

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 RESIDENTIAL NEIGHBORHOOD TO DOWNTOWN AT 470 WEST SAN CARLOS STREET (APNS: 264-20-086, 264-20-087 AND 264-20-088).

Fall 2020 General Plan Amendment Cycle (Cycle 3)

File No. GP19-012

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. GP19-012 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 virtual public hearing to consider the General Plan Amendment File No. GP19-012; 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 available digitally at sjpermits.org, 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 1:00 p.m., or thereafter when the matter may be heard, 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 adopted the Addendum to the Downtown Strategy 2040 Final Environmental Impact Report adopted by City Council Resolution No. 78942 on December 18, 2018, and addenda thereto, 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. C19-042; 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, with this General Plan amendment, the City is amending the General Plan land use designation of the subject property from Residential Neighborhood to Downtown, which allows for 352 residential units instead of the four units under the current General Plan designation, so 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. GP19-012 is 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 _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"

1. **File No. GP19-012.** The Envision San Jose General Plan Land Use/Transportation Diagram is hereby amended to change the Land Use Designation from "Residential Neighborhood" to "Downtown" on approximately 19,200-gross square feet of the total 39,130-square foot site on the Southwest corner of West San Carlos Street and Gifford Avenue (470 West San Carlos Street) and depicted as follows:

Existing Land Use Designation:



Revised Land Use Designation:



Council District: 3