

**DRAFT**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING 63 CERTAIN REAL PROPERTIES FROM THE R-1-5 SINGLE FAMILY RESIDENCE ZONING DISTRICT TO THE A AGRICULTURE ZONING DISTRICT; 33 CERTAIN REAL PROPERTIES FROM THE R-1-1 SINGLE FAMILY RESIDENCE ZONING DISTRICT TO THE A AGRICULTURE ZONING DISTRICT; 60 CERTAIN REAL PROPERTIES FROM THE R-1-5 SINGLE FAMILY RESIDENCE ZONING DISTRICT TO THE A AGRICULTURE ZONING DISTRICT; 11 CERTAIN REAL PROPERTIES FROM THE R-MH MOBILEHOME PARK ZONING DISTRICT TO THE A AGRICULTURE ZONING DISTRICT; TWO CERTAIN REAL PROPERTIES FROM THE HI HEAVY INDUSTRIAL ZONING DISTRICT TO THE A AGRICULTURE ZONING DISTRICT; TWO CERTAIN REAL PROPERTIES FROM THE A AGRICULTURE ZONING DISTRICT TO THE OS OPEN SPACE ZONING DISTRICT; 22 CERTAIN REAL PROPERTIES FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE OS OPEN SPACE ZONING DISTRICT; ONE CERTAIN REAL PROPERTY FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT; ONE CERTAIN REAL PROPERTY FROM THE R-1-5 SINGLE FAMILY RESIDENCE TO THE PQP PUBLIC/QUASI PUBLIC ZONING DISTRICT; ONE CERTAIN REAL PROPERTY FROM THE R-1-5 SINGLE FAMILY RESIDENCE ZONING DISTRICT TO THE CIC COMBINED INDUSTRIAL/COMMERCIAL ZONING DISTRICT; ONE CERTAIN REAL PROPERTY FROM THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO THE A AGRICULTURE ZONING DISTRICT; FOUR CERTAIN REAL PROPERTIES FROM THE A AGRICULTURE ZONING DISTRICT TO IP INDUSTRIAL PARK ZONING DISTRICT; AND ONE CERTAIN REAL PROPERTY FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE A AGRICULTURE ZONING DISTRICT, ALL LOCATED WITHIN THE NORTH, MID- AND SOUTH COYOTE VALLEY IN THE CITY OF SAN JOSE**

**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 CIC Combined Industrial/Commercial Zoning District, A Agriculture Zoning District, OS Open Space Zoning District, PQP Public/Quasi-Public Zoning District, and IP Industrial Park 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 affected sites in the applicable General Plan; and

**WHEREAS**, Senate Bill 330 (2019) requires that rezoning actions by local agencies result in no net loss of residential capacity, which residential capacity can be pooled and accumulated by the City of San José in accordance with Senate Bill 940 (2020), where

even though the proposed rezoning (File No. C21-021) reduces the intensity of residential uses and residential capacity by 1,843 residential units, the City currently has 16,851 residential units that were previously rezoned to increase residential capacity (File Nos. PDC19-039, C20-002, C20-014, C21-003, C21-013, C21-015, and C21-016) such that there is no net loss of residential capacity in San José resulting from the present rezoning action; and, therefore, there remains a surplus of 15,008 residential units available ( $16,851 - 1,843 = 15,008$  units), satisfying the no net loss of residential capacity requirements of Senate Bill 330 and Senate Bill 940.

**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 to the A Agriculture, OS Open Space, CIC Combined Industrial/ Commercial, PQP Public/Quasi Public, and IP Industrial Park 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, depicted in Exhibit "A" 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. C21-021 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.

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

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

**EXHIBIT “A”  
EXISTING ZONING DISTRICTS AND NEW ZONING DISTRICTS**

<b>APN</b>	<b>Aprox. Acreage</b>	<b>Previous Zoning District</b>	<b>New Zoning District</b>
72502022	8.81	R-1-1 Single Family Residence	A Agriculture
72502019	44.71	R-1-1 Single Family Residence	A Agriculture
72503003	118.58	R-1-1 Single Family Residence	A Agriculture
72502020	12.96	R-1-1 Single Family Residence	A Agriculture
72503002	140.09	R-1-1 Single Family Residence	A Agriculture
72510009	0.98	R-1-1 Single Family Residence	A Agriculture
70832003	23.62	R-1-1 Single Family Residence	A Agriculture
72512013	22.25	R-1-1 Single Family Residence	A Agriculture
70830013	2.21	R-1-1 Single Family Residence	A Agriculture
71208095	1.19	R-1-1 Single Family Residence	A Agriculture
71208071	2.19	R-1-1 Single Family Residence	A Agriculture
71208087	4.83	R-1-1 Single Family Residence	A Agriculture
71208088	5.17	R-1-1 Single Family Residence	A Agriculture
71208083	5.00	R-1-1 Single Family Residence	A Agriculture
72512014	11.19	R-1-1 Single Family Residence	A Agriculture
71207081	2.00	R-1-1 Single Family Residence	A Agriculture
71207048	1.94	R-1-1 Single Family Residence	A Agriculture
71208084	5.00	R-1-1 Single Family Residence	A Agriculture
71201011	1.27	R-1-1 Single Family Residence	A Agriculture
71201012	41.89	R-1-1 Single Family Residence	A Agriculture
71201010	44.38	R-1-1 Single Family Residence	A Agriculture
71201004	39.37	R-1-1 Single Family Residence	A Agriculture
71207082	3.00	R-1-1 Single Family Residence	A Agriculture
71202032	61.32	R-1-1 Single Family Residence	A Agriculture
71202033	9.11	R-1-1 Single Family Residence	A Agriculture
71208080	5.01	R-1-1 Single Family Residence	A Agriculture
71208085	10.00	R-1-1 Single Family Residence	A Agriculture
71208086	10.01	R-1-1 Single Family Residence	A Agriculture
71208094	1.00	R-1-1 Single Family Residence	A Agriculture
71208072	2.19	R-1-1 Single Family Residence	A Agriculture
71208051	3.00	R-1-1 Single Family Residence	A Agriculture
72510018	11.65	R-1-1 Single Family Residence	A Agriculture
72510023	16.58	R-1-1 Single Family Residence	A Agriculture
72510010	0.06	R-1-5 Single Family Residence	A Agriculture
72511026	3.68	R-1-5 Single Family Residence	A Agriculture
72510012	4.06	R-1-5 Single Family Residence	A Agriculture
72512006	0.23	R-1-5 Single Family Residence	A Agriculture
72510011	0.05	R-1-5 Single Family Residence	A Agriculture
72513009	4.21	R-1-5 Single Family Residence	A Agriculture

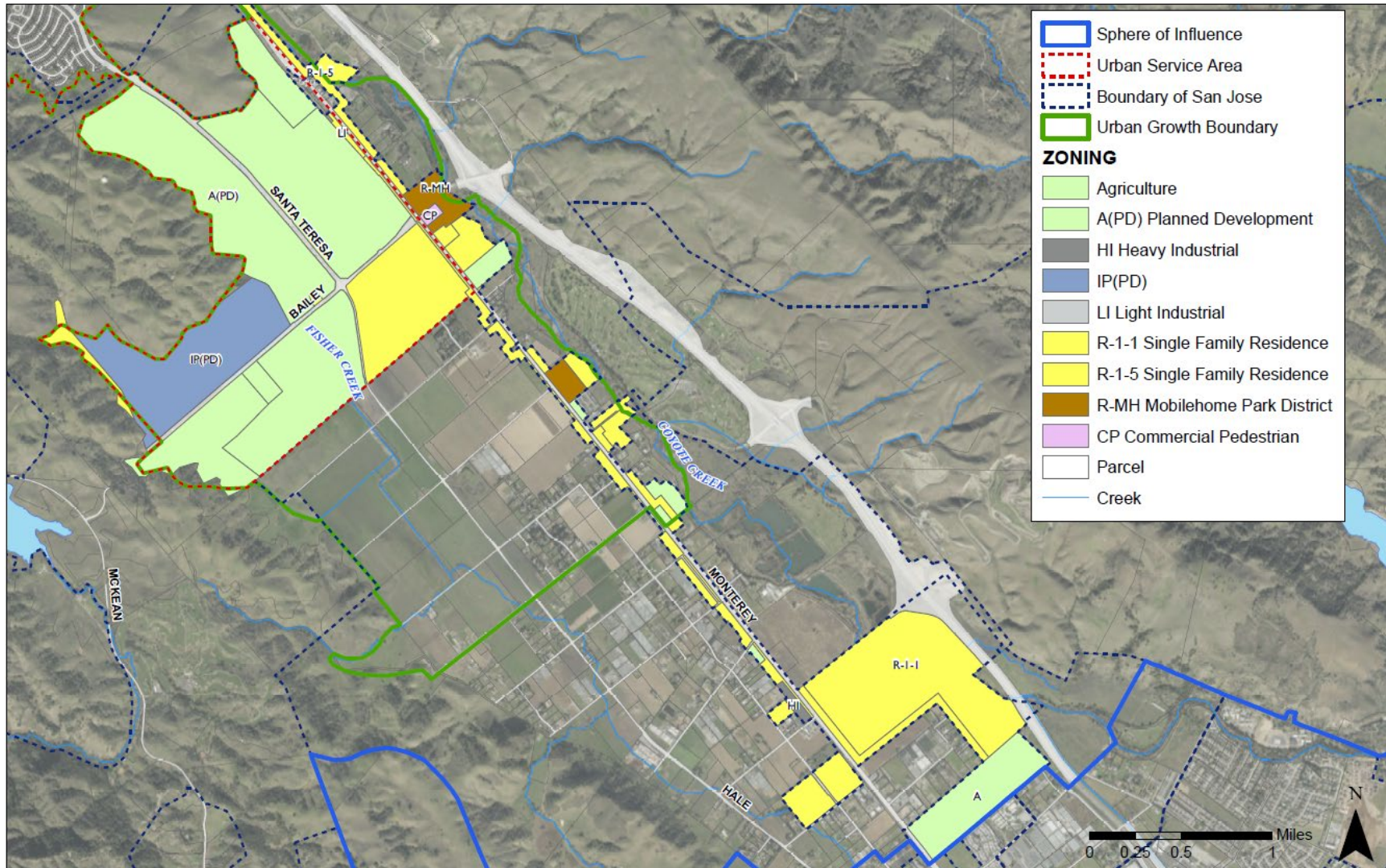
72513010	1.63	R-1-5 Single Family Residence	A Agriculture
72502018	7.89	R-1-5 Single Family Residence	A Agriculture
72502023	2.46	R-1-5 Single Family Residence	A Agriculture
72507009	2.98	R-1-5 Single Family Residence	A Agriculture
72508002	4.53	R-1-5 Single Family Residence	A Agriculture
72503001	27.60	R-1-5 Single Family Residence	A Agriculture
72510004	0.29	R-1-5 Single Family Residence	A Agriculture
??018903	3.78	R-1-5 Single Family Residence	A Agriculture
72511028	0.19	R-1-5 Single Family Residence	A Agriculture
72511021	0.02	R-1-5 Single Family Residence	A Agriculture
71226005	2.48	R-1-5 Single Family Residence	A Agriculture
71226006	3.23	R-1-5 Single Family Residence	A Agriculture
71226007	0.08	R-1-5 Single Family Residence	A Agriculture
71226008	0.69	R-1-5 Single Family Residence	A Agriculture
71206014	1.96	R-1-5 Single Family Residence	A Agriculture
71206078	0.94	R-1-5 Single Family Residence	A Agriculture
71206010	5.26	R-1-5 Single Family Residence	A Agriculture
71204001	2.90	R-1-5 Single Family Residence	A Agriculture
71204004	2.00	R-1-5 Single Family Residence	A Agriculture
71207096	3.80	R-1-5 Single Family Residence	A Agriculture
71207076	2.23	R-1-5 Single Family Residence	A Agriculture
71207063	0.73	R-1-5 Single Family Residence	A Agriculture
71207064	0.83	R-1-5 Single Family Residence	A Agriculture
71218009	1.20	R-1-5 Single Family Residence	A Agriculture
71218025	1.47	R-1-5 Single Family Residence	A Agriculture
71204085	6.96	R-1-5 Single Family Residence	A Agriculture
71228004	1.36	R-1-5 Single Family Residence	A Agriculture
71227003	2.02	R-1-5 Single Family Residence	A Agriculture
71227004	4.06	R-1-5 Single Family Residence	A Agriculture
71218023	0.76	R-1-5 Single Family Residence	A Agriculture
71202002	5.00	R-1-5 Single Family Residence	A Agriculture
71202019	0.59	R-1-5 Single Family Residence	A Agriculture
71218027	5.53	R-1-5 Single Family Residence	A Agriculture
71218008	0.09	R-1-5 Single Family Residence	A Agriculture
71206077	4.27	R-1-5 Single Family Residence	A Agriculture
71206011	0.03	R-1-5 Single Family Residence	A Agriculture
71201008	4.70	R-1-5 Single Family Residence	A Agriculture
72506007	2.75	R-1-5 Single Family Residence	A Agriculture
72514012	1.24	R-1-5 Single Family Residence	A Agriculture
72514013	1.55	R-1-5 Single Family Residence	A Agriculture
72514014	1.65	R-1-5 Single Family Residence	A Agriculture
72514015	1.57	R-1-5 Single Family Residence	A Agriculture
72514016	0.26	R-1-5 Single Family Residence	A Agriculture

71228054	2.46	R-1-5 Single Family Residence	A Agriculture
71228055	1.87	R-1-5 Single Family Residence	A Agriculture
72515001	14.52	R-1-5 Single Family Residence	A Agriculture
72515009	13.66	R-1-5 Single Family Residence	A Agriculture
72515002	9.39	R-1-5 Single Family Residence	A Agriculture
72514017	1.64	R-1-5 Single Family Residence	A Agriculture
72514018	3.96	R-1-5 Single Family Residence	A Agriculture
71218026	0.20	R-1-5 Single Family Residence	A Agriculture
72512015	5.12	R-1-5 Single Family Residence	A Agriculture
72507015	20.16	R-1-5 Single Family Residence	A Agriculture
72511027	0.91	R-1-5 Single Family Residence	A Agriculture
72513004	8.30	R-MH Mobilehome Park District	A Agriculture
72513005	1.06	R-MH Mobilehome Park District	A Agriculture
72513013	1.51	R-MH Mobilehome Park District	A Agriculture
72513018	4.93	R-MH Mobilehome Park District	A Agriculture
72513019	1.54	R-MH Mobilehome Park District	A Agriculture
72513016	5.85	R-MH Mobilehome Park District	A Agriculture
72513015	11.44	R-MH Mobilehome Park District	A Agriculture
71207055	5.94	R-MH Mobilehome Park District	A Agriculture
71207075	2.24	R-MH Mobilehome Park District	A Agriculture
72513017	2.25	R-MH Mobilehome Park District	A Agriculture
72513003	4.82	R-MH Mobilehome Park District	A Agriculture
71207055	5.94	HI Heavy Industrial	A Agriculture
71207075	2.24	HI Heavy Industrial	A Agriculture
70825004	15.07	A Agriculture	OS Open Space
70825005	14.84	A Agriculture	OS Open Space
70830018	138.17	A(PD) Planned Development	OS Open Space
70830014	83.76	A(PD) Planned Development	OS Open Space
70830016	1.29	A(PD) Planned Development	OS Open Space
70826003	5.09	A(PD) Planned Development	OS Open Space
70827001	26.79	A(PD) Planned Development	OS Open Space
70827002	3.27	A(PD) Planned Development	OS Open Space
??018903	3.78	A(PD) Planned Development	OS Open Space
70828003	58.89	A(PD) Planned Development	OS Open Space
70825009	14.47	A(PD) Planned Development	OS Open Space
70825006	14.58	A(PD) Planned Development	OS Open Space
70826001	41.81	A(PD) Planned Development	OS Open Space
70826002	44.99	A(PD) Planned Development	OS Open Space
71203112	49.68	A(PD) Planned Development	OS Open Space
70827014	24.66	A(PD) Planned Development	OS Open Space
71203111	182.37	A(PD) Planned Development	OS Open Space
70830008	99.99	A(PD) Planned Development	OS Open Space
70825007	1.63	A(PD) Planned Development	OS Open Space

70828004	25.62	A(PD) Planned Development	OS Open Space
70825008	1.97	A(PD) Planned Development	OS Open Space
70830017	8.95	A(PD) Planned Development	OS Open Space
70830015	16.15	A(PD) Planned Development	OS Open Space
70830019	0.74	A(PD) Planned Development	OS Open Space
72512014	11.19	A(PD) Planned Development	PQP Public/Quasi-Public
71203107	34.67	R-1-5 Single Family Residence	PQP Public/Quasi-Public
72514019	2.42	R-1-5 Single Family Residence	CIC Combined Industrial Commercial
72513015	11.44	CP Commercial Pedestrian	A Agriculture
70829005	11.17	A Agriculture	IP Industrial Park
70823001	0.05	A Agriculture	IP Industrial Park
70823004	5.03	A Agriculture	IP Industrial Park
70823005	5.24	A Agriculture	IP Industrial Park
71203092	47.23	A (PD) Planned Development	A Agriculture



### EXHIBIT A-1: EXISTING ZONING DISTRICTS





### EXHIBIT A-2: NEW ZONING DISTRICTS

