

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 3.62 GROSS ACRES, LOCATED WESTERLY OF INTERSTATE 680 AND EASTERLY OF PECTEN COURT (0 PECTEN COURT) (APN 092-08-016) FROM THE R-1-8 SINGLE FAMILY RESIDENCE ZONING DISTRICT TO THE HI HEAVY INDUSTRIAL 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, an Initial Study/Negative Declaration, in conformance with the California Environmental Quality Act of 1970 (“CEQA”), was prepared for the subject rezoning to the HI- Heavy Industrial Zoning District under File Numbers C22-014 and GP22-001 (the “IS/ND”); and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the HI- Heavy Industrial Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves the application and use of said IS/ND as the appropriate environmental clearance for the proposed project 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 (2019), the proposed Conforming Rezoning (File No. C22-014) would change the Zoning District of the subject site from R-1-8 Single-Family

Residence (8 DU/AC, or 29 units for the subject property) to HI Heavy Industrial (0 DU/AC, or 0 units for the subject site) and result in a decrease of residential capacity by 29 residential units but this decrease in residential capacity, would be offset by the an increase in residential capacity of 120 residential units from the Conforming Rezoning File No. C22-023 and an increase in residential capacity of 36 units for file no. C22-022. if approved concurrently; therefore, there would be a total increase of 127 units with no net loss of residential capacity, which satisfies Senate Bill 330 (2019);

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 HI-Heavy Industrial 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, depicted in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 3. The zoning district map of the City is hereby amended accordingly.

SECTION 4. Any land development approval that is the subject of City File No. C22-014 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 _____, 2023 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"

Revised Zoning District – HI-Heavy Industrial

