

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 NEIGHBORHOOD  
COMMUNITY/COMMERCIAL AT 623 STOCKTON  
AVENUE**

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

**File No. GP18-013**

**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 January 29, 2020, the Planning Commission held a public hearing to consider the proposed amendment to the General Plan, File No. GP18-013 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 February 11, 2020, 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 February 11, 2020, 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 Mitigated Negative Declaration for File Nos. GP18-013, C18-039, and SP18-060 (Resolution No. [REDACTED]) in accordance with the California Environmental Quality Act; and

**WHEREAS**, the General Plan Amendment will not result in inconsistent zoning because a portion of the site has consistent zoning and the balance of the site is being concurrently rezoned to a consistent zoning district pursuant to File No. C18-039; 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 use or reducing the 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 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 concurrently amending the General Plan land use designation of the McEvoy Housing project (File No. GP17-015) from Mixed Use Commercial to Transit Residential, which project provides 361 affordable 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. GP18-013 is hereby specified and set forth in Exhibit "A," 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 \_\_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

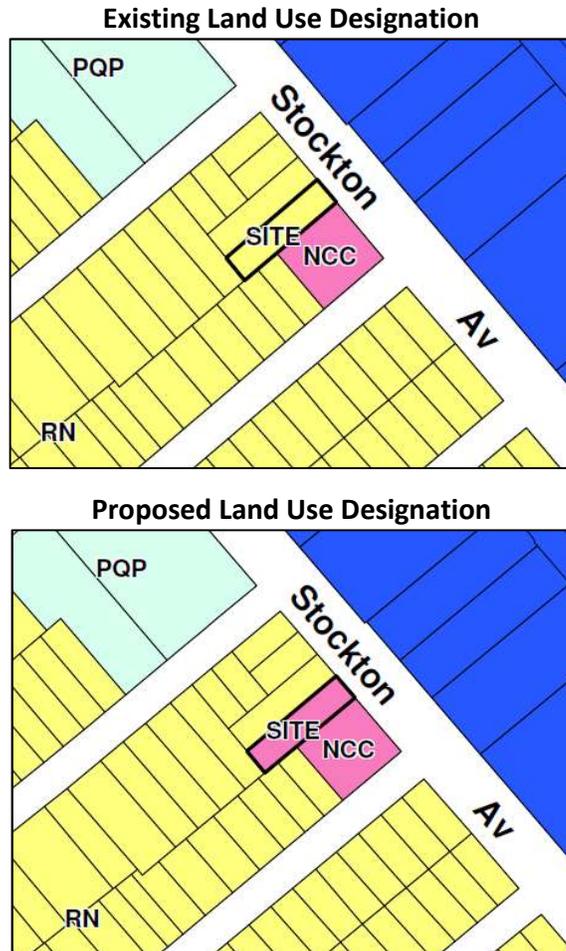
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TONI J. TABER, CMC  
City Clerk



**EXHIBIT "A"**

**File No. GP18-013.** A General Plan Amendment to change the Land Use/Transportation Diagram land use designation from Residential Neighborhood to Neighborhood/Community Commercial on a 0.20-gross acre portion of the 0.59-gross acre site located at 623 Stockton Avenue (Infinite Investment Realty Corporation – Owner).



Council District: 6.