

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING 24 CERTAIN REAL PROPERTIES FROM THE CO COMMERCIAL OFFICE AND CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICTS TO THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT; ONE CERTAIN REAL PROPERTY FROM THE CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT TO THE R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICT; 32 CERTAIN REAL PROPERTIES FROM THE CO COMMERCIAL OFFICE, CP COMMERCIAL PEDESTRIAN, R-2 TWO-FAMILY RESIDENCE, AND R-M MULTIPLE RESIDENCE ZONING DISTRICTS TO THE TR TRANSIT RESIDENTIAL ZONING DISTRICT; 12 CERTAIN REAL PROPERTIES FROM THE CO COMMERCIAL OFFICE, CP COMMERCIAL PEDESTRIAN, AND R-2 TWO-FAMILY RESIDENCE ZONING DISTRICTS TO THE UR URBAN RESIDENTIAL ZONING DISTRICT; AND NINE CERTAIN REAL PROPERTIES FROM THE CO COMMERCIAL OFFICE, CG COMMERCIAL GENERAL, AND CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICTS TO THE UVC URBAN VILLAGE COMMERCIAL ZONING DISTRICT, LOCATED WITHIN THE NORTH 1ST STREET LOCAL TRANSIT VILLAGE 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 rezonings to the CP Commercial Pedestrian Zoning District, R-1-8 Single-Family Residence Zoning District, TR Transit Residential Zoning District, UR Urban Residential Zoning District, and UVC Urban Village Commercial 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 the determination of consistency therewith prior to acting upon or approving the subject rezoning; and

WHEREAS, pursuant to the provisions of Section 21676 of the California Public Utilities Code (“Section 21676”), the City made a referral of the General Plan Amendments (File Nos. GP21-016 and GP21-017), Rezonings (File Nos. C21-041 and C21-042), and an Ordinance Amendment (File No. PP21-014) to the Airport Land Use Commission of Santa Clara County (“ALUC”) for a determination of consistency with the ALUC’s plans to the extent that the area covered by the subject General Plan Amendments, Rezonings, and Ordinance Amendment associated with the North 1st Street Local Transit Village plan falls within the ALUC’s Airport Influence Area surrounding Mineta San José International Airport (“SJC”); and

WHEREAS, on February 23, 2022, the ALUC, acting pursuant to its authority under Section 21676, determined that the project was consistent with ALUC policies as defined in the “Comprehensive Land Use Plan for San José International Airport” (“CLUP”), as the language regulating height in the San José Municipal Code Amendment (File No. PP21-

014) requires conformance to the CLUP's Part 77 Surfaces (a requirement governed by the Federal Aviation Administration (FAA)) and a "no hazard determination" will be required of development projects to meet this FAA requirement; 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. C21-041) increases the intensity of residential uses because some of the proposed rezonings allow residential uses where previously they were not allowed, or the rezonings allow more intense residential uses that previously allowed. These rezonings would increase the residential capacity by 2,142 residential units, and as such, this project does not need to utilize the Senate Bill 940 surplus of 15,356 residential unit capacity created through upzonings in 2021 (File Nos. PDC19-039, C20-002, C20-014, C21-003) satisfying Senate Bill 330 and Senate Bill 940 requirements; and

WHEREAS, the zoning amendments in this ordinance are required by state law to be consistent with the City's general plan designation for the affected properties, so the zoning amendments will not take effect until the effective date of a resolution amending the general plan designations for the affected properties as indicated on Exhibit "A," attached hereto and incorporated herein by reference;

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 CP Commercial Pedestrian Zoning District, the R-1-8 Single-Family Residence Zoning District, TR Transit Residential Zoning

Ordinance, UR Urban Residential Zoning District, and the UVC Urban Village Commercial Zoning District as specified in Exhibit “A” attached hereto and incorporated herein by this reference.

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”.

SECTION 3. The district map of the City is hereby amended accordingly as specified in Exhibit “A”.

SECTION 4. Any land development approval that is the subject of City File No. C21-041 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.

SECTION 5. This ordinance shall take effect upon the effective date of a resolution amending the General Plan designations of the properties listed in Exhibit “A” hereto.

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"

GENERAL PLAN AND ZONING AMENDMENTS BY ASSESSOR PARCEL NUMBER (APN)

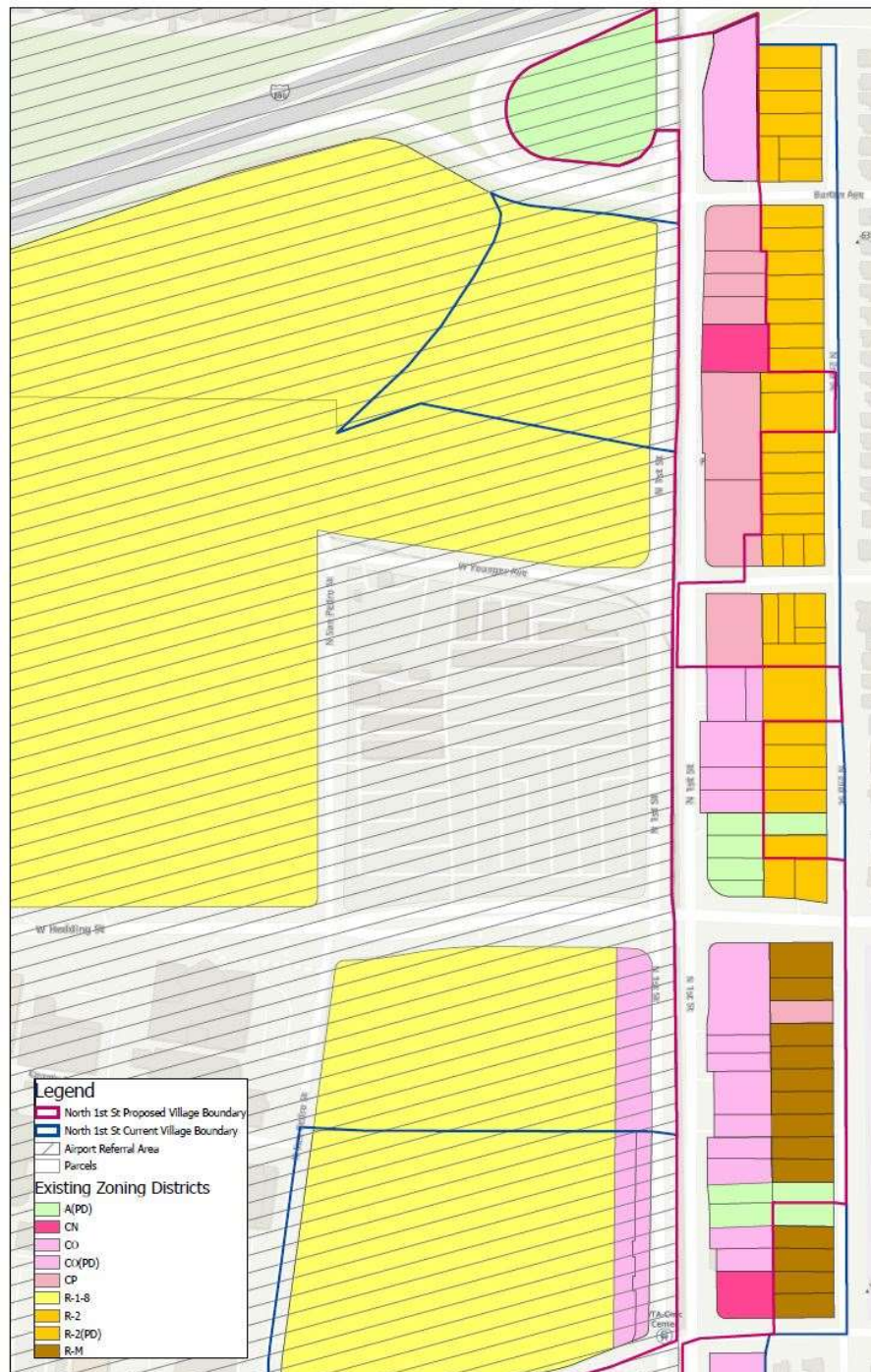
APN	Current General Plan Designation	Proposed General Plan Designation	Current Zoning District	Proposed Zoning District
23508078	NCC	UR	CO	UR
23508079	NCC	UR	CO	UR
23508080	NCC	UR	CO	UR
23508081	NCC	UR	CO	UR
23507043	NCC	UR	R-2	UR
23507044	NCC	UR	R-2	UR
23507064	NCC	UR	CP	UR
23507065	NCC	No change	CN	CP
23508065	NCC	UR	CO	UR
23508065	NCC	UR	R-2	UR
23506037	NCC	No change	CO	CP
24942067	NCC	No change	CN	CP
24942070	NCC	No change	CN	CP
24942071	NCC	No change	CN	CP
24942086	NCC	No change	CN	CP
24942085	NCC	No change	CN	CP
24942084	NCC	No change	CN	CP
24942073	NCC	No change	CN	CP
24942079	NCC	No change	CN	CP
25905073	NCC	UVC	CG	UVC
24942075	NCC	No change	CN	CP
24942074	NCC	No change	CN	CP
24943042	NCC	TR	CO	TR
24943042	NCC	TR	R-M	TR
24943044	NCC	TR	CO	TR
24943087	NCC	TR	CO	TR
24943088	NCC	TR	CO	TR
24943050	NCC	UR	CO	UR
24943051	NCC	UR	CP	UR

25905040	NCC	TR	CO	TR
25905053	NCC	TR	R-2	TR
25905060	NCC	UVC	CO	UVC
25905069	NCC	UVC	CO	UVC
25905008	NCC	UVC	R-2	UVC
25905041	NCC	TR	R-2	TR
25905068	NCC	TR	CO	TR
25905012	NCC	UVC	CO	UVC
25917109	NCC	No change	CO	CP
25917110	NCC	No change	CO	CP
25917113	NCC	No change	CO	CP
25918033	NCC	UR	CN	UR
25918034	NCC	TR	R-M	TR
25918036	NCC	TR	R-M	TR
25918037	NCC	TR	R-M	TR
24902021	NCC	TR	R-M	TR
24902070	NCC	TR	CO	TR
24902070	NCC	TR	R-M	TR
24902073	NCC	TR	CO	TR
25905013	NCC	UVC	CO	UVC
25905014	NCC	UVC	CO	UVC
25905048	NCC	TR	R-2	TR
25905077	NCC	TR	R-2	TR
25905050	NCC	TR	R-2	TR
25905076	NCC	TR	R-2	TR
25905075	NCC	TR	R-2	TR
25918063	NCC	UVC	CO	UVC
25918061	NCC	UVC	CG	UVC
25918061	NCC	TR	CG	TR
25918032	NCC	RN	CN	R-1-8
25918066	NCC	UVC	CN	UVC
25918067	NCC	UVC	CN	UVC
25918050	NCC	No change	CN	CP
25918051	NCC	No change	CN	CP
25918068	NCC	UVC	CO	UVC
24902013	NCC	TR	R-M	TR

24902014	NCC	TR	R-M	TR
24902015	NCC	TR	CP	TR
24902016	NCC	TR	R-M	TR
24902017	NCC	TR	R-M	TR
24902018	NCC	TR	R-M	TR
24902019	NCC	TR	R-M	TR
24902020	NCC	TR	R-M	TR
24901017	NCC	No change	CO	CP
24901019	NCC	No change	CO	CP
24901023	NCC	No change	CO	CP
24901025	NCC	No change	CO	CP
24901026	NCC	No change	CO	CP
24901027	NCC	No change	CO	CP
24901028	NCC	No change	CO	CP
24902074	NCC	TR	CO	TR
24902008	NCC	TR	CO	TR
24902009	NCC	TR	CO	TR
24902068	NCC	TR	CN	TR
24902064	NCC	TR	CO	TR
24902069	NCC	TR	CO	TR
23507069	NCC	UR	CP	UR
25905078	NCC	UVC	CO	UVC
Note: These Rezoning Actions will not take effect until the associated General Plan Amendment (File No. GP21-016) takes effect.				

EXHIBIT "A-1"

Existing Zoning Map



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T-51000 / 1899461

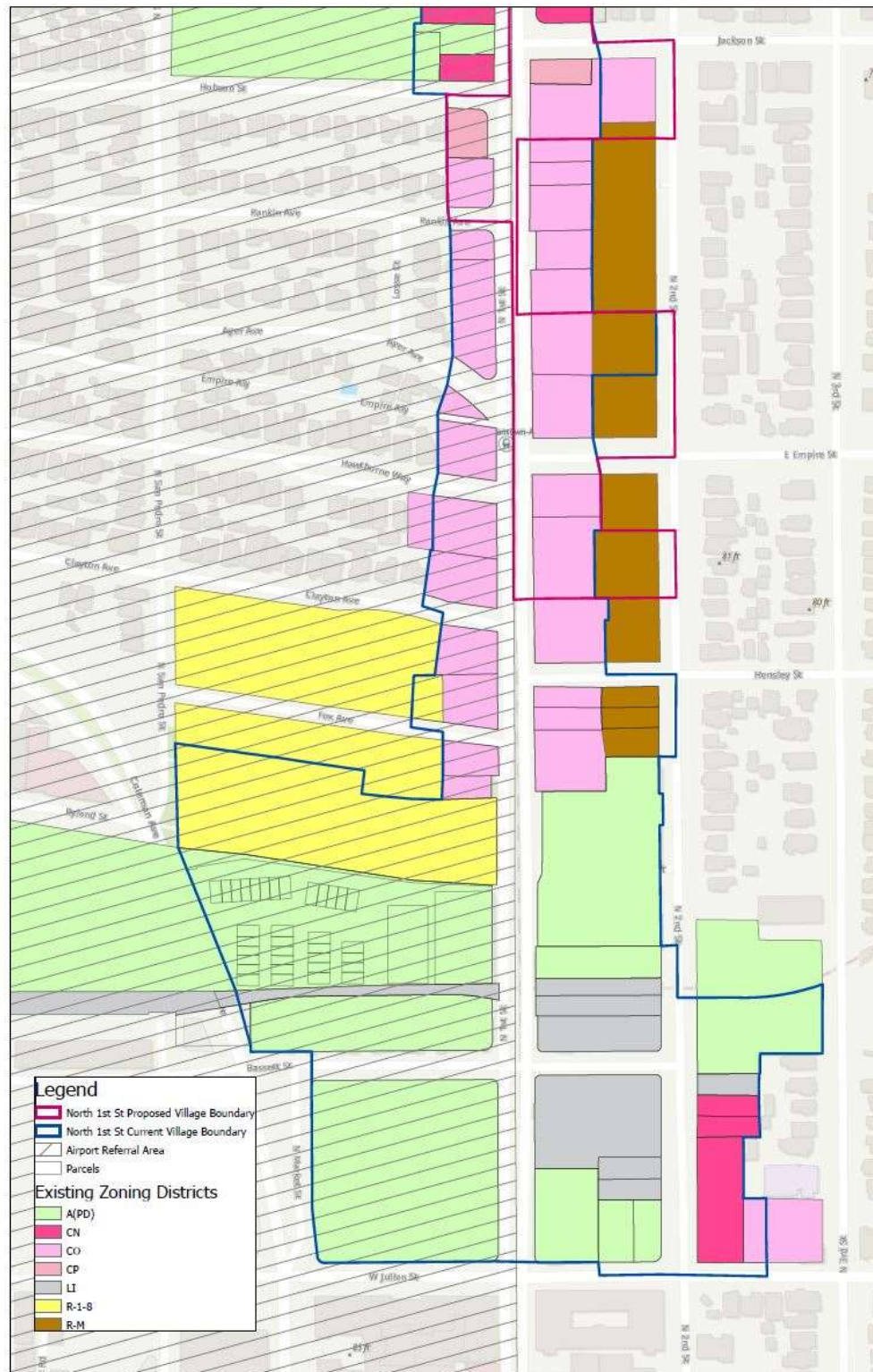
Council Agenda: 03-15-2022

Item No.: 10.4(d)

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

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Existing Zoning Map



A-6

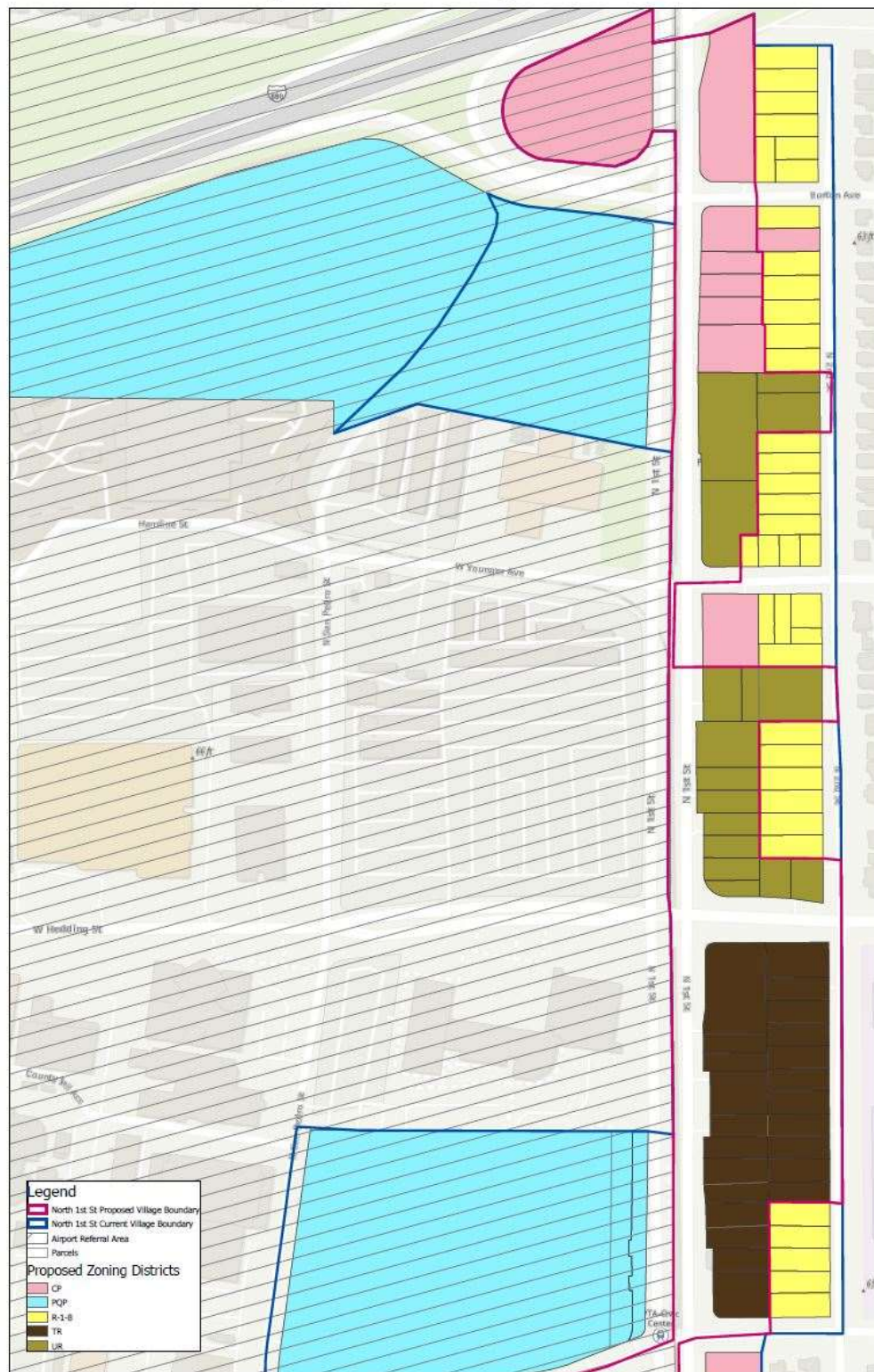
T-51000 / 1899461

Council Agenda: 03-15-2022

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Proposed Zoning Districts



A-7

T-51000 / 1899461

Council Agenda: 03-15-2022

Item No.: 10.4(d)

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Legend

- North 1st St Proposed Village Boundary
- North 1st St Current Village Boundary
- Parcels
- Proposed Zoning Districts

Proposed Zoning Districts

- CP
- MUC
- OS
- PQP
- R-1-S
- TR
- UR
- LYC

T-51000 / 1899461

Item No.: 10.4(d)

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Proposed Zoning Districts



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T-51000 / 1899461

Council Agenda: 03-15-2022

Item No.: 10.4(d)

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