uses for the following reasons: 1) the subject site is located away from the commercial corridor on Alum Rock Avenue; 2) vehicular access is limited to northbound traffic on S. Capitol Avenue and Rose Avenue, which is a residential street; and 3) commercial and office uses at this location are inconsistent with the residential character of the neighborhood.

While the proposed General Plan Amendment is consistent with several General Plan goals and policies, the proposal is **inconsistent** with the following General Plan goals and policies:

1. **Innovation/Regional Employment Center Major Strategy:** The Innovation/Regional Employment Center Major Strategy emphasizes economic development within the City to support San José's growth as a center of innovation and regional employment. San José is the only large city within the U.S. that acts as a net exporter of workers within the region, and through multiple General Plan updates, San José has identified improvement of the City's jobs/housing balance as a critical objective to address multiple City goals. The Plan recognizes that all existing employment lands add value to the City overall and therefore establishes goals and policies to preserve those employment lands and promote the addition of new employment lands.

Fiscally Strong City Major Strategy: The Fiscally Strong City Major Strategy establishes a land use planning framework that promotes fiscal balance of revenue and costs to allow the City to deliver high-quality municipal services, consistent with community expectations. A component of this Major Strategy is to provide adequate land for uses that generate revenue for the City.

Analysis: The proposed General Plan Amendment would convert the 0.35-gross-acre subject site from a commercially-designated property to residentially-designated property. As a result, the proposed amendment is inconsistent with the Innovation/Regional Employment Center and Fiscally Strong City Major Strategies. However, given the location of the site and the existing neighborhood fabric, the subject site is better suited for residential use. Additionally, the existing single-family house on the subject site was built in 1930 and has predominately been used for residential uses until 1990 when the house was illegally converted to an office. Since 1990, the single-family home on the site has been used as a private residence. However, the Residential Neighborhood land use designation also supports commercial uses with an FAR up to 0.7 if the site is located on busier streets or at street intersections, and provided such development does not negatively impact the surrounding neighborhood. As such, the property owner could still maintain employment uses on the subject site if desired.

2. **High Quality Living Environments Policy LU-9.17:** Limit residential development in established neighborhoods that are not identified growth areas to projects that conform to the site's Land Use/Transportation Diagram designation and meet Urban Design policies in this Plan.

Analysis: The proposed General Plan Amendment would allow residential development to occur on a site located outside of a Growth Area that is not currently designated for residential uses. Staff, however, did not support the 1990 General Plan Amendment to convert the site from a residential land use designation to a commercial land use designation due to reasons stated previously.

3. **Innovative Economy Goal IE-1:** Proactively manage land uses to provide and enhance economic development and job growth in San José.

Innovative Economy Policy IE-1.4: Manage land uses to enhance employment lands to improve the balance between jobs and workers residing in San José. To attain fiscal sustainability for the City, strive to achieve a minimum ratio of 1.1 jobs/employed resident by 2040.

Land Use Policy LU-4.1: Retain existing commercial lands to provide jobs, goods, services, entertainment, and other amenities for San José's workers, residents, and visitors.

Fiscal Sustainability Goal FS-4: Maintain, enhance, and develop our City's employment lands as part of our strategy for Fiscal Sustainability.

Fiscal Sustainability Policy FS-4.1: Preserve and enhance employment land acreage and building floor area capacity for various employment activities because they provide revenue, near-term jobs, contribute to our City's long-term achievement of economic development and job growth goals, and provide opportunities for the development retail to serve individual neighborhoods, larger community areas, and the Bay Area.

Analysis: The Envision San José 2040 General Plan emphasizes retention and maintenance of employment lands to provide jobs and services for residents and workers, and contribute towards achievement of the Fiscally Strong City Major Strategy. The proposed General Plan Amendment would convert the 0.35-gross-acre site from a commercial land use designation to a residential land use designation, and would be inconsistent with the above General Plan goals and policies. The site, however, has predominantly been used for residential purposes and is not a suitable location for commercial uses for reasons previously listed in this staff report.

Conclusion

While the conversion of commercial to residential land use is typically not supported in the Envision San José 2040 General Plan, other goals and policies in the General Plan do support consistent and compatible uses in neighborhood settings. In this instance, and consistent with staff's analysis in 1990, the subject site is better suited for residential use due to its location and the existing neighborhood character. The subject site is surrounded by existing residential uses, specifically properties with a Residential Neighborhood land use designation (see Figure 4). The property is also located outside of the Alum Rock Neighborhood Business District and is not visible from Alum Rock Avenue. Vehicle accessibility to the site is limited to traffic traveling northbound on S. Capitol Avenue or on Rose Avenue, which is a residential street. Furthermore, the subject site contains a single-family home built in 1930, has maintained a residential zoning

district since annexation into the City, and the existing single-family home has been used as a residence for the vast majority of its existence.

Based on the above, a Residential Neighborhood land use designation would be more compatible with the character of the neighborhood rather than the existing Neighborhood/Community Commercial land use designation. Planning staff has determined that there are neighborhood compatibility issues unique to this site and that the General Plan's neighborhood compatibility goals outweigh its goals related to retaining commercial land in this specific instance.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Under the provisions of Section 15303 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), the proposed General Plan Amendment is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. An exemption pursuant to Section 15303 of the CEQA Guidelines (New Construction or Conversion of Small Structures) was prepared by the Director of Planning, Building and Code Enforcement for the subject General Plan Amendment because the size of the project site limits the development potential and allowable uses on this site as a result of the General Plan Amendment from Neighborhood/Community Commercial to Residential Neighborhood.

The project site is approximately 0.35 gross acres (about 15,200 square feet) and is currently developed with a single-family home. The site's current General Plan land use designation is Neighborhood/Community Commercial, which supports a range of local-serving commercial uses. The proposed General Plan Amendment would change the land use designation to Residential Neighborhood, which allows for the development of single-family residential uses up to eight dwelling units/acre or the prevailing neighborhood density. Given this density range, the site could continue to be used for one single-family home or the site could be subdivided into two single-family parcels for the development of two single-family homes. In addition, the re-designation could potentially support minimal commercial use (up to 0.7 FAR) if located on busier streets or at street intersections, which applies to this site. Commercial uses in these locations will typically be limited to home occupations allowed under Section 20.30.100 of the Municipal Code or similar home-based commercial activities unlikely to create a nuisance within the neighborhood.

Due to the limited development potential of the proposed Residential Neighborhood General Plan land use designation, the General Plan Amendment does not expect to result in a significant effect on the environment and therefore would conform to CEQA Guidelines Section 15303 New Construction or Conversion of Small Structures. Future redevelopment of the site would be subject to additional environmental review once a permit is submitted.

The Exemption states that the proposed General Plan Amendment will not have a significant effect on the environment. The entire exemption is attached to this staff report.

PUBLIC HEARING NOTIFICATION

Staff followed Council Policy 6-30: Public Outreach Policy. Planning staff facilitated a community meeting on July 24, 2017 at 6:30 p.m. to discuss the proposed General Plan Amendment. A notice for the community meeting was distributed to all land owners and tenants of all properties within 500 feet of the subject site.

Approximately 25 community members attended a joint community meeting for File Nos. GP16-011, GP17-001, and GP17-002. Of the 25 attendees, none were interested in the Capitol Avenue General Plan Amendment and attended the meeting solely to learn about the other two proposals.

A notice for the October 25, 2017 Planning Commission hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

Project Manager: Kimberly Vacca

Approved by:



, Planning Official for Rosalynn Hughey,
Interim Planning Director

Date:

10/17/17

Owner
Van Nguyen Hiep 2015 Trust 623 N. White Road San José, CA 95123

Attachments
A) Draft Resolution

STATEMENT OF EXEMPTION

FILE NO. GP17-001

LOCATION OF PROPERTY 100 South Capitol Avenue, San Jose, CA 95127 (APN: 484-23-039)

PROJECT DESCRIPTION General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Residential Neighborhood on an approximately 0.35 gross acre site.

CERTIFICATION

Under the provisions of Sections 15303 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

15303. NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel.

ANALYSIS

Project Location

The project is located at the 100 South Capitol Avenue, the corner of Rose Avenue and South Capitol Avenue. The site is currently developed with a single-family home with detached accessory structures (garage and shed) in the back of the property. Vehicular access is available on South Capitol Avenue leading into the garage situated behind the house. The project site is relatively flat, has small brushes scattered throughout the site, and is not identified as a hazardous site. The adjacent uses are single-family homes with commercial center to the northwest of the property site.

Project Analysis

The project is for the General Plan Amendment (GPA) to change the Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Residential Neighborhood on an approximately 0.35 gross acre site.

The project site is approximately 0.35 gross acres (about 15,200 square feet) and is currently developed with a single-family home, built in the 1930s, totaling a density of 2.9 DU/AC. The single-family home is not listed on the City's Historic Resources Inventory. The General Plan Amendment does not propose to change the existing structure or landscaping on site.

The site's current General Plan land use designation is Neighborhood/Community Commercial, which supports a range of local-serving commercial uses. The proposed General Plan Amendment would change the land use designation to Residential Neighborhood, which allows for the development of single-family residential uses up to eight dwelling units/acre or the prevailing neighborhood density. Given this density range, the site could continue to be used for one single-family home or the site could be subdivided into two single-family parcels for the development of two single-family homes. In addition, the re-designation could potentially support minimal commercial uses (up to 0.7 FAR), typically will be limited to home occupations allowed under Section 20.30.100 of the Municipal Code or similar home-based commercial activities unlikely to create a nuisance within the neighborhood.

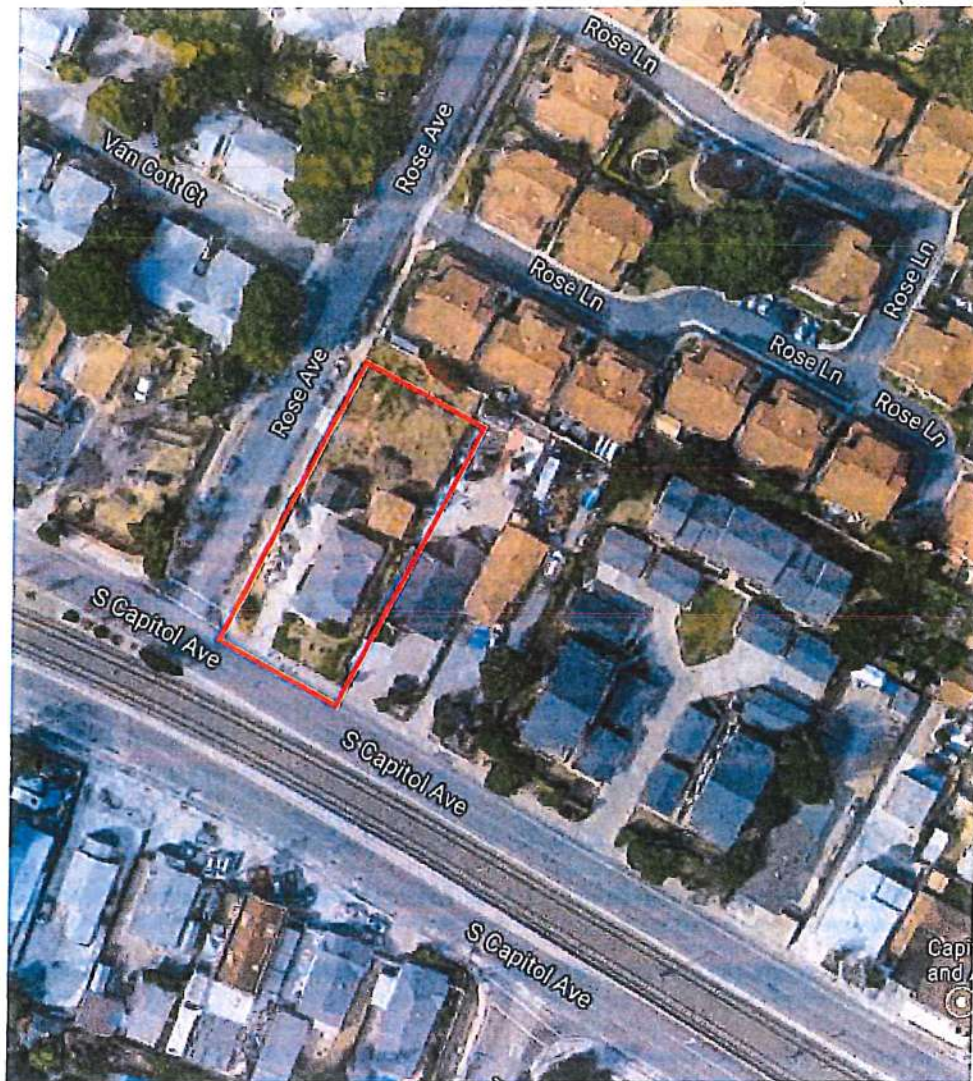


Figure 1. Project Location

A cumulative Traffic Analysis was also completed for all the General Plan Amendments this year and the proposed amendment would result in 2 additional households and 38 fewer jobs on the site. The small change of households and jobs would not substantially increase vehicle traffic on local streets in the vicinity of the site. In addition, while the proposed project would change the current General Plan Land Use/Transportation Diagram designation of the site to Residential Neighborhood, the change would be a reduction in intensity and the allowable uses under Residential Neighborhood land use designation does not anticipate to produce substantially more greenhouse gas emission than uses allowed under Neighborhood/Community Commercial.

Due to the limited development potential of the proposed Residential Neighborhood General Plan land use designation, the General Plan Amendment does not expect to result in a significant effect on the environmental and therefore would conform to CEQA Guidelines Section 15303 New Construction or Conversion of Small Structures. Future redevelopment of the site would be subject to additional environmental review once a permit is submitted.

Exceptions:

CEQA Guidelines Section 15300.2 provides exceptions to the use of Categorical Exemptions where the use of a Categorical Exemption is prohibited under certain circumstances. The City has considered the projects applicability to all of the exceptions under Section 15300.2. An analysis of each of these exceptions in reference to this specific project is provided below.


- (a) Location. Class 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. Section 15300.2(a) stated that a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. The site is not located on a hazardous site and the project will not impact an environmental resource of hazardous or critical concern.
- (b) Cumulative Impact. Based on the above analysis, there is no evidence of a potential significant cumulative impact on the environment from the proposed project. The project proposes General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Neighborhood/Community Commercial to Residential Neighborhood. The land use change will not cumulatively impact traffic, noise, air quality, or water quality.
- (c) Significant Effect. The project would not result in any significant effects on the environment due to unusual circumstances. The proposed project site does not have any unusual circumstances that would negatively impact the environment.
- (d) Scenic Highways. This project site is not located within a view of a highway officially designated as a state scenic highway. Therefore the project is not subject to 15300.2(d).
- (e) Hazardous Waste Sites. The project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code. Therefore, the project is not subject to 15300.2(e).
- (f) Historical Resources. The site and structure of the site is not listed on the City's Historic Resources Inventory or no known historic resources are identified on the site, therefore, Section 15300.2(f) does not apply. In addition, the General Plan Amendment does not propose to change the existing structure or landscaping on site. However, due to the age of the single-family house on site, a historic analysis may be required prior to any redevelopment of the site.

Thai-Chau Le
Environmental Project Manager

Rosalynn Hughey, Interim Director
Planning, Building and Code Enforcement

Date

10/18/17


Deputy

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 S CAPITOL AVENUE

Fall 2017 General Plan Amendment Cycle (Cycle 3)

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 Jose; 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 AS FOLLOWS:

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

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. 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. Director of Planning, Building, and Code Enforcement recommend approval (X-X). Council Action: (X-X)