

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 PUBLIC/QUASI-
PUBLIC TO HEAVY INDUSTRIAL ON AN
APPROXIMATELY 3.62-GROSS ACRE SITE LOCATED AT
0 PECTEN CT. (ASSESSOR PARCEL NUMBER 092-08-
016)**

**2023 General Plan Amendment Cycle (Cycle 1)
FILE NO. GP22-001**

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 ("General Plan"); and

WHEREAS, in accordance with San José City Charter section 1000 and 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 March 22, 2023, the Planning Commission held a hearing to consider the proposed amendment to the General Plan, File No. GP22-001 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 April 11, 2023, 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 April 11, 2023, 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 Amendment, the Council reviewed and adopted the Addendum to the Initial Study/Mitigated Negative Declaration for File No. GP22-001 (Resolution No. _____) 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 rezoned to the Public/Quasi-Public Zoning District (File No. C22-014 and will not take effect until the associated rezoning ordinance 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 (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, no net loss of residential capacity will result from this General Plan Amendment because the General Plan land use designation of the property at 0 Pecten Ct. (APN: 092-08-016) is being modified from Public/Quasi-Public (0 du/acre) to Heavy Industrial (0 du/acre, or 0 units for the subject site), in which the proposed project does not change City's residential capacity, 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 Council's determination regarding General Plan Amendment File No. GP22-001 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 GP22-001, as set forth in "Exhibit A" of this Resolution, shall take effect upon the effective date of the associated rezoning ordinance for File No. C22-014.

ADOPTED this _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

)
) ss
)

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. GP22-001. The Envision San José 2040 General Plan 2040 Land Use/Transportation Diagram is hereby amended from the Public/Quasi-Public land use designation as depicted in Exhibit A-1 to the Heavy Industrial land use designation as depicted in Exhibit A-2 as follows:

Exhibit A-1: Existing Land Use Designation: Public/Quasi-Public



A-1

2023 General Plan Amendment Cycle (Cycle 1)
GP22-001

T-1201.076/2004722_2
Council Agenda: 4/11/2023
Item No.: 10.1(a)(2)

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: Heavy Industrial



A-2

2023 General Plan Amendment Cycle (Cycle 1)
GP22-001

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