

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 DESIGNATIONS IN THE LAND USE/
TRANSPORTATION DIAGRAM FOR PROPERTIES
ADJACENT TO THE NORTH 1ST STREET LOCAL
TRANSIT VILLAGE**

2023 General Plan Amendment Cycle (Cycle 1)

FILE NO. GP21-017

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, the boundary of the North 1st Street Urban Village in Chapter 5 of the General Plan is proposed to be altered by removing specified properties from the Village (file no. GP21-016), and amending the General Plan land use designations for those properties; 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 February 9, 2022, the Planning Commission held a public hearing to consider the proposed amendment to the General Plan, File No. GP21-017 specified in Exhibit “A” (“General Plan Amendment”) and Exhibit “B” (hereto, 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 March 15, 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 March 15, 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 General Plan Amendments, the Council reviewed and considered the Determination of Consistency with the Envision San José 2040 General Plan Environmental Impact Report (certified by Resolution No. 76041)

and the Supplemental Environmental Impact Report to the Envision San José 2040 General Plan EIR (certified by Resolution No. 77617), and Addenda thereto; and

WHEREAS, the General Plan Amendment will not result in inconsistent zoning because the existing zoning district is consistent with the General Plan land use and development on-site or the property will be rezoned to be consistent with the General Plan land use and development on-site; and

WHEREAS, pursuant to the provisions of Section 21676 of the California Public Utilities Code (“Section 21676”), the City made a referral of the General Plan Amendments (File Nos. GP21-016 and GP21-017), Rezoning (File Nos. C21-041 and C21-042), and an Ordinance Amendment (File No. PP21-014) to the Airport Land Use Commission of Santa Clara County (“ALUC”) for a determination of consistency with the ALUC’s plans to the extent that the area covered by the subject General Plan Amendments, Rezoning, and Ordinance Amendment associated with the North 1st Street Local Transit Village plan falls within the ALUC’s Airport Influence Area surrounding Mineta San José International Airport (“SJC”); and

WHEREAS, on February 23, 2022, the ALUC, acting pursuant to its authority under Section 21676, determined that the project was consistent with ALUC policies as defined in the “Comprehensive Land Use Plan for San José International Airport” (“CLUP”), as the language regulating height in the San José Municipal Code Amendment (File No. PP21-014) requires conformance to the CLUP’s Part 77 Surfaces (a requirement governed by the Federal Aviation Administration (FAA)) and a “no hazard determination” will be required of development projects to meet this FAA requirement; 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 properties located adjacent to the North 1st Street Local Transit Village boundary, in which the proposed project provides 5,972 housing 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. GP20-002 is hereby specified and set forth in Exhibit "A," and Exhibit "B," 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 _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
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, CMC
City Clerk

EXHIBIT “A”

LAND USE/TRANSPORTATION DIAGRAM LAND USE DESIGNATION CHANGES

File No. GP21-017. The Envision San José General Plan is hereby amended to change the Land Use / Transportation Diagram land use designation on certain properties located adjacent to the North 1st Street Local Transit Village Plan area as shown on the table, as follows:

APN	Current General Plan Designation	Proposed General Plan Designation
25906067	NCC	No change
23508071	NCC	RN
23507036	NCC	RN
23507037	NCC	No change
23507038	NCC	RN
23507039	NCC	RN
23507041	NCC	RN
23508002	NCC	RN
23508003	NCC	RN
23508004	NCC	RN
23507042	NCC	RN
23507046	NCC	RN
23507048	NCC	RN
23507049	NCC	RN
23507050	NCC	RN
23507051	NCC	RN
23507052	NCC	RN
23507053	NCC	RN
23508063	NCC	RN
23508066	NCC	RN
23508070	NCC	RN

23506030	NCC	RN
23506031	NCC	RN
23506033	NCC	RN
23506034	NCC	RN
23506035	NCC	RN
23506036	NCC	RN
24901066	NCC	No change
24942068	NCC	No change
24942069	NCC	No change
24942065	NCC	No change
24942057	NCC	No change
25904019	NCC	No change
25919061	NCC	RN
24944067	NCC	RN
24944068	NCC	No change
24944068	NCC	No change
24944095	NCC	UR
24973C02	NCC	No change
24944088	NCC	TR
24944059	NCC	UR
24944060	NCC	UR
25918058	NCC	RN
24943045	NCC	No change
24943083	NCC	No change
24943047	NCC	RN
24943048	NCC	UR
24943049	NCC	UR
<u>24943055</u>	<u>RN</u>	<u>UR</u>
<u>24943056</u>	<u>RN</u>	<u>UR</u>
<u>24943057</u>	<u>RN</u>	<u>UR</u>
24943064	NCC	UR
<u>24943087</u>	<u>NCC</u>	<u>No change</u>

<u>24943088</u>	<u>NCC</u>	<u>No change</u>
25920013	NCC	No change
25920014	TR	TR
25920015	TR	TR
25920043	NCC	UR
25920056	NCC	No change
25920016	TR	No change
25920017	TR	No change
24944023	NCC	UR
24944086	NCC	No change
24944029	NCC	No change
24944030	NCC	No change
24944031	NCC	No change
24980C01	NCC	No change
25918020	NCC	RN
25918001	NCC	RN
25918016	NCC	RN
25918017	NCC	RN
24902023	NCC	RN
24902024	NCC	RN
24902026	NCC	RN
24902027	NCC	RN
25906006	NCC	No change
25906011	NCC	No change
25906018	NCC	No change
25918018	NCC	RN
25918019	NCC	RN
25918002	NCC	RN
25918003	NCC	RN
25918004	NCC	RN
25918052	NCC	No change
25918053	NCC	No change

24901016	NCC	No change
24901018	NCC	No change
24901024	NCC	No change
25918054	NCC	No change
25918055	NCC	No change
25918057	NCC	No change
25919086	NCC	No change
25919087	NCC	No change
25919062	NCC	UR
25919104	NCC	No change
25919027	NCC	No change
25919098	NCC	No change
25951003	TR	No change
25906052	NCC	No change
25906055	NCC	No change
25906054	NCC	No change
24944096	NCC	UR
24944044	NCC	UR
24944045	NCC	RN
25906068	NCC	No change
25906056	NCC	No change
25906057	NCC	No change
25906063	NCC	No change

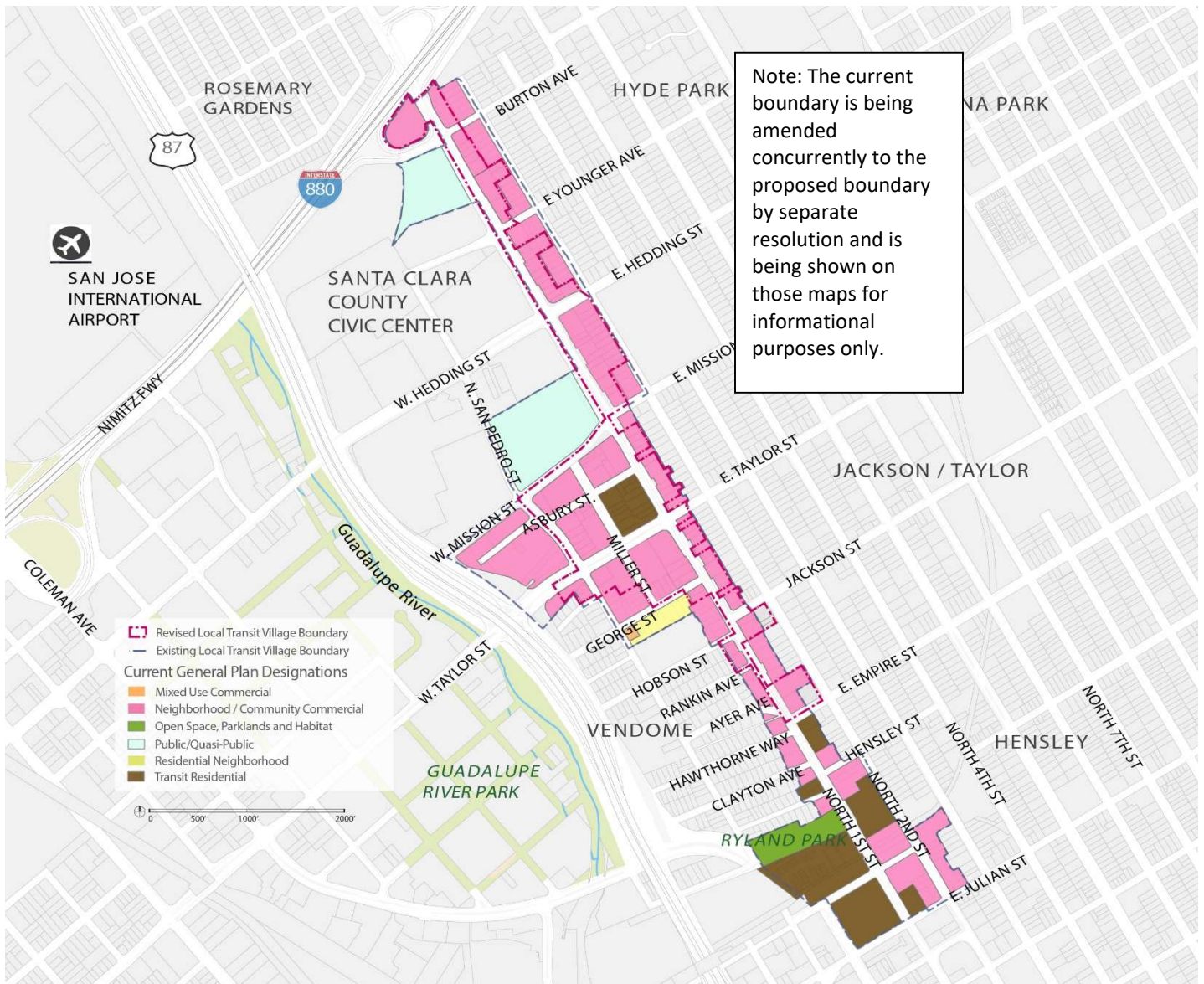
Council District: 3.

EXHIBIT "B"

LAND USE/TRANSPORTATION DIAGRAM LAND USE DESIGNATION CHANGES

File No. GP21-017. The Envision San José General Plan is hereby amended to change the Land Use / Transportation Diagram land use designation on certain properties located adjacent to the North 1st Street Local Transit Village Plan area as shown on the map, as follows:

Existing North 1st Street Transit Village General Plan Designations



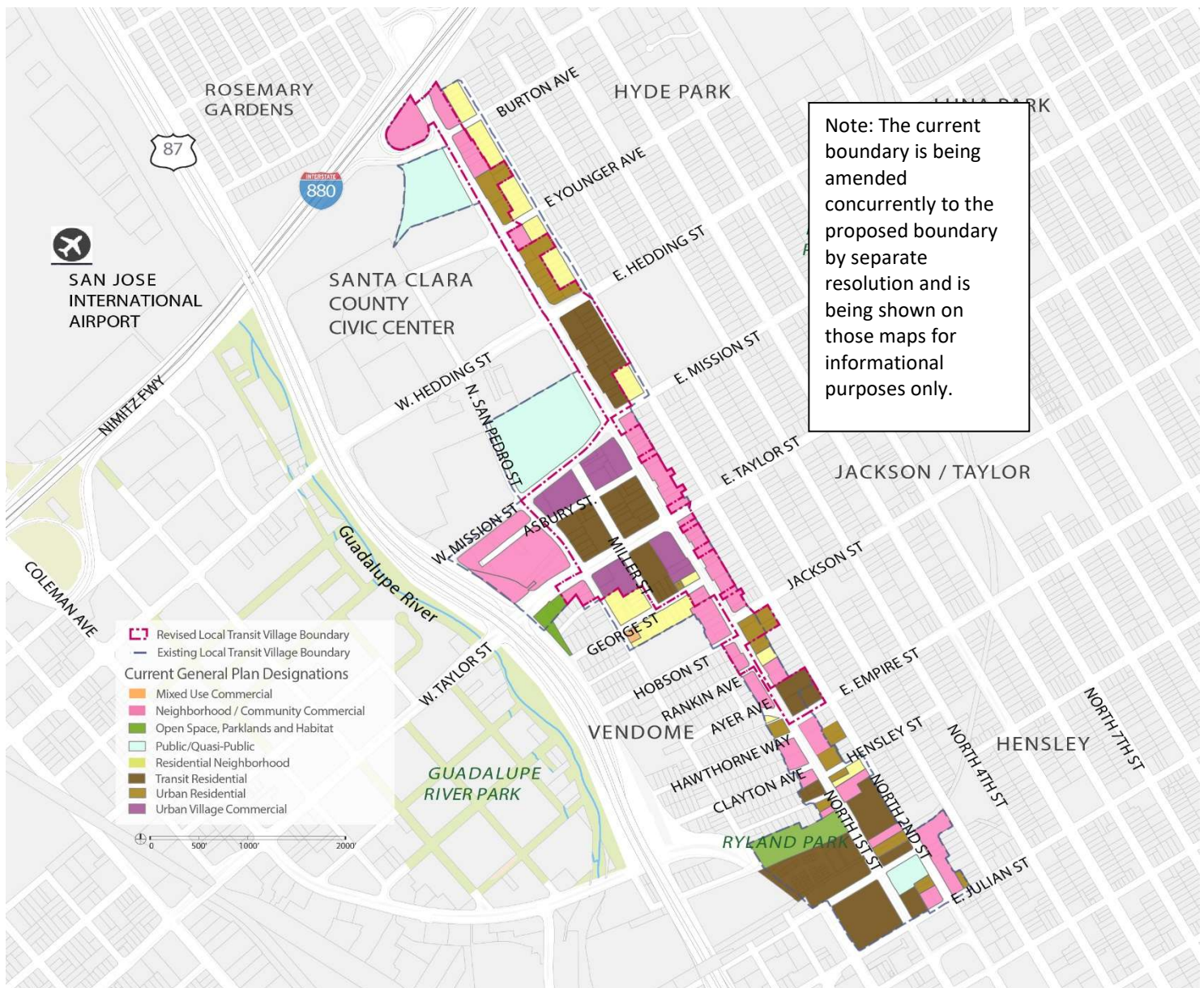
B-1

2022 General Plan Amendment (Cycle 1)
GP21-017

T-1201.072 / 1899460
Council Agenda: 03-15-2022
Item No.: 10.4(b)

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

Figure 1: Proposed North 1st Street Transit Village General Plan Designations



Council District: 3.