

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 MAKE MODIFICATIONS TO THE MARTHA GARDENS SPECIFIC PLAN TO INCREASE THE ALLOWABLE HEIGHT ON THE SUBJECT SITE TO 80 FEET WITH AN ADDITIONAL 10 FEET FOR ARCHITECTURAL PROJECTIONS AND REDUCTION TO ZERO SETBACK TO ACCOMMODATE THE PROPOSED PROJECT

Fall 2020 General Plan Amendment Cycle (Cycle 3)

File No. GPT18-009

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, on December 16 2003, the City Council adopted the Martha Gardens Specific Plan by Resolution No. 71901, which Specific Plan has been amended from time to time (hereinafter "Specific Plan"); and

WHEREAS, the Specific Plan is incorporated into the General Plan by reference; 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 27, 2021, the Planning Commission held a virtual public hearing to consider the proposed text amendment to the Specific Plan to make minor modifications and clarifying revisions, File No. GPT18-009 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 amendment; 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 9, 2021, the Council held a duly noticed virtual 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 9, 2021 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 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 Amendment, the Council reviewed and considered the Initial Study Mitigated Negative Declaration and in accordance with CEQA, and

WHEREAS, the Council adopted Resolution No. [REDACTED] adopting the South First Street/East Virginia Street Mixed-Use Development Project Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Plan; 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. PDC17-022 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 802 S. 1st Street with APNs: 472-17-005, 472-17-006, 472-17-034, 472-17-094, and 472-17-095 (File No. GP20-004) from Mixed Use Commercial and Mixed Use Neighborhood to Transit Residential, for which the project provides an additional 256 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 of the City of San José 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 determinations regarding General Plan Amendment File No. GPT18-009 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 (File No. PDC17-022) that is the subject of this General Plan Amendment No. GP20-004 to a zoning district that is consistent with the General Plan designation as hereby amended.

ADOPTED this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"

File No. GPT18-009. The Martha Gardens Specific Plan is hereby amended as follows:

1. Chapter 5, entitled "Design Policies," "Urban Design Guidelines" section, "South First Street Corridor Sub-Area – Height and Massing" subsection, Figure 5. Height (page 33) is hereby amended as follows:



2. Chapter 5, entitled “Design Policies,” “Urban Design Guidelines” section, “South First Street Corridor Sub-Area – Height and Massing” subsection, first paragraph (page 33) is hereby amended to read as follows:

The South First Street Sub-Area is envisioned as a three to four story district, with a maximum height of fifty-five feet for habitable space, except in the area on the corner of South Second Street and East Virginia Street where the allowable maximum height is eighty feet as indicated in Figure 5. This ~~The heights can be exceeded to a maximum of sixty-five feet by an additional ten feet~~ for architectural features and roof elements (e.g., sloping roofs, tower elements, cornices, etc.) that contribute to significant variation in building height. Variation in height is encouraged to create visual interest and building articulation, and to avoid monolithic building masses. A minimum street wall of thirty-five feet or two levels is required along the South First Street frontage.

3. Chapter 5, entitled “Design Policies,” “Urban Design Guidelines” section, “South First Street Corridor Sub-Area – Setback and Build to Lines” subsection, fourth paragraph (page 35) is hereby amended to read as follows:

The building setback required along the mews property line is a minimum of five feet and a maximum of ten feet except along the South Second Street alley located on the northern end of the block between East Virginia and Martha Streets.

4. Chapter 5, entitled “Design Policies,” “Urban Design Guidelines” section, “Victorian Neighborhood Sub-Area – Height and Massing” subsection, second paragraph (page 41) is hereby amended to read as follows:

The Victorian Neighborhood Sub-Area should continue to have a height and mass compatible with the existing historic houses. The maximum height in the Sub- Area is thirty-five feet or three floors, with exception of the corner of South Second Street and East Virginia Street. The maximum height of this portion of the sub-area is eighty feet as indicated in Figure 5, but with a maximum height of sixty-five feet in the first thirty feet of the property line along South Second Street. Non-habitable roof and architectural elements can exceed ~~this~~ the maximum heights by an additional ten feet to provide for special expressions that are compatible with the existing homes (e.g., sloping roofs, tower elements, dormers, etc.). Floor-to-floor heights should be in the range of ten to twelve feet and first floors should be raised approximately three feet above grade, similar to what is found in the existing Victorian homes. New development should incorporate step backs along

South Second Street to reduce the scale of larger building. Carriage houses built along the mews should be a maximum of two floors, with additional loft/roof space permitted on a third floor.

5. Chapter 5, entitled “Design Policies,” “Urban Design Guidelines” section, “Victorian Neighborhood Sub-Area – Height and Massing” subsection, second paragraph (page 41) is hereby amended to read as follows:

Along South Second and Third Streets, setbacks should conform to the front yards established by the existing historic Victorian houses. The current front yard setback along South Second and Third Streets is generally between twelve and twenty feet. New development should be set back in an equivalent manner to the adjacent property, or an average between two adjacent properties whichever is greater. Setbacks from Margaret, Patterson, East Virginia and Martha Streets should be a minimum of ten feet, and a maximum of twenty feet, with the exception of the area with the eighty foot height maximum on the corner of South Second Street and East Virginia Street as indicated in Figure 5, where no setback is required.

Council District: 3.