

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 MIXED USE COMMERCIAL TO URBAN VILLAGE AND MODIFY THE SAN CARLOS URBAN VILLAGE PLAN TO AMEND THE LAND USE MAP TO URBAN VILLAGE, ON AN APPROXIMATELY 0.56-GROSS ACRE SITE LOCATED AT 1921 AND 1927 WEST SAN CARLOS STREET AND 30, 40 AND 58 CLEVELAND AVENUE (APNS 274-17-018, 019, 020, 021, & 022)

**2025 General Plan Amendment Cycle (Cycle 1)
FILE NO. GP23-001**

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 May 8, 2018, the City Council adopted The San Carlos Urban Village Plan by Resolution No. 78581, which has been amended from time to time; and

WHEREAS, on April 9, 2025, the Planning Commission held a public hearing to consider the proposed amendments to the General Plan and The West San Carlos Urban Village Plan, File No. GP23-001 specified in Exhibit “A” hereto (“General Plan Amendments”), 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 May 6, 2025, the Council held a duly noticed public hearing; and

WHEREAS, a copy of the proposed General Plan Amendments are 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 May 6, 2025, at 1:30 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 Amendments (Exhibit “A”); and

WHEREAS, prior to making its determination on the General Plan Amendment, the Council reviewed and adopted the 1921 and 1927 West San Carlos Street Project Initial Study/Negative Declaration for File No. GP23-001 (Resolution No. [REDACTED]) in accordance with the California Environmental Quality Act; and

WHEREAS, the General Plan Amendment will not result in inconsistent zoning because the site is being concurrently annexed and pre-zoned to the UV Urban Village Zoning District (File Nos. Burbank 45 and C21-034) and will not take effect until the associated annexation certification takes effect; and

WHEREAS, pursuant to California Senate Bill (SB) 330 (2019), 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(i)(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 Urban Village designation has a maximum density of 250 dwelling units per acre whereas the Mixed Use Commercial designation has a maximum density of 50 dwelling units per acre. Therefore, the residential capacity would increase under the Urban Village designation. The total increase in residential capacity is 112 units, therefore, there is no net loss in residential capacity with the change in land use designation set forth herein; and

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

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

SECTION 1. The foregoing recitals are incorporated herein.

SECTION 2. The Council's determination regarding General Plan Amendment File No. GP23-001 and General Plan Text Amendment are hereby specified and set forth in Exhibit "A," attached and incorporated by reference.

SECTION 3. The General Plan Land Use Amendment specified in General Plan Amendment File No. GP23-001, as set forth in "Exhibit A" of this Resolution, shall take effect upon the effective date of the associated annexation certification and pre-zoning ordinance for File Nos. Burbank 45 and C21-034, whichever is later.

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ADOPTED this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

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. _____.

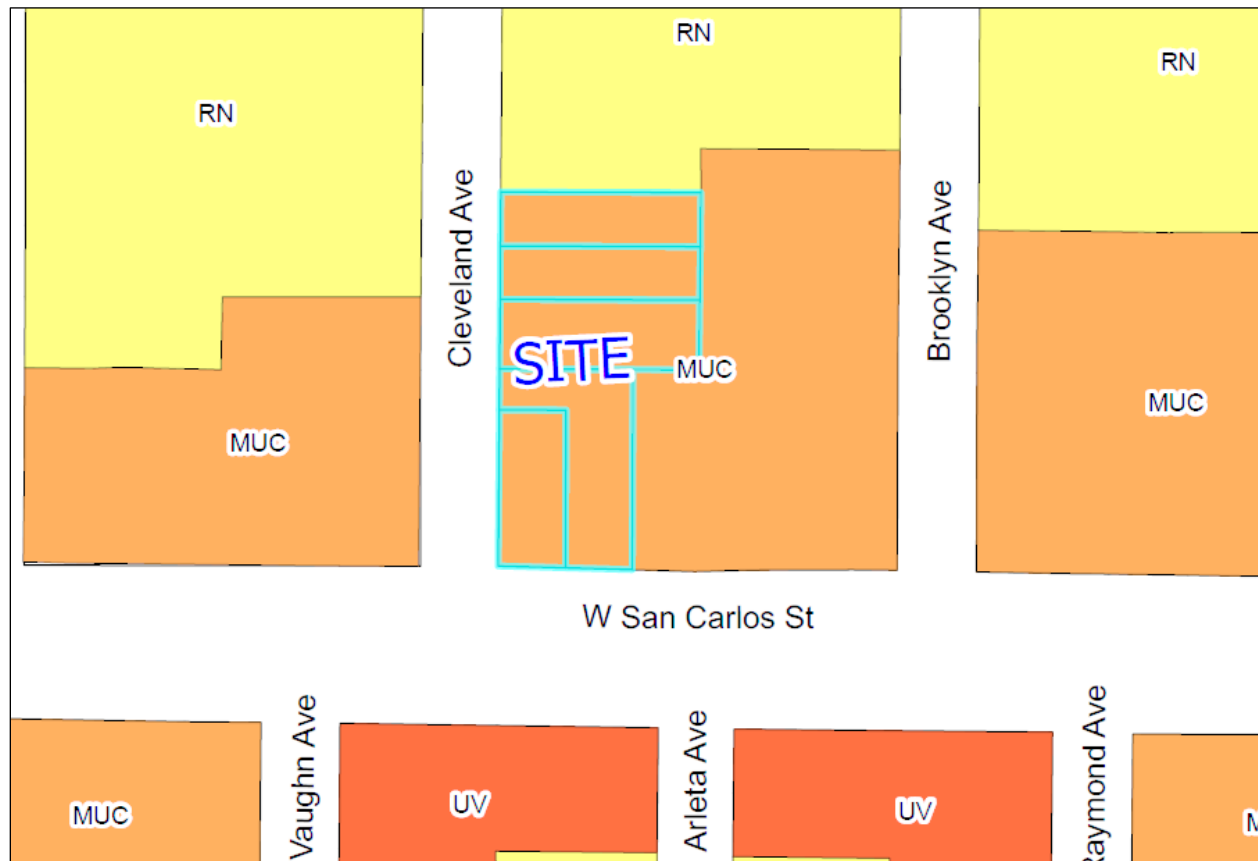
Dated: _____

TONI J. TABER, MMC
City Clerk

EXHIBIT A

File No. GP23-001. The Envision San José 2040 General Plan 2040 Land Use/ Transportation Diagram is hereby amended from the Diagram in Exhibit A-1 to the Diagram in Exhibit A-2 as follows:

Exhibit A-1: Existing Land Use Designation: Mixed Use Commercial



A-1

2025 General Plan Amendment Cycle (Cycle 1)
GP23-001

T-1201.091 / 2171126_2
Council Agenda: 05-06-2025
Item No.: 10.3(d)

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

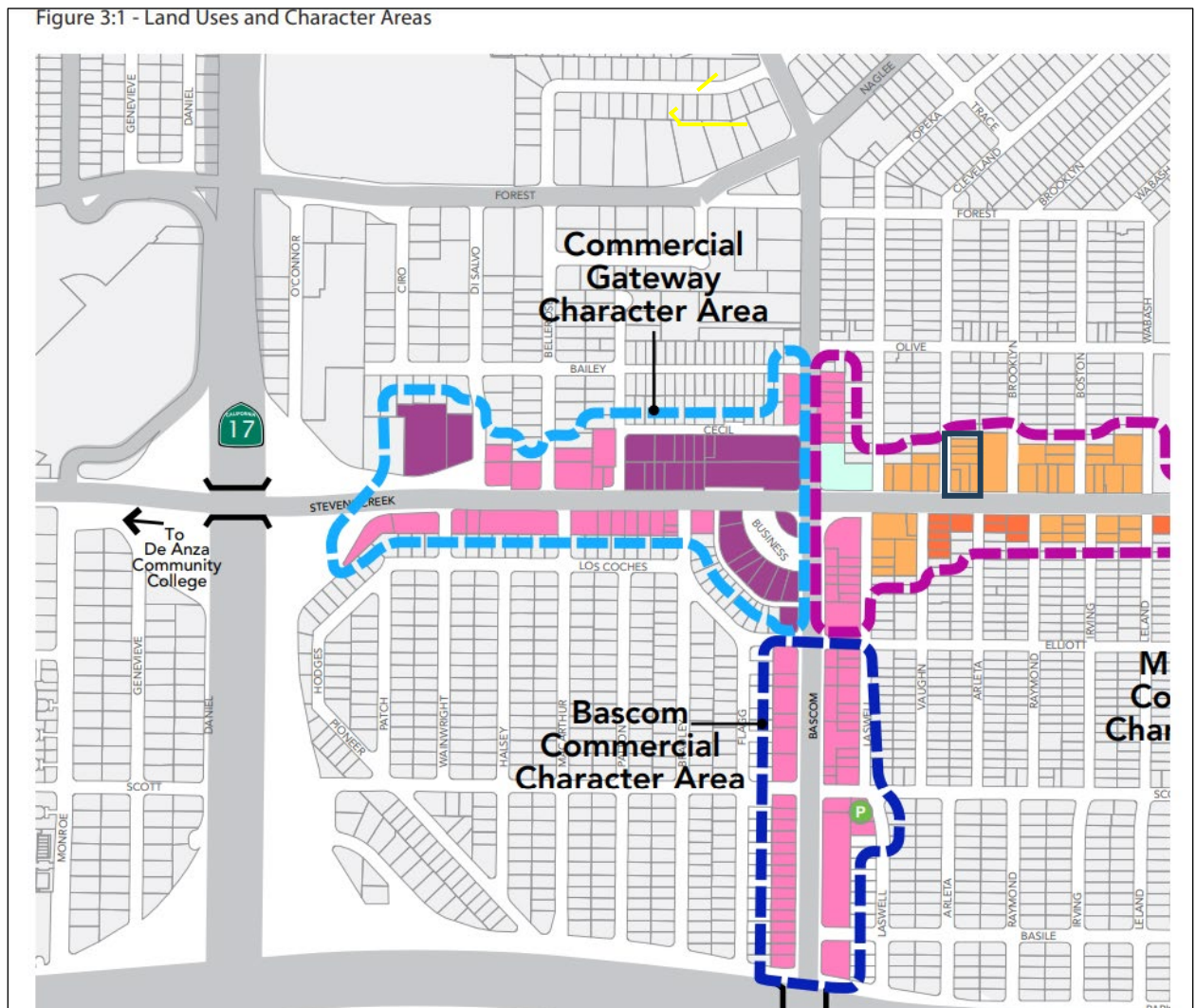
Exhibit A-2: Revised Land Use Designation: Urban Village



The West San Carlos Urban Village Plan is hereby amended as follows:

1. Chapter 3, entitled "Land Use", "Figure 3:1 – Land Uses and Character Areas," page 18, is hereby amended to change the land use designation from Mixed Use Commercial to Urban Village as shown:

Existing Land Uses and Character Areas Map (Figure 3:1)



Revised Land Uses and Character Areas Map (Figure 3:1)

Figure 3:1 - Land Uses and Character Areas

