

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DENYING THE APPLICATION FOR AMENDMENT OF THE ENVISION SAN JOSE 2040 GENERAL PLAN TO MODIFY THE LAND USE/ TRANSPORTATION DIAGRAM FROM THE NCC NEIGHBORHOOD COMMUNITY COMMERCIAL DESIGNATION TO THE MUN MIXED USE NEIGHBORHOOD DESIGNATION AND AMENDMENT OF THE ZONING FROM THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO THE MUN MIXED USE NEIGHBORHOOD ZONING DISTRICT 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 and C21-009**

**WHEREAS**, the City Council is authorized by Titles 18 and 20 of the San José Municipal Code and state law to adopt and, from time to time, amend the General Plan and Zoning 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 Jose City Charter section 1000, and Titles 18 and 20 of the San José Municipal Code, all general and specific plan amendment proposals and proposals for rezoning 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”) and rezoning File No. C21-009 (“Rezoning”), 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 Rezoning; and

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

**WHEREAS**, a copy of the proposed General Plan Amendment and Rezoning 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 and Rezoning; and

**WHEREAS**, prior to making its determination on the application for the General Plan amendment and Rezoning, the Council reviewed and adopted the 7246 Sharon Drive GPA

and Conforming Rezoning Negative Declaration and associated Mitigation Monitoring and Reporting Plan, (Resolution No. \_\_\_\_\_) in accordance with the California Environmental Quality Act; and

**WHEREAS**, the proposed General Plan Amendment and rezoning are inconsistent with the following General Plan Policies that encourage the retention of employment lands and residential growth in designated Growth Areas:

Major Strategy #3;  
Growth Areas Policy LU-2.3;  
Commercial Policy LU-4.1;  
Efficient Use of Residential and Mixed Use Lands Policy LU-10.3;  
Housing – Environmental Sustainability Policy H-4.2; and  
Air Pollutant and Emissions Policy MS-10.6; and

**WHEREAS**, absent approval of the General Plan Amendment, the Rezoning cannot be approved because it would be inconsistent with the General Plan in violation of state law; 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 hereby denies the application for the General Plan Amendment and Rezoning (File Nos. GP21-004 and C21-009 respectively) because the application is inconsistent with the General Plan for the reasons specified in the Recitals above.

**SECTION 2.** This Resolution shall take effect immediately upon adoption.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk