

**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; MABURY 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

**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. [REDACTED]) 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.

**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 Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this \_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

### EXHIBIT "A"

