

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.53 GROSS ACRE SITUATED ON THE NORTHEAST CORNER OF STORY ROAD AND SOUTH JACKSON AVENUE (2305 STORY ROAD (APN: 484-35-022) FROM THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO THE CN COMMERCIAL NEIGHBORHOOD 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, a Mitigated Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to the CN Commercial Neighborhood Zoning District under the Rotten Robbie On Story Road Project (the “MND”); and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the CN Commercial Neighborhood Zoning District; 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, the proposed rezoning (File No. C19-016) does not reduce the intensity of residential uses because the proposed rezoning does not allow greater residential density than the existing CP Commercial Pedestrian Zoning District; the rezoning would result in no net loss or gain of residential capacity;

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 CN Commercial Neighborhood.

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. C19-016 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:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

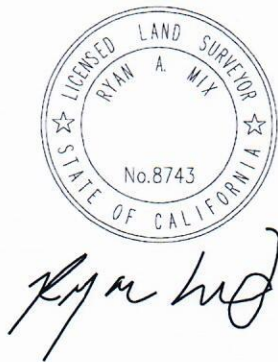
EXHIBIT "A" (File Nos. C19-016; CP18-027)

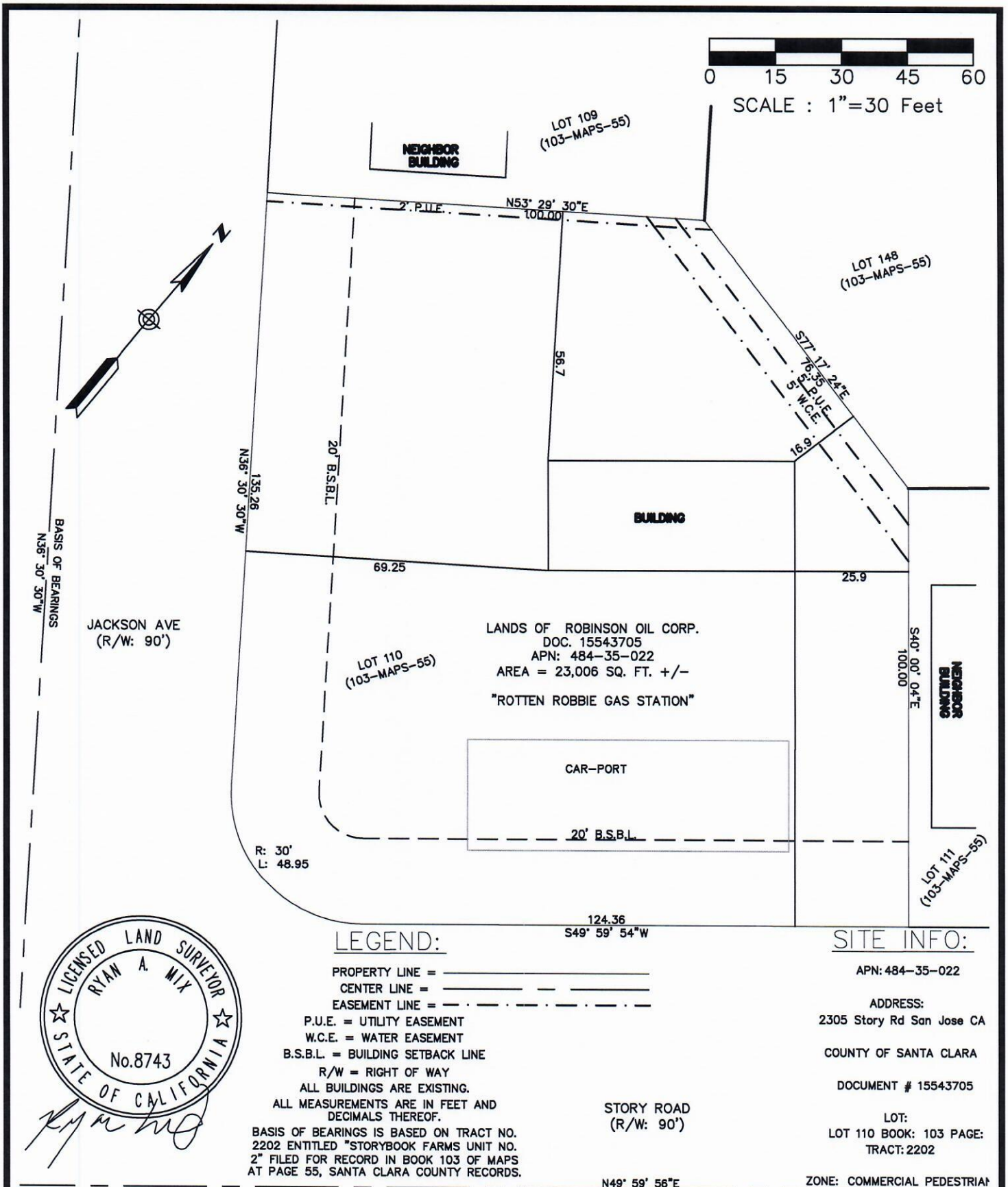
EXHIBIT "A"

(City of San Jose)

Lot(s) 110, Tract No. 2202, Storybook Farms, Unit No. 2, filed March 19, 1959 in Book 103 of Map . at
Page() 55, Santa Clara County Records.

Assessor' Parcel Number: 484-35-022



**EXHIBIT B**

DRAWN BY: JN

DATE: 05-01-2019

APPROVED BY: RM

FILENAME: RR-STORY

PLAT FOR RE-ZONING PURPOSES

2305 STORY ROAD, SAN JOSE, 95122
 SANTA CLARA COUNTY, CALIFORNIA


SMP ENGINEERS
 CIVIL ENGINEERS—LAND SURVEYORS

1534 Carob Lane Los Altos, CA 94024
 Tel. (650) 941-8055 Fax (650) 941-8755