

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 214.5 GROSS ACRES SITUATED ON THE EAST SIDE OF MONTEREY ROAD BETWEEN METCALF ROAD AND 1,400 FEET SOUTH OF PALM AVENUE FROM THE A AGRICULTURE ZONING DISTRICT TO THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT

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 rezoning to the A(PD) Planned Development Zoning District; 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

WHEREAS, the proposed rezoning is consistent with the designation of the site in the applicable General Plan; and

WHEREAS, pursuant to Senate Bill 330, the proposed rezoning (File No. PDC21-033) does not reduce the intensity of residential uses because the proposed rezoning allows the same residential units as the previous zoning district; 41 residential units are able to be developed prior to the proposed rezoning and 41 residential units could be developed after the rezoning, thereby satisfying 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 as A(PD) Planned Development Zoning District. The base district zoning of the subject property shall be the A Agriculture Zoning District. The A(PD) Planned Development zoning of the subject property shall be that General Development Plan for the subject property entitled, "Planned Development Zoning for Properties Along East of Monterey Road", dated September 30, 2021 ("General Development Plan").

Said General Development Plan is on file in the office of the Director of Planning, Building and Code Enforcement and virtually on sjpermits.org and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

//

//

The subject property referred to in this section is all that real property 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 No. PDC21-033 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that 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.

//

//

//

//

//

//

PASSED FOR PUBLICATION of title this _____ day of _____, 2021 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT “A”

LIST OF PROPERTIES WITH EXISTING ZONING DISTRICT AND NEW ZONING DISTRICT

APN	Approx. Acreage	Previous Zoning District	New Zoning District
72511026	3.68	A Agriculture	A(PD) Planned Development
72510012	4.06	A Agriculture	A(PD) Planned Development
72510015	3.07	A Agriculture	A(PD) Planned Development
72512007	9.75	A Agriculture	A(PD) Planned Development
72512008	8.21	A Agriculture	A(PD) Planned Development
72513004	8.30	A Agriculture	A(PD) Planned Development
72513005	1.06	A Agriculture	A(PD) Planned Development
72510011	0.05	A Agriculture	A(PD) Planned Development
72513018	4.93	A Agriculture	A(PD) Planned Development
72513019	1.54	A Agriculture	A(PD) Planned Development
72513009	4.21	A Agriculture	A(PD) Planned Development
72513010	1.63	A Agriculture	A(PD) Planned Development
72513016	5.85	A Agriculture	A(PD) Planned Development
72513015	11.44	A Agriculture	A(PD) Planned Development
72507004	3.54	A Agriculture	A(PD) Planned Development
72507009	2.98	A Agriculture	A(PD) Planned Development
72508002	4.53	A Agriculture	A(PD) Planned Development
72510004	0.29	A Agriculture	A(PD) Planned Development
72510009	0.98	A Agriculture	A(PD) Planned Development
72512013	22.25	A Agriculture	A(PD) Planned Development
72511028	0.19	A Agriculture	A(PD) Planned Development
72511021	0.02	A Agriculture	A(PD) Planned Development
72512015	5.12	A Agriculture	A(PD) Planned Development
72510018	11.65	A Agriculture	A(PD) Planned Development
72506007	2.75	A Agriculture	A(PD) Planned Development
72514012	1.24	A Agriculture	A(PD) Planned Development
72514013	1.55	A Agriculture	A(PD) Planned Development
72514014	1.65	A Agriculture	A(PD) Planned Development
72514015	1.57	A Agriculture	A(PD) Planned Development
72514016	0.26	A Agriculture	A(PD) Planned Development
72515001	14.52	A Agriculture	A(PD) Planned Development
72515009	13.66	A Agriculture	A(PD) Planned Development
72515002	9.39	A Agriculture	A(PD) Planned Development
72513003	4.82	A Agriculture	A(PD) Planned Development
72513002	0.31	A Agriculture	A(PD) Planned Development

72510023	16.58	A Agriculture	A(PD) Planned Development
72507015	20.16	A Agriculture	A(PD) Planned Development
72514017	1.64	A Agriculture	A(PD) Planned Development
72514018	3.96	A Agriculture	A(PD) Planned Development
72511027	0.92	A Agriculture	A(PD) Planned Development
72513013	0.15	A Agriculture	A(PD) Planned Development
72513017	2.42	A Agriculture	A(PD) Planned Development

EXHIBIT B-1: EXISTING ZONING DISTRICTS

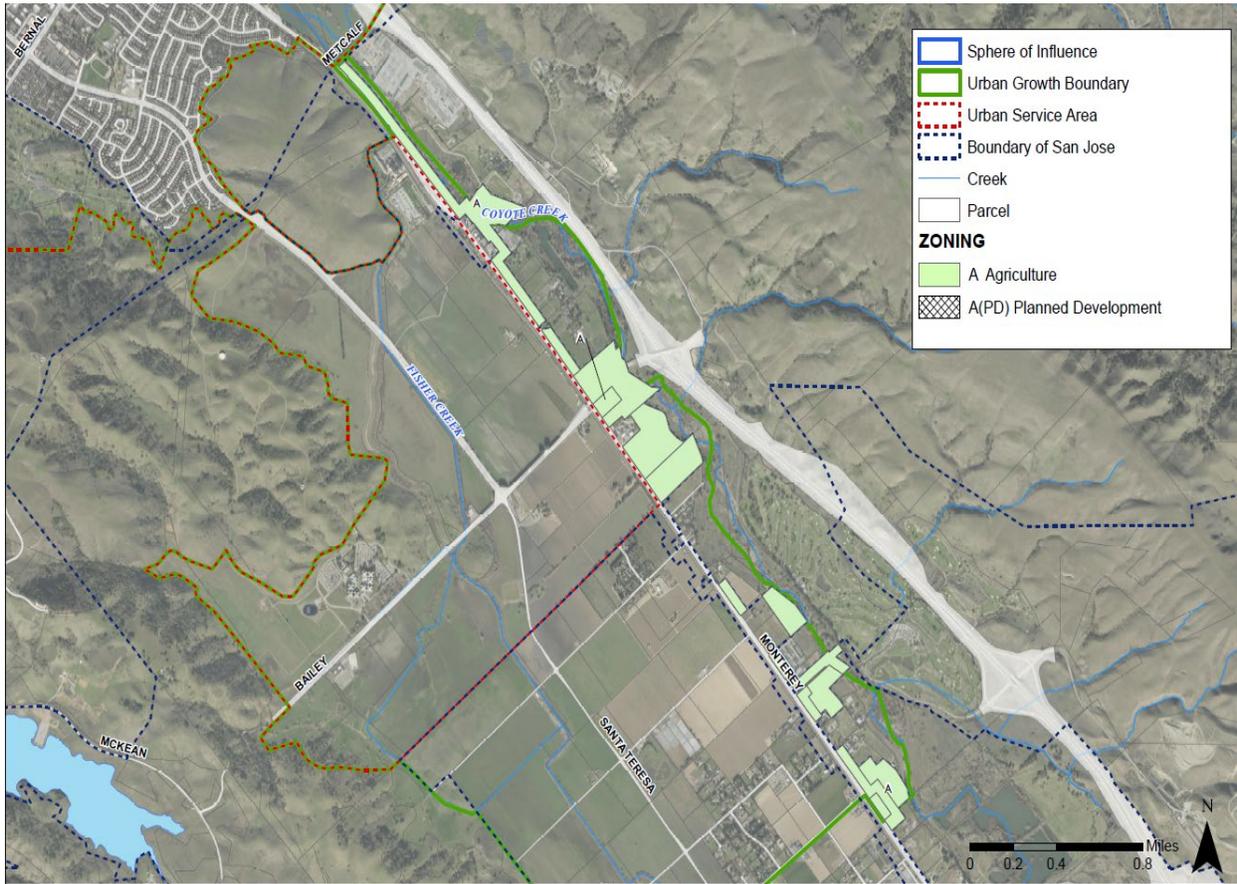


EXHIBIT B-2: NEW ZONING DISTRICTS

