



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: May 29, 2019

COUNCIL DISTRICT: 4

SUBJECT: FILE NO. C19-003: CONVENTIONAL REZONING FROM THE R-1-8 SINGLE FAMILY RESIDENCE ZONING DISTRICT TO R-M MULTIPLE RESIDENCE ZONING DISTRICT ON A 0.138-GROSS ACRE SITE LOCATED ON THE SOUTH SIDE OF WABASH STREET, APPROXIMATELY 400 FEET WESTERLY OF ARCHER STREET.

RECOMMENDATION

The Planning Commission voted 5-0-2 (Commissioners Leyba and Vora absent) to recommend that the City Council:

1. Adopt a resolution approving the Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto; and
2. Approve an ordinance rezoning certain real property located on the south side of Wabash Street, approximately 400 feet westerly of Archer Street, from the R-1-8 Single Family Residence Zoning District to the R-M Multiple Residence Zoning District on an approximately 0.138 gross acre site.

OUTCOME

Should the City Council approve the rezoning, the applicant would be allowed to submit an application to build an up to three-story single family house at this site.

BACKGROUND

On April 24, 2019, the Planning Commission held a public hearing to consider the proposed Conventional Rezoning, which was included on the Consent Calendar of the Agenda. No members of the public spoke on this item.

The Planning Commission voted 5-0-2 (Commissioners Leyba and Vora absent), to recommend approval, as was recommended by staff, to the City Council as part of the consent calendar with no separate discussion.

ANALYSIS

A complete analysis of the issues regarding the proposed Conventional Rezoning, including the General Plan conformance, is contained in the attached Planning Commission Staff Report.

Staff has corrected an error in the Planning Commission Staff Report. It is erroneously stated that a Single-Family House Permit would be required if a proposed house exceeds 35 feet in height, when the correct height is 38 feet, above which a Single-Family House Permit would be required to evaluate neighborhood compatibility. This change does not affect staff's recommendation to approve the request, as new and existing houses within Alviso are generally taller than those in non-flood prone neighborhoods of the City to compensate for the first eight feet not being allowed for habitation. Regardless of the height, any house exceeding 0.45 floor area ratio (FAR) would require a Single-Family House Permit, as correctly stated in the staff report.

EVALUATION AND FOLLOW-UP

If the rezoning is approved, it would allow an up to three-story, 40-foot high single family house at this site. Any proposed single-family residence exceeding FAR 0.45 or building height of 38 feet will require discretionary review through a Single Family House Permit. There is currently no development project application on file with the City.

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City's website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

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COORDINATION

Preparation of this memorandum has been coordinated with the City Attorney's Office.

CEQA

Wabash Street Rezoning Initial Study/Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto. A complete CEQA analysis is contained in the attached staff report to the Planning Commission.

/s/
Rosalynn Hughey, Secretary
Planning Commission

For questions, please contact Planning Deputy Director, Robert Manford, at (408) 535-7900.

Attachment: Planning Commission Staff Report



Memorandum

TO: PLANNING COMMISSION

FROM: Rosalynn Hughey

SUBJECT: C19-003

DATE: April 24, 2019

COUNCIL DISTRICT: 4

Type of Permit	Conventional Rezoning
Project Planner	Angela Wang
CEQA Clearance	Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Envision San José General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto.
CEQA Planner	Krinjal Mathur

RECOMMENDATION

Staff recommends that the Planning Commission recommend the City Council to take all of the following actions:

1. Adopt a resolution approving the Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041), the Envision San José General Plan Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto; and
2. Approve an ordinance rezoning certain real property located on the south side of Wabash Street, approximately 400 feet westerly of Archer Street, from the R-1-8 Single Family Residence Zoning District to the R-M Multiple Residence Zoning District on an approximately 0.138 gross acre site.

PROPERTY INFORMATION

Location	South side of Wabash Street, approximately 400 feet westerly of Archer Street
Assessor Parcel No.	015-05-080
General Plan	Residential Neighborhood
Growth Area	N/A
Zoning	R-1-8 Single Family Residence
Historic Resource	No
Annexation Date	March 12, 1968
Council District	4
Acreage	0.138

PROJECT BACKGROUND

On January 19, 2019, the applicant, Anna Wu, applied for a Rezoning of the 0.138-gross acre vacant site from the R-1-8 Single Family Residence Zoning District to R-M Multiple Residence Zoning District. The intent of this Rezoning is to allow the construction of a 3-story single family house on the subject site.

As shown on the attached Vicinity Map (Exhibit A), the subject site is located on the south side of Wabash Street, approximately 400 feet west of Archer Street in Alviso. Although the undeveloped site is immediately surrounded by single family residential developments of one story to 2.5 stories in height, the larger, surrounding residential neighborhood (which is bounded by Grand Boulevard to the southeast, State Street to the northwest, Speckles Avenue to the northeast and North 1st Street and Liberty Street to the south and the west) consists primarily of single-family houses with some multi-family residences and a small retail area facing North 1st Street. Building heights vary from one story to three stories.

This undeveloped site was rezoned from CN Commercial Neighborhood to R-1-8 Single Family Residence in April 2018, with the intent of constructing a single-family house; however, the applicant would now like to construct a single-family house that would be taller and have more stories than allowed by the R-1-8 District because of the nine-foot flood level in Alviso disallows occupancy of the first floor of a residence. This is explained in more detail further below. No development permits are currently on file for this project site.

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	Residential Neighborhood	CN Commercial Neighborhood	Single Family Residence
South	Residential Neighborhood	A(PD) Planned Development, File No. PDC 06-018	Single Family Residence
East	Residential Neighborhood	CN Commercial Neighborhood	Vacant
West	Residential Neighborhood	R-M Multiple Residence	Single Family Residence

ANALYSIS

The proposed rezoning is analyzed with respect to conformance with:

1. Envision San José 2040 General Plan
2. Alviso Master Plan
3. Municipal Code
4. California Environmental Quality Act (CEQA)

[Envision San José 2040 General Plan](#) Conformance

Land Use Designation

As shown in the attached General Plan Map (Exhibit B), the proposed project site has an Envision San José 2040 General Plan designation of Residential Neighborhood. This designation is applied broadly throughout

the City to encompass most of the established, single-family residential neighborhoods, including both the suburban and traditional residential neighborhood areas which comprise the majority of its developed land. The intent of this designation is to preserve the existing character of these neighborhoods and to strictly limit new development to infill projects which closely conform to the prevailing existing neighborhood character as defined by density, lot size and shape, massing and neighborhood form and pattern.

The rezoning would allow future redevelopment with uses and intensity consistent with the intent of the land use designation of Residential Neighborhood.

General Plan Policies

The project conforms to the following key General Plan policies:

1. Implementation Policy IP-1.1 Land Use/Transportation Diagram: Use the Envision General Plan Land Use/Transportation Diagram designations to indicate the general intended land use, providing flexibility to allow for a mix of land uses, intensities and development forms compatible with a wide variety of neighborhood contexts and to designate the intended roadway network to be developed over the timeframe of the Envision General Plan. Use the Zoning designation to indicate the appropriate type, form and height of development for particular properties.
2. Implementation Policy IP-1.6 Land Use/Transportation Diagram: Ensure that proposals to rezone and prezone properties conform to the Land Use / Transportation Diagram, and advance Envision General Plan Vision, goals and policies.
3. Implementation Policy IP-8.2- Zoning: Use the City's conventional zoning districts, contained in its Zoning Ordinance, to implement the *Envision General Plan* Land Use/Transportation Diagram. These districts include a range of allowed land uses, development intensities, and standards within major land use categories (residential, commercial and industrial) together with zoning districts for other land uses such as mixed-use and open space. The various ranges of allowed use and development intensity correspond generally to the respective *Envision General Plan* land use designations, while providing greater detail as to the appropriate land uses and form of development.

Analysis: The existing neighborhood consists primarily of single-family residences with some multi-family residences. Although R-M is not a conforming Zoning District with Residential Neighborhood land use designation as set forth in Table 20-270 of the Zoning Code, the rezoning of the site from R-1-8 Single Family Residence District to R-M Multiple Residence District is consistent with the intent of this land use designation to preserve the existing neighborhood character. The rezoning would still allow future development with uses and intensity consistent with the land use designation of Residential Neighborhood.

Alviso Master Plan Conformance

The project site is located within the Residential Core of the Village Area of Alviso Community in the Alviso Master Plan (See Exhibit E). The designation of Residential Core is intended to reflect and perpetuate the general character of the existing residential neighborhood, while allowing some small scale development on infill parcels. New development shall generally be single-family homes on individual lots, with some small attached residential development (duplexes). The majority of the Residential Core area is currently zoned R-M Multiple Residence Zoning District (See Exhibit C).

Residential construction in Alviso is required to raise living areas above the established flood levels (approximately 9 feet) to meet the City's Flood Hazard Area Ordinance. As a result, Alviso Master Plan allows a maximum height of 40 feet and two stories above flood level for residential developments in the

Village Area. The current R-1-8 Single Family Residence District limits the building height to 35 feet and total number of stories to 2.5, which would allow only one and a half habitable stories above the nine-foot flood level. The Rezoning of the site to R-M Multiple Residence District will allow building height to exceed 35 feet (40 feet maximum) and total number of stories more than 2.5 (three stories maximum, allowing two stories above the flood level) which conforms with the limits of the Alviso Master Plan described above.

While the R-M Zoning District allows more than two attached residential units in a single building, the number of units on the subject site would still need to conform to the existing surrounding neighborhood character, as defined by density, lot size, shape, massing and neighborhood form and pattern. A Single-Family House Permit would be required for a single-family house exceeding 35 feet in height or 0.45 FAR; and a Site Development Permit would be required to construct a multi-family building with two or more units. General Plan conformance with regard to the above factors would be evaluated during these permit processes. Given the lot size and proportion of existing single-family residences on the street, only a single-family residence would be consistent with the General Plan.

Base on the above analysis, the Rezoning of the site from R-1-8 Single Family Residence District to R-M Multiple Residence District will bring the site's zoning into conformance with Alviso Master Plan and facilitate implementation of uses on the site that are consistent with the intent of the Residential Neighborhood land use designation to preserve the existing neighborhood character.

Zoning Ordinance Conformance

As discussed above, the proposed rezoning is consistent with the intent of the Residential Neighborhood land use designation. The R-M Multiple Residence Zoning District will facilitate development of the site that is compatible with the existing neighborhood character and consistent with the Alviso Master Plan.

Any proposed single-family residence exceeding Floor Area Ratio (FAR) 0.45 or building height of 35 feet will require discretionary review through a Single Family House Permit. Any proposal for a duplex will require a Site Development Permit and Planning would review such application for consistency with the General Plan, zoning requirements, and other related design or land use issues.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

An Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 76041) and the Supplemental Environmental Impact Report (Resolution No. 77617), and Addenda thereto, was prepared for the project under the provisions of the environmental review requirements, the California Environmental Quality Act of 1970, as amended, including the state and local implementing regulations. The CEQA Guidelines Section 15162 states that when an EIR has been certified, no subsequent EIR shall be prepared for that project unless the lead agency determines that either substantial changes are proposed to the project which would require major revisions to the previous EIR, or new information of substantial importance is available.

Table 20-270 of the Zoning Ordinance (Section 20.120.270) identifies zoning districts that are deemed as being in conformance to identified General Plan Land Use Designations. For example, the zoning designations of R-1-8 and R-1-5 are listed as conforming zoning districts for the Residential Neighborhood General Plan Land Use Designation, because these districts limit residential development to single-family detached units on lot sizes that result in the density and form limits for the great majority of Residential Neighborhood areas in the city. Properties may still be rezoned to a designation that is not "conforming;" however, additional site-specific analysis is required to determine whether an alternative designation will

be consistent, or conform to, the General Plan designation. In this case, the proposed zoning is R-M Multiple Residence. As analyzed above, even though the R-M District allows multi-family residences, only one single-family residence could be built on subject lot with this zoning because of the lot's small size. This would be consistent with the form and density of the surrounding neighborhood. Therefore, the R-M zoning will be consistent with the General Plan designation in this case, and would not result in any new or substantially increased significant impacts beyond those previously identified in the Envision San José 2040 General Plan EIR, as supplemented. Finally, the rezoning would not result in physical changes to the site.

Given the proposed project description and knowledge of the project area, the City has concluded that the proposed project would not result in any new impacts beyond those previously identified certified EIRs. Additionally, the proposed rezoning would not result in new physical changes and would not be a substantial increase in the magnitude of any significant environmental impacts previously identified in the previously certified EIRs; nor have any new mitigation measures or alternatives which are considerably different from those analyzed in the EIRs been identified. For these reasons, a supplemental or subsequent EIR is not required and an addendum to the EIRs has been prepared and the City of San José may take action on the proposed project as being within the scope of the Final Program EIR.

PUBLIC OUTREACH

Staff followed Council Policy 6-30: Public Outreach Policy in order to inform the public of the proposed project. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public. No public comment letters have been received to date.

Project Manager: Angela Wang
Approved by:  , Division Manager for Rosalynn Hughey, Planning Director

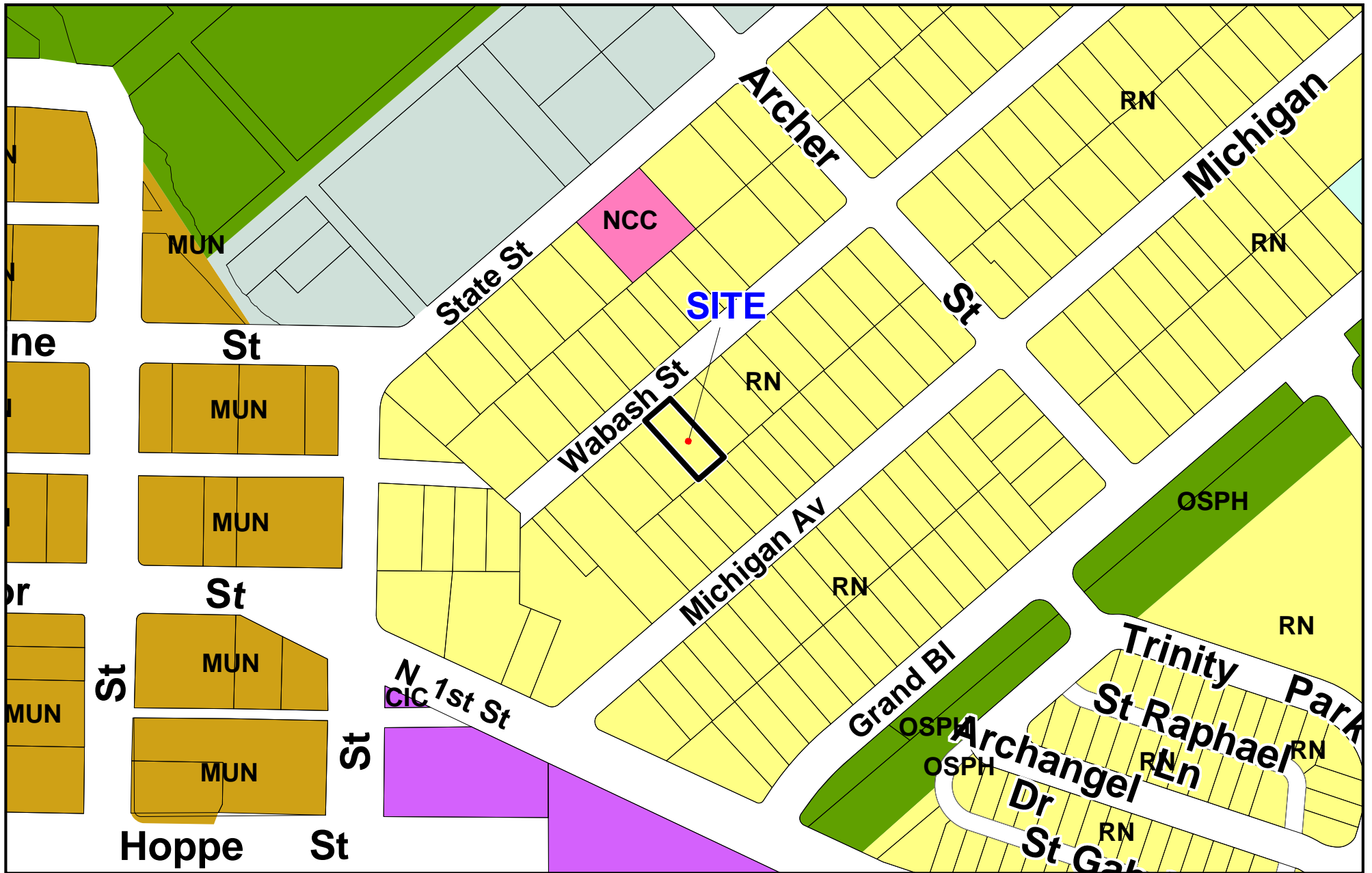
ATTACHMENTS:	
Exhibit A:	Vicinity Map
Exhibit B:	General Plan Land Use Transportation Diagram Designation Map
Exhibit C:	Existing Zoning Map
Exhibit D:	Proposed Zoning Map
Exhibit E:	Figure 5 of Alviso Master Plan, Major Features of Alviso
Exhibit F:	Legal Description & Plat Map
Exhibit G:	Draft Resolution
Exhibit H:	Draft Ordinance

Owner and Applicant:
Anna Wu 459 Cestaric Drive Milpitas, CA 95035



EXHIBIT A: VICINITY MAP

FILE NO. C19-003



File No: C19-003

District: 4

GENERAL PLAN



Prepared by the Department of Planning,
 Building and Code Enforcement
 1/22/2019

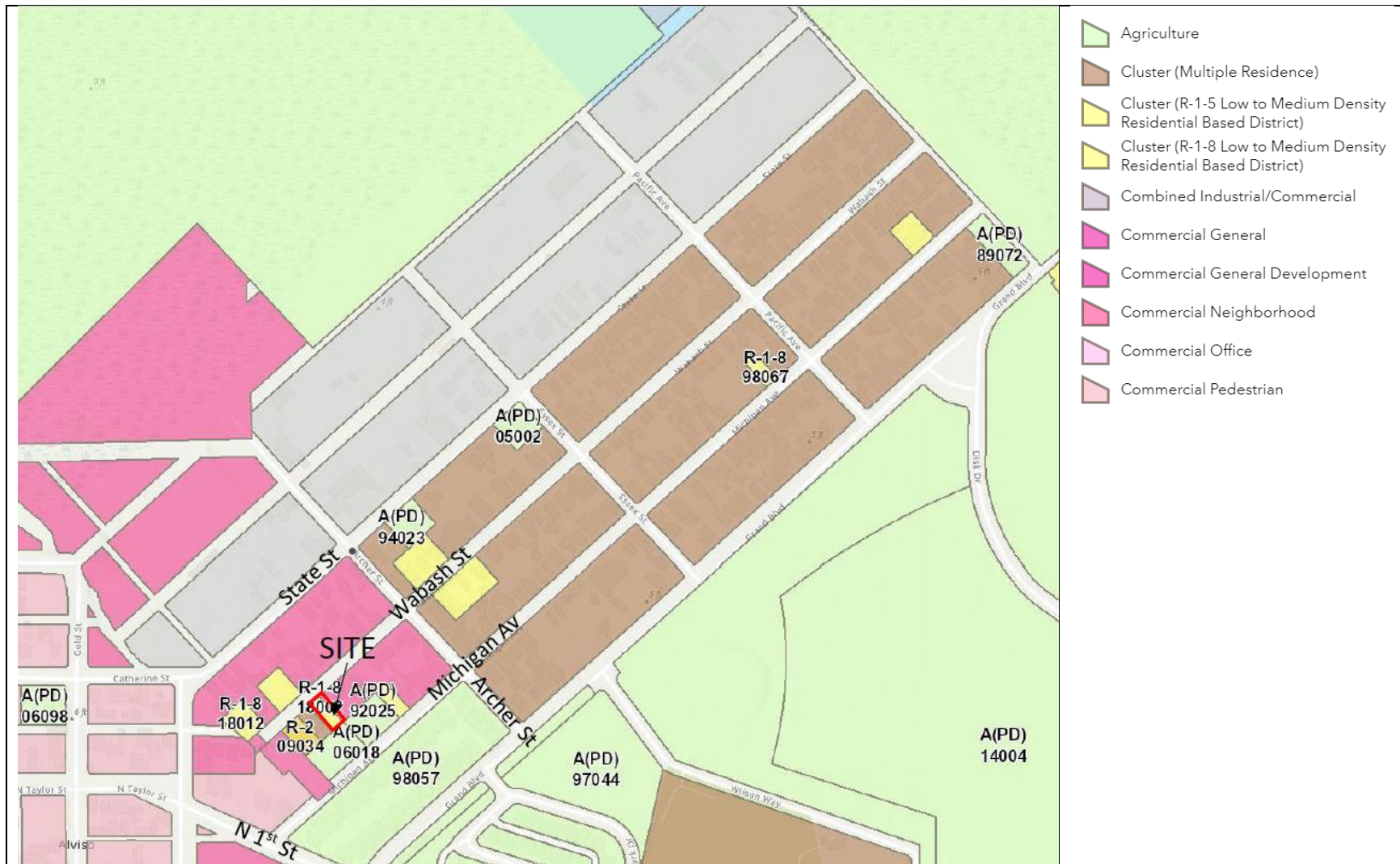


EXHIBIT C: EXISTING ZONING MAP

FILE NO. C19-004

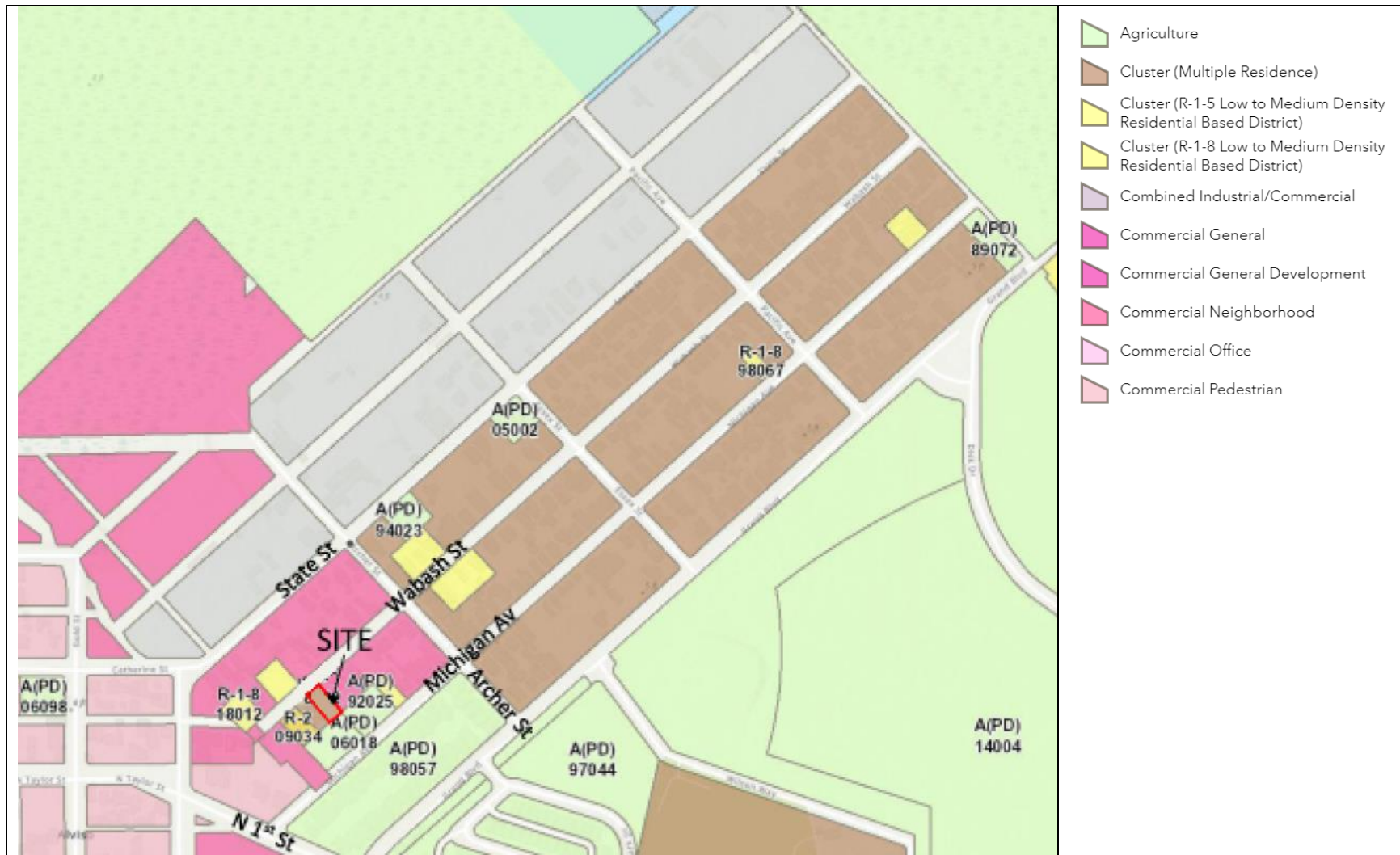
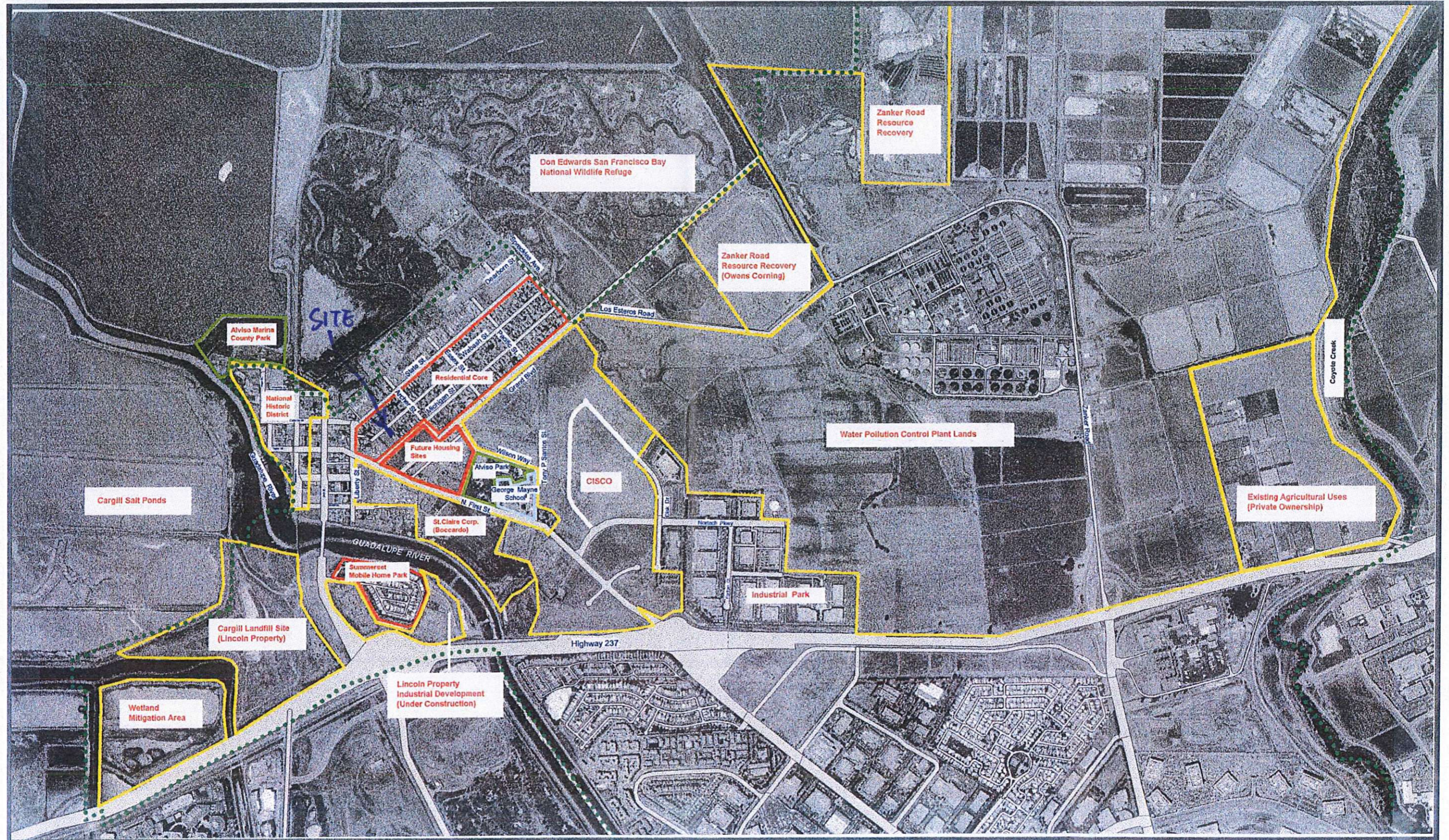
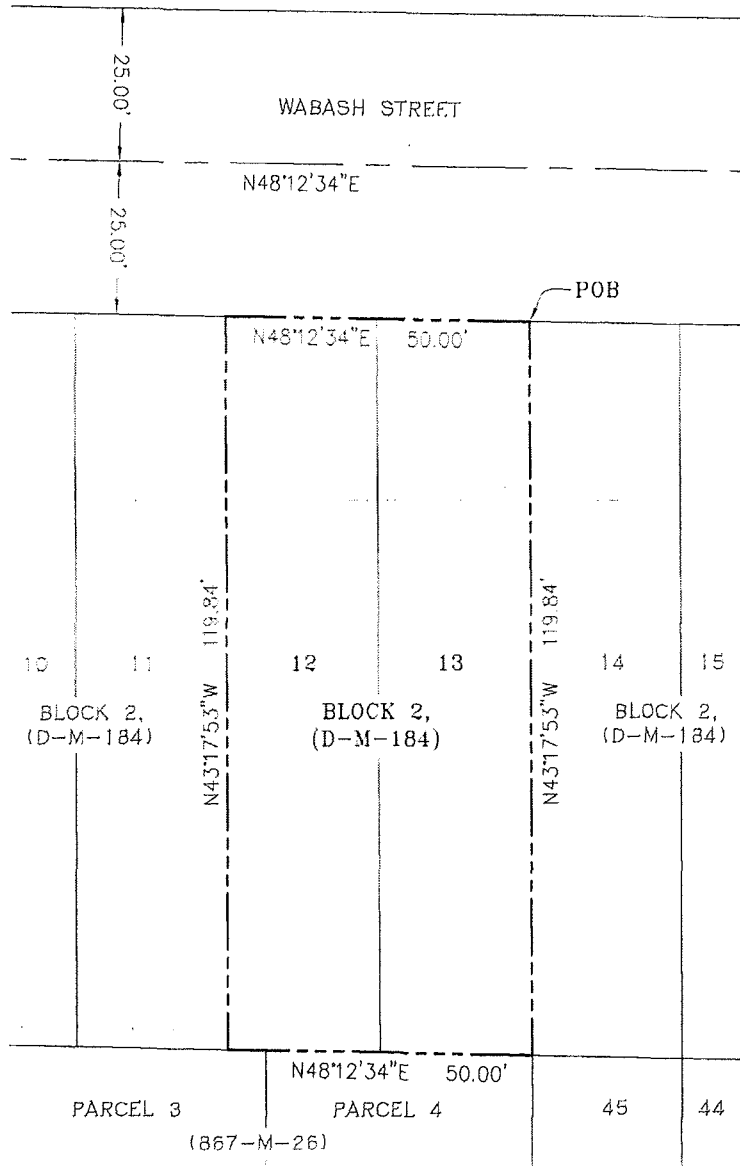


EXHIBIT D: PROPOSED ZONING MAP

FILE NO. C19-003

FIGURE 5. Major Features of Alviso





LEGEND

- BOUNDARY LINE
- EXISTING LOT LINE
- MONUMENT LINE
- POINT OF BEGINNING



C19-003

BASIS OF BEARINGS:

THE BEARING OF N48°12'34"E ALONG THE NORTH LINE OF PARCELS 3 AND 4 AS SHOWN ON THE PARCEL MAP FILED DECEMBER 16, 2013 IN BOOK 867 OF MAPS, AT PAGES 26 AND 27, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA, WAS USED AS THE BASIS OF BEARINGS SHOWN HEREON.



SCALE IN FEET: 1" = 30'

"EXHIBIT B"

ALL OF LOTS 12 AND 13 IN BLOCK 2, AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF NEW CHICAGO AT PORT ALVISO, SANTA CLARA COUNTY, CALIFORNIA", FILED APRIL 11, 1890, IN BOOK "D" OF MAPS, AT PAGES 184 AND 185, RECORDS OF SANTA CLARA COUNTY, CALIFORNIA

SANTA CLARA COUNTY, CALIFORNIA

SHEET 1 OF 1



RUGGERI-JENSEN-AZAR

ENGINEERS • PLANNERS • SURVEYORS

1475 CANNON AVE. SUITE 200 GILROY, CA 95020
PHONE (408) 848-6300 FAX (408) 848-6302

SCALE:
1"=30'

DATE:
01/17/2018

JOB NO.:
172027

"EXHIBIT A"
LEGAL DESCRIPTION

All that real property situated in the City of San Jose, County of Santa Clara, State of California, being all of Lots 12 and 13 in Block 2, as shown on that certain Map entitled "Map of New Chicago at Port Alviso, Santa Clara County, California", filed April 11, 1890 in Book D of Maps, at Pages 184 and 185, Records of Santa Clara County, California, being more particularly described as follows:

Beginning at the northeast corner of said "Lot 13"; thence along the northeast line of said "Lot 13",

S43°17'53"E, a distance of 119.84 feet to the northwest line of "Parcel 4", as shown on the Parcel Map filed December 16, 2013 in Book 867 of Maps, at Pages 26 and 27, Records of Santa County, California; thence along said northwest line, and it's westerly projection,

S48°12'34"W, a distance of 50.00 feet, to the southwest line of said "Lot 12"; thence along said southwest line,

N43°17'53"W, a distance of 119.84 feet to the southeast line of Wabash Street, being 50 feet wide, as shown on said Parcel Map; thence along said southeast line,

N48°12'34"E, a distance of 50.00 feet to the **Point of Beginning**.

Containing 5,990 square feet, more or less.
As shown on "Exhibit B", attached hereto and made a part hereof.

END OF DESCRIPTION.

This description was prepared by me or under my direction pursuant to the requirements of the Professional Land Surveyor's Act.

Bryan Pierce 01/14/2019
Bryan Pierce, PLS 8859 Date
Expires: 12/31/2019



RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE WABASH STREET REZONING ADDENDUM TO THE ENVISION SAN JOSE 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, AS ADDENDED THERETO, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED

WHEREAS, the City of San José (“City”) acting as lead agency under the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively “CEQA”), prepared, completed, and adopted in accordance with CEQA the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (“General Plan Update FPEIR”), which analyzed the environmental impacts set forth from the land use and development assumptions of the Envision San José 2040 General Plan; and

WHEREAS, the Planning Commission of the City certified said General Plan Update FPEIR, which certification was not appealed; and

WHEREAS, in connection with the adoption of a resolution approving said Envision San José 2040 General Plan (Planning File No. PP09-011), the City Council adopted Resolution No. 76041 on November 1, 2011, setting forth certain findings pertaining to the General Plan Update FPEIR and adopting a mitigation monitoring and reporting program, all pursuant to the provisions of CEQA; and

WHEREAS, subsequent to said actions on the General Plan Update FPEIR, the City prepared, completed, and adopted in accordance with CEQA the Supplemental EIR

“SEIR”) to the Envision San José 2040 General Plan, Greenhouse Gas Reduction Strategy (Planning File No. PP15-060); and

WHEREAS, the Planning Commission of the City certified said SEIR, which certification was not appealed; and

WHEREAS, in connection with the adoption of a resolution approving said SEIR to the Envision San José 2040 General Plan Greenhouse Gas Reduction Strategy (Planning File No. PP15-060), the City Council adopted Resolution No. 77617 on December 15, 2015 setting forth certain findings pertaining to the SEIR, all pursuant to the provisions of CEQA; and

WHEREAS, prior to the adoption of this Resolution, the Planning Director of the City of San José prepared and approved an Addendum to the General Plan Update FPEIR and SEIR for the Wabash Street Rezoning Project under Planning File No. C19-003 (the “Addendum”), all in accordance with CEQA; and

WHEREAS, the Wabash Street Rezoning Project (the “Project”) analyzed under the Addendum consists of a conventional rezoning from the R-1-8 Single Family Residence District to R-M Multiple Residence District on a 0.14 gross acre site located on the south side of Wabash Street, approximately 400 feet westerly of Archer Street (Assessor’s Parcel Number: 015-05-080), in San José, California; and

WHEREAS, as further described in the Addendum, the implementation of the Project would not result in new significant effects on the environment beyond those already identified in the previously approved General Plan Update FPEIR and SEIR, as addended, nor will the Project result in an increase in the severity of significant effects identified in the General Plan Update FPEIR and SEIR, as addended; and

WHEREAS, the City of San José is the lead agency on the Project, and the City Council is the decision-making body for the proposed approval to undertake the Project; and

WHEREAS, the City Council has reviewed and considered the General Plan Update FPEIR and SEIR, as addended, and the Addendum and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the General Plan Update FPEIR and SEIR, as addended, and the Addendum for the Project are on file in the Office of the Director of Planning, located at 200 East Santa Clara Street, 3rd Floor Tower, San José California, 95113, are available for inspection by any interested person at that location and are, by this reference, incorporated into this Resolution as if fully set forth herein;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

THAT THE CITY COUNCIL does hereby make the following findings: (1) it has independently reviewed and analyzed the General Plan Update FPEIR and SEIR, as addended, as all modified by the Addendum, as well as other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Addendum modifying the General Plan Update FPEIR and SEIR, as addended, prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Addendum modifying the General Plan Update FPEIR and SEIR, as addended, represents the independent judgment and analysis of the City of San José, as lead agency for the Project. The City Council designates the Director of Planning at the Director's Office at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, as the custodian of documents and records of proceedings on which this decision is based.

THAT THE CITY COUNCIL does hereby find that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby adopt the Addendum prepared for the Project (Planning File No. C19-003). The General Plan Update FPEIR and SEIR, as addended, and the Addendum are: (1) on file in the Office of the Director of Planning, located at 200 East Santa Clara Street, 3rd Floor Tower, San José, California, 95113, and (2) available for inspection by any interested person.

ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.138-GROSS ACRE SITUATED ON THE SOUTH SIDE OF WABASH STREET, APPROXIMATELY 400 FEET WESTERLY OF ARCHER STREET (APN: 015-05-080), FROM THE R-1-8 SINGLE FAMILY RESIDENCE ZONING DISTRICT TO THE R-M MULTIPLE RESIDENCE 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 Addendum to 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, all in conformance with the California Environmental Quality Act, was prepared and approved by the Planning Director for the subject rezoning;; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the R-M Multiple Residence Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves the application and use of said Addendum as the appropriate environmental clearance for this proposed project prior to taking any approval actions on the project;

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 R-M Multiple 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 "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. C19-003 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 _____, 2019 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk