

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING 34 PROPERTIES FROM THE CG COMMERCIAL GENERAL ZONING DISTRICT TO THE UV URBAN VILLAGE ZONING DISTRICT, ONE PROPERTY FROM THE CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT TO THE UV URBAN VILLAGE ZONING DISTRICT, TWO PROPERTIES FROM THE LI LIGHT INDUSTRIAL ZONING DISTRICT TO THE UV URBAN VILLAGE ZONING DISTRICT, THREE PROPERTIES FROM THE R-1-8 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT TO THE UV URBAN VILLAGE ZONING DISTRICT, TWO PROPERTIES FROM THE R-2 TWO-FAMILY RESIDENTIAL ZONING DISTRICT TO THE UV URBAN VILLAGE ZONING DISTRICT, 12 PROPERTIES FROM THE R-M MULTIPLE RESIDENCE ZONING DISTRICT TO THE UR URBAN RESIDENTIAL ZONING DISTRICT, ONE PROPERTY FROM THE CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT TO THE R-1-8 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, TWO PROPERTIES FROM THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO THE R-1-8 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT, TWO PROPERTIES FROM THE CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT TO THE PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT, THREE PROPERTIES FROM THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO THE PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT, SIX PROPERTIES FROM THE R-1-8 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT TO THE PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT, ONE PROPERTY FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE OS OPEN SPACE ZONING DISTRICT, ONE PROPERTY FROM THE CG COMMERCIAL GENERAL DISTRICT ZONING DISTRICT TO THE OS OPEN SPACE ZONING DISTRICT, THREE PROPERTIES FROM THE CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT TO THE OS OPEN SPACE ZONING DISTRICT, FOUR PROPERTIES FROM THE R-1-8 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT TO THE OS OPEN SPACE ZONING DISTRICT, EIGHT PROPERTIES FROM THE R-1-8 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT TO THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT, FIVE PROPERTIES FROM THE R-2 TWO-FAMILY RESIDENTIAL ZONING DISTRICT TO

THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT, ONE PROPERTY FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT, TEN PROPERTIES FROM THE SPLIT ZONED CG COMMERCIAL GENERAL AND R-2 TWO-FAMILY RESIDENTIAL ZONING DISTRICTS TO THE UV URBAN VILLAGE ZONING DISTRICT, ONE PROPERTY FROM THE SPLIT ZONED CO COMMERCIAL OFFICE, CP COMMERCIAL PEDESTRIAN, R-1-8 SINGLE-FAMILY RESIDENTIAL, R-2 TWO-FAMILY RESIDENTIAL, AND R-M MULTIPLE RESIDENCE ZONING DISTRICTS TO THE OS OPEN SPACE ZONING DISTRICT, AND THREE PROPERTIES FROM THE SPLIT ZONED CG COMMERCIAL GENERAL AND R-2 TWO-FAMILY RESIDENTIAL ZONING DISTRICTS TO THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT, ALL LOCATED ON THOSE CERTAIN REAL PROPERTIES THROUGHOUT THE ALUM ROCK AVENUE AND STORY ROAD PLANNED GROWTH AREAS

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, UR Urban Residential, R-1-8 Single-Family Residential, PQP Public/Quasi-Public, OS Open Space, CN Commercial Neighborhood 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 rezoning is consistent with the designations of the sites in the applicable General Plan; and

WHEREAS, pursuant to Senate Bill 330, the proposed rezoning (File Nos. C22-016, C22-017, C22-018, C22-019, C22-020, C22-021, and C22-024) would not decrease the residential units satisfying Senate Bill 330 and Senate Bill 940 requirements; the change in zoning decrease the residential capacity on some properties by 85 residential units but increase the residential capacity on others properties by 4,438 residential units. Therefore, there is still a surplus of 4,353 residential units available ($4,438 - 85 = 4,353$ 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, UR Urban Residential, R-1-8 Single-Family Residential, PQP Public/Quasi-Public, OS Open Space and CN

Commercial Neighborhood and CP Commercial Pedestrian Zoning Districts.

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 Nos. C22-016, C22-017, C22-018, C22-019, C22-020, C22-021, and C22-024 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. C22-016, C22-017, C22-018, C22-019, C22-020, C22-021, and C22-024: 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	48112002	UV	CG	UV	25	1
2	48112003	UV	CG	UV	12	1
3	48114004	UV	CG	UV	32	1
4	48114005	UV	CG	UV	64	1
5	48114006	UV	CG	UV	32	1
6	48114007	UV	CG	UV	48	1
7	48112001	UV	CG	UV	19	1
8	48112066	UV	CG	UV	21	1
9	48115098	UV	CG	UV	42	1
10	48101149	UV	CG	UV	43	1
11	48101107	UV	CG	UV	43	1
12	48115088	UV	CG	UV	19	1
13	48115089	UV	CG	UV	19	1
14	48115090	UV	CG	UV	32	1
15	48115091	UV	CG	UV	32	1
16	48115092	UV	CG	UV	32	1
17	48115093	UV	CG	UV	32	1
18	48115094	UV	CG	UV	32	1
19	48115095	UV	CG	UV	32	1
20	48115096	UV	CG	UV	32	1
21	48115097	UV	CG	UV	63	1
22	48101154	UV	CG	UV	94	1
23	48101102	UV	CG	UV	29	1
24	48113126	UV	CG	UV	23	1
25	48113127	UV	CG	UV	115	1
26	48113104	UV	CG	UV	48	1
27	48113106	UV	CG	UV	47	1

No.	APN	Existing General Plan Designation	Existing Zoning District	Proposed Zoning District	Density Change (Dwelling Units)	Area
28	48113107	UV	CG	UV	38	1
29	48113108	UV	CG	UV	56	1
30	48113109	UV	CG	UV	54	1
31	48113110	UV	CG	UV	44	1
32	48113001	UV	CG	UV	56	1
33	48114128	UV	CG	UV	33	1
34	48114129	UV	CG	UV	26	1
35	48115053	UV	CG	UV	58	1
36	48115054	UV	CG	UV	32	1
37	48115055	UV	CG	UV	32	1
38	48115056	UV	CG	UV	95	1
39	48115057	UV	CG	UV	32	1
40	48115106	UV	CG	UV	63	1
41	48115107	UV	CG	UV	102	1
42	48114130	UV	CG	UV	6	1
43	48101169	UV	CG	UV	64	1
44	48112108	UV	CG	UV	52	1
45	48112106	UV	CN	UV	117	1
46	48112092	UV	LI	UV	57	1
47	48112097	UV	LI	UV	58	1
48	48115099	UV	R-1-8	UV	22	1
49	48115087	UV	R-1-8	UV	27	1
50	48115052	UV	R-1-8	UV	18	1
51	48112003	UV	R-2	UV	38	1
52	48101149	UV	R-2	UV	18	1
53	48101107	UV	R-2	UV	30	1
54	48101117	UV	R-2	UV	12	1
55	48113126	UV	R-2	UV	31	1
56	48113104	UV	R-2	UV	28	1
57	48113107	UV	R-2	UV	16	1
58	48113108	UV	R-2	UV	30	1
59	48113109	UV	R-2	UV	27	1
60	48113110	UV	R-2	UV	28	1
61	48113009	UV	R-2	UV	26	1
62	48112108	UV	R-2	UV	28	1
63	48101110	NCC	CG	CP	49	1
64	48101141	NCC	CG	CP	20	1

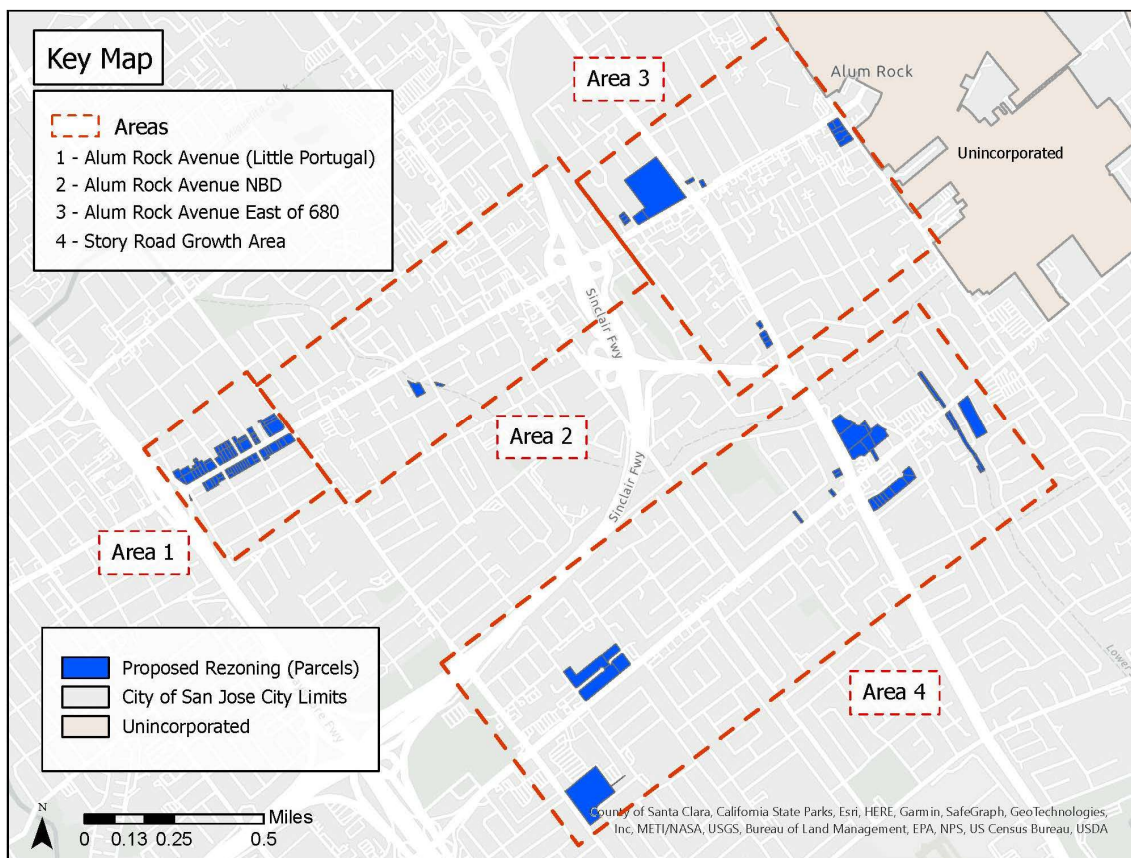
No.	APN	Existing General Plan Designation	Existing Zoning District	Proposed Zoning District	Density Change (Dwelling Units)	Area
65	48101179	NCC	CG	CP	16	1
66	48101110	NCC	R-2	CP	34	1
67	48101141	NCC	R-2	CP	4	1
68	48101179	NCC	R-2	CP	31	1
69	48119111	OSPH	A(PD)	OS	0	2
70	48121123	OSPH	R-1-8	OS	0	2
71	48121122	OSPH	R-1-8	OS	0	2
72	48421042	PQP	CN	PQP	-4	3
73	48421014	PQP	CN	PQP	-3	3
74	48421043	PQP	CP	PQP	-5	3
75	48421044	PQP	CP	PQP	-4	3
76	48421045	PQP	CP	PQP	-6	3
77	48404028	OSPH	CG	OS	1	3
78	48404032	OSPH	R-1-8	OS	-19	3
79	48403043	NCC	R-1-8	CP	14	3
80	48403041	NCC	R-1-8	CP	11	3
81	48403042	NCC	R-1-8	CP	16	3
82	48419029	NCC	R-1-8	CP	12	3
83	48419032	NCC	R-1-8	CP	16	3
84	48419088	NCC	R-1-8	CP	4	3
85	48445061	NCC	R-2	CP	20	3
86	48445062	NCC	R-2	CP	20	3
87	48445117	NCC	R-2	CP	16	3
88	48445060	NCC	R-2	CP	20	3
89	48137009	UR	R-M	UR	0	4
90	48137011	UR	R-M	UR	0	4
91	48801005	UR	R-M	UR	0	4
92	48801006	UR	R-M	UR	0	4
93	48801007	UR	R-M	UR	0	4
94	48801010	UR	R-M	UR	0	4
95	48801011	UR	R-M	UR	0	4
96	48801012	UR	R-M	UR	0	4
97	48801004	UR	R-M	UR	0	4
98	48137045	UR	R-M	UR	0	4
99	48137046	UR	R-M	UR	0	4
100	48801047	UR	R-M	UR	0	4
101	48434022	RN	CN	R-1-8	-14	4

No.	APN	Existing General Plan Designation	Existing Zoning District	Proposed Zoning District	Density Change (Dwelling Units)	Area
102	48434016	RN	CP	R-1-8	-14	4
103	48434017	RN	CP	R-1-8	-15	4
104	48433137	PQP	R-1-8	PQP	101	4
105	48611029	PQP	R-1-8	PQP	692	4
106	48803003	PQP	R-1-8	PQP	238	4
107	48433138	PQP	R-1-8	PQP	216	4
108	48433139	PQP	R-1-8	PQP	23	4
109	48433136	PQP	R-1-8	PQP	68	4
110	48433052	OSPH	CN	OS	0	4
111	48433100	OSPH	CN	OS	0	4
112	48433099	OSPH	CN	OS	0	4
113	48802014	OSPH	CO	OS	0	4
114	48802014	OSPH	CP	OS	0	4
115	48435063	OSPH	R-1-8	OS	-1	4
116	48802014	OSPH	R-1-8	OS	0	4
117	48802014	OSPH	R-2	OS	0	4
118	48802014	OSPH	R-M	OS	0	4
119	48433109	NCC	R-1-8	CP	22	4
120	48433143	NCC	R-1-8	CP	126	4
121	48611028	NCC	R-2	CP	2	4
122	48433140	NCC	A(PD)	CN	130	4

EXHIBIT “B”

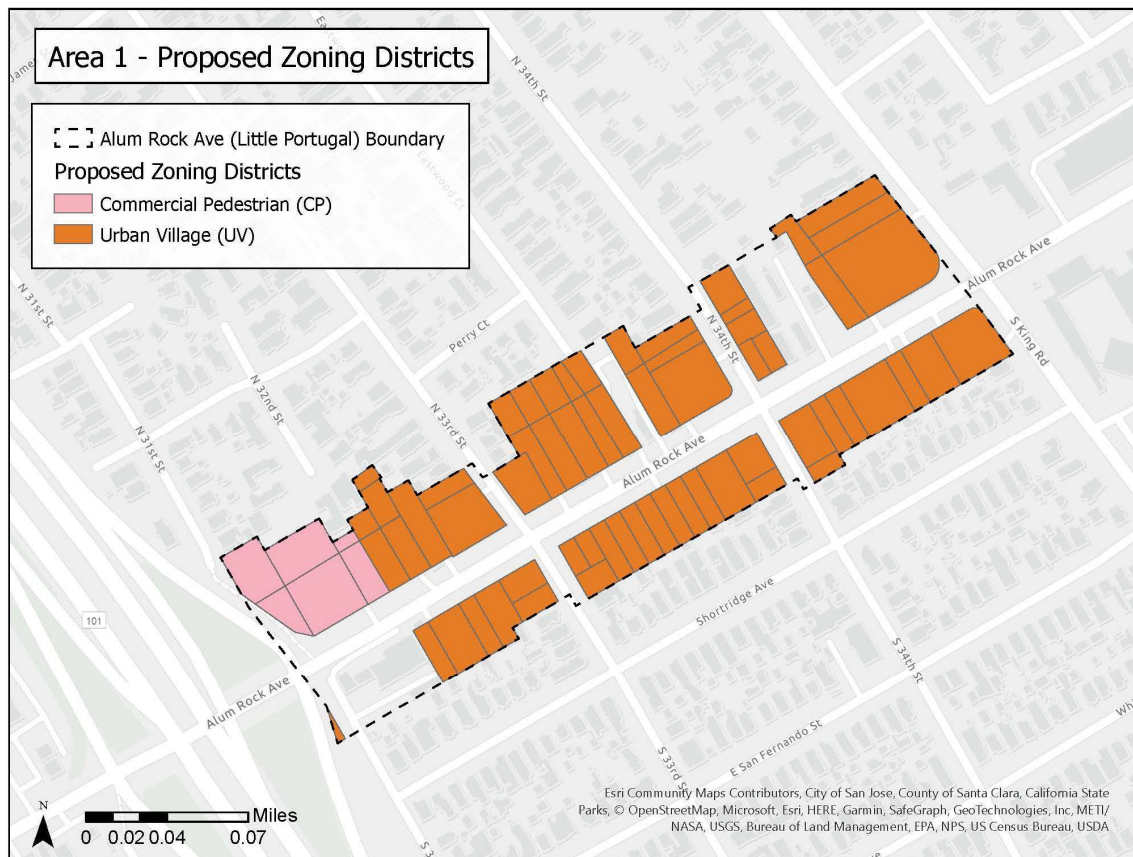
EXISTING GENERAL PLAN DESIGNATION AND EXISTING AND PROPOSED ZONING DISTRICT MAPS

File Nos. C22-016, C22-017, C22-018, C22-019, C22-020, C22-021, and C22-024: The Zoning District Map is hereby amended as follows:





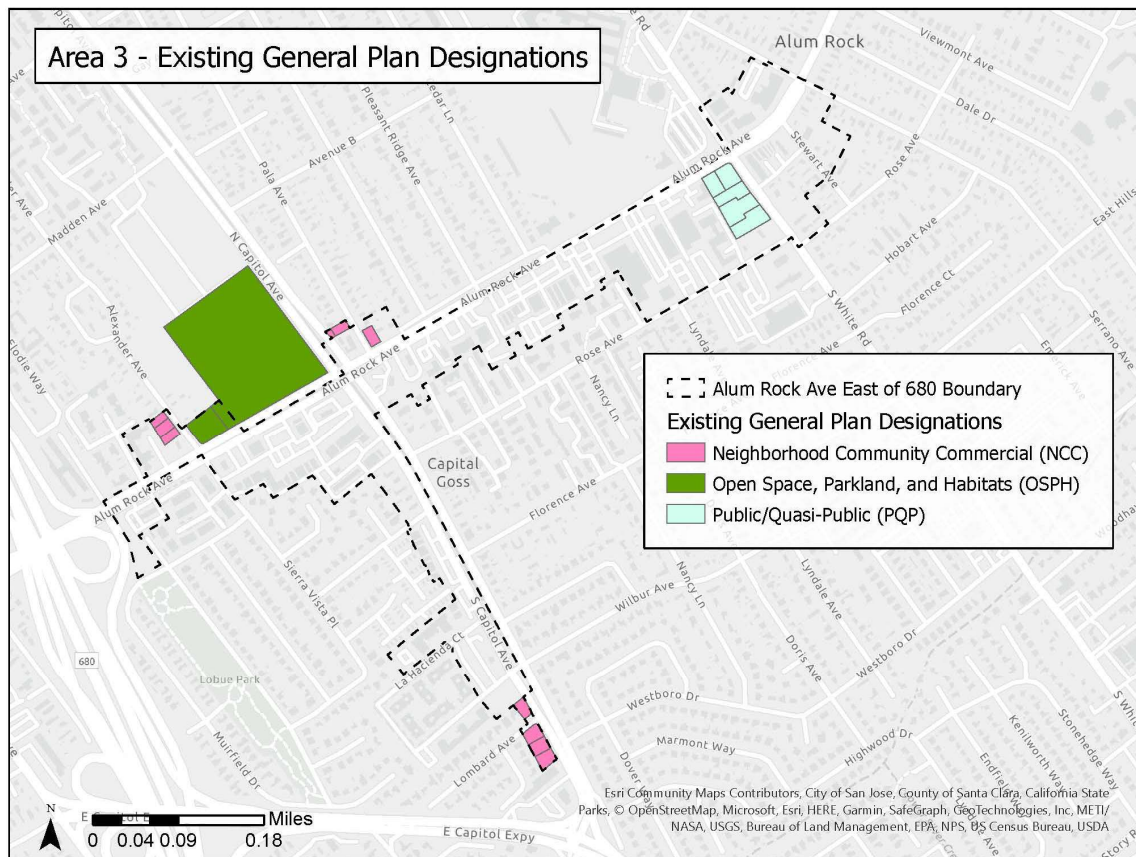


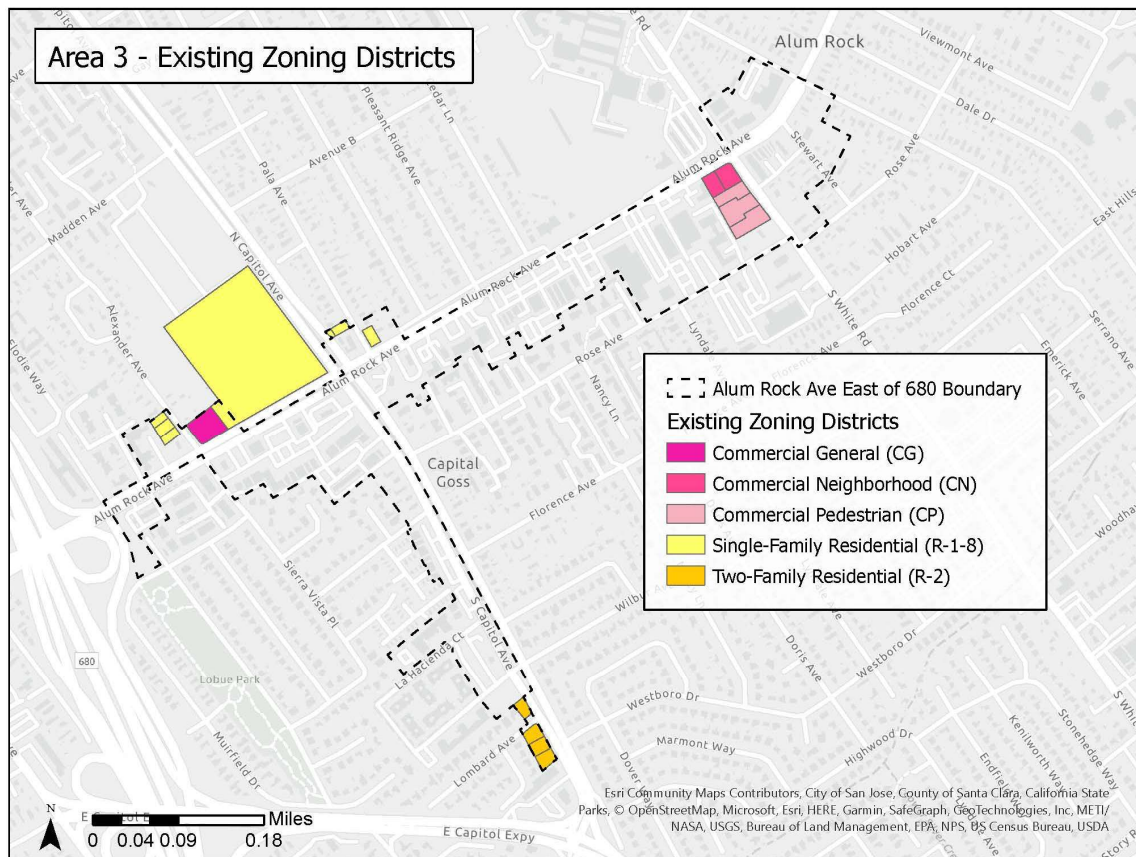


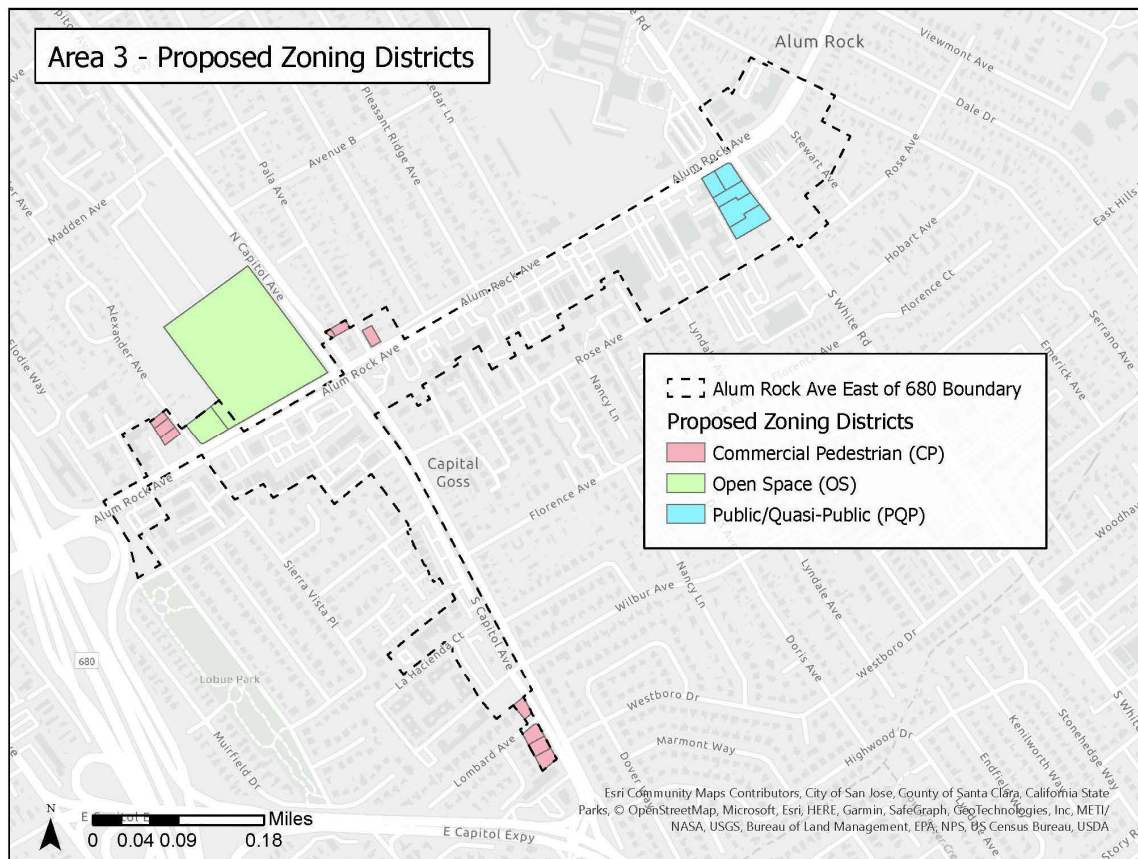














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T-51000\1915829

Council Agenda: 06-07-2022

Item No.: 10.1(a)

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



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T-51000\1915829

Council Agenda: 06-07-2022

Item No.: 10.1(a)

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