

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE PREZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.51 GROSS ACRES, SITUATED ON THE EAST SIDE OF SOUTH BASCOM AVENUE BETWEEN BASILE AVENUE AND PARKMOOR AVENUE AND ON THE SOUTHWEST CORNER OF LASWELL AVENUE AND PARKMOOR AVENUE (APNs: 277-29-045; & 277-29-044) FROM UNINCORPORATED TERRITORY WITHIN THE COUNTY OF SANTA CLARA COUNTY TO THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT AND THE R-1-8 SINGLE-FAMILY RESIDENCE ZONING DISTRICT

WHEREAS, all pre-zoning 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 (“City”) has determined the pre-zoning 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 the City Council through its Resolution No. 76041 on November 1, 2011, and the Supplemental Environmental Impact Report (the “SEIR”), through Resolution No. 77617, adopted by the 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 is the decision-making body for the proposed subject pre-zoning to the CP Commercial Pedestrian Zoning District and the R-1-8 Single-Family Residence Zoning District; and

WHEREAS, this Council has considered and approves the information contained in the previously adopted 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 pre-zoning; and

WHEREAS, the proposed pre-zoning is consistent with the designation of the site in the applicable General Plan;

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 pre-zoned CP Commercial Pedestrian Zoning District and R-1-8 Single-Family Residence 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 "BA,"~~ 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. C22-040 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:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

