

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 DOWNTOWN AT WOZ WAY (APNS: 264-31-037 TO 044, 264-31-061 TO 067, 092, 107 & 108, AND LOCUST STREET)**

**Spring 2021 General Plan Amendment Cycle (Cycle 1)**

**File No. GP19-008**

**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 June 9, 2021, the Planning Commission held a virtual public hearing to consider the proposed amendments to the General Plan, File No. GP19-008 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 **June 29**, 2021, the Council held a duly noticed virtual public hearing to consider the General Plan Amendment File No. GP19-008; 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](http://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 June 22, 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 adopted and certified the Supplemental Environmental Impact Report (SEIR) to the Downtown Strategy 2040 Environmental Impact Report ( Resolution No. 78942) , and adopted a related Mitigation Monitoring and Reporting Program, in accordance with California Environmental Quality Act, as amended; and

**WHEREAS**, the General Plan Amendment will not result in inconsistent zoning because the DC Downtown Primary Commercial zoning district is consistent with the General Plan land use and proposed development (File No. H20-004); 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 Public/Quasi-Public to Downtown, which allows for 2,464 residential units instead of the 257 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. GP19-008 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. GP19-008.** The Envision San José General Plan Land Use/Transportation Diagram is hereby amended to change the Land Use Designation from "Public/Quasi-Public" to "Downtown" on an approximately 3.08-gross-acre site on the southwest corner of Woz Way and South Almaden Boulevard and depicted as follows:

**Existing Land Use Designation:**

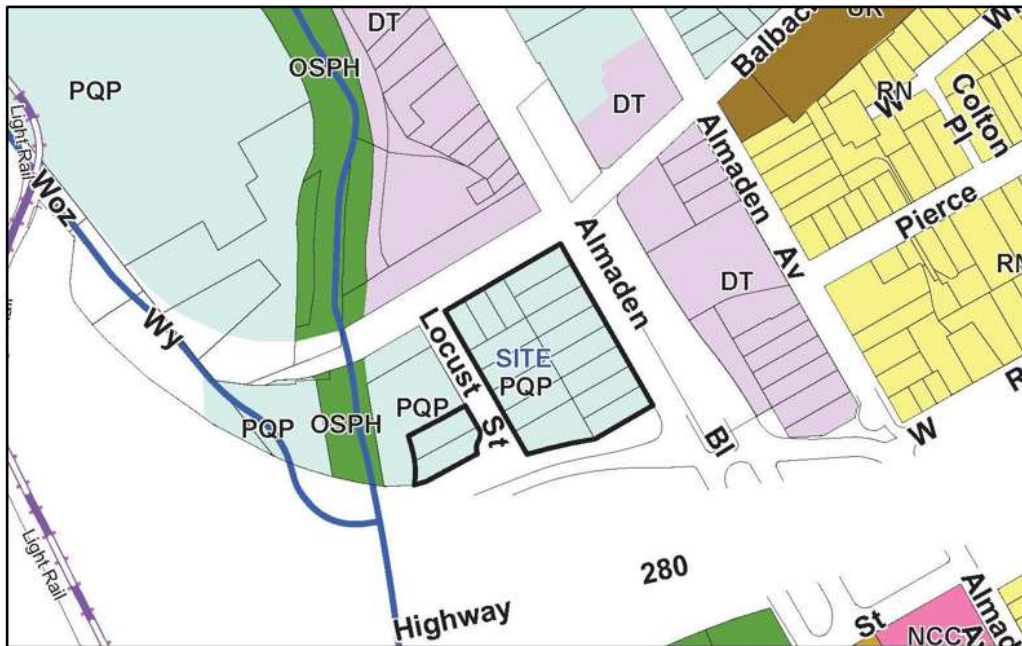


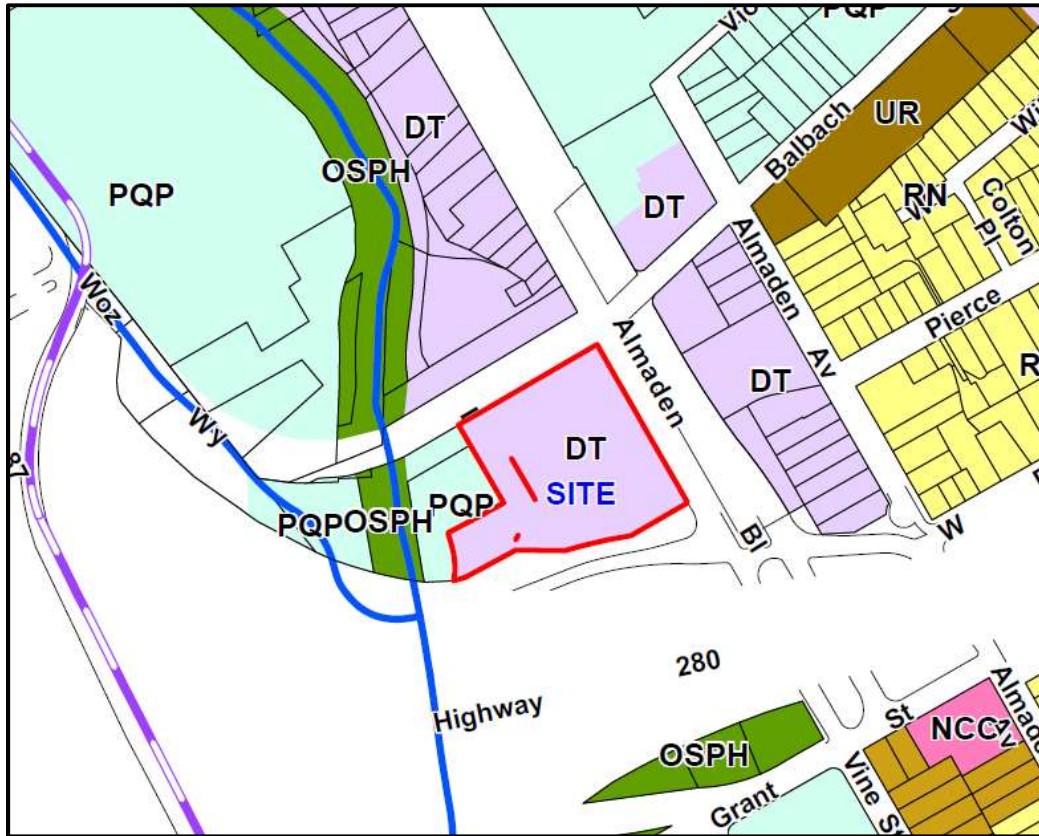
Exhibit A-1

Spring 2021 General Plan Amendment (Cycle 1)  
GP19-008

T-1201.069/1830329  
Council Agenda: 06-29-2021  
Item No.: 10.3(b)

**DRAFT – Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for final document.**

Revised Land Use Designation:



Council District: 3