

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 1.37 GROSS ACRES, SITUATED ON THE NORTHWEST CORNER OF BERNAL ROAD AND REALM DRIVE (151 BERNAL ROAD) (APN: 706-01-046) FROM THE IP INDUSTRIAL PARK ZONING DISTRICT TO THE CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT**

**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**, under Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is in furtherance 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 CN Commercial Neighborhood 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 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 in accordance with CEQA; 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. C22-124) does not reduce the intensity of residential uses because the proposed rezoning allows for greater residential density than the existing IP Industrial Park Zoning District; the rezoning would increase the residential capacity by approximately 152 units;

**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 CN Commercial Neighborhood Zoning District.

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 No. C22-124 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 \_\_\_\_\_, 2023 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk



EXHIBIT "A"  
FOR REZONING PURPOSES

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of that parcel of land described in the Grant Deed recorded May 19, 2020, in Document No. 24482494 of Official Records, Santa Clara County Records:

BEGINNING at the West corner of said parcel;  
Thence South 52°26'19" East, 222.86 feet;  
Thence along a tangent curve to the left, having a radius of 20.00 feet, through a central angle of 91°12'44" for an arc length of 31.84 feet;  
Thence North 36°20'57" East, 230.48 feet;  
Thence North 53°39'03" West, 238.04 feet;  
Thence South 37°33'41" West, 245.82 feet, to the POINT OF BEGINNING.

Containing 1.37 acres, more or less.


As shown on Exhibit "B" attached hereto and made a part hereof.

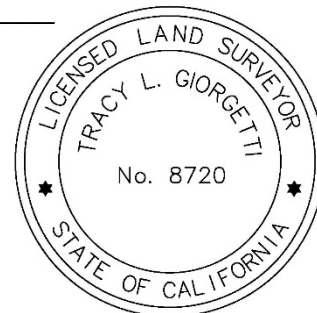
END OF DESCRIPTION

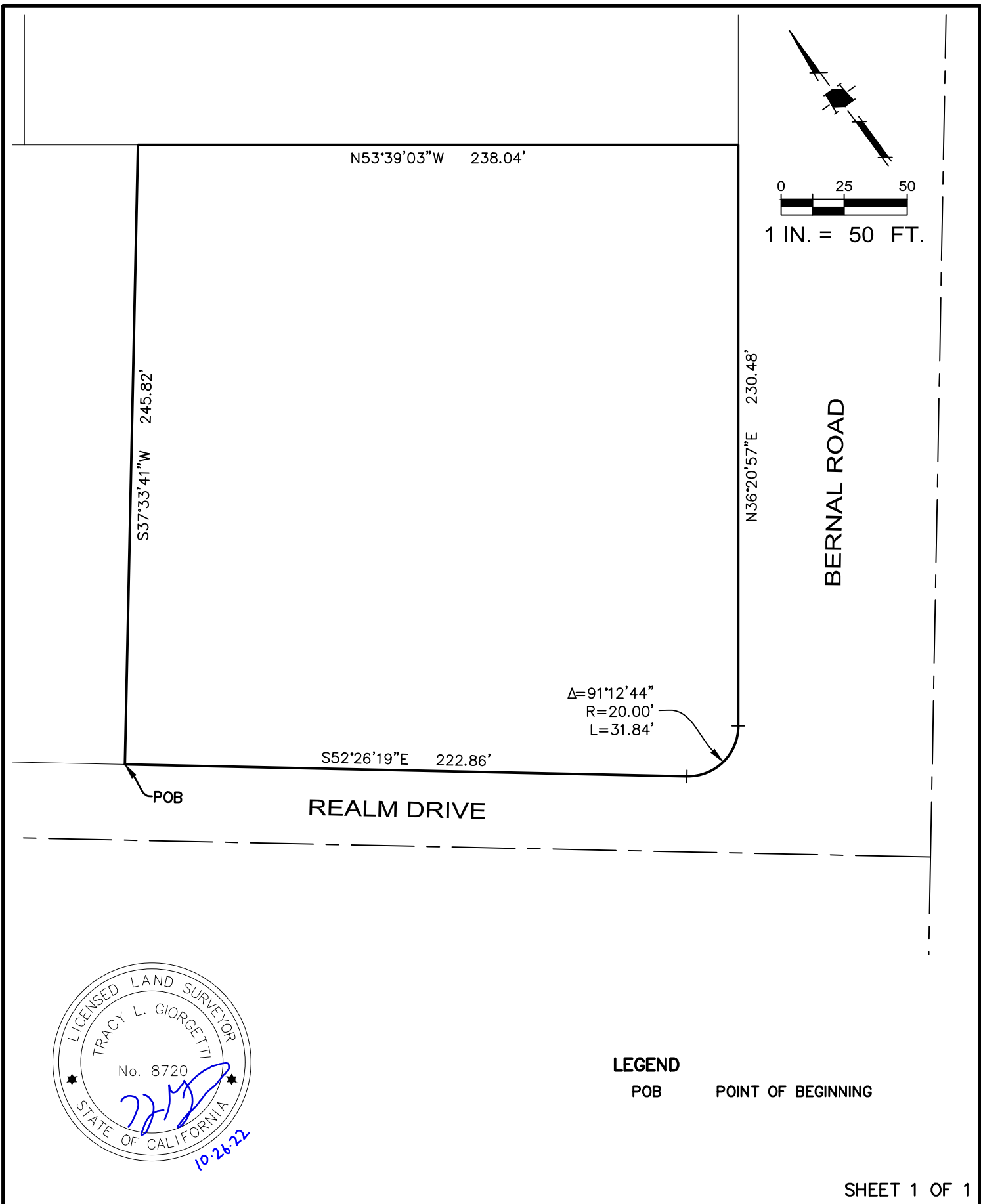
*For assessment or zoning purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.*

This legal description was prepared by me or under my direction in accordance with the Professional Land Surveyors Act.

Date: 10-26-22

  
Tracy L. Giorgetti, LS 8720





Date:	2022-10-26
Designed:	—
Drawn:	DAW
Checked:	RF
Proj. Engr.:	—
583200PL01	

**HMH**

1570 Oakland Road (408) 487-2200  
San Jose, CA 95131 HMHca.com

EXHIBIT "B"  
PLAT TO ACCOMPANY DESCRIPTION:  
FOR REZONING PURPOSES

SAN JOSE CALIFORNIA