

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTIES OF APPROXIMATELY 10.3 GROSS ACRES GENERALLY BOUNDED BY MONTEREY ROAD TO THE WEST, KENBROOK CIRCLE TO THE NORTH, PFEIFLE AVENUE TO THE EAST, AND EAST CAPITOL EXPRESSWAY TO THE SOUTH, FROM THE CG COMMERCIAL GENERAL ZONING DISTRICT TO THE UR URBAN RESIDENTIAL ZONING DISTRICT (APNS: 497-07-028 & 497-07-029), FROM THE CG COMMERCIAL GENERAL ZONING DISTRICT TO THE UV URBAN VILLAGE ZONING DISTRICT (APN 497-07-030); FROM THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO THE UV URBAN VILLAGE ZONING DISTRICT (APNS 497-07-19; 497-07-020; & 497-08-025); AND FROM THE CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT TO THE UV URBAN VILLAGE ZONING DISTRICT (APNS: 497-07-022; 497-08-023; 497-08-024)

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, an Addendum to the Final Program Environmental Impact Report for the Envision San José 2040 General Plan certified by City Council on November 1, 2022 by Resolution No. 76041, and the Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Final Program Environmental Impact Report certified by City Council on December 15, 2015, by Resolution No. 77617, and Addenda thereto, all in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, was prepared and approved by the Director of Planning for the subject rezonings (the "Addendum"); and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezonings to the UR Urban Residential Zoning District and the UV Urban Village Zoning District; and

WHEREAS, this Council of the City of San Jose has considered and approves the application and use of said Addendum as the appropriate environmental clearance for this proposed project prior to taking any approval actions on this project; and

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

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 UR Urban Residential Zoning District and the UV Urban Village Zoning District.

The subject properties referred to in this section are all those real properties situated in the County of Santa Clara, State of California, listed 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. C23-109 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 _____, 20__ by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

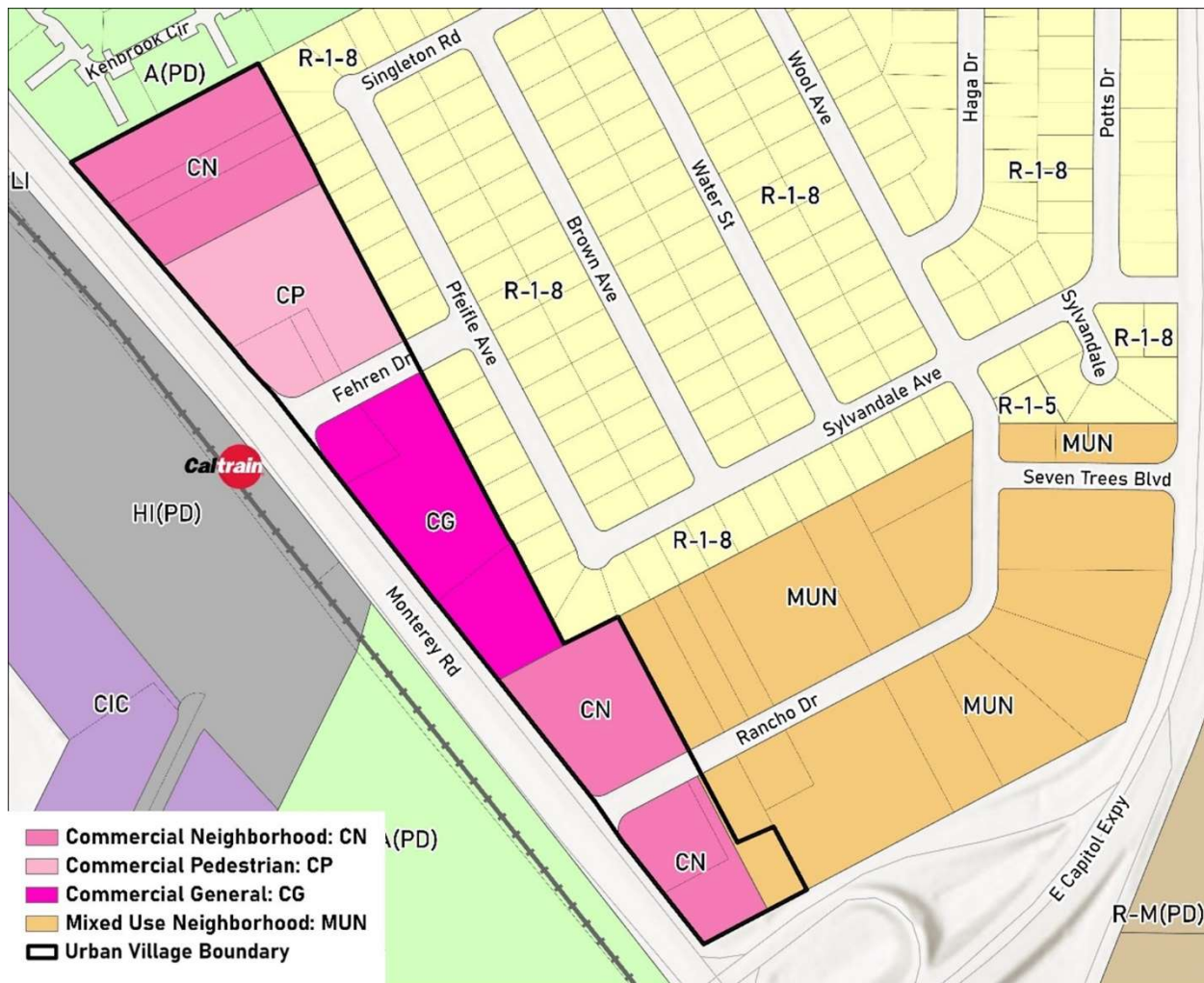
TONI J. TABER, CMC
City Clerk

EXHIBIT "A" ZONING DISTRICTS

File Nos. C23-109 and C23-110: 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:"

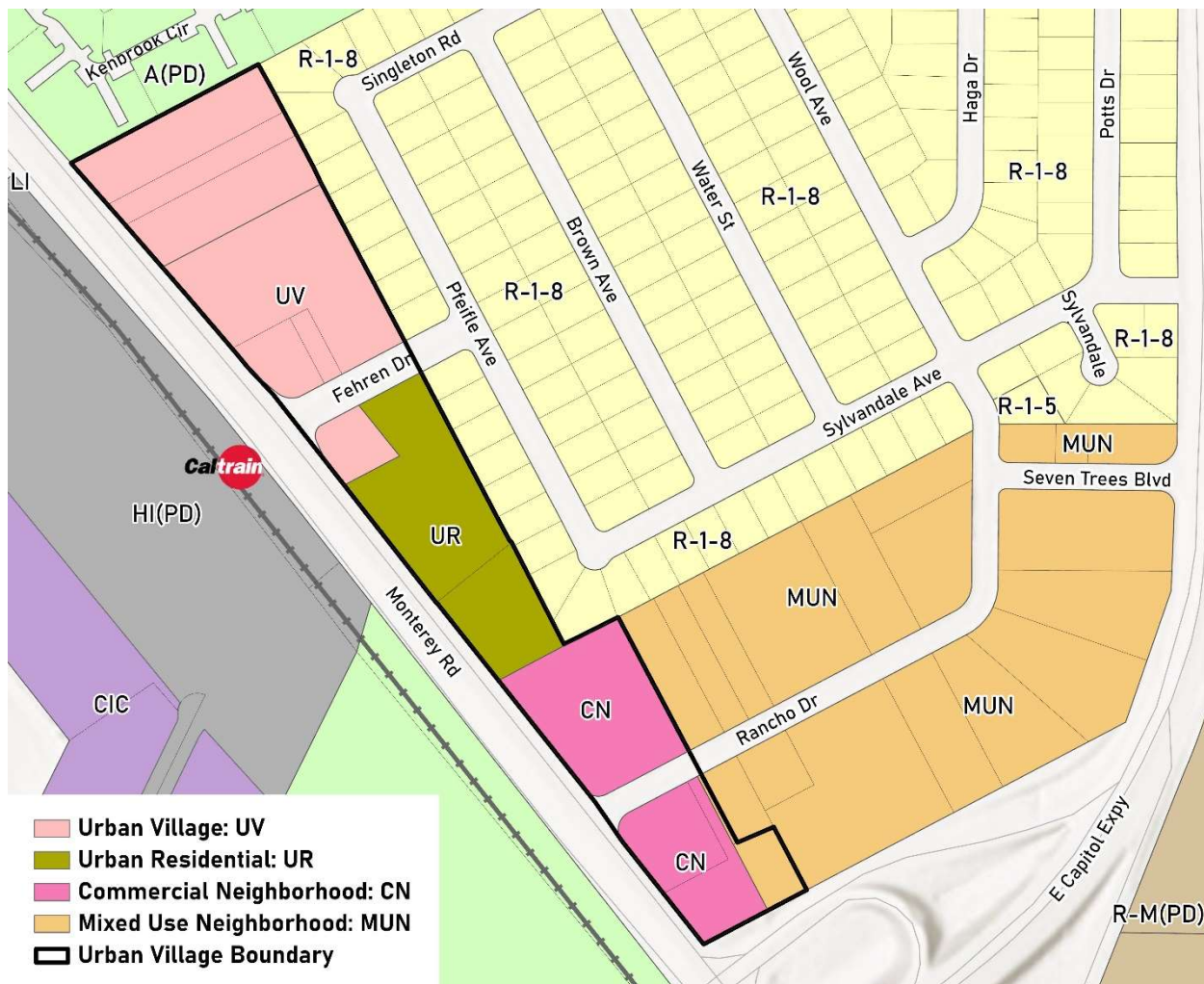
No.	APN	Existing General Plan Designation	Existing Zoning District	Proposed Zoning District	Density Change (Dwelling Units)
1	49701001	NCC	CN	CN	0
2	49701002	NCC	CN	CN	0
3	49701003	MUN	MUN	MUN	0
4	49707027	NCC	CN	CN	0
5	49707028	NCC	CG	UR	103
6	49707029	NCC	CG	UR	214
7	49707030	NCC	CG	UV	58
8	49708019	NCC	CP	UV	3.3
9	49708020	NCC	CP	UV	9
10	49708022	NCC	CN	UV	23
11	49708023	NCC	CN	UV	11
12	49708024	NCC	CN	UV	25
13	49708025	NCC	CP	UV	51

EXHIBIT "B-1" EXISTING ZONING MAP



B-1

EXHIBIT "B-2" PROPOSED ZONING MAP



B-2

T-26714.022 / 2060266_3
Council Agenda: 11-28-2023
Item No.: 10.2(c)

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