



CITY COUNCIL STAFF REPORT

File Nos.	C22-079, C22-080, C22-081, C22-082, C22-083, C22-085
Location	302 parcels in various locations within the City of San Jose.
Existing Zoning	CO Commercial Office, CN Commercial Neighborhood, CG Commercial General, R-M Multifamily Residential, R-2 Two-Family Residence Zoning District
Proposed Zoning	MUN Mixed Use Neighborhood, PQP Public/Quasi-Public, MUC Mixed Use Commercial, OS Open Space, R-1-8 Single Family, UR Urban Residential
CEQA:	Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto.

RECOMMENDATION:

Approve an ordinance rezoning 114 properties from R-M Multifamily Residential zoning district to MUN Mixed Use Neighborhood zoning district, 93 properties from R-M Multifamily Residential zoning district to UR Urban Residential zoning district, 13 properties from CN Commercial Neighborhood zoning district to MUC Mixed Use Commercial zoning district, 12 properties from R-M Multifamily Residential zoning district to PQP Public/Quasi-Public zoning district, 11 properties from CG Commercial General zoning district to MUN Mixed Use Neighborhood zoning district, 11 properties from CG Commercial General zoning district to R-1-8 zoning district, nine properties from CG Commercial General zoning district to UR Urban Residential zoning district, seven properties from CN Commercial Neighborhood zoning district to R-1-8 zoning district, seven properties from CN Commercial Neighborhood zoning district to UR Urban Residential zoning district, four properties from CO Commercial Office zoning district to MUC Mixed Use Commercial zoning district, four properties from CO Commercial Office zoning district to R-1-8 zoning district, three properties from CG Commercial General zoning district to MUC Mixed Use Commercial zoning district, three properties from R-M Multifamily Residential zoning district to MUC Mixed Use Commercial zoning district, three properties from R-M Multifamily Residential zoning district to OS Open Space zoning district, three properties from R-2 zoning district to PQP Public/Quasi-Public zoning district, two properties from R-2 zoning district to MUN Mixed Use Neighborhood zoning district, two properties from CG Commercial General zoning district to OS Open Space zoning district, and one property from CG Commercial General zoning district to PQP Public/Quasi-Public zoning district, located in various locations on those certain real properties within the City of San José.

PROJECT DATA

GENERAL PLAN CONSISTENCY	
General Plan Designation	MUN Mixed Use Neighborhood, PQP Public/Quasi-Public, MUC Mixed Use Commercial, OS Open Space, R-1-8, UR Urban Residential <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent
Consistent Policies	Implementation Policies IP-1.7, IP-8.2, IP-8.3

PROJECT DESCRIPTION

City-initiated Conforming Rezoning to rezone a total of 302 properties. The 302 properties would be rezoned as follows: 114 properties from R-M Multifamily Residential zoning district to MUN Mixed Use Neighborhood zoning district, 93 properties from R-M Multifamily Residential zoning district to UR Urban Residential zoning district, 13 properties from CN Commercial Neighborhood zoning district to MUC Mixed Use Commercial zoning district, 12 properties from R-M Multifamily Residential zoning district to PQP Public/Quasi-Public zoning district, 11 properties from CG Commercial General zoning district to MUN Mixed Use Neighborhood zoning district, 11 properties from CG Commercial General zoning district to R-1-8 zoning district, nine properties from CG Commercial General zoning district to UR Urban Residential zoning district, seven properties from CN Commercial Neighborhood zoning district to R-1-8 zoning district, seven properties from CN Commercial Neighborhood zoning district to UR Urban Residential zoning district, four properties from CO Commercial Office zoning district to MUC Mixed Use Commercial zoning district, four properties from CO Commercial Office zoning district to R-1-8 zoning district, three properties from CG Commercial General zoning district to MUC Mixed Use Commercial zoning district, three properties from R-M Multifamily Residential zoning district to MUC Mixed Use Commercial zoning district, three properties from R-M Multifamily Residential zoning district to OS Open Space zoning district, three properties from R-2 zoning district to PQP Public/Quasi-Public zoning district, two properties from R-2 zoning district to MUN Mixed Use Neighborhood zoning district, two properties from CG Commercial General zoning district to OS Open Space zoning district, and one property from CG Commercial General zoning district to PQP Public/Quasi-Public zoning district, located in various locations on those certain real properties within the City of San Jose. The specific locations of the parcels to be rezoned are specified in the proposed rezoning ordinance, attached hereto and incorporated herein by reference as Attachment 1.

Background

Government Code section 65860 (amended in 2018 by Senate Bill 1333) requires charter cities such as San José to make zoning consistent with the General Plan land use designation. To comply with State law and streamline the development review process for projects consistent with the General Plan, staff has been working on a multi-year effort to bring the zoning district map into conformance with the Envision San José 2040 General Plan land use designation for properties in the City. The first phase of this work (Phase 1(a)) was approved by City Council in June 2019, changing permitting requirements in the Zoning Ordinance across all zoning districts.

Phase 1(b) was approved by City Council in June 2021, creating six new urban villages and mixed-use zoning districts to support areas that are planned for mixed-use development and high-density residential or commercial uses.

Rezoning properties to make zoning consistent with the General Plan represents the final phase of work to bring the Zoning District Map into conformance with the General Plan. At this time, staff is proposing the rezoning of 302 properties to make consistent their designated zoning with their General Plan land use designation. The proposed 302 properties are located in various locations within Council Districts 3, as indicated on the attached draft Ordinance and shown on the maps. (Attachment 1)

ANALYSIS

The proposed project was analyzed for conformance with the following:

- 1) Envision San José 2040 General Plan
- 2) Zoning Ordinance
- 3) Senate Bill 330
- 4) Senate Bill 1333
- 5) California Environmental Quality Act (CEQA)

Envision San José 2040 General Plan Conformance

The subject sites have an Envision San José 2040 General Plan Land Use/Transportation Diagram land use designations of MUN Mixed Use Neighborhood, MUC Mixed Use Commercial, OSPH Open Space, Parklands and Habitat, PQP Public/Quasi-Public, RN Residential Neighborhood, UR Urban Residential. (see Exhibit A to the attached ordinance)

MUN Mixed-Use Neighborhood: This category is applied to the area as intended for development primarily with either townhouse or small lot single-family residences and to existing neighborhoods that were historically developed with a wide variety of housing types, including a mix of residential densities and forms. This designation supports commercial or mixed-use development integrated within the Mixed-Use Neighborhood area. Hospitals and other healthcare facilities may potentially be located within Mixed Use Neighborhood areas provided that any potential land use impacts can be mitigated. This designation may also be appropriate for areas in close proximity to urban amenities (such as transit stations), but that is not within a proposed Urban Village area. Development within this designation should occur through the use of standard Zoning Districts which specify the minimum lot size. Development at higher ends of the density range will typically require larger lot sizes (or a combination of existing lots) and must still meet Community Design Policies in the Envision General Plan and applicable design guidelines.

MUC Mixed Use Commercial: This designation is intended to accommodate a mix of commercial and residential uses with an emphasis on commercial activity as the primary use and residential activity allowed in a secondary role. New development of a property with this designation should accordingly include commercial space equivalent to at least a 0.5 FAR for residential/ commercial mixed-use projects and 0.25 FAR for commercial projects with a

typically appropriate overall FAR of up to 4.5, allowing for a medium intensity of development. This designation, therefore, is more commercially focused than the Mixed-Use Neighborhood designation and also allows for a greater intensity of use. Appropriate commercial uses include neighborhood retail, mid-rise office, medium-scale hospitals or other health care facilities, and medium-scale private community gathering facilities. Low-impact industrial uses are appropriate if they are compatible and do not pose a hazard to other nearby uses.

OSPH Open Space, Parklands and Habitat: These lands can be publicly- or privately-owned areas that are intended for low-intensity uses. Lands in this designation are typically devoted to open space, parks, recreation areas, trails, habitat buffers, nature preserves, and other permanent open space areas. This designation is applied within the Urban Growth Boundary to lands that are owned by nonprofits or public agencies that intend their permanent use as open space, including lands adjacent to various creeks throughout the City. This designation is also applied outside of the Urban Growth Boundary to the bay lands located within Alviso. New development on lands within this designation should be limited to minimize potential environmental and visual impacts and, for properties located outside of the Greenline/Urban Growth Boundary, should avoid the use of non-native, irrigated vegetation or development of new structures that would alter the environmental and visual quality of native habitat areas. Development of public facilities such as restrooms, playgrounds, educational/visitors' centers, or parking areas can be an inherent part of City or County park properties and are appropriate for Open Space, Parklands and Habitat properties both within and outside of the Greenline / Urban Growth Boundary, but in the latter case should be sensitively located to minimize potential environmental and visual impacts. Within the Greenline / Urban Growth Boundary, community centers, public golf courses, and other amenities open to the public would also be allowed within publicly owned properties in this designation.

PQP Public/Quasi-Public: This category is used to designate public land uses, including schools, colleges, corporation yards, homeless shelters, supportive housing for the homeless, libraries, fire stations, water treatment facilities, convention centers and auditoriums, museums, governmental offices, and airports. Joint development projects which include public and private participation - such as a jointly administered public/private research institute or an integrated convention center/hotel/restaurant complex - are allowed. This category is also used to designate lands used by some private entities, including private schools, daycare centers, hospitals, public utilities, and the facilities of any organization involved in the provision of public services such as gas, water, electricity, and telecommunications facilities that are consistent in character with established public land uses. Private community gathering facilities, including those used for religious assembly or other comparable assembly activity, are also appropriate on lands with this designation. The appropriate intensity of development can vary considerably depending on potential impacts on surrounding uses and the particular Public/Quasi-Public use developed on the site.

RN Residential Neighborhood: This designation is applied broadly throughout the City to encompass most of the established, single-family residential neighborhoods, including both the suburban and traditional residential neighborhood areas which comprise the majority of its developed land. The intent of this designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern. New infill development should improve and/ or enhance

existing neighborhood conditions by completing the existing neighborhood pattern and bringing infill properties into general conformance with the quality and character of the surrounding neighborhood. New infill development should be integrated into the existing neighborhood pattern, continuing and, where applicable, extending or completing the existing street network. The average lot size, orientation, and form of new structures for any new infill development must therefore generally match the typical lot size and building form of any adjacent development, with particular emphasis given to maintaining consistency with other development that fronts onto a public street to be shared by the proposed new project.

UR Urban Residential: This designation allows for medium-density residential development and a fairly broad range of commercial uses, including retail, offices, hospitals, and private community gathering facilities, within identified Urban Villages, in other areas within the City that have existing residential development built at this density, within Specific Plan areas, or in areas in close proximity to an Urban Village or transit facility where intensification will support those facilities. Any new residential development at this density should be in Growth Areas or, on a very limited basis, as infill development within areas with characteristics similar to the Urban Village areas (generally developed at high density and in proximity to transit, jobs, amenities, and other services). The allowable density for this designation is further defined within the applicable Zoning Ordinance designation and may also be addressed within an Urban Village Plan or other policy documents. This designation is also used to identify portions of Urban Village areas where the density of new development should be limited to medium intensity in order to provide for a gradual transition between surrounding low-density neighborhoods and other areas within the Urban Village suitable for greater intensification. The allowable density/intensity for mixed-use development will be determined using an allowable FAR (1.0 to 4.0) to better address the urban form and potentially allow fewer units per acre if in combination with other uses such as commercial or office. Developments in this designation would typically be three to four stories of residential or commercial uses over parking.

The proposed conforming rezoning is consistent with the following General Plan policies:

1. Implementation Policy IP-1.7: Ensure that proposals to rezone and rezone properties conform to the Land Use/Transportation Diagram, and advance Envision General Plan vision, goals, and policies.
2. Implementation Policy IP-8.2: Use the City's conventional zoning districts, contained in its Zoning Ordinance, to implement the Envision General Plan Land Use/Transportation Diagram. These districts include a range of allowed land uses, development intensities, and standards within major land use categories (residential, commercial, and industrial) together with zoning districts for other land uses such as mixed-use and open space. The various ranges of allowed use and development intensity correspond generally to the respective Envision General Plan land use designations while providing greater detail as to the appropriate land uses and form of development.
3. Implementation Policy IP-8.3 – Zoning: For the review of privately or publicly initiated rezoning applications, consider the appropriateness of the proposed zoning district in terms of how it will further the Envision General Plan goals and policies as follows:
 - a. Align with the Envision General Plan Land Use/Transportation Diagram.
 - b. Retain or expand existing employment capacity.

- c. Preserve existing retail activity.
- d. Avoid adverse land use incompatibilities.
- e. Implement the Envision General Plan goals and policies including those for Urban Design.
- f. Support higher density land uses consistent with the City's transition to a more urban environment.
- g. Facilitate the intensification of Villages and other growth areas consistent with the goal of creating walkable, mixed-use communities
- h. Address height limits, setbacks, land use interfaces, and other design standards so as to provide for the intensification of land uses adjacent to already developed areas.

Analysis: The conforming General Plan land use designations for the proposed sites include, MUN, MUC, OSPH, PQP, RN, UR; therefore, staff proposes a Conforming Rezoning of the properties from R-M to MUN, R-M to UR, CN to MUC, R-M to PQP, CG to MUN, CG to R-1-8, CG to UR, CN to R-1-8, CN to UR, CO to MUC, CO to R-1-8, CG to MUC, R-M to MUC, R-M to OS, R-2 to PQP, R-2 to MUN, CG to OS and CG to PQP. This would correspond to the existing Envision General Plan land use designations for the subject sites. The proposed rezoning would allow future development consistent with the sites' General Plan land use designations.

Zoning Ordinance Conformance

The proposed rezoning conforms with Table 20-270 in Section 20.120.110 of the San José Municipal Code, which identifies the CO Commercial Office, CN Commercial Neighborhood, CG Commercial General, R-M Multifamily Residential, R-2 Two-Family Zoning District as a conforming district to the respective MUN Mixed Use Neighborhood, PQP Public/Quasi-Public, MUC Mixed Use Commercial, OS Open Space, Residential Neighborhood, UR Urban Residential General Plan land use designations. (see Exhibit A-1 to the attached ordinance)

The proposed rezoning would allow the properties to be used and developed in accordance with the allowable uses in Title 20 of the San José Municipal Code.

Senate Bill 330 Compliance

The Housing Crisis Act of 2019 (SB 330) limits the manner in which local governments may reduce the capacity for residential units that can be built on properties that allow housing, including actions such as down-zoning, changing general or specific plan land use designations to a less intensive use, reductions in height, density or floor area ratio, or other types of increased requirements. An exception to this is that a property may be allowed to reduce the intensity of residential uses if changes in land use designations or zoning elsewhere ensure “no net loss” (down-zoning) in residential capacity within the jurisdiction. Additionally, SB 940 authorizes the City of San José to proactively change a zoning to a more intensive use (up-zoning) and to use the added capacity to subsequently change the zoning to a less intensive use.

Approval of File Nos C22-079, C22-080, C22-081, C22-082, C22-083, and C22-085 would not result in a decrease in residential capacity. Among the proposed properties, 147 properties would have a total of 1,588 down-zoned units, 62 properties would have a total of 2,195 up-zoned units

and 93 properties would not have any change. Thus, the proposed rezoning would not have any decrease in the units, moreover, it would have an increase of a total of 607 units, which complies with SB 330 and SB 940 requirements.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the proposed project is pursuant to, in furtherance of, and within the scope of the Envision San José 2040 General Plan program, the impacts of which were analyzed and disclosed in the Final Environmental Impact Report for the Envision San José 2040 General Plan (FEIR), for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011, and Supplemental Environmental Impact Report (SEIR) adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto. The FEIR, SEIR, and Addenda were prepared for the comprehensive update and revision of all elements of the City of San José General Plan, including an extension of the planning timeframe to the year 2040.

No new or more significant environmental impacts beyond those identified in the FEIR, SEIR, and Addenda have been identified, nor have any new mitigation measures or alternatives that are considerably different from those analyzed in the FPEIR, SIER, and Addenda been identified.

CONCLUSION

The proposed Conforming Rezoning of 302 properties, in which 114 properties from R-M Multifamily Residential zoning district to MUN Mixed Use Neighborhood zoning district, 93 properties from R-M Multifamily Residential zoning district to UR Urban Residential zoning district, 13 properties from CN Commercial Neighborhood zoning district to MUC Mixed Use Commercial zoning district, 12 properties from R-M Multifamily Residential zoning district to PQP Public/Quasi-Public zoning district, 11 properties from CG Commercial General zoning district to MUN Mixed Use Neighborhood zoning district, 11 properties from CG Commercial General zoning district to R-1-8 zoning district, nine properties from CG Commercial General zoning district to UR Urban Residential zoning district, seven properties from CN Commercial Neighborhood zoning district to R-1-8 zoning district, seven properties from CN Commercial Neighborhood zoning district to UR Urban Residential zoning district, four properties from CO Commercial Office zoning district to MUC Mixed Use Commercial zoning district, four properties from CO Commercial Office zoning district to R-1-8 zoning district, three properties from CG Commercial General zoning district to MUC Mixed Use Commercial zoning district, three properties from R-M Multifamily Residential zoning district to MUC Mixed Use Commercial zoning district, three properties from R-M Multifamily Residential zoning district to OS Open Space zoning district, three properties from R-2 zoning district to PQP Public/Quasi-Public zoning district, two properties from R-2 zoning district to MUN Mixed Use Neighborhood zoning district, two properties from CG Commercial General zoning district to OS Open Space zoning district, and one property from CG Commercial General zoning district to PQP Public/Quasi-Public zoning district; is consistent with General Plan policies IP-1.7, IP-8.2, and IP-8.3. The rezoning also conforms to the General Plan Land Use designation of MUN, UR, PQP and R-1-8, and would streamline proposed projects consistent with the General Plan on the subject properties.

CLIMATE SMART SAN JOSE

The recommendation in this staff report has no effect on Climate Smart San José energy, water, or mobility goals.

PUBLIC HEARING NOTIFICATION

Staff followed Council Policy 6-30: Public Outreach Policy. Planning staff distributed rezoning notices to the property owners and tenants for File Nos. C22-079, C22-080, C22-081, C22-082, C22-083, and C22-085 on July 4, 2022, to provide information on the proposed Conforming Rezoning. Staff has been available to answer any questions from property owners and tenants. Staff included their contact information on the notice to answer any questions that property owners and tenants may have. Staff also included the Rezoning and General Plan Alignment website to assist property owners and tenants with the rezoning process, frequently asked questions, and where they can view an interactive rezoning map that shows properties that have been rezoned. The website can be accessed at www.bit.ly/SJZoningAlignment.

A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public. Staff received one email from a member of the public inquiring about the rezoning.

/s/

Chris Burton, Director

Planning, Building and Code Enforcement

For questions, please contact Michael Brilliot, Deputy Director, at (408) 535-7831 or michael.brilliot@sanjoseca.gov.

Attachments: Draft Ordinance

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING 114 PROPERTIES FROM R-M MULTIFAMILY RESIDENTIAL ZONING DISTRICT TO MUN MIXED USE NEIGHBORHOOD ZONING DISTRICT, 93 PROPERTIES FROM R-M MULTIFAMILY RESIDENTIAL ZONING DISTRICT TO UR URBAN RESIDENTIAL ZONING DISTRICT, 13 PROPERTIES FROM CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT TO MUC MIXED USE COMMERCIAL ZONING DISTRICT, 12 PROPERTIES FROM R-M MULTIFAMILY RESIDENTIAL ZONING DISTRICT TO PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT, 11 PROPERTIES FROM CG COMMERCIAL GENERAL ZONING DISTRICT TO MUN MIXED USE NEIGHBORHOOD ZONING DISTRICT, 11 PROPERTIES FROM CG COMMERCIAL GENERAL ZONING DISTRICT TO R-1-8 ZONING DISTRICT, NINE PROPERTIES FROM CG COMMERCIAL GENERAL ZONING DISTRICT TO UR URBAN RESIDENTIAL ZONING DISTRICT, SEVEN PROPERTIES FROM CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT TO R-1-8 ZONING DISTRICT, SEVEN PROPERTIES FROM CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT TO UR URBAN RESIDENTIAL ZONING DISTRICT, FOUR PROPERTIES FROM CO COMMERCIAL OFFICE ZONING DISTRICT TO MUC MIXED USE COMMERCIAL ZONING DISTRICT, FOUR PROPERTIES FROM CO COMMERCIAL OFFICE ZONING DISTRICT TO R-1-8 ZONING DISTRICT, THREE PROPERTIES FROM CG COMMERCIAL GENERAL ZONING DISTRICT TO MUC MIXED USE COMMERCIAL ZONING DISTRICT, THREE PROPERTIES FROM R-M MULTIFAMILY RESIDENTIAL ZONING DISTRICT TO MUC MIXED USE COMMERCIAL ZONING DISTRICT, THREE PROPERTIES FROM R-M MULTIFAMILY RESIDENTIAL ZONING DISTRICT TO OS OPEN SPACE ZONING DISTRICT, THREE PROPERTIES FROM R-2 ZONING DISTRICT TO PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT, TWO PROPERTIES FROM R-2 ZONING DISTRICT TO MUN MIXED USE NEIGHBORHOOD ZONING DISTRICT, TWO PROPERTIES FROM CG COMMERCIAL GENERAL ZONING DISTRICT TO OS OPEN SPACE ZONING DISTRICT, AND ONE PROPERTY FROM CG COMMERCIAL GENERAL ZONING DISTRICT TO PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT, LOCATED IN VARIOUS LOCATIONS ON THOSE CERTAIN REAL PROPERTIES WITHIN 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 MUN Mixed Use Neighborhood, PQP Public/Quasi-Public, MUC Mixed Use Commercial, OS Open Space, R-1-8 Single Family Residential, and UR Urban Residential 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 designation of the site in the applicable General Plan; and

WHEREAS, pursuant to Senate Bill 330, the proposed rezonings (File Nos. C22-079, C22-080, C22-081, C22-082, C22-083, and C22-085) would not decrease the residential units satisfying Senate Bill 330 and Senate Bill 940 requirements; the change in existing zoning decreases residential capacity by 1,588 residential units which is balanced by rezoning that increases residential capacity by 2,195 residential units. Therefore, the rezoning results in a surplus of 607 residential units available ($2,195 - 1,588 = 607$ units) complying with both 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 MUN Mixed Use Neighborhood, PQP Public/Quasi-Public, MUC Mixed Use Commercial, OS Open Space, R-1-8 Single Family Residential, and UR Urban Residential 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 C22-079, C22-080, C22-081, C22-082, C22-083, and C22-085 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 _____, 2022 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

**EXHIBIT “A”
EXISTING ZONING AND GENERAL PLAN DESIGNATION PARCEL LIST**

File Nos. C22-079, C22-080, C22-081, C22-082, C22-083, and C22-085: 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	General Plan	Existing Zoning	Conforming Zoning	Residential Capacity
1	46730035	MUN	R-M	MUN	-12
2	46730036	MUN	CG	MUN	2
3	46730036	MUN	R-M	MUN	-4
4	46730040	MUN	CG	MUN	1
5	46730040	MUN	R-M	MUN	-9
6	46730041	MUN	R-M	MUN	-9
7	46730042	MUN	R-M	MUN	-9
8	46730043	MUN	R-M	MUN	-9
9	46730044	MUN	R-M	MUN	-12
10	46730045	MUN	R-M	MUN	-15
11	46730046	MUN	R-M	MUN	-9
12	46730047	MUN	R-M	MUN	-12
13	46730048	MUN	R-M	MUN	-12
14	46730050	MUN	R-M	MUN	-9
15	46730051	PQP	R-M	PQP	2
16	46730052	PQP	R-M	PQP	1
17	46731001	MUN	R-M	MUN	-23
18	46731004	MUN	R-M	MUN	-12
19	46731005	MUN	R-M	MUN	-12
20	46731006	MUN	R-M	MUN	-12
21	46731112	MUN	R-M	MUN	-12
22	46731008	MUN	R-M	MUN	-8
23	46731009	MUN	R-M	MUN	-8
24	46731010	MUN	CG	MUN	2
25	46731010	MUN	R-M	MUN	-4
26	46730056	MUN	CG	MUN	1
27	46730056	MUN	R-M	MUN	-11

28	46730012	MUN	R-M	MUN	-14
29	46730013	MUN	R-M	MUN	-13
30	46730014	MUN	R-M	MUN	-6
31	46730053	MUN	R-M	MUN	-13
32	46730015	MUN	R-M	MUN	-4
33	46730016	MUN	R-M	MUN	-4
34	46730017	MUN	R-M	MUN	-13
35	46730018	MUN	R-M	MUN	-33
36	46730019	MUN	R-M	MUN	-25
37	46730020	MUN	R-M	MUN	-20
38	46730021	MUN	R-M	MUN	-18
39	46730022	MUN	R-M	MUN	-17
40	46730057	MUN	R-M	MUN	-20
41	46730024	MUN	R-M	MUN	-23
42	46730024	MUN	R-2	MUN	4
43	46730054	MUN	R-M	MUN	-30
44	46730025	PQP	R-M	PQP	1
45	46730026	MUN	R-M	MUN	-12
46	46730028	MUN	R-M	MUN	-12
47	46730029	MUN	R-M	MUN	-12
48	46730030	MUN	R-M	MUN	-12
49	46730031	MUN	R-M	MUN	-12
50	46730032	MUN	R-M	MUN	-12
51	46730033	MUN	R-M	MUN	-11
52	46730034	MUN	R-M	MUN	-13
53	46738091	MUN	R-2	MUN	5
54	46730001	MUN	R-M	MUN	-1
55	46731016	MUN	R-M	MUN	-8
56	46731017	MUN	R-M	MUN	-6
57	46731018	MUN	R-M	MUN	-12
58	46731019	MUN	R-M	MUN	-12
59	46730007	MUN	CG	MUN	4
60	46730008	MUN	CG	MUN	2
61	46730008	MUN	R-M	MUN	-9
62	46730009	MUN	R-M	MUN	-13
63	46731020	MUN	R-M	MUN	-18
64	46731021	MUN	R-M	MUN	-10
65	46731022	MUN	R-M	MUN	-8

66	46731023	MUN	R-M	MUN	-12
67	46731024	MUN	R-M	MUN	-12
68	46731025	MUN	R-M	MUN	-8
69	46731029	MUN	R-M	MUN	-12
70	46731030	MUN	R-M	MUN	-12
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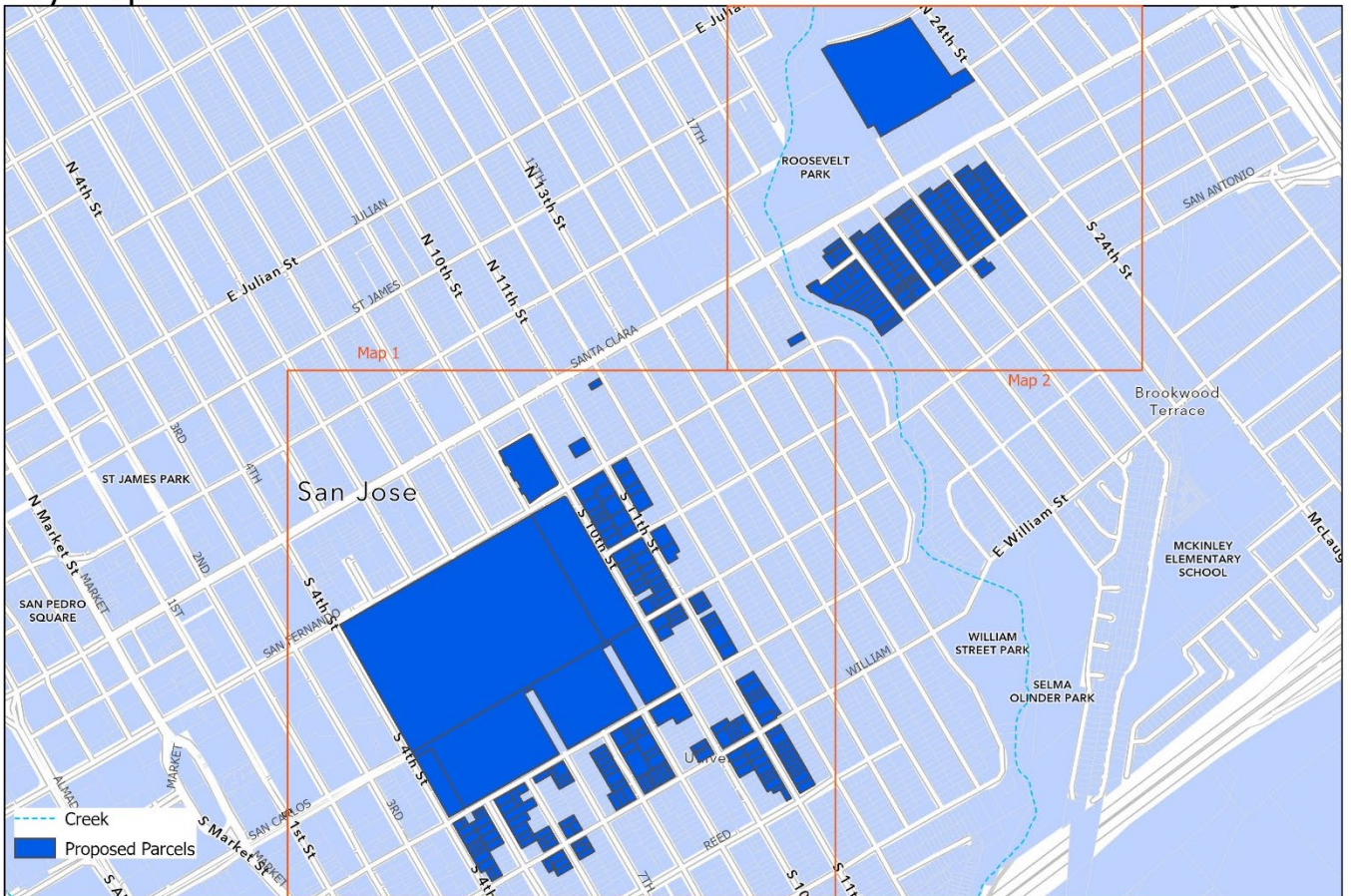
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299	46752006	PQP	R-M	PQP	43
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EXHIBIT "B" EXISTING ZONING AND GENERAL PLAN MAPS

File Nos. C22-079, C22-080, C22-081, C22-082, C22-083, C22-085: The Zoning District Map is hereby amended as follows:

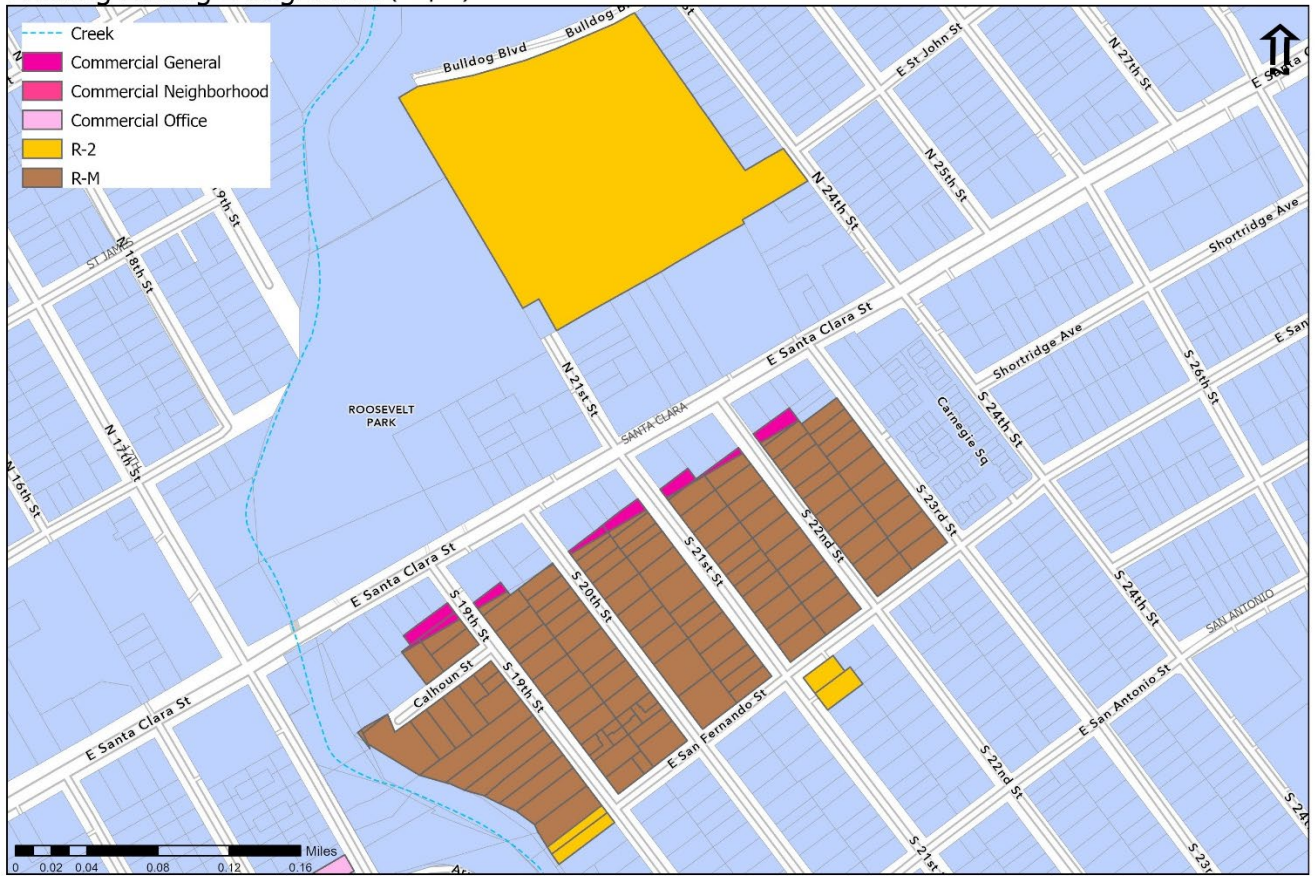
Key Map



City Council Meeting, August 30, 2022

File Nos. C22-079, C22-080, C22-081, C22-082, C22-083, C22-085

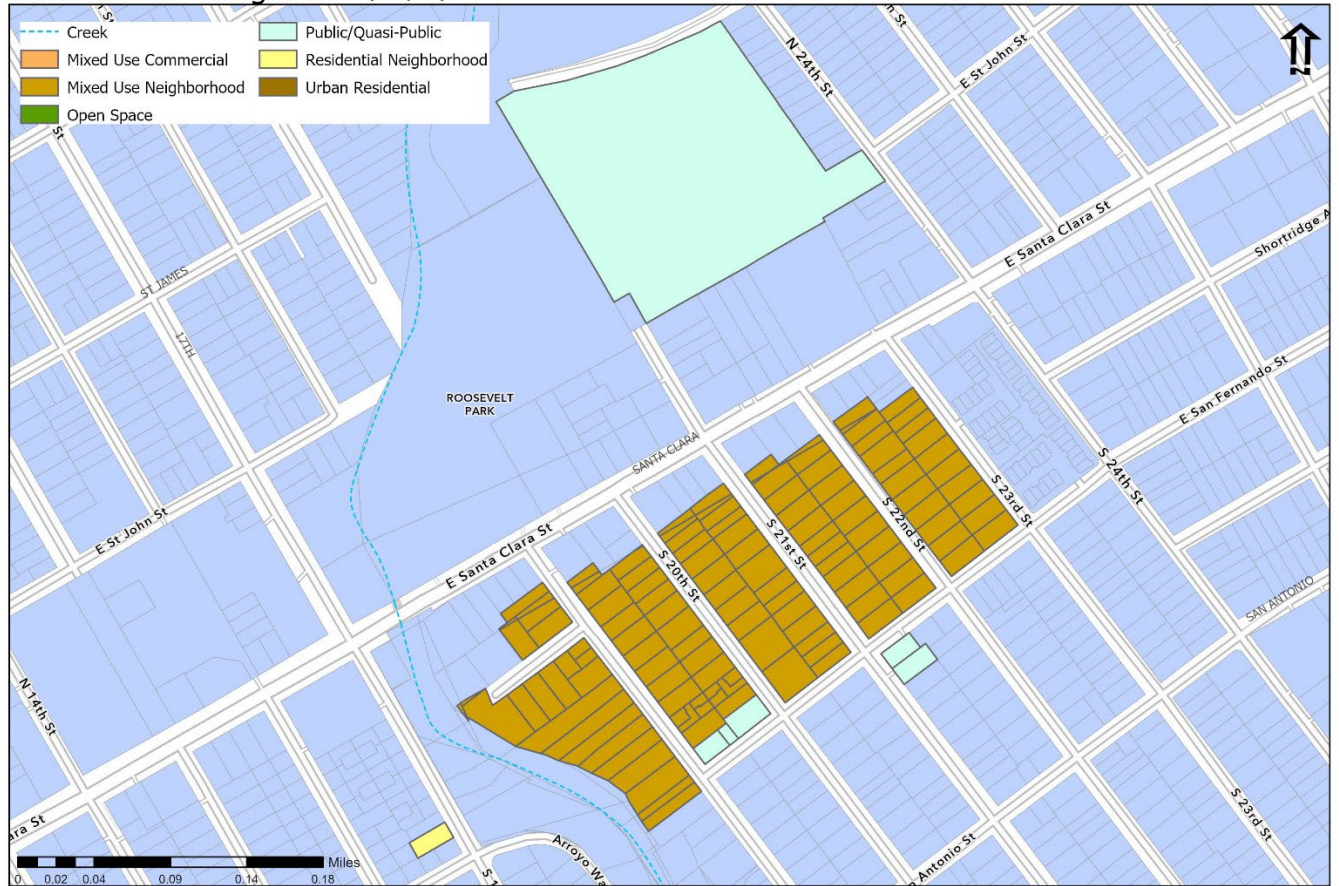
Existing Zoning Designation (Map 2)



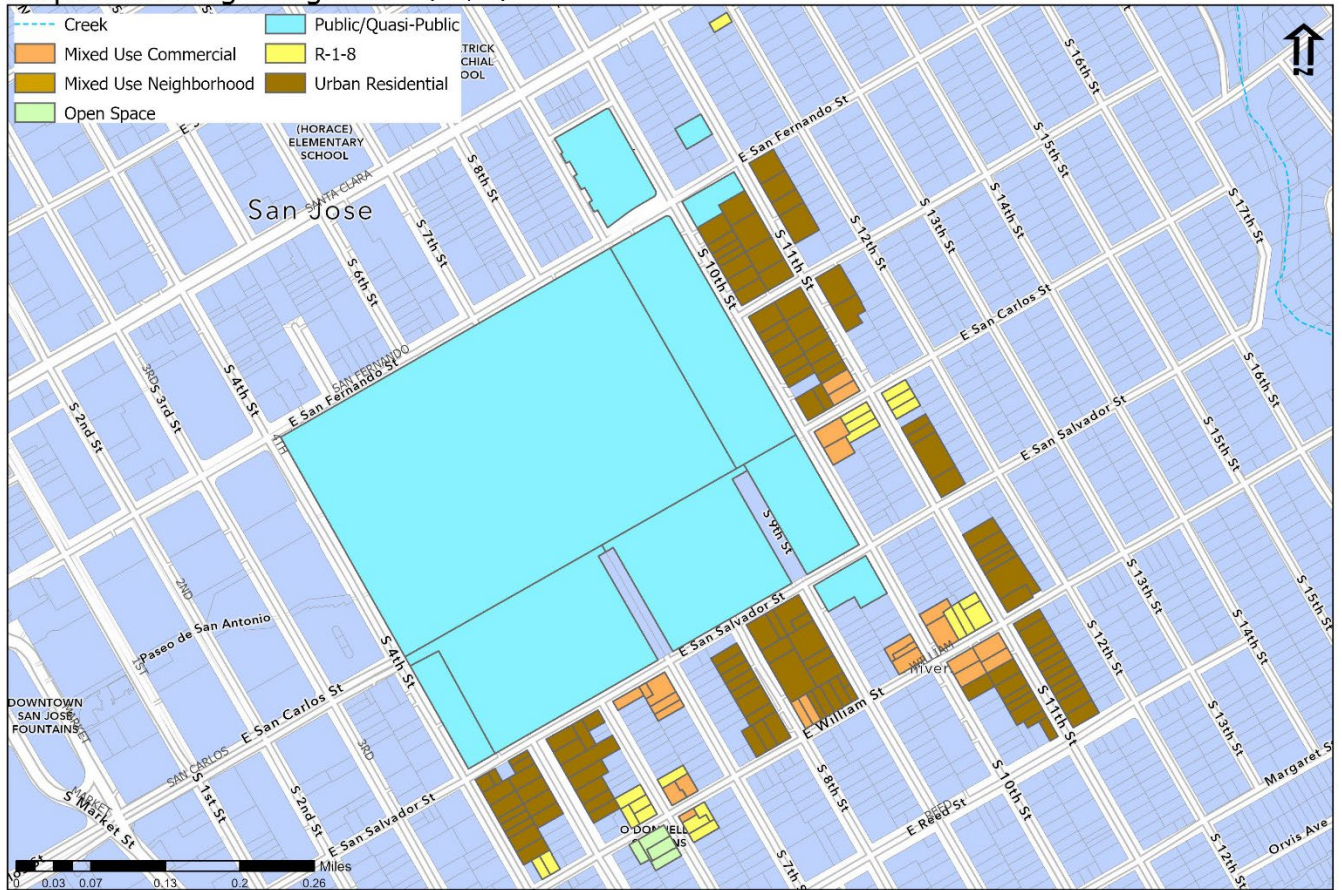
City Council Meeting, August 30, 2022

File Nos.C22-079, C22-080, C22-081, C22-082, C22-083, C22-085

General Plan Designation (Map 2)



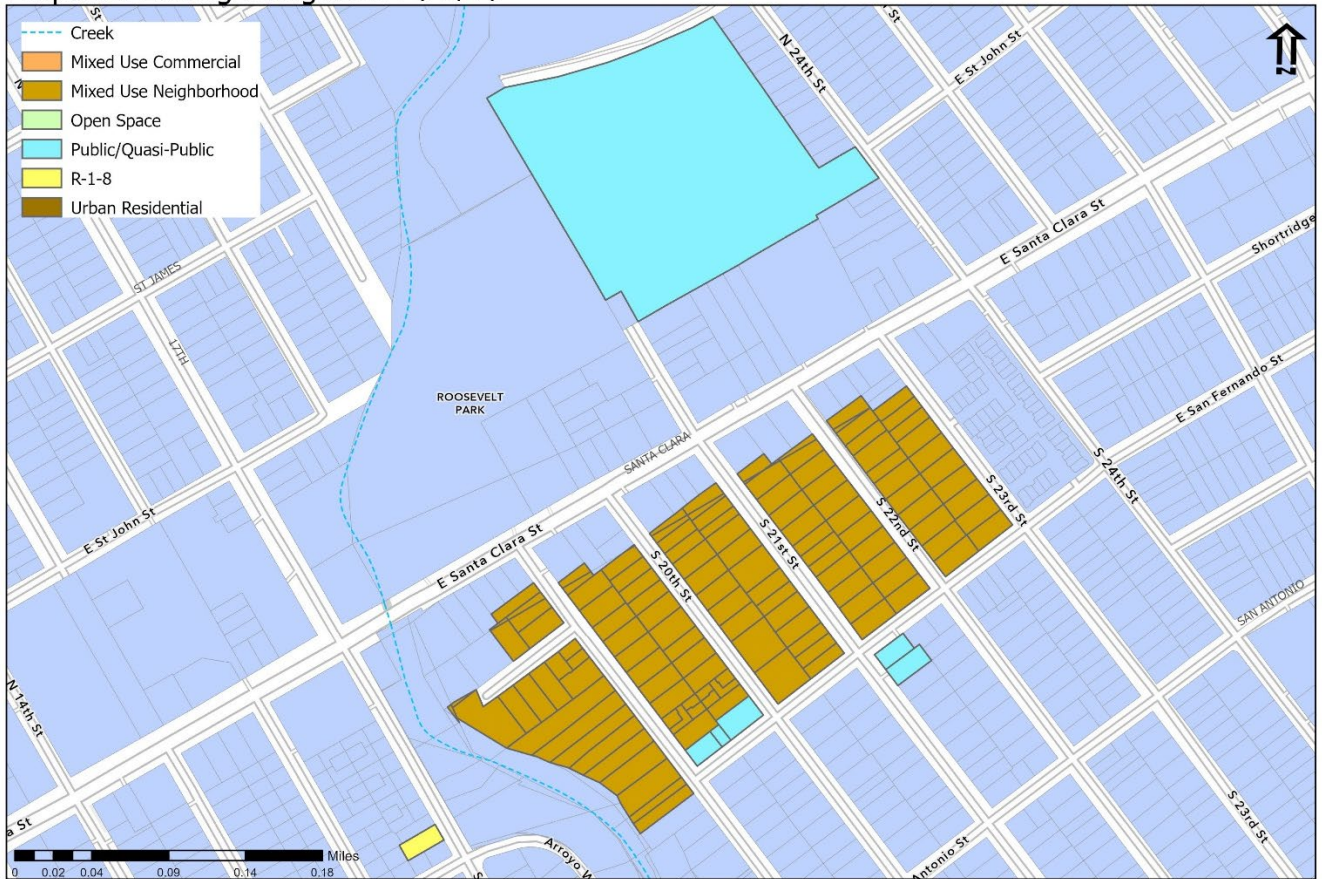
Proposed Zoning Designation (Map 1)



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Proposed Zoning Designation (Map 2)



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