

RESOLUTION NO. 75193

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE SPECIFYING THE COUNCIL'S DETERMINATIONS ON PROPOSED AMENDMENTS TO THE SAN JOSE 2020 GENERAL PLAN PURSUANT TO TITLE 18 OF THE SAN JOSE MUNICIPAL CODE

(Fall 2009 General Plan Amendments)

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 August 16, 1994, the City Council adopted the General Plan entitled, "SAN JOSE 2020 GENERAL PLAN, San Jose, California," dated March, 1994, by Resolution No. 65460, which has since been amended by the Council; and

WHEREAS, the original copy of the General Plan and all amendments thereto (hereinafter collectively the "General Plan") are on file in the office of the Director of the Department of Planning, Building and Code Enforcement; and

WHEREAS, in accordance with Title 18 of the San José Municipal Code, all General 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 27, 2009 the Planning Commission held a public hearing, at which interested persons were given the opportunity to appear and present their views, to consider the proposed amendments to the General Plan for the Spring 2009 Amendment hearing, which included GP09-04-01, which amendment was referred by the Commission

to the Council and was deferred on June 16, 2009 by the City Council to the Fall General Plan Amendment hearing, and which is listed on Exhibit "A" hereto ("Fall 2009 General Plan Review"); and

WHEREAS, on November 4, 2009 and November 18, 2009 the Planning Commission held a public hearing to consider the proposed amendments to the General Plan for the Fall 2009 cycle that are listed in Exhibit "A" hereto, at which 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 2009 Fall General Plan Amendments; and

WHEREAS, an original copy of the proposed 2009 Fall General Plan Amendments is on file in the office of the Director of Planning, Building and Code Enforcement of the City, with a copy 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 December 1, 2009, at 7:00 p.m. in the Council Chambers at City Hall, 200 East Santa Clara Street, San José, California, the Council would hold a public hearing where interested persons could appear, be heard, and present their views with respect to the proposed Fall 2009 General Plan Amendments; and

WHEREAS, on December 1, 2009, at 7:00 p.m., the Council held a duly noticed public hearing and gave all persons full opportunity to be heard and to present their views with respect to the proposed Fall 2009 General Plan Amendments; and

WHEREAS, the Council reviewed and considered the Negative Declarations for Project Nos. GP08-04-04, GP08-07-04, GP09-08-02, GP09-T-04, GP08-08-04, and GP09-04-01 prior to making its determination on the proposed Fall 2009 General Plan Amendments and Text Amendments for Project Nos. GP08-04-04, GP08-07-04, GP09-08-02, GP09-T-04, GP08-08-04, and GP09-04-01; and

WHEREAS, the Council reviewed and considered those certain Environmental Impact Reports for Project Nos. GP09-04-02, GP09-08-04, GP09-T-01, GPT09-08-01, and GP09-T-03, prior to the Council's determination on the proposed Fall 2009 General Plan Text Amendments for Project Nos. GP09-04-02, GP09-08-04, GP09-T-01, GPT09-08-01, and GP09-T-03;; and

WHEREAS, the Council is the decision-making body for all of the proposed General Plan amendments.

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

SECTION 1. The Council's determinations regarding the Fall 2009 General Plan Amendments are hereby specified and set forth in Exhibit "A" attached hereto and incorporated herein.

SECTION 2. This Resolution and the Council's determinations on each of the Fall 2009 General Plan Amendments specified in Exhibit "A" shall take effect thirty (30) days following the adoption of this Resolution.

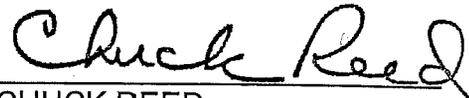
ADOPTED this 1st day of December, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:

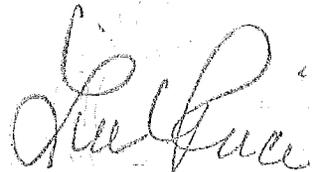


LEE PRICE, MMC
City Clerk

STATE OF CALIFORNIA)
) ss
COUNTY OF SANTA CLARA)

I hereby certify that the amendments to the San Jose General Plan specified in the attached Exhibit "A" was adopted by the City Council of the City of San Jose on December 1, 2009, as stated in its Resolution No. 75193.

Dated: December 1, 2009



LEE PRICE, MMC
City Clerk

EXHIBIT "A" ATTACHED

Exhibit A



FALL 2009 GENERAL PLAN REVIEW

General Plan Land Use and Text Amendments

Last Updated
6/16/2009

File Number	Location Description	Existing GP Designation	Proposed GP Designation	Staff Recommendation	Planning Commission Recommendation	Planning Commission Date	Planning Commission Vote	Council Action	Council Vote	City Council Date	Owner/Applicant	Project Manager	Environmental Status
District 4													
GP08-04-04	Easterly side of Oakland Road approximately 200 feet southerly of Service Street (1.2 acres)	Medium Density Residential (B-16 DU/AC)	Heavy Industrial	Heavy Industrial	Heavy Industrial or Light Industrial	November 18, 2009	6-0-1 (Kamkar absent)	Heavy Industrial	11-0	December 01, 2009	Khani & Sons, Inc. (Dhe Askari), Owner / Applicant	Sylvia Do	Mitigated Negative Declaration
GP09-04-02	(Parcel A) Cisco Way, north of River Oaks Parkway (33.6 acres), and (Parcel B) northwest corner of Tasman Drive and Rio Robles Drive (33.6 acres)	Industrial Park with Transit/Employment Residential District Overlay and Floating Park designation	Removal of Transit/Employment Residential District Overlay and Floating Park designations from Parcel A, and addition of Transit/Employment Residential District Overlay and Floating Park designations on Parcel B	Removal of Transit/Employment Residential District Overlay and Floating Park designations from Parcel A, and addition of Transit/Employment Residential District Overlay and Floating Park designations on Parcel B	Removal of Transit/Employment Residential District Overlay and Floating Park designations from Parcel A, and addition of Transit/Employment Residential District Overlay and Floating Park designations on Parcel B	November 18, 2009	6-0-1 (Kamkar absent)	Removal of Transit/Employment Residential District Overlay and Floating Park designations from Parcel A, and addition of Transit/Employment Residential District Overlay and Floating Park designations on Parcel B	11-0	December 01, 2009	Cisco Technology Inc., Owner / Eric Morley, Applicant	Avril Baly	Addendum to North San Jose Final Area Development Policy EIR
GP09-04-01	Southeast corner of Ridder Park Drive and Fox Lane (3.5 acres)	Industrial Park	Add Mixed Industrial Overlay	No Change to the General Plan	No Change to the General Plan	May 27, 2009	6-1-0 (Zilo opposed)	Add Mixed Industrial Overlay	9-2 (Chico and Oliverio opposed)	12/1/2009 (deferred from 6/16/09)	D & J Construction Inc. Et Al, Owner / New Harvest Christian Fellowship, Applicant	Avril Baly	Negative Declaration
District 7													
GP08-07-04	Easterly side of Monterey Road, approximately 700 feet northerly of Tully Road (2.88 acres)	Combined/Industrial Commercial	High Density Residential (2S-50 DU/AC)	No Change to the General Plan	High Density Residential (2S-50 DU/AC)	November 04, 2009	5-0-1-1 (Do absent, Jensen recused)	High Density Residential (2S-50 DU/AC)	11-0	December 01, 2009	Emergency Housing Consortium	Lesley Xavier	Mitigated Negative Declaration
District 8													
GP09-08-02	South side of Quimby Road, approximately 400 feet east of Murillo Avenue (1.7 acres)	Very Low Density Residential (2.0 DU/AC)	Low Density Residential (5.0 DU/AC)	Low Density Residential (5.0 DU/AC)	Low Density Residential (5.0 DU/AC)	November 18, 2009	6-0-1 (Kamkar absent)	Low Density Residential (5.0 DU/AC)	11-0	December 01, 2009	Tammy Huang, Owner / Euson Huang, Applicant	Lesley Xavier	Mitigated Negative Declaration
GP08-06-04	South side of Quimby Road approximately 1,000 feet westerly of Capitol Expressway (69 acres)	Medium Low Density Residential (8.0 DU/AC), Industrial Park, and Public/Quasi-Public, all with Mixed Use Overlay	Medium High Density Residential (12-25 DU/AC), Public Park/Open Space and General Commercial, with removal of Mixed Use Overlay	Medium High Density Residential (12-25 DU/AC), Public Park/Open Space and General Commercial, with removal of Mixed Use Overlay	Medium High Density Residential (12-25 DU/AC), Public Park/Open Space and General Commercial, with removal of Mixed Use Overlay	November 18, 2009	7-0-0	Medium High Density Residential (12-25 DU/AC), Public Park/Open Space and Low Density Residential 5 (DU/AC)	11-0	December 01, 2009	Arctia Development Co., Owner / City of San Jose, Applicant	Avril Baly	Addendum to Evergreen-East Hills Vision Strategy (EEHVS) FEIR, Resolution no. 74741
GP08-08-04	West side of Cadwallader Avenue, approximately 150 feet southerly of Prunette Lane (9.76 acres)	Rural Residential (0.2 DU/AC)	Low Density Residential (5 DU/AC)	Low Density Residential (5 DU/AC)	Low Density Residential (5 DU/AC)	November 18, 2009	6-1-0 (Zilo opposed)	Low Density Residential 5 (DU/AC)	11-0	December 01, 2009	Robert A Cirelli Trustee & Et Al, Laura M and Michael K Planica Et Al, Owners / Charles Davidson, Applicant	Lesley Xavier	Mitigated Negative Declaration
GP09-08-01	Southern portion of the Evergreen Village Square, generally bounded by Cortona Drive, Classics Avenue, and Ruby Avenue (3.5 acres)	Evergreen Specific Plan	Text Amendment to the General Plan and Evergreen Specific Plan to allow the construction of 35 residential units in excess of the 2,996 residential units allowed in the Evergreen Specific Plan and additional text amendments to the Specific Plan to allow for the proposed development of the site	Text Amendment to the General Plan and Evergreen Specific Plan to allow the construction of 35 residential units in excess of the 2,996 residential units allowed in the Evergreen Specific Plan and additional text amendments to the Specific Plan to allow for the proposed development of the site	Text Amendment to the General Plan and Evergreen Specific Plan to allow the construction of 12 residential units in excess of the 2,996 residential units allowed in the Evergreen Specific Plan and additional text amendments to the Specific Plan to allow for the proposed development of the site	November 18, 2009	4-3-0 (Do, Jensen, and Campos opposed)	Text Amendment to the General Plan and Evergreen Specific Plan to allow the construction of 35 residential units in excess of the 2,996 residential units allowed in the Evergreen Specific Plan and additional text amendments to the Specific Plan to allow for the proposed development of the site	11-0	December 01, 2009	Shapel Industries, Owner / Applicant	Lesley Xavier	Addendum to Evergreen-East Hills Vision Strategy (EEHVS) FEIR, Resolution no. 74741
District 10													
GP07-10-01	East side of Almaden Expressway approximately 300 feet northerly of Fleewood Drive (1.82 acres)	Very Low Density Residential (2 DU/AC)	Medium Low Density Residential (8 DU/AC)	Low Density Residential (6 DU/AC) and Private Open Space	Dropped due to incomplete environmental clearance	November 18, 2009		Deferral to Spring 2010 General Plan Hearing	11-0	December 01, 2009	Berjamin W Mazzone Trustee & Et Al, Owner / Applicant	Lesley Xavier	Mitigated Negative Declaration
Text Amendments													
GP09-T-01	Southwest corner of West San Carlos Street and Sunol Street (8.25 acres)	Midtown Specific Plan	Modifications to the text of the General Plan and Midtown Specific Plan on: 1) increase density from 100 DU/AC to 125 DU/AC, 2) increase in maximum allowable height from 90 to 150 feet subject to FAA regulations, and 3) modifications to the Vasona Mixed Use Subarea urban design guidelines including, but not limited to, setbacks applicable to the site	Adopt the proposed text amendment	Adopt the proposed text amendment	November 18, 2009	7-0-0	Adopt the proposed text amendment	11-0	December 01, 2009	Santa Clara County Transit District/Union Pacific Railroad/Green Republic, LLLP (Michael Van Every)		Chone Environmental Impact Report
GP09-T-03	Citywide		Update the text of the General Plan to strengthen goals and policies for intensifying economic development areas including, but not limited to those areas located on transit corridors, Major Collectors, or Arterials.	Adopt the proposed text amendment	Adopt the proposed text amendment	November 04, 2009	6-0-1 (Do absent)	Adopt the proposed text amendment	11-0	December 01, 2009	City of San Jose	Jerry Nusbaum	San Jose 2020 General Plan EIR
GP09-T-04	Northeast corner of Yucca Avenue and Hillside Avenue	Mixed Use #13 (General Commercial and Medium High Density Residential 12-25 DU/AC)	Mixed Use #13 (General Commercial and High Density Residential (2S-50 DU/AC) on 2.32 acres	Adopt the proposed text amendment	Adopt the proposed text amendment	November 18, 2009	6-1-0 (Cahan opposed)	Adopt the proposed text amendment	11-0	December 01, 2009	Hacienda Gardens LLC Owner / Mark Terzini, Applicant	Edward Schreiner	Mitigated Negative Declaration