

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 PUBLIC/QUASI-PUBLIC TO RESIDENTIAL NEIGHBORHOOD ON 2.7 GROSS ACRES AT 1975 CAMBRIANNA DRIVE (ASSESSOR PARCEL NUMBER 414-21-062)**

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

**File No. GP20-003**

**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 amendment to the General Plan, File No. GP20-003 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, and continued first to February 9, 2021, then to February 23, 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 available electronically on the Department of Planning, Building and Code Enforcement webpage, 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 1:30 p.m., continued to February 23, 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 Amendment, the Council reviewed and adopted the Negative Declaration for File No. GP20-003 (Resolution No. \_\_\_\_\_) in accordance with the California Environmental Quality Act; and

**WHEREAS**, the General Plan Amendment will not result in inconsistent zoning because the R-1-8 zoning district is consistent with the proposed General Plan land use; 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**, General Plan Amendment File No. GP20-004 (802 S. 1st Street, 256 housing units) would contribute housing units to offset this General Plan Amendment (File No. GP20-003) which would result in a residential capacity loss of 248 housing units, such that there is no net loss in residential capacity with the change in land use designations; 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. GP20-003 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 \_\_\_\_\_, 2021, 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

STATE OF CALIFORNIA                     )  
COUNTY OF SANTA CLARA       ) ss

I hereby certify that the amendments to the San José General Plan specified in the attached Exhibit A were adopted by the City Council of the City of San José on \_\_\_\_\_, as stated in its Resolution No. \_\_\_\_\_.

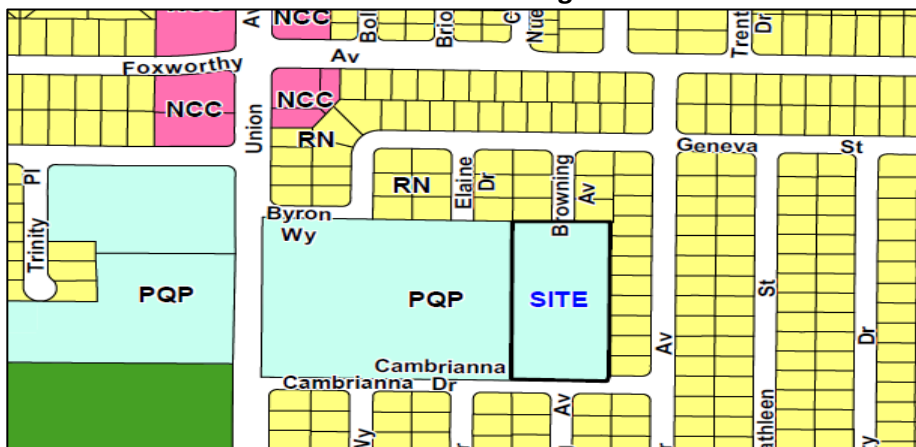
Dated: \_\_\_\_\_

TONI J. TABER, CMC  
City Clerk

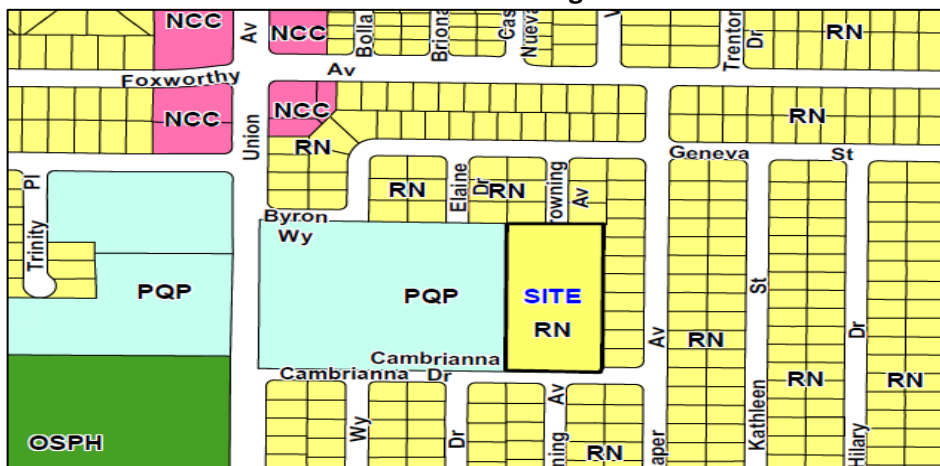
## **EXHIBIT “A”**

**File No. GP20-003.** The Envision San José 2040 General Plan is hereby amended to change the Land Use/Transportation Diagram land use designation from Public/Quasi-Public to Residential Neighborhood on a 2.7-gross acre site located at 1975 Cambrianna Drive, Assessor’s Parcel Number: 414-21-062, as follows:

**Former Land Use Designation**



**Revised Land Use Designation**



Council District: 9.