

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING 44 CERTAIN REAL PROPERTIES FROM CO COMMERCIAL OFFICE, CN COMMERCIAL NEIGHBORHOOD, R-2 TWO-FAMILY RESIDENCE, R-M MULTIPLE RESIDENCE, AND A(PD) PLANNED DEVELOPMENT ZONING DISTRICTS TO THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT; TWO CERTAIN REAL PROPERTIES FROM THE R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICT TO THE MUC MIXED-USE COMMERCIAL ZONING DISTRICT; THREE CERTAIN REAL PROPERTIES FROM THE R-1-8 SINGLE-FAMILY RESIDENCE AND CO COMMERCIAL OFFICE ZONING DISTRICTS TO THE OS OPEN SPACE ZONING DISTRICT; FOUR CERTAIN REAL PROPERTIES FROM THE CO COMMERCIAL OFFICE, R-1-8 SINGLE-FAMILY RESIDENCE, AND LI LIGHT INDUSTRIAL ZONING DISTRICTS TO THE PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT, 43 CERTAIN REAL PROPERTIES FROM THE R-2 TWO-FAMILY RESIDENCE, R-M MULTIPLE RESIDENCE, CO COMMERCIAL OFFICE, CP COMMERCIAL PEDESTRIAN, AND A(PD) PLANNED DEVELOPMENT ZONING DISTRICTS TO THE R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICT; SIX CERTAIN REAL PROPERTIES FROM THE CO COMMERCIAL OFFICE, LI LIGHT INDUSTRIAL, AND R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICTS TO THE TR TRANSIT RESIDENTIAL ZONING DISTRICT; AND 11 CERTAIN REAL PROPERTIES FROM THE CO COMMERCIAL OFFICE AND LI LIGHT INDUSTRIAL ZONING DISTRICTS TO THE UR URBAN RESIDENTIAL ZONING DISTRICT, LOCATED IN PROXIMITY TO 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 rezoning to the CP Commercial Pedestrian Zoning District, MUC Mixed Use Commercial Zoning District, OS Open Space Zoning District, PQP Public Quasi Public Zoning District, R-1-8 Single Family Zoning District, TR Transit Residential Zoning District, UR Urban Residential 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), Rezoning (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, Rezoning, 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. C21-042) 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 4,577 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

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, OS Open Space, MUC Mixed-Use Commercial, PQP Public/Quasi-Public, R-1-8 Single-Family Residence, UR Urban Residential, and TR Transit 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, 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. C21-042 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”

**GENERAL PLAN AND ZONING AMENDMENTS
BY ASSESOR PARCEL NUMBER (APN)**

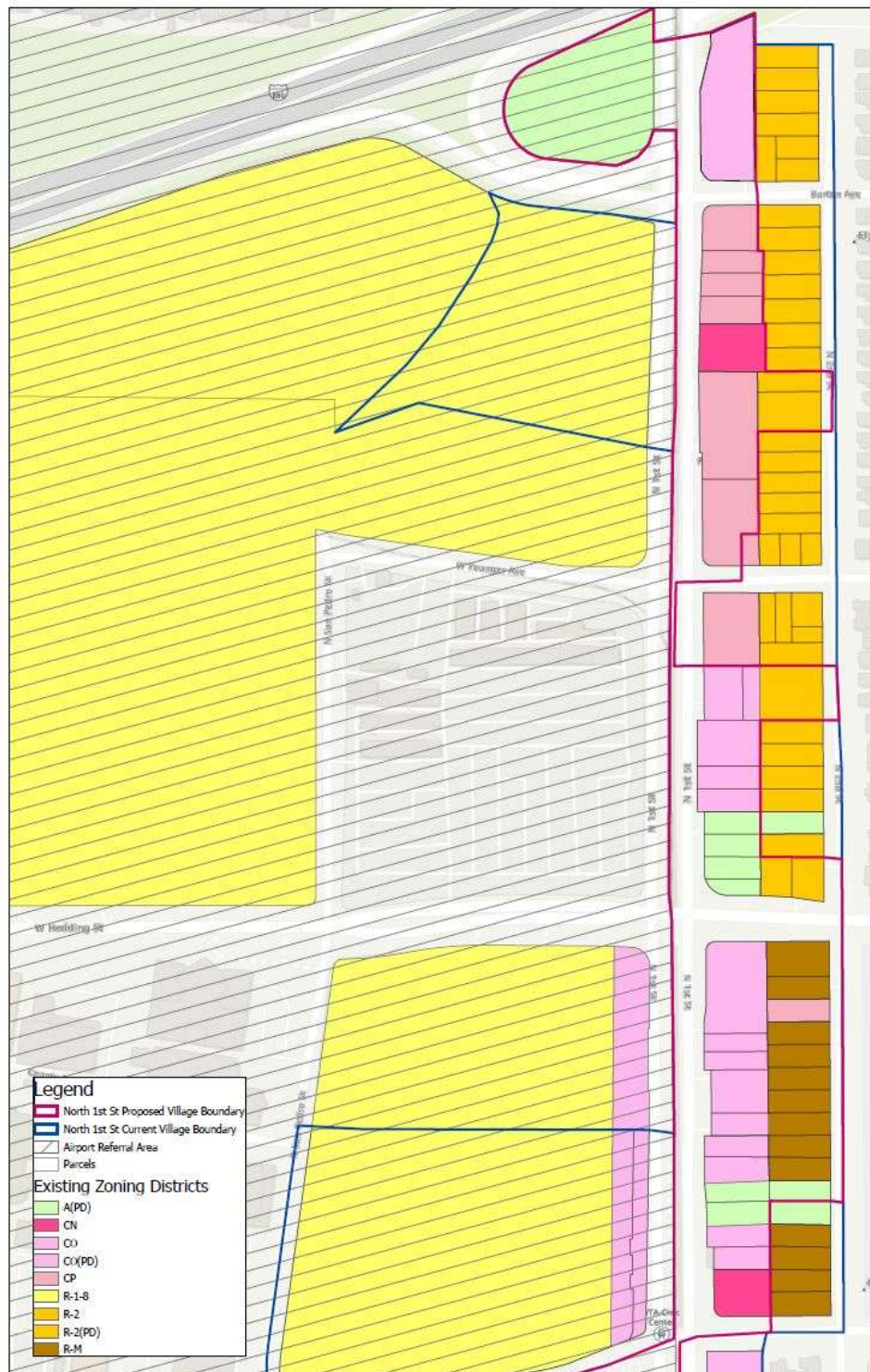
APN	Current General Plan Designation	Proposed General Plan Designation	Current Zoning District	Proposed Zoning District
259171116	A	OSPH	CO	OS
25906067	NCC	No change	CO	CP
23508071	NCC	RN	R-2	R-1-8
23507036	NCC	RN	R-2	R-1-8
23507037	NCC	No change	R-2	CP
23507038	NCC	RN	R-2	R-1-8
23507039	NCC	RN	R-2	R-1-8
23507041	NCC	RN	R-2	R-1-8
23508002	NCC	RN	R-2	R-1-8
23508003	NCC	RN	R-2	R-1-8
23508004	NCC	RN	R-2	R-1-8
23507042	NCC	RN	R-2	R-1-8
23507046	NCC	RN	R-2	R-1-8
23507048	NCC	RN	R-2	R-1-8
23507049	NCC	RN	R-2	R-1-8
23507050	NCC	RN	R-2	R-1-8
23507051	NCC	RN	R-2	R-1-8
23507052	NCC	RN	R-2	R-1-8
23507053	NCC	RN	CP	R-1-8
23508063	NCC	RN	R-2	R-1-8
23508066	NCC	RN	R-2	R-1-8
23508070	NCC	RN	A(PD)	R-1-8
23506030	NCC	RN	R-2	R-1-8
23506031	NCC	RN	R-2	R-1-8
23506033	NCC	RN	R-2	R-1-8
23506034	NCC	RN	R-2	R-1-8
23506035	NCC	RN	R-2	R-1-8
23506036	NCC	RN	R-2	R-1-8

24901066	NCC	No change	CO	CP
24942068	NCC	No change	CN	CP
24942069	NCC	No change	CN	CP
24942065	NCC	No change	CN	CP
24942057	NCC	No change	CN	CP
25904019	NCC	No change	CO	CP
25919061	NCC	RN	CO	R-1-8
24944067	NCC	RN	R-M	R-1-8
24944068	NCC	No change	CO	CP
24944068	NCC	No change	R-M	CP
<u>24943087</u>	<u>NCC</u>	<u>No change</u>	<u>CO</u>	<u>CP</u>
<u>24943088</u>	<u>NCC</u>	<u>No change</u>	<u>CO</u>	<u>CP</u>
24944095	NCC	UR	LI	UR
24973C02	NCC	No change	A(PD)	CP
24944087	NCC	PQP	LI	PQP
24944088	NCC	TR	LI	TR
24944059	NCC	UR	LI	UR
24944060	NCC	UR	LI	UR
25918058	NCC	RN	A(PD)	R-1-8
24943045	NCC	No change	CO	CP
24943083	NCC	No change	CO	CP
24943047	NCC	RN	CO	R-1-8
24943048	NCC	UR	CO	UR
24943049	NCC	UR	CO	UR
24943064	NCC	UR	CO	UR
25920013	NCC	No change	CO	CP
25920014	TR	TR	CO	TR
25920015	TR	TR	CO	TR
25920043	NCC	UR	CO	UR
25920056	NCC	No change	CO	CP
25920045	OSPH	OSPH	R-1-8	OS
25920016	TR	No change	R-1-8	TR
25920017	TR	No change	R-1-8	TR
24944023	NCC	UR	CO	UR
24944086	NCC	No change	CN	CP
24944029	NCC	No change	LI	CP
24944030	NCC	No change	LI	CP

24944031	NCC	No change	LI	CP
24980C01	NCC	No change	A(PD)	CP
25917115	NCC	OSPH	CO	OS
25917114	NCC	OSPH	CO	OS
25918020	NCC	RN	CP	R-1-8
25918001	NCC	RN	CP	R-1-8
25918016	NCC	RN	R-2	R-1-8
25918017	NCC	RN	R-2	R-1-8
24902023	NCC	RN	A(PD)	R-1-8
24902024	NCC	RN	R-M	R-1-8
24902026	NCC	RN	R-M	R-1-8
24902027	NCC	RN	R-M	R-1-8
25906006	NCC	No change	CO	CP
25906011	NCC	No change	CO	CP
25906018	NCC	No change	CO	CP
25918018	NCC	RN	CP	R-1-8
25918019	NCC	RN	CP	R-1-8
25918002	NCC	RN	R-2	R-1-8
25918003	NCC	RN	R-2	R-1-8
25918004	NCC	RN	R-2	R-1-8
25918052	NCC	No change	CN	CP
25918053	NCC	No change	CN	CP
25918039	MUC	No change	R-1-8	MUC
25918040	MUC	No change	R-1-8	MUC
24901016	NCC	No change	CO	CP
24901018	NCC	No change	CO	CP
24901024	NCC	No change	CO	CP
25918054	NCC	No change	CN	CP
25918055	NCC	No change	CN	CP
25918057	NCC	No change	CN	CP
25919086	NCC	No change	CO	CP
25919087	NCC	No change	CO	CP
25919062	NCC	UR	CO	UR
25919104	NCC	No change	CO	CP
25919027	NCC	No change	CO	CP
25919098	NCC	No change	CO	CP
25951003	TR	No change	LI	TR

25904024	PQP	No change	CO	PQP
25904023	PQP	No change	CO	PQP
25904023	PQP	No change	R-1-8	PQP
23036075	PQP	No change	R-1-8	PQP
25906052	NCC	No change	CO	CP
25906055	NCC	No change	CO	CP
25906054	NCC	No change	CO	CP
24944096	NCC	UR	LI	UR
24944044	NCC	UR	CO	UR
24944045	NCC	RN	CO	R-1-8
25906068	NCC	No change	CO	CP
25906056	NCC	No change	CO	CP
25906057	NCC	No change	CO	CP
25906063	NCC	No change	CO	CP
Note: These Rezoning Actions will not take effect until the associated General Plan Amendment (File No. GP21-017) takes effect.				

EXHIBIT "A-1" Existing Zoning Map



A-5

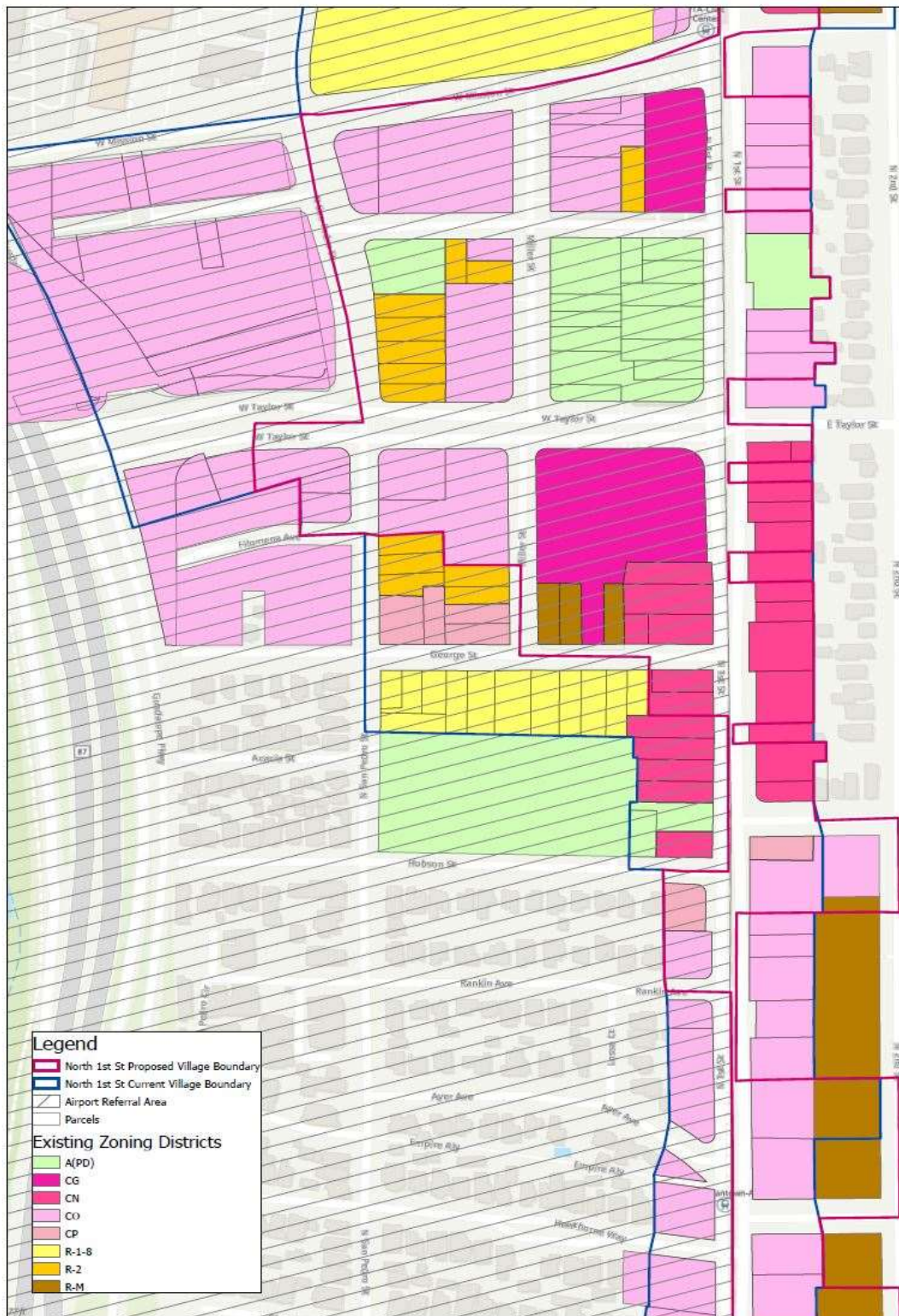
T-51000 / 1899463

Council Agenda: 03-15-2022

Item No.: 10.4(e)

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

Existing Zoning Map



A-6

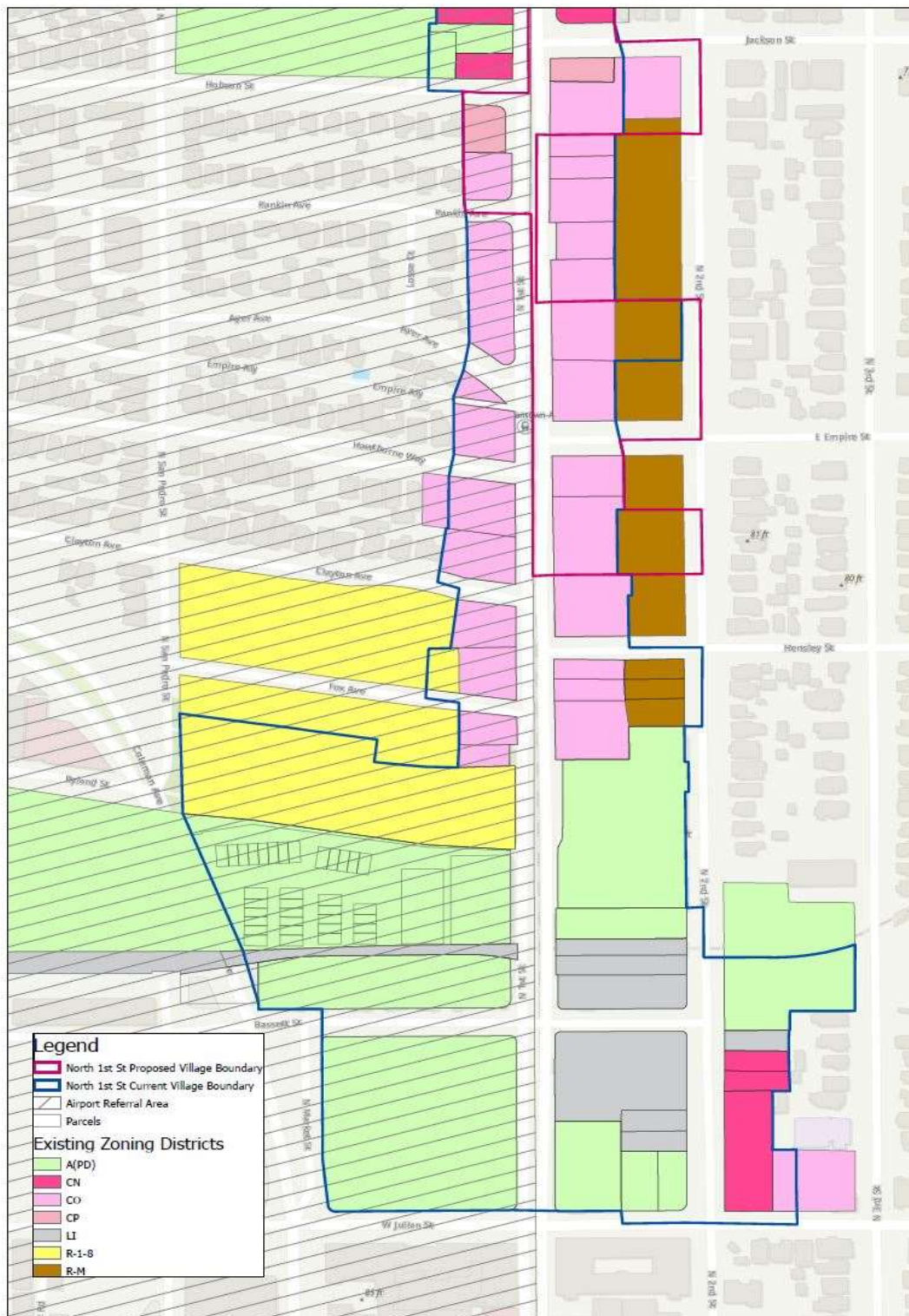
T-51000 / 1899463

Council Agenda: 03-15-2022

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Existing Zoning Map



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T-51000 / 1899463

Council Agenda: 03-15-2022

Item No.: 10.4(e)

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This map illustrates the proposed zoning districts along North 1st Street. The map includes several key features:

- Village Boundaries:** The North 1st St Proposed Village Boundary is shown as a thick red line, while the North 1st St Current Village Boundary is indicated by a blue line.
- Airport Referral Area:** A large area to the left of the main street grid is shaded in light green, representing the Airport Referral Area.
- Parcels:** Individual land parcels are outlined in thin black lines throughout the map.
- Proposed Zoning Districts:** Different colors represent various zoning types:
 - CP (Community Plan):** Shaded in pink.
 - PQP (Professional Office Professional):** Shaded in light blue.
 - R-1-S (Single-Family Residential):** Shaded in yellow.
 - TR (Township Residential):** Shaded in dark brown.
 - UR (Urban Residential):** Shaded in olive green.
- Streets:** Labeled streets include Highway 60 at the top, Harrison St, W Younger Ave, N 1st St, N 2nd St, N 3rd St, N 4th St, N 5th St, N 6th St, N 7th St, N 8th St, N 9th St, N 10th St, N 11th St, N 12th St, N 13th St, N 14th St, N 15th St, N 16th St, N 17th St, N 18th St, N 19th St, N 20th St, N 21st St, N 22nd St, N 23rd St, N 24th St, N 25th St, N 26th St, N 27th St, N 28th St, N 29th St, N 30th St, N 31st St, N 32nd St, N 33rd St, N 34th St, N 35th St, N 36th St, N 37th St, N 38th St, N 39th St, N 40th St, N 41st St, N 42nd St, N 43rd St, N 44th St, N 45th St, N 46th St, N 47th St, N 48th St, N 49th St, N 50th St, N 51st St, N 52nd St, N 53rd St, N 54th St, N 55th St, N 56th St, N 57th St, N 58th St, N 59th St, N 60th St, N 61st St, N 62nd St, N 63rd St, N 64th St, N 65th St, N 66th St, N 67th St, N 68th St, N 69th St, N 70th St, N 71st St, N 72nd St, N 73rd St, N 74th St, N 75th St, N 76th St, N 77th St, N 78th St, N 79th St, N 80th St, N 81st St, N 82nd St, N 83rd St, N 84th St, N 85th St, N 86th St, N 87th St, N 88th St, N 89th St, N 90th St, N 91st St, N 92nd St, N 93rd St, N 94th St, N 95th St, N 96th St, N 97th St, N 98th St, N 99th St, N 100th St.

Proposed Zoning Districts



A-10

T-51000 / 1899463

Council Agenda: 03-15-2022

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