



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

SUBJECT: SEE BELOW

FROM: Planning Commission

DATE: October 25, 2019

COUNCIL DISTRICT: 3

SUBJECT: FILE NO. C19-015: CONVENTIONAL ZONING FROM THE CG COMMERCIAL GENERAL ZONING DISTRICT AND R-M MULTIPLE RESIDENCE ZONING DISTRICT, TO THE R-M MULTIPLE RESIDENCE ZONING DISTRICT ON AN APPROXIMATELY 0.15-GROSS ACRE SITE LOCATED ON THE WEST SIDE OF SOUTH 21ST STREET APPROXIMATELY 110 FEET SOUTHERLY OF EAST SANTA CLARA STREET (19 SOUTH 21ST STREET).

RECOMMENDATION

The Planning Commission voted 6-0-1 (Chair Ballard absent) to recommend that the City Council:

- a. Adopt a resolution approving an Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report) certified by the City Council on November 1, 2011 (Resolution No. 76041) and the Final Supplemental Environmental Impact Report, certified by the City Council on December 15, 2015 (Resolution No. 77617) and Addenda thereto, in accordance with CEQA.
- b. Approve an ordinance of the City of San José rezoning of certain real property located on the west side of South 21st Street approximately 110 feet southerly of East Santa Clara Street (19 South 21st Street) from the CG Commercial General Zoning District and R-M Multiple Residence Zoning District, to the R-M Multiple Residence Zoning District on an approximately 0.15-gross acre site.

OUTCOME

Should the City Council approve the rezoning, the uses allowed in the R-M Multiple Residence Zoning District would be allowed on the subject site.

BACKGROUND

On October 23, 2019, the Planning Commission held a public hearing to consider the proposed Conventional Rezoning, which appeared on the Consent Calendar of the Agenda. No members of the public spoke on the proposed project.

The Planning Commission voted 6-0-1, (Chair Ballard 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 General Plan conformance, is contained in the attached Planning Commission Staff Report.

CONCLUSION

The project site is currently zoned CG Commercial General and R-M Multiple Residence and has a General Plan Designation of Mixed Use Neighborhood. The project would eliminate the current split-lot zoning and allow the entire parcel to be one zoning. This would allow permit consistent uses of the entire lot as allowed under the R-M Multiple Residence Zoning District. The rezoning would allow for future development with uses and intensity consistent with the land use designation of Mixed-Use Neighborhood.

EVALUATION AND FOLLOW-UP

If the rezoning is approved, the appropriate entitlement application could be submitted to implement uses consistent with the general development standards of the R-M Multiple Residence Zoning District.

CLIMATE SMART SAN JOSE

The recommendation in this memorandum for File No. C19-015 has no effect on the Climate Smart San Jose energy, water, or mobility goals.

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.

COORDINATION

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

CEQA

An Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report) certified by the City Council on November 1, 2011 (Resolution No. 76041) and the Final Supplemental Environmental Impact Report, certified by the City Council on December 15, 2015 (Resolution No. 77617) 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. A complete analysis is contained in the attached staff report.

/s/
ROSALYNN HUGHEY, SECRETARY
Planning Commission

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

Attachment: Planning Commission Staff Report



Memorandum

TO: PLANNING COMMISSION
SUBJECT: File No. C19-015

FROM: Rosalynn Hughey
DATE: October 4, 2019

COUNCIL DISTRICT: 3

Type of Permit	Conventional Rezoning
Project Planner	Rhonda Buss
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	N/A

RECOMMENDATION

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

1. Adopt a resolution approving the addendum in accordance with CEQA, 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; and
2. Adopt an ordinance of the City of San José rezoning certain real property of approximately 0.15 gross acres situated on the west side of South 21st Street approximately 110 feet southerly of East Santa Clara Street (19 South 21st Street) from the R-M Multiple-Residence Zoning District and the CG Commercial General Zoning District to the R-M Multiple-Residence Zoning District.

PROPERTY INFORMATION

Location	West Side of South 21st Street Approximately 110 Feet Southerly of East Santa Clara Street (19 South 21st Street)
Assessor Parcel No.	467-31-015
General Plan	Mixed Use Neighborhood
Growth Area	N/A
Current Zoning	R-M Multiple-Residence Zoning District and CG Commercial General Zoning District (Split zoning on one parcel)
Proposed Zoning	R-M Multiple-Residence
Historic Resource	No
Annexation Date	December 12, 1911
Council District	3
Acreage	approximately 0.15

PROJECT BACKGROUND

As shown on the attached vicinity map (Figure 1), the project site is located on the west side of South 21st Street approximately 110 feet southerly of East Santa Clara Street. The approximately 0.15-gross acre site is developed with a single-family dwelling and accessory structures. The subject site has split-lot zoning of CG Commercial General Zoning District and R-M Multiple Residence Zoning District.

The site is surrounded by commercial and single-family residential to the north and single-family residential to the south, commercial and residential to the west, and single-family residential to the east.

The proposed conventional zoning is from the CG Commercial General Zoning District and R-M Multiple Residence Zoning District, to the R-M Multiple Residence Zoning District. If the rezoning is approved by the City Council, the applicant will be able to pursue future projects that are consistent with the General Plan Land Use/Transportation Diagram designation of Mixed Use Neighborhood and the CG Commercial General Zoning District. Currently, there are no development project applications on file with the City.

SURROUNDING USES			
	General Plan	Zoning District	Existing Use
North	Urban Village and Mixed Use Neighborhood	CG Commercial General and R-M Multiple-Residence	Commercial and Single-Family Residential
West	Urban Village	CG Commercial General	Commercial and Residential
South	Mixed Use Neighborhood	CG Commercial General and R-M Multiple-Residence	Single-Family Residential
East	Mixed Use Neighborhood	R-M Multiple-Residence	Single-Family Residential

RELATED APPROVALS	
Date	Action
11/30/11	Site annexed into the City of San Jose (East San Jose)

ANALYSIS

The proposed Conditional Use Permit is analyzed with respect to conformance with:

1. Envision San José 2040 General Plan
2. Title 20 of the Municipal Code (Zoning Ordinance)
3. California Environmental Quality Act (CEQA)

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

Land Use Designation

As shown in the attached General Plan map (Figure 2), the proposed project site has an Envision San José 2040 General Plan designation of Mixed Use Neighborhood. The typical maximum density in areas designated as Mixed Use Neighborhood is up to 30 DU/AC. This designation is applied to areas intended for development primarily with either townhouse or small lot single-family residences. Commercial or mixed-use development are also allowed within this designation.

The rezoning would allow future redevelopment with uses and intensity consistent with the land use designation of Mixed-Use Neighborhood.

General Plan Policies

The project conforms to the following key General Plan policies:

1. Implementation Policy IP-1.6: Ensure that proposals to rezone and pre-zone properties conform to the Land Use/Transportation Diagram, and enhance Envision General Plan Vision, goals and policies.
2. Implementation Policy IP-1.7: Use standard Zoning Districts to promote consistent development patterns when implementing new land use entitlements. Limit use of the Planned Development Zoning process to unique types of development or land uses which cannot be implemented through standard Zoning Districts, or to sites with unusual physical characteristics that require special consideration due to those constraints.
3. Implementation Policy IP-8.2: 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 uses 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 is a mix of residential and commercial uses, and residential is the predominant use on 21st Street (which the subject lot fronts onto). Although the R-M Multiple Residence Zoning District is not a conforming district to the Mixed Use Neighborhood General Plan land use designation as set forth in Table 20-270 of the Zoning Code, the rezoning of the site from CG Commercial General and R-M Multiple Residence District to R-M Multiple Residence District is consistent with the intent of this land use designation to preserve the residential uses in the neighborhood.

Currently, the existing house is partially located within the CG Commercial General Zoning District, rendering a portion of the house legal-non conforming. A single-family house is a permitted use in R-M Multiple Residence Zoning District, which would improve the legal-non conforming status of the building. The rezoning would allow for future development with uses and intensity consistent with the land use designation of Mixed-Use Neighborhood.

Zoning Ordinance Conformance

The subject site is located within the CG Commercial General Zoning District and R-M Multiple Residence Zoning Districts. (see Figure 3). A single-family dwelling is a permitted use in the R-M Multiple Residence Zoning District.

As previously identified, the subject lot has split-lot zoning. Although the R-M Multiple Residence District is not identified as a conforming zoning district for the General Plan Land Use Designation of Mixed Use

Neighborhood, staff recommends the R-M Multiple Residence District rather than the CG Commercial General Zoning District. The legal non-conforming status of the existing single-family home would be improved under R-M Multiple Residence District zoning, because a portion of the house is in the CG Commercial Zoning District, where single-family dwellings are not an allowed use.

Additionally, the rezoning of the site to R-M Multiple Residence Zoning District would allow the entire lot to be one consistent zoning district.

Zoning Setback Requirements		
	CG Commercial General Zoning District (Existing)	R-M Multiple Residence Zoning Districts (Existing)
Front (north)	15 feet	10 feet
Side (East)	0 feet	5 feet
Side (West)	0 feet	5 feet
Rear (South)	0 feet	25 feet
Height	65 feet maximum	45 feet maximum

The proposed R-M Multiple Residence Zoning Districts development standards are shown in the table below.

Setbacks and Height:

	Required	Existing
Front (North)	10 feet	21.11 feet
Side, Interior (East)	5 feet	4.02 feet
Side, Interior (West)	5 feet	11.84 feet
Rear (South)	25 feet	52.36 feet
Height	45 feet maximum	15 feet

Analysis: As shown in the table above, the height is consistent. The front, west side, and rear setbacks are also consistent. The easterly section of the house is located within the current R-M Multiple Residence Zoning District section of the property, and the existing east side setback would remain the same. Although the east side setback does not meet the required setback, the condition would not be worsened by the proposed rezoning.

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 (collectively referred to as the "EIRs"), was prepared for the project under the provisions of 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 will require major revisions to the previous EIR, or new information of substantial importance is available.

The proposed rezoning 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. The proposed rezoning from A(PD) Planned Development Zoning District to LI Light Industrial Zoning District shall provide a compatible land use and would not result in any impacts beyond those identified in the previously identified certified EIRs.

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 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. The City of San José may act on the proposed project as being within the scope of the Envision San José 2040 General Plan Final Program EIR as supplemented and addended.

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.

Project Manager: Rhonda Buss

Approved by: Deputy Director for Rosalynn Hughey, Planning Director

ATTACHMENTS:
Exhibit A: Exhibit A (legal description) and Exhibit B (plat map)
Exhibit B: Addendum
Exhibit C: CEQA Resolution
Exhibit D: Draft Ordinance

Owner:	Applicant:	Applicant's Representative:
VIAM Capital LLC 189 Monterey Road, Suite 260 San Jose, California	Steven Tran 2189 Monterey Road, Suite 260 San Jose, California	Branko Micic 1289 Monterey Road San Jose, California, 95125

Figure 1: Aerial of Site

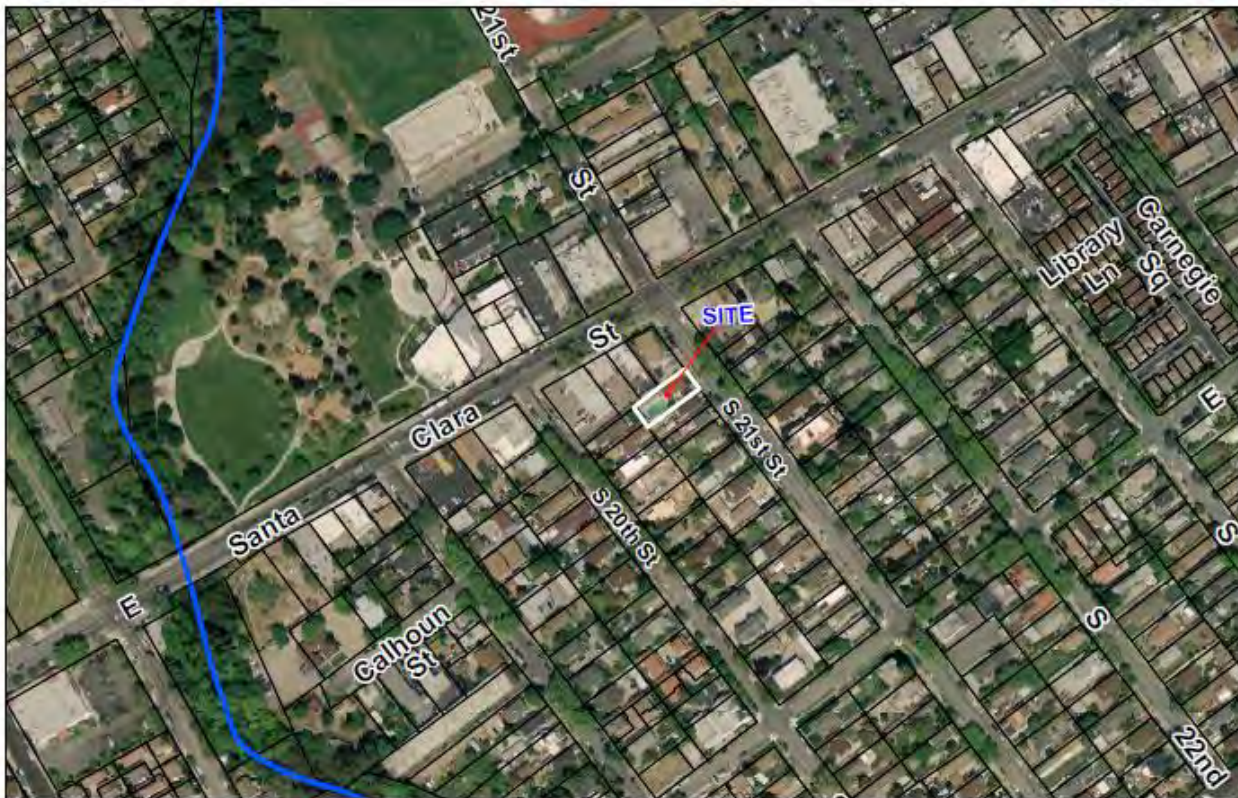


Figure 2: General Plan Land Use/Transportation Diagram Designation Map



Figure 3: Zoning District Map

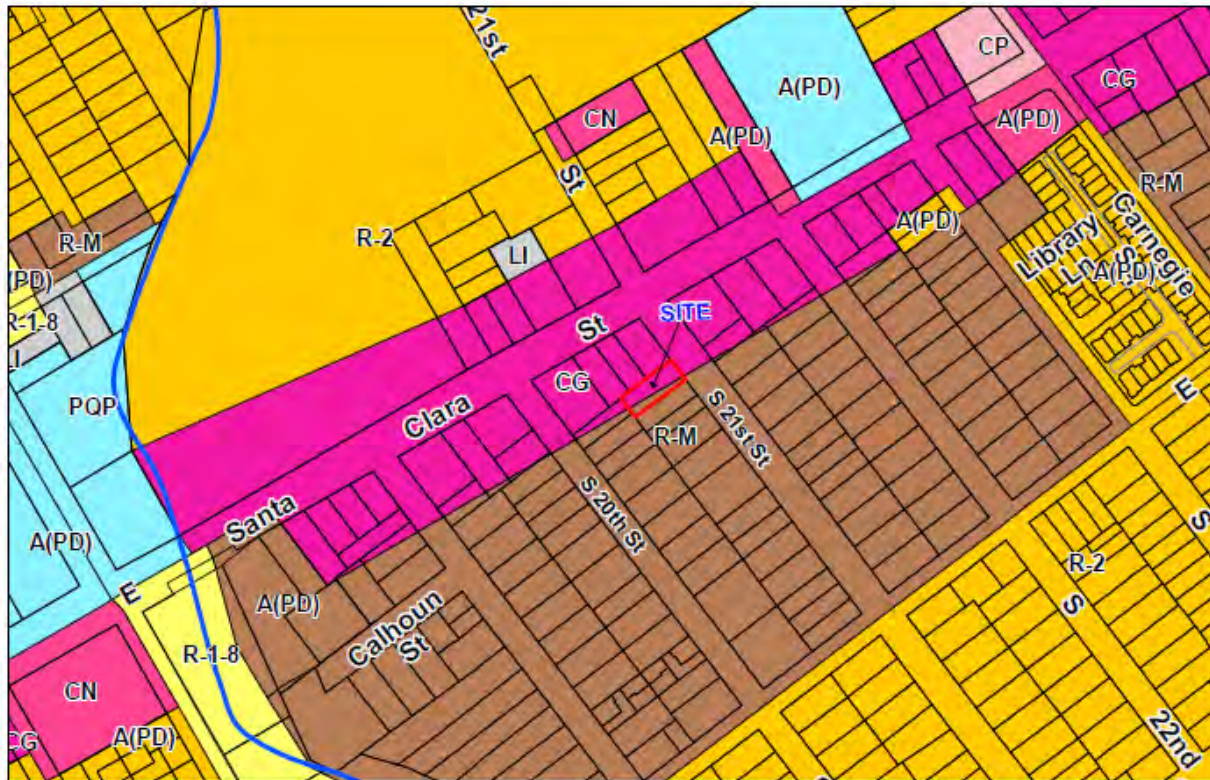


EXHIBIT "A"

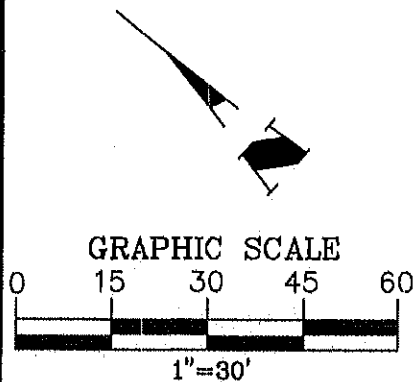
Legal Description

The Land referred to herein below is situated in the City of San Jose, County of Santa Clara, State of California and is described as follows:

Portion of Lot 16 in Block 4, as shown on that certain Map entitled "Map of the Property of the East San Jose Homestead Association", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on February 17, 1870 in Book "B" of Maps, at Page 101 and more particularly described as follows:

BEGINNING on the Westerly line of Twenty-First Street, distant thereon 108.85 feet Southerly from the intersection of the Westerly line of Twenty-First Street, with the Southerly line of Santa Clara Street; thence from said Point of Beginning Westerly along the line dividing Lots 3, 4 and 16, in said Block 4, 130 feet; thence at right angles Southerly, parallel with Twenty-First Street, 50 feet; thence at right angles Easterly 130 feet to the Westerly Line of Twenty-First Street; thence Northerly along the Westerly line of Twenty-First Street, 50 feet to the Point of Beginning.





E. SANTA
CLARA STREET

S. 21ST STREET

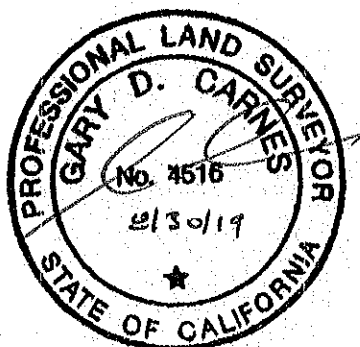
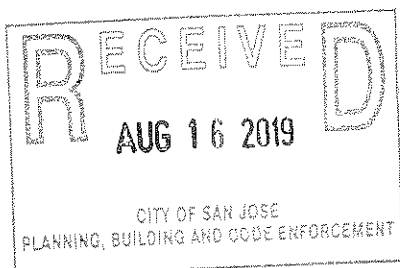
N38°17'19"W
144.49'

N51°42'41"E
35.00'

S38°17'19"E
50.00'

35'
R.O.W.

35'
R.O.W.



PARCEL "A"
VIAM CAPITAL LLC
PORTION LOT 16
"B" M 101
DOC No. 23928307
APN: 467-31-015

N51°39'47"E 129.74'

N51°42'41"E 129.75'

S38°17'06"E
49.89'

EXHIBIT "B" - REZONING PLAN



CARNES & ASSOCIATES
LAND SURVEYORS

9505 SUGAR BABE DRIVE GILROY CA 95020

T: (408) 847-2013 F: (408) 846-7248

EMAIL: OFFICE@CARNESANDASSOCIATES.NET

DRAWN BY:
J.H.

DATE:
04/29/2019

PAGE:
1 OF 1

PROJECT
MANAGER: G.C.

SCALE:
1" = 30'

JOB NO.:
1939

**ADDENDUM TO
ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL PROGRAM
ENVIRONMENTAL IMPACT REPORT, SUPPLEMENTAL ENVIRONMENTAL
IMPACT REPORT, AND ADDENDA THERETO (SCH# 2009072096)**

Pursuant to Section 15164 of the CEQA Guidelines, the City of San José has prepared an Addendum to the Envision San José 2040 General Plan Final Program Environmental Impact Report, Envision San José 2040 General Plan Supplemental Environmental Impact Report, and addenda thereto; because minor changes made to the project, as described below, do not raise important new issues about the significant impacts on the environment.

Project Name: South 21st Street Rezoning

File Number: C19-015

Project Description: Conventional rezoning of the split-lot zoning from the CG Commercial General Zoning District and R-M Multiple Residence Zoning District to the R-M Multiple Residence Zoning District on an approximately 0.15-gross acre site.

Location: The project site is located on the west side of South 21st Street approximately 110 feet southerly of East Santa Clara Street.

Council District: 3

Assessor's Parcel Numbers: 467-31-015

The environmental impacts of this project were addressed by the following Environmental Impact Reports (EIRs): the Envision San José 2040 General Plan Final Program EIR adopted by City Council Resolution No. 76041 on November 1, 2011 (SCH #2009072096), the Envision San José 2040 General Plan Supplemental Environmental Impact Report adopted by City Council Resolution No. 77617 on December 15, 2015 (SCH #2009072096), and addenda thereto.

The proposed project is eligible for an addendum pursuant to CEQA Guidelines §15164, which states that, "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines §15162 calling for preparation of a subsequent EIR have occurred."

Circumstances which would warrant a subsequent EIR include substantial change in the project or new information of substantial importance which would require major revisions of the previous EIR due to the occurrence of new significance impacts and/or a substantial increase in the severity of previously identified significance effects.

The following impacts were reviewed and found to be adequately considered by the EIRs:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology and Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazardous Materials | <input checked="" type="checkbox"/> Hydrology & Water Quality |
| <input checked="" type="checkbox"/> Land Use | <input checked="" type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |

☒ Population and Housing
☒ Transportation/Traffic
☒ Growth Inducing

☒ Public Services
☒ Utilities & Service Systems
☒ Cumulative Impacts

☒ Recreation
☒ Energy
☒ Mandatory Findings of Significance

ANALYSIS

The project site is currently zoned CG Commercial General and R-M Multiple Residence and has a General Plan Designation of Mixed Use Neighborhood. The project would eliminate the current split-lot zoning and allow the entire parcel to be one zoning. This would allow for consistent uses of the entire lot as allowed under the R-M Multiple Residence Zoning District.

The R-M Multiple Residence Zoning District is consistent with the Mixed Used Neighborhood General Plan land use designation, and would allow future development at the subject site to include Mixed Used Neighborhood uses as anticipated by the Envision San José 2040 General Plan. The various ranges of permitted uses and development intensities of this zoning classification correspond to the Mixed Used Neighborhood land use designation. Therefore, R-M Multiple Residence Zoning District would continue to support the Mixed Used Neighborhood Land Use Designation by supporting residential uses.

The proposed rezoning itself would not result in any new or substantially increased significant impacts beyond those previously identified in the Envision San Jose 2040 General Plan FPEIR, the Envision San Jose 2040 General Plan SEIR, and addenda thereto. There is no new proposed development currently for the site. Any further actions, such as a development permit, will require additional environmental review at the time such a permit application is submitted.

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 in the Envision San José 2040 EIR and Supplemental EIR. Additionally, the proposed rezoning would not result in 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. This addendum will not be circulated for public review, but will be attached to the EIRs, pursuant to CEQA Guidelines §15164(c).

Rosalynn Hughey, Director
Planning, Building and Code Enforcement


Date

10/1/19
Deputy

Project Manager: Rhonda Buss

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE ADOPTING THE 21ST STREET REZONING PROJECT ADDENDUM TO THE ENVISION SAN JOSE 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT, ENVISION SAN JOSÉ 2040 GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, AND ADDENDA 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 the Envision San José 2040 General Plan the Final Program Environmental Impact Report and the Envision San José 2040 General Plan Supplemental Environmental Impact Report, and Addenda Thereto, (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; 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 (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 21st Street Rezoning Project under Planning File No. C19-015 (the “Addendum”), all in accordance with CEQA; and

WHEREAS, the 21st Street Rezoning Project (the “Project”) analyzed under the Addendum consists of a conventional rezoning of a certain real property situated on the project site located on the west side of South 21st Street approximately 110 feet southerly of East Santa Clara Street from the from the CG Commercial General and R-M Multiple Residence Zoning Districts to the R-M Multiple Residence Zoning District totaling approximately 0.15 gross acres, 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, SEIR, and Addenda

thereto nor will the Project result in an increase in the severity of significant effects identified in the General Plan Update FPEIR, SEIR, and Addenda thereto; 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 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 and the Addendum thereto 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 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 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 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

XXXXXX

Date: 10-01-19

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. C19-015). The General Plan Update FPEIR and SEIR 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:

ATTEST:

SAM LICCARDO
Mayor

TONI J. TABER, CMC
City Clerk

XXXXXX

Council Agenda: _____

Item No.: _____

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

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF AN APPROXIMATELY 0.15-GROSS ACRE SITE SITUATED ON THE WEST SIDE OF SOUTH 21ST STREET APPROXIMATELY 110 FEET SOUTHERLY OF EAST SANTA CLARA STREET (19 SOUTH 21ST STREET) FROM THE R-M MULTIPLE RESIDENCE ZONING DISTRICT AND CG COMMERCIAL GENERAL 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 “FPEIR”) certified by the City Council on November 1, 2011, by Resolution No. 76041, and the Final Supplemental Environmental Impact Report for the Envision San José 2040 General Plan (the “SEIR”) certified by the City Council on December 15, 2015, by Resolution No. 77617, 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 as 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. The land development approval that is the subject of City File No. C19-015 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

DRAFT