

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 TO MIXED USE NEIGHBORHOOD AT NORTH CAPITOL AVENUE, 250 FEET NORTH OF ALUM ROCK AVENUE (ASSESSOR PARCEL NUMBER: 484-19-094)**

**Fall 2019 General Plan Amendment Cycle (Cycle 2)**

**GP19-004**

**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 November 6, 2019, the Planning Commission held a public hearing to consider the proposed amendment to the General Plan, File No. GP19-004 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 December 17, 2019, the Council held a duly noticed public hearing; and

**WHEREAS**, a copy of the proposed General Plan Amendment is on file in the office of the Director of Planning, Building and Code Enforcement of the City, 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 December 17, 2019 at 6:00 p.m. in the Council Chambers at City Hall, 200 East Santa Clara Street, San José, California, 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 Negative Declaration for File No. GP19-004 (Resolution No. [REDACTED]) in accordance with the California Environmental Quality Act; 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. GP19-001 is hereby specified and set forth in Exhibit “A,” attached hereto and incorporated herein by reference.

**SECTION 2.** This Resolution shall take effect upon the effective date of an ordinance of this Council rezoning the property that is the subject of this General Plan Amendment No. GP19-004 to a zoning district that is consistent with the General Plan designation as hereby amended.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, 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



## EXHIBIT "A"

**File No. GP19-004.** A General Plan Amendment to change the Land Use/ Transportation Diagram land use designation from Neighborhood Community Commercial to Mixed Use Residential on a 0.44-gross acre site located on the east side of North Capitol Avenue, approximately 250 feet north of Alum Rock Avenue, Assessor's Parcel Number: 484-19-094 (Intelli LLC – Tron Do, Owner).

Council District: 5.

**Former Land Use Designation**



**Revised Land Use Designation**

