

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 TRANSIT RESIDENTIAL AND MODIFY THE ALAMEDA URBAN VILLAGE PLAN TO ADD THE TRANSIT RESIDENTIAL LAND USE WITH A 0.50 COMMERCIAL FLOOR AREA RATIO AND CHANGE THE MAXIMUM HEIGHT DIAGRAM FROM 55 FEET TO 85 FEET, ON AN APPROXIMATELY 0.48-GROSS ACRE SITE LOCATED AT 945 WEST JULIAN AVE (ASSESSOR PARCEL NUMBER 261-02-053) AND 379 NORTH MORRISON AVENUE (ASSESSOR PARCEL NUMBER 261-02-009)**

**2023 General Plan Amendment Cycle (Cycle 1)  
FILE NO. GP22-008 and GPT22-005**

**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 December 13, 2016, the City Council adopted The Alameda Urban Village Plan by Resolution No. 78048, which has been amended from time to time; and

**WHEREAS**, on March 22, 2023, the Planning Commission held a public hearing to consider the proposed amendments to the General Plan and The Alameda Urban Village Plan, File Nos. GP22-007 and GPT22-005 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 April 11, 2023, 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 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 Amendments (Exhibit "A"); and

**WHEREAS**, prior to making its determination on the General Plan Amendment, the Council reviewed and adopted the Initial Study/Negative Declaration 945 W Julian St & 379 N Morrison Ave for File No. GP22-008 (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 rezoned to the TR Transit Residential Zoning District (File No. C22-023) 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 City is concurrently amending the General Plan land use designation of the properties at 945 West Julian Street (APN: 261-02-053) and 379 North Morrison Avenue (APN: 261-02-009) from Mixed Use Commercial (50 du/acre, or 24 units for the subject site) to Transit Residential (250 du/acre, or 120 units for the subject site) in which the proposed project increases residential capacity by 96 housing units, with General Plan Amendment File No. GP22-007 where if approved there will be a decrease in residential capacity of 3 units for a total increase of residential capacity of 93 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 Council's determination regarding General Plan Amendment File No. GP22-008 and General Plan Text Amendment GPT22-005 are 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 General Plan Amendment File No. GP22-008 and General Plan Text Amendment specified in General Plan Amendment File No. GPT22-005, as set forth in "Exhibit A" of this Resolution, shall take effect upon the effective date of the associated rezoning ordinance for File No. C22-023.

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ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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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. GP22-008.** The Envision San Jose 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**



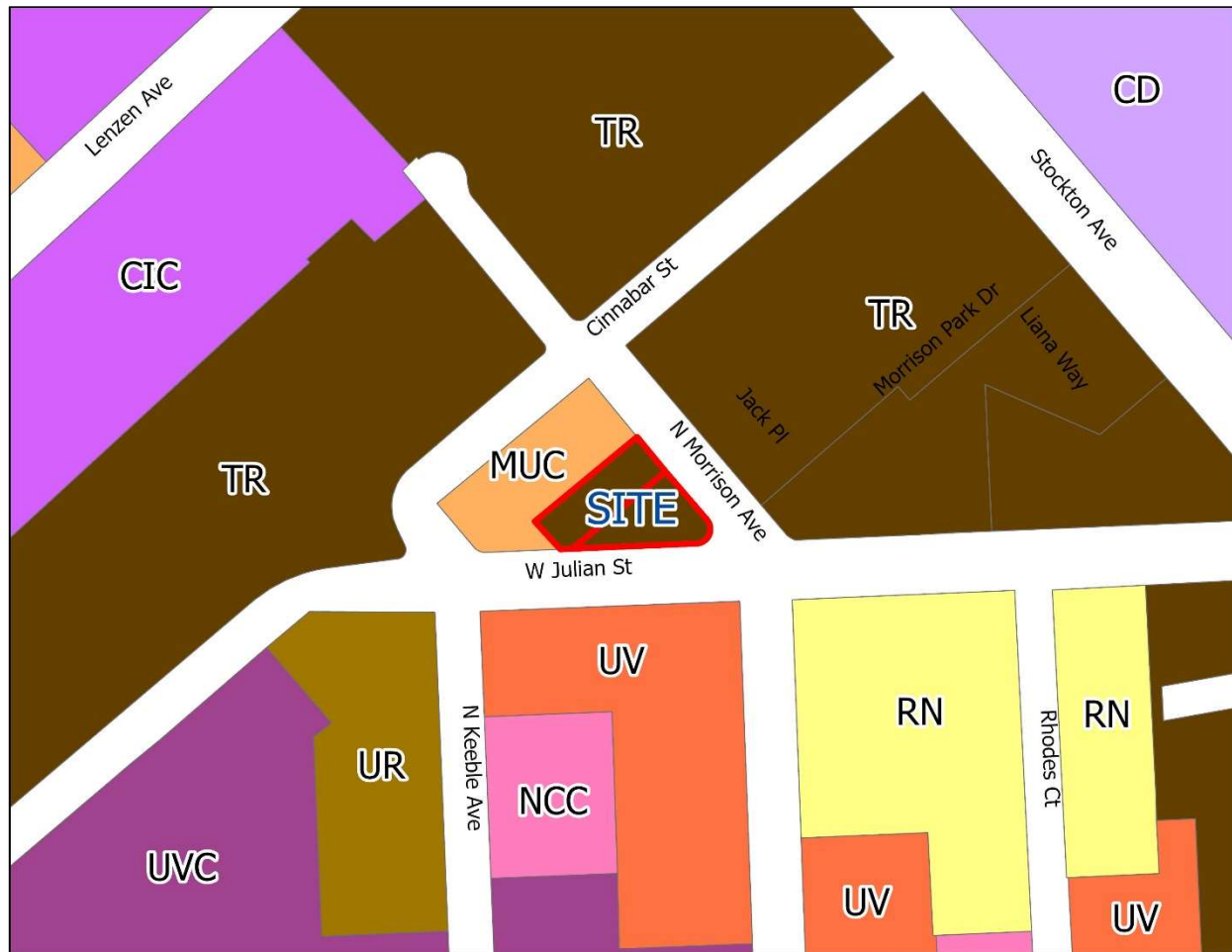
A-1

2023 General Plan Amendment (Cycle 1)  
GP22-008 and GPT22-005

T-1201.076/2003230\_2  
Council Agenda: 4/11/2023  
Item No.: 10.1(c)(2)

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

### Exhibit A-2: Revised Land Use Designation: Transit Residential





**File No. GPT22-005.** The Alameda Urban Village Plan is hereby amended as follows:

1. Chapter 3, entitled “Land Use”, “Land Use Designations” section, page 21, after the “Urban Residential” land use designation section, is hereby amended to add the following land use designation as follows:

**Transit Residential**

Density: 50-250 DU/AC

Residential/Commercial Mixed-Use FAR: Minimum 0.50

Stand-alone Commercial FAR: 0.25 to 4.5.

This Designation is primarily for new high-density, mixed use residential development that is located in close proximity to transit, jobs, amenities, and services. It also supports intensive commercial employment uses such as office, retail, hotels, hospitals, and private community gathering facilities. The Plan establishes a minimum 0.50 commercial FAR for mixed-use projects (the 0.50 FAR commercial requirement does not apply to certain 100% affordable housing developments) and minimum 0.25 commercial FAR for stand-alone commercial projects to ensure that Julian Street continues to have commercial uses, in addition to residential, and that the planned job growth in the Urban Village can be achieved. The intensity or density of new development will effectively be limited by the maximum height limits established in this Plan and shown on the Building Height Diagram, by the transitional height policies in this Plan, and by the parking requirements established in the zoning ordinance.”

2. Chapter 5, entitled “Urban Design and Historic Preservation, “Neighborhood Integrity” Section, “Figure 9: Building Height Diagram”, Page 57, is hereby amended from the Diagram in Exhibit A-3 to the Diagram in Exhibit A-4 to change the height limit from 55 Feet to 85 feet on the properties located at the corner of West Julian Street and North Morrison Avenue as follows:

### Exhibit A-3: Existing Building Height Diagram



A-4

2023 General Plan Amendment (Cycle 1)  
GP22-008 and GPT22-005

T-1201.076/2003230\_2

Council Agenda: 4/11/2023

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### Exhibit A-4: Revised Building Height Diagram

