NVF:VMT:JMD 5/27/2021

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING **CERTAIN REAL PROPERTY OF APPROXIMATELY 28.86** GROSS ACRES GENERALLY BOUNDED BY BERRYESSA ROAD TO THE NORTH; COYOTE CREEK, SALAMONI COURT AND BERRYESSA STATION WAY TO THE EAST: ROAD TO THE SOUTH; AND VALLEY TRANSPORTATION AUTHORITY RIGHT-OF-WAY TO THE WEST FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT AND IP INDUSTRIAL PARK ZONING DISTRICT TO THE PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT (APNS: 254-17-008 AND 254-17-110); FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT (APN: 254-17-111); FROM THE IP INDUSTRIAL PARK ZONING DISTRICT TO THE PQP PUBLIC/QUASI-PUBLIC ZONING DISTRICT (APNS: 254-17-083); AND FROM THE IP INDUSTRIAL PARK ZONING DISTRICT TO THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT (APNS: 254-17-112; 254-17-113)

**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/Addendum to the to the Envision San José 2040 General Plan Final Program Environmental Impact Report (certified by Resolution No. 76041), and Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Final Program Environmental Impact Report (Resolution No. 77617), and Addenda thereto was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to the PQP Public/Quasi-Public Zoning District and CP Commercial Pedestrian Zoning District under File Number ER20-187 (the "Addendum"); and

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WHEREAS, the City Council of the City of San José is the decision-making body for the

proposed subject rezoning to the PQP Public/Quasi-Public Zoning District and CP

Commercial Pedestrian Zoning District; and

WHEREAS, this Council of the City of San Jose has considered the Addendum (Resolution

No. \_\_\_\_\_) to the Envision San José 2040 General Plan Final Program Environmental

Impact Report (certified by Resolution No. 76041), and Supplemental Environmental

Impact Report to the Envision San José 2040 General Plan Final Program Environmental

Impact Report (Resolution No. 77617), and Addenda thereto prior to taking any approval

actions on this project; and

WHEREAS, the proposed rezoning is consistent with the designation of the sites 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 rezoned to the PQP Public/Quasi-Public Zoning District

and CP Commercial Pedestrian 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 district map of the City is hereby amended accordingly.

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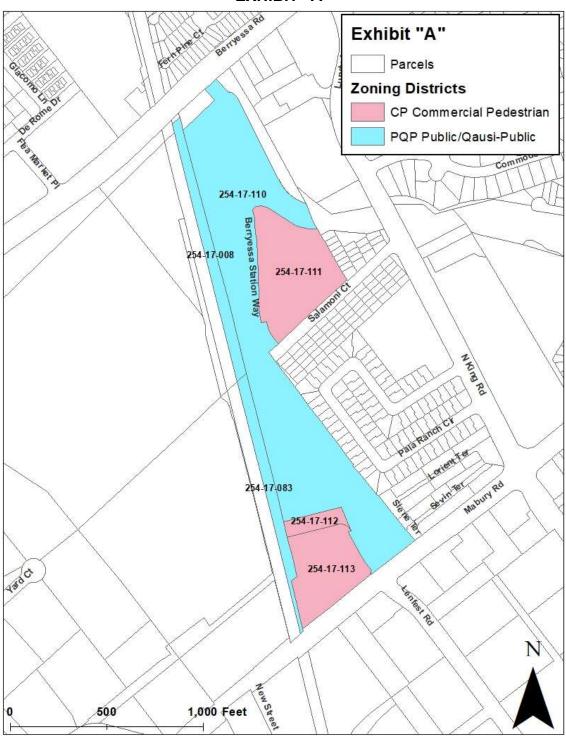
Water Quality Control Board for the San Francisco Bay Region.

**SECTION 4.** Any land development approval that is the subject of City File No. C21-001 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

File No. C21-001

PASSED FOR PUBLICATION of title this vote:	_ day of, 2021, by the following
AYES:	
NOES:	
ABSENT:	
DISQUALIFIED:	
	SAM LICCARDO Mayor
ATTEST:	•
TONI J. TABER, CMC City Clerk	

## **EXHIBIT "A"**



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T-41000/1823807

Council Agenda: 06-08-2021

Item No.: 10.2(c)

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