

Draft

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING ONE PROPERTY FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE UV URBAN VILLAGE ZONING DISTRICT, 23 PROPERTIES FROM THE CG COMMERCIAL GENERAL ZONING DISTRICT TO THE UV URBAN VILLAGE ZONING DISTRICT, FIVE PROPERTIES FROM THE CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT TO THE UV URBAN VILLAGE ZONING DISTRICT, TEN PROPERTIES FROM THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO THE UV URBAN VILLAGE ZONING DISTRICT, ONE PROPERTY FROM THE R-1-2 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT TO THE UV URBAN VILLAGE ZONING DISTRICT, 15 PROPERTIES FROM THE CG COMMERCIAL GENERAL ZONING DISTRICT TO THE UVC URBAN VILLAGE COMMERCIAL ZONING DISTRICT, ONE PROPERTY FROM THE CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT TO THE UVC URBAN VILLAGE COMMERCIAL ZONING DISTRICT, ONE PROPERTY FROM THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO THE UVC URBAN VILLAGE COMMERCIAL ZONING DISTRICT, 85 PROPERTIES FROM THE R-M MULTIPLE RESIDENCE ZONING DISTRICT TO THE UR URBAN RESIDENTIAL ZONING DISTRICT, TWO PROPERTIES FROM THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO THE PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT, ONE PROPERTY FROM THE R-1-2 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT TO THE PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT, TWO PROPERTIES FROM THE R-1-8 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT TO THE PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT, 14 PROPERTIES FROM THE R-M MULTIPLE RESIDENCE ZONING DISTRICT TO THE MUN MIXED USE NEIGHBORHOOD ZONING DISTRICT, 12 PROPERTIES FROM THE CG COMMERCIAL GENERAL ZONING DISTRICT TO THE MUC MIXED USE COMMERCIAL ZONING DISTRICT, 14 PROPERTIES FROM THE CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT TO THE MUC MIXED USE COMMERCIAL ZONING DISTRICT, THREE PROPERTIES FROM THE R-1-8 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT TO THE MUC MIXED USE COMMERCIAL ZONING DISTRICT, SIX PROPERTIES FROM

THE R-1-5 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT TO THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT, TWO PROPERTIES FROM THE R-1-8 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT TO THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT, THREE PROPERTIES FROM THE R-2 TWO-FAMILY RESIDENTIAL ZONING DISTRICT TO THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT, 15 PROPERTIES FROM THE R-M MULTIPLE RESIDENCE ZONING DISTRICT TO THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT, TWO PROPERTIES FROM THE SPLIT ZONED CG COMMERCIAL GENERAL AND CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICTS TO THE UV URBAN VILLAGE ZONING DISTRICT, ONE PROPERTY FROM THE SPLIT ZONED CN COMMERCIAL NEIGHBORHOOD AND R-1-8 SINGLE-FAMILY RESIDENTIAL TO THE UV URBAN VILLAGE ZONING DISTRICT, ONE PROPERTY FROM THE SPLIT ZONED CG COMMERCIAL GENERAL AND A(PD) PLANNED DEVELOPMENT ZONING DISTRICTS TO THE MUC MIXED USE COMMERCIAL ZONING DISTRICT, ONE PROPERTY FROM CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT TO THE SPLIT ZONED MUC MIXED USE COMMERCIAL AND R-1-8 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS, ALL LOCATED ON THOSE CERTAIN REAL PROPERTIES THROUGHOUT THE STEVENS CREEK BOULEVARD AND SARATOGA AVENUE URBAN VILLAGES

WHEREAS, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined the proposed rezoning is pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the "FEIR"), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011 and Supplemental Environmental Impact Report (the "SEIR"), through

Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezonings to the UV Urban Village, UVC Urban Village Commercial, UR Urban Residential, R-1-8 Single-Family Residential, PQP Public/Quasi-Public, MUN Mixed Use Neighborhood, MUC Mixed Use Commercial, and CP Commercial Pedestrian zoning districts; and

WHEREAS, this Council of the City of San José has considered and approves the information contained in the FEIR and related City Council Resolution No. 76041, and in the SEIR and related City Council Resolution No. 77617, and Addenda thereto, and the determination of consistency therewith prior to acting upon or approving the subject rezoning; and

WHEREAS, the proposed rezonings are consistent with the designations of the sites in the applicable General Plan; and

WHEREAS, pursuant to Senate Bill 330, the proposed rezonings (File Nos. C22-032, C22-033, C22-034, C22-035, C22-036, C22-037, C22-038, and C22-039) would not decrease the residential units satisfying Senate Bill 330 and Senate Bill 940 requirements; the changes in zoning decrease the residential capacity on some properties by 1,732 residential units but increase the residential capacity on other properties by 17,626 residential units; therefore, there is still a surplus of 15,894 residential units available ($17,626 - 1,732 = 15,894$ units) complying with Senate Bill 330 and Senate Bill 940 requirements;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. The recitals above are incorporated herein.

SECTION 2. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned to the UV Urban Village, UVC Urban Village Commercial, UR Urban Residential, R-1-8 Single-Family Residential, PQP Public/Quasi-Public, MUN Mixed Use Neighborhood, MUC Mixed Use Commercial, and CP Commercial Pedestrian zoning districts.

The subject properties referred to in this section are all those real properties situated in the County of Santa Clara, State of California, described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein by this reference.

SECTION 3. The district map of the City is hereby amended accordingly.

SECTION 4. Any land development approval that is the subject of City File Nos. C22-032, C22-033, C22-034, C22-035, C22-036, C22-037, C22-038, and C22-039 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

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PASSED FOR PUBLICATION of title this ____ day of _____, 2022 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"

EXISTING GENERAL PLAN DESIGNATION AND EXISTING AND PROPOSED ZONING DISTRICT PARCEL LIST

File Nos. C22-032, C22-033, C22-034, C22-035, C22-036, C22-037, C22-038, and C22-039: The following parcels specified by Assessor's Parcel Number (APN) are hereby rezoned from the zoning district specified below as "Existing Zoning" to the zoning district specified below as "Conforming Rezoning:"

No.	APN	Existing General Plan Designation	Existing Zoning District	Proposed Zoning District	Density Change (Dwelling Units)	Area
1	30329022	MUC	A(PD)	MUC	73	1
2	30329022	MUC	CG	MUC	197	1
3	30341015	MUC	CG	MUC	21	1
4	30341016	MUC	CG	MUC	38	1
5	30341017	MUC	CG	MUC	25	1
6	30329003	MUC	CN	MUC	-92	1
7	30329021	MUC	CN	MUC	-21	1
8	30329023	MUC	CN	MUC	-133	1
9	30333013	MUC	CN	MUC	-14	1
10	30333024	MUC	CN	MUC	-13	1
11	30333064	MUC	CN	MUC	-20	1
12	30333066	MUC	CN	MUC	-20	1
13	30333069	MUC	CN	MUC	-52	1
14	30337126	MUC	CN	MUC	-40	1
15	30337127	MUC	CN	MUC	-20	1
16	30342022	MUC	CN	MUC	-11	1
17	30342023	MUC	CN	MUC	-10	1
18	30342042	MUC	CN	MUC	-11	1
19	30333023	MUC	R-1-8	MUC	12	1
20	30336031	MUC	R-1-8	MUC	8	1
21	30341014	MUC	R-1-8	MUC	10	1
22	30326076	PQP	CP	PQP	-16	1
23	30326029	PQP	R-1-2	PQP	89	1
24	30330036	PQP	R-1-8	PQP	162	1
25	30342042	RN	CN	R-1-8	-26	1

No.	APN	Existing General Plan Designation	Existing Zoning District	Proposed Zoning District	Density Change (Dwelling Units)	Area
26	30329007	UR	R-M	UR	0	1
27	30329008	UR	R-M	UR	0	1
28	30329009	UR	R-M	UR	0	1
29	30329010	UR	R-M	UR	0	1
30	30329011	UR	R-M	UR	0	1
31	30329012	UR	R-M	UR	0	1
32	30329015	UR	R-M	UR	0	1
33	30329016	UR	R-M	UR	0	1
34	30329017	UR	R-M	UR	0	1
35	30329018	UR	R-M	UR	0	1
36	30329019	UR	R-M	UR	0	1
37	30329020	UR	R-M	UR	0	1
38	30333006	UR	R-M	UR	0	1
39	30333007	UR	R-M	UR	0	1
40	30333008	UR	R-M	UR	0	1
41	30333011	UR	R-M	UR	0	1
42	30333061	UR	R-M	UR	0	1
43	30344001	UR	R-M	UR	0	1
44	30344002	UR	R-M	UR	0	1
45	30344003	UR	R-M	UR	0	1
46	30344004	UR	R-M	UR	0	1
47	30344005	UR	R-M	UR	0	1
48	30344006	UR	R-M	UR	0	1
49	30344007	UR	R-M	UR	0	1
50	30344008	UR	R-M	UR	0	1
51	30344009	UR	R-M	UR	0	1
52	30344010	UR	R-M	UR	0	1
53	30344011	UR	R-M	UR	0	1
54	30344012	UR	R-M	UR	0	1
55	30344014	UR	R-M	UR	0	1
56	30344015	UR	R-M	UR	0	1
57	30344016	UR	R-M	UR	0	1
58	30344017	UR	R-M	UR	0	1
59	30344018	UR	R-M	UR	0	1
60	30344019	UR	R-M	UR	0	1
61	30344020	UR	R-M	UR	0	1

No.	APN	Existing General Plan Designation	Existing Zoning District	Proposed Zoning District	Density Change (Dwelling Units)	Area
62	30344021	UR	R-M	UR	0	1
63	30344022	UR	R-M	UR	0	1
64	30344023	UR	R-M	UR	0	1
65	30344024	UR	R-M	UR	0	1
66	30344025	UR	R-M	UR	0	1
67	30349011	UR	R-M	UR	0	1
68	30349012	UR	R-M	UR	0	1
69	30349013	UR	R-M	UR	0	1
70	30349014	UR	R-M	UR	0	1
71	30349015	UR	R-M	UR	0	1
72	30349016	UR	R-M	UR	0	1
73	30349017	UR	R-M	UR	0	1
74	30349018	UR	R-M	UR	0	1
75	30349019	UR	R-M	UR	0	1
76	30349020	UR	R-M	UR	0	1
77	30349023	UR	R-M	UR	0	1
78	30349024	UR	R-M	UR	0	1
79	30349025	UR	R-M	UR	0	1
80	30349026	UR	R-M	UR	0	1
81	30349027	UR	R-M	UR	0	1
82	30349028	UR	R-M	UR	0	1
83	30349029	UR	R-M	UR	0	1
84	30349030	UR	R-M	UR	0	1
85	30349031	UR	R-M	UR	0	1
86	30349032	UR	R-M	UR	0	1
87	30349033	UR	R-M	UR	0	1
88	30349034	UR	R-M	UR	0	1
89	30349035	UR	R-M	UR	0	1
90	30349036	UR	R-M	UR	0	1
91	30349037	UR	R-M	UR	0	1
92	30349038	UR	R-M	UR	0	1
93	30349039	UR	R-M	UR	0	1
94	30349040	UR	R-M	UR	0	1
95	30349041	UR	R-M	UR	0	1
96	30349042	UR	R-M	UR	0	1
97	30349043	UR	R-M	UR	0	1

No.	APN	Existing General Plan Designation	Existing Zoning District	Proposed Zoning District	Density Change (Dwelling Units)	Area
98	30349044	UR	R-M	UR	0	1
99	30349046	UR	R-M	UR	0	1
100	30349047	UR	R-M	UR	0	1
101	30349048	UR	R-M	UR	0	1
102	30349049	UR	R-M	UR	0	1
103	30344C01	UR	R-M	UR	0	1
104	30349C01	UR	R-M	UR	0	1
105	30349C02	UR	R-M	UR	0	1
106	30349C03	UR	R-M	UR	0	1
107	30349C04	UR	R-M	UR	0	1
108	30349C05	UR	R-M	UR	0	1
109	30326008	UV	CG	UV	76	1
110	30326031	UV	CG	UV	68	1
111	30326058	UV	CG	UV	56	1
112	30326059	UV	CG	UV	56	1
113	30329001	UV	CG	UV	1157	1
114	30326058	UV	CN	UV	15	1
115	30326059	UV	CN	UV	15	1
116	30326061	UV	CN	UV	178	1
117	30326074	UV	R-1-2	UV	114	1
118	30326061	UV	R-1-8	UV	124	1
119	30325053	UV	A(PD)	UV	561	2
120	29440001	UV	CG	UV	23	2
121	29440002	UV	CG	UV	45	2
122	29440003	UV	CG	UV	121	2
123	29440006	UV	CG	UV	501	2
124	29440007	UV	CG	UV	500	2
125	29440008	UV	CG	UV	469	2
126	29440009	UV	CG	UV	87	2
127	29440011	UV	CG	UV	27	2
128	29440012	UV	CG	UV	106	2
129	29441005	UV	CG	UV	1292	2
130	29638013	UV	CG	UV	653	2
131	29638014	UV	CG	UV	711	2
132	29640009	UV	CG	UV	946	2
133	30325044	UV	CG	UV	132	2

No.	APN	Existing General Plan Designation	Existing Zoning District	Proposed Zoning District	Density Change (Dwelling Units)	Area
134	30325048	UV	CG	UV	163	2
135	30325050	UV	CG	UV	108	2
136	29442004	UV	CN	UV	81	2
137	29640007	UV	CN	UV	106	2
138	29640011	UV	CN	UV	715	2
139	30325012	UV	CN	UV	136	2
140	30325013	UV	CN	UV	192	2
141	30325016	UV	CN	UV	35	2
142	30325022	UV	CN	UV	271	2
143	30325031	UV	CN	UV	55	2
144	30325032	UV	CN	UV	99	2
145	29442001	UV	CP	UV	125	2
146	30325023	UV	CP	UV	63	2
147	30325046	UV	CP	UV	36	2
148	30325047	UV	CP	UV	33	2
149	30325052	UV	CP	UV	1317	2
150	29441001	UVC	CG	UVC	0	2
151	29441002	UVC	CG	UVC	0	2
152	29441003	UVC	CG	UVC	0	2
153	29442002	UVC	CG	UVC	0	2
154	29622003	UVC	CG	UVC	0	2
155	29622006	UVC	CG	UVC	0	2
156	29622007	UVC	CG	UVC	0	2
157	29638008	UVC	CG	UVC	0	2
158	29638009	UVC	CG	UVC	0	2
159	29638010	UVC	CG	UVC	0	2
160	29638011	UVC	CG	UVC	0	2
161	29640017	UVC	CG	UVC	0	2
162	29640018	UVC	CG	UVC	0	2
163	29442005	UVC	CN	UVC	-130	2
164	29442006	UVC	CP	UVC	-91	2
165	29627001	MUC	CG	MUC	25	3
166	29627002	MUC	CG	MUC	34	3
167	29627005	MUC	CG	MUC	31	3
168	29627006	MUC	CG	MUC	15	3
169	29627007	MUC	CG	MUC	17	3

No.	APN	Existing General Plan Designation	Existing Zoning District	Proposed Zoning District	Density Change (Dwelling Units)	Area
170	29627065	MUC	CG	MUC	13	3
171	29627066	MUC	CG	MUC	18	3
172	29627067	MUC	CG	MUC	12	3
173	29627068	MUC	CG	MUC	31	3
174	29627003	MUC	CN	MUC	-29	3
175	29627004	MUC	CN	MUC	-30	3
176	37512049	UR	R-M	UR	0	3
177	37519027	UR	R-M	UR	0	3
178	29628001	UV	CG	UV	181	3
179	29628005	UV	CG	UV	162	3
180	29628011	UV	CG	UV	187	3
181	29628012	UV	CG	UV	2629	3
182	29628013	UV	CG	UV	1395	3
183	37512017	UVC	CG	UVC	0	3
184	37520002	UVC	CG	UVC	0	3
185	30702022	NCC	R-1-5	CP	25	4
186	30702023	NCC	R-1-5	CP	26	4
187	30702024	NCC	R-1-5	CP	26	4
188	30702025	NCC	R-1-5	CP	26	4
189	30702026	NCC	R-1-5	CP	26	4
190	30702027	NCC	R-1-5	CP	26	4
191	30702020	NCC	R-1-8	CP	16	4
192	30702021	NCC	R-1-8	CP	18	4
193	29936065	NCC	R-2	CP	12	4
194	29936066	NCC	R-2	CP	33	4
195	38112111	NCC	R-2	CP	38	4
196	29911079	NCC	R-M	CP	10	4
197	29912007	NCC	R-M	CP	38	4
198	38106069	NCC	R-M	CP	40	4
199	38106070	NCC	R-M	CP	17	4
200	38106071	NCC	R-M	CP	22	4
201	38106079	NCC	R-M	CP	1	4
202	38106088	NCC	R-M	CP	8	4
203	38106090	NCC	R-M	CP	10	4
204	38106091	NCC	R-M	CP	12	4
205	38116100	NCC	R-M	CP	13	4

No.	APN	Existing General Plan Designation	Existing Zoning District	Proposed Zoning District	Density Change (Dwelling Units)	Area
206	38129090	NCC	R-M	CP	3	4
207	38129091	NCC	R-M	CP	4	4
208	38129092	NCC	R-M	CP	4	4
209	38129093	NCC	R-M	CP	4	4
210	38129094	NCC	R-M	CP	4	4
211	29937030	MUN	R-M	MUN	-348	4
212	29937032	MUN	R-M	MUN	-58	4
213	29937033	MUN	R-M	MUN	-219	4
214	38127117	MUN	R-M	MUN	-172	4
215	38128044	MUN	R-M	MUN	-13	4
216	38128045	MUN	R-M	MUN	-13	4
217	38128046	MUN	R-M	MUN	-13	4
218	38128047	MUN	R-M	MUN	-13	4
219	38128048	MUN	R-M	MUN	-13	4
220	38128049	MUN	R-M	MUN	-13	4
221	38128050	MUN	R-M	MUN	-13	4
222	38128051	MUN	R-M	MUN	-13	4
223	38128052	MUN	R-M	MUN	-13	4
224	38128053	MUN	R-M	MUN	-17	4
225	29912006	PQP	CP	PQP	-22	4
226	29912002	PQP	R-1-8	PQP	211	4

EXHIBIT "B"

EXISTING GENERAL PLAN DESIGNATION AND EXISTING AND PROPOSED ZONING DISTRICT MAPS

File Nos. C22-032, C22-033, C22-034, C22-035, C22-036, C22-037, C22-038, and C22-039: The Zoning District Map is hereby amended as follows:

























