

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 OPEN SPACE, PARKLANDS AND HABITAT TO MIXED USE NEIGHBORHOOD ON AN APPROXIMATELY 0.54-GROSS ACRE SITE LOCATED AT 0 LAND ONLY (ASSESSOR PARCEL NUMBER 659-57-015)**

**2023 General Plan Amendment Cycle (Cycle 1)  
FILE NO. GP21-015**

**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 ("General Plan"); and

**WHEREAS**, in accordance with San José City Charter section 1000 and 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 May 24, 2023, the Planning Commission held a hearing to consider the proposed amendment to the General Plan, File No. GP21-015 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 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 20, 2023, the Council held a duly noticed public hearing; and

**WHEREAS**, a copy of the proposed General Plan Amendment is on file with 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 June 20, 2023, at 1:30 p.m. the Council would hold a 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 Addendum to the Initial Study/Mitigated Negative Declaration for File No. GP21-015 (Resolution No.           ) in accordance with the California Environmental Quality Act; and

**WHEREAS**, the General Plan Amendment will not result in inconsistent zoning because the site is A(PD) Planned Development Zoning District (File No. PDC99-031, Ordinance No. 26049), which was found to be in conformance with the proposed General Plan Designation; and

**WHEREAS**, pursuant to California Senate Bill (SB) 330 (2019), 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 residential use or reducing the residential 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 residential 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**, no net loss of residential capacity will result from this General Plan Amendment because the General Plan land use designation of the property at 0 Land Only (APN: 659-57-015) is being modified from Open Space, Parklands and Habitats (0 du/acre) to Mixed Use Neighborhood (Floor Area Ratio 0.25 to 2.0, or units for the subject site), in which the proposed project increases the City's residential capacity, and

**WHEREAS**, the Council of the City of San José 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 determination regarding General Plan Amendment File No. GP21-015 is hereby specified and set forth in Exhibit A attached hereto and incorporated herein by reference.

**SECTION 2.** The General Plan Land Use Amendment specified in GP21-015, as set forth in Exhibit A of this Resolution, shall take effect upon the effective date of this resolution.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk



## EXHIBIT A

**File No. GP21-015.** The Envision San José 2040 General Plan 2040 Land Use/ Transportation Diagram is hereby amended from the Open Space, Parklands and Habitats land use designation as depicted in Exhibit A-1 to the Mixed Use Neighborhood land use designation as depicted in Exhibit A-2 as follows:

### **Exhibit A-1: Existing Land Use Designation: Open Space, Parklands and Habitats**



A-1

2023 General Plan Amendment Cycle (Cycle 2)  
GP21-015

T-1201.076 \ 2027082  
Council Agenda: 06/20/2023  
Item No.: 10.1(b)

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

### Exhibit A-2: Revised Land Use Designation: Mixed Use Commercial

