

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

2024 General Plan Amendment Cycle (Cycle 1)

FILE NO. GP24-006

WHEREAS, the City Council for the City of San José (“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 Plan and Specific Plan amendment proposals are referred to the Planning Commission of the City of San José for and recommendation prior to City Council consideration; and

WHEREAS, on May 8, 2024, the Planning Commission held a hearing to consider the proposed amendment to the General Plan, File No. GP24-006 specified in the attached Exhibit “A” (“General Plan Amendment”) and depicted in Exhibit “B” (File No. GP24-006.), at which hearing 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 11, 2024, 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, the General Plan Amendment will not result in inconsistent zoning because the properties are being concurrently being rezoned to their respective conforming Zoning Districts and will not take effect until the associated rezoning ordinances take effect; 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(i)(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 City is amending the General Plan land use designation of these properties from no residential capacity to a total residential capacity of 545 residential units, the proposed General Plan Amendment increases residential capacity by 545 residential units, therefore, there is no net loss in residential capacity with the change in land use designations set forth herein; and

WHEREAS, the City Council wishes to modify the Land Use/Transportation Diagram of the General Plan to change the following: two parcels with a Transit Employment Center designation to the Mixed Income Housing Overlay (“MIHO”) District; and

WHEREAS, prior to making its determination on the General Plan Amendment, the Council reviewed and considered the Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR) (Resolution No. 76041), Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto, and the Envision San José 2040 General Plan Supplemental EIR for the City of San José 2023-2031 Housing Element Update (Resolution No. RES2023-262).;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:

SECTION 1. The foregoing recitals are incorporated herein by reference.

SECTION 2. The City Council’s determination regarding General Plan Amendment File No. GP24-006 is specified and set forth in the attached Exhibit “A” and incorporated by reference.

SECTION 3. The General Plan Land Use Amendment specified in GP24-006, as set forth in “Exhibit A” of this Resolution, shall take effect upon the effective date of the associated rezoning ordinance.

EXHIBIT “A”

**EXISTING AND PROPOSED GENERAL PLAN
LAND USE DESIGNATION PARCEL LIST**

File No. GP24-006: The following parcels specified by Assessor’s Parcel Number (APN) are hereby amended from the General Plan land use designation specified below as “Existing General Plan” to the General Plan land use designation specified below as “Proposed General Plan”:

APNs	Acres	Existing Zoning/Overlay	Residential Capacity (Units)	Proposed Zoning/Overlay	Residential Capacity	Capacity Change (Residential Units Change)
101-30-005	1.1	None (TEC)	0	MIHO	275	275
101-30-007	1.08	None (TEC)	0	MIHO	270	270
TOTAL	2.18		0		545	545

EXHIBIT "B"

File No. GP24-006. The Envision San José 2040 General Plan 2040 Land Use/ Transportation Diagram is hereby amended to add certain properties to the Mixed Income Housing Overlay Districts.

