

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 UTILITIES TO RESIDENTIAL NEIGHBORHOOD AT 790 PORTSWOOD DRIVE AND 0 BRET HART DRIVE (APNS: 701-48-057, 701-58-048)**

**Fall 2020 General Plan Amendment Cycle (Cycle 3)**

**File No. GP20-001**

**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 (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 9, 2020, the Planning Commission held a virtual public hearing to consider the proposed amendments to the General Plan, File No. GP20-001 specified in Exhibit "A", hereto ("General Plan Amendment"), at which hearing interested persons

were given the opportunity to appear virtually 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 January 26, 2021, 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 and online at SJpermits.gov, 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 January 26, 2021 at 6:00 p.m. the Council would hold a virtual 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 Initial Study/Negative Declaration in accordance with CEQA; and

**WHEREAS**, the General Plan Amendment will not result in inconsistent zoning because the site is being concurrently rezoned to a consistent zoning district pursuant to File No. C20-007 and will not take effect until the rezoning ordinance takes effect; 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 property at 790 Portswood Drive and 0 Bret Hart Drive with APNS: 701-48-057 and 701-58-048 (File No. GP20-001) from Transportation Utilities to Residential Neighborhood, which project provides 74 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 Amendments;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:

**SECTION 1.** The Council's determinations regarding General Plan Amendment File No. GP20-001 are 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 the associated rezoning ordinance for File No. C20-007.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 21 \_\_, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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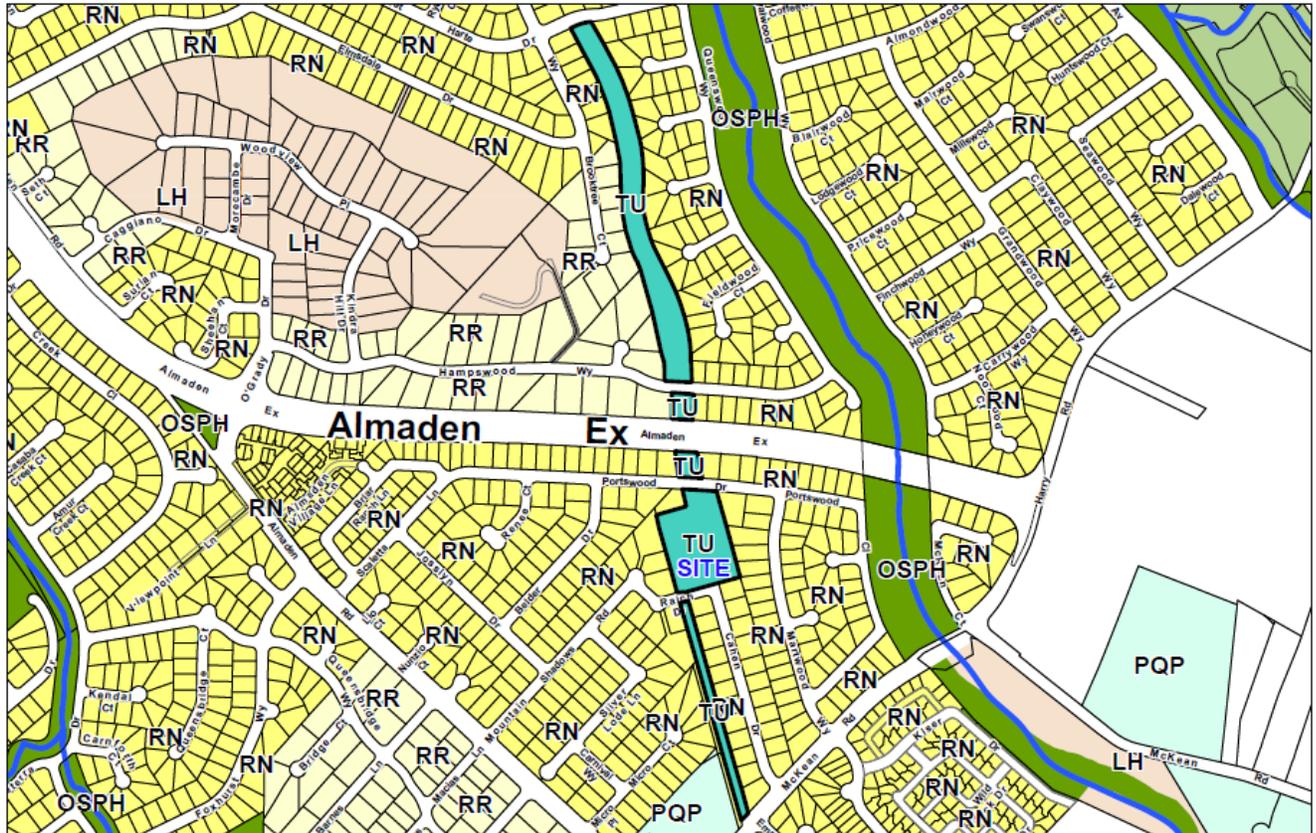
TONI J. TABER, CMC  
City Clerk



## EXHIBIT "A"

**File No. GP20-001.** The Envisions San Jose General Plan is hereby amended to change the Land Use/Transportation Diagram Land Use Designation from Transportation Utilities to Residential Neighborhood for 790 Portswood Drive and 0 Bret Hart on an 8.6-gross acre site as follows:

### Existing Land Use Designation:



**Revised Land Use Designation:**



Council District: 10