

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTIES OF APPROXIMATELY 0.48 GROSS ACRE, SITUATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WEST JULIAN STREET AND NORTH MORRISON AVENUE (945 WEST JULIAN STREET, APN 261-02-053 AND NORTH MORRISON AVENUE, APN 261-02-009) FROM THE LI LIGHT INDUSTRIAL ZONING DISTRICT TO THE TR TRANSIT RESIDENTIAL 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 was prepared in conformance with the California Environmental Quality Act of 1970 (“CEQA”), as amended, for the subject rezoning to the TR Transit Residential Zoning District under File Numbers C22-023, GP22-008, and GPT22-005 (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 TR Transit Residential Zoning District; and

WHEREAS, this Council of the City of San José has considered and approved 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. C22-023 would change the Zoning District of the subject site from LI Light Industrial (0 DU/AC, or 0 units for the subject site) to TR Transit Residential (250 DU/AC, or 120 units for the subject site) and result in an increase of residential capacity by 120 residential units, therefore, there is no net loss of residential unit 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 from the LI Light Industrial Zoning District as depicted on Exhibit "A-1" to the TR Transit Residential Zoning District as depicted in Exhibit "A-2".

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 from the map in Exhibit "A-1" to the map depicted in Exhibit "A-2" accordingly.

SECTION 4. Any land development approval that is the subject of City File No. C22-023 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

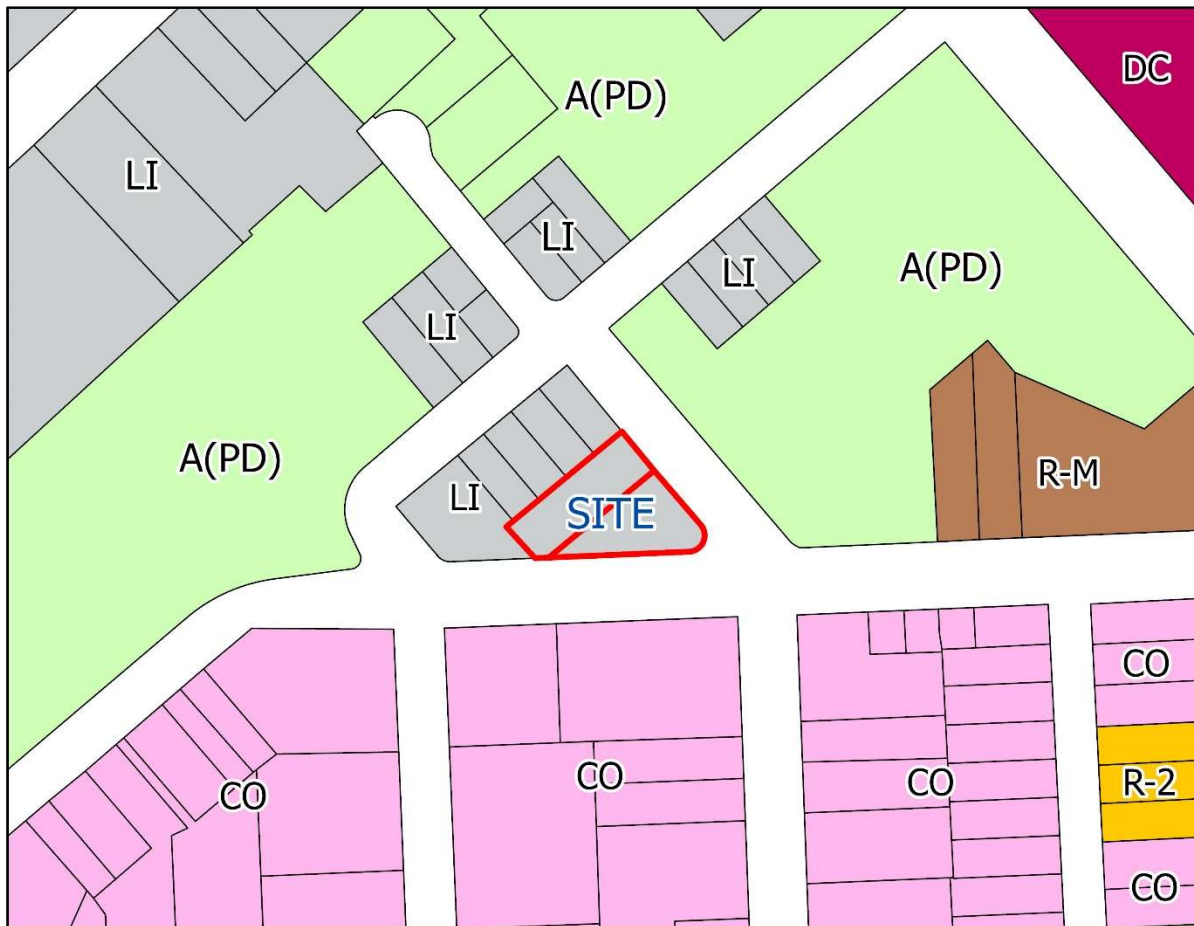
ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"

File No. C22-023. The zoning district map of the City of San José is hereby amended from the Diagram in Exhibit A-1 to the Diagram in Exhibit A-2 as follows:

EXHIBIT A-1: EXISTING ZONING - LI Light Industrial



A-1

T-52000/2003232_2

Council Agenda: 4/11/2023

Item No.: 10.1(c)(3)

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

EXHIBIT A-2: Revised Zoning District - TR Transit Residential

