

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 2,029-GROSS ACRES SITUATED IN VARIOUS LOCATIONS OF THE CITY, INCLUDING THE EAST FOOTHILLS OF SAN JOSE ON SIERRA ROAD, ON MIRACEL MOUNTAIN DRIVE NORTH OF THE BOULDER RIDGE GOLF CLUB, AND IN SOUTH SAN JOSE ON CASA LOMA ROAD FROM THE R-1-1 RESIDENTIAL ZONING DISTRICT AND A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE OS OPEN SPACE ZONING DISTRICT (APNS 595-07-023; 694-01-027; 694-01-030; 742-18-007; 742-12-008; 742-19-001)

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, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the City has certified that certain Final Program Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No. 76041) and the Supplemental Environmental Impact Report for the Envision San José 2040 General Plan (Resolution No.77617), and Addenda thereto (collectively, Final EIR), in connection therewith; and

WHEREAS, the City of San José has determined that no new effects would occur from and no new mitigation measures would be required for the adoption of this Ordinance and that adoption of this Ordinance is within the scope of and in furtherance of the rezoning to the OS Open Space Zoning District, taken together with the Final EIR, related Resolution Nos. 76041 and 77617, and the Addendum to the FEIR prepared for this Ordinance under File No. ER20-187; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the OS Open Space Zoning District; and

WHEREAS, this Council of the City of San José 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 acting upon or approving the subject rezoning; 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. C21-010) reduces the intensity of residential uses because the proposed rezoning does not allow for greater residential density than the existing R-1-1 Residential Zoning District and A(PD) Planned Development Zoning District; the rezoning would decrease the residential capacity by 2,030 residential units, and further, this rezoning, if approved concurrently with File No. C21-001 and PDC17-051, would offset reduced intensity of residential capacity for the proposed project under File No. C21-010, resulting in no net loss of residential capacity; approval of both rezonings would result in a net increase in residential capacity of 1,543 units;

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 OS Open Space 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 Exhibits “A1” and “A2” 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. C21-010 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.

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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-1 EXISTING ZONING DISTRICTS

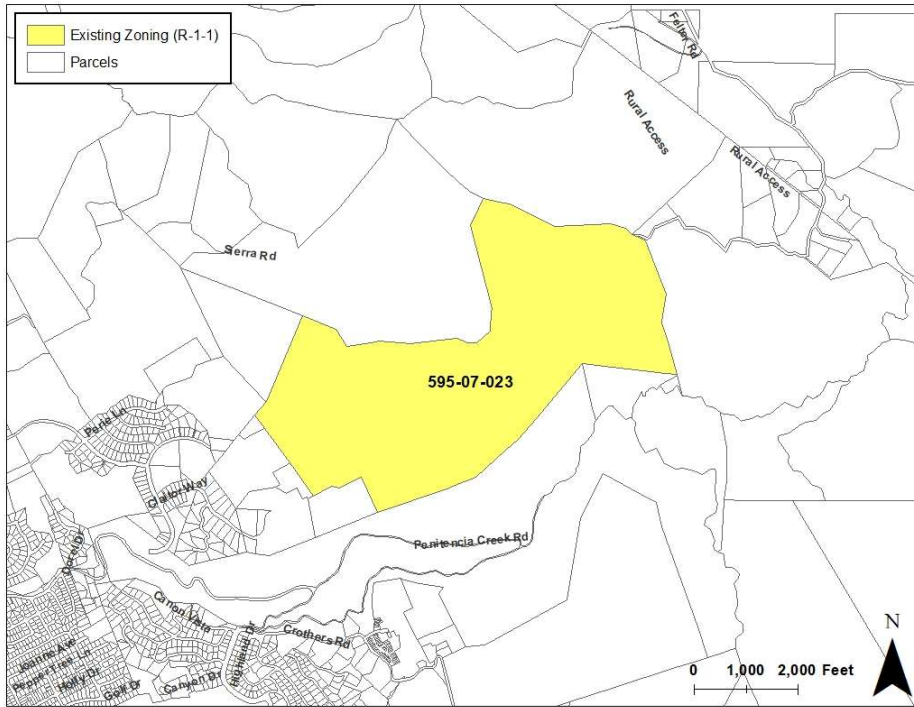


Exhibit A-1-1

T-41000/1824585

Council Agenda: 06-08-2021

Item No.: 10.4

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

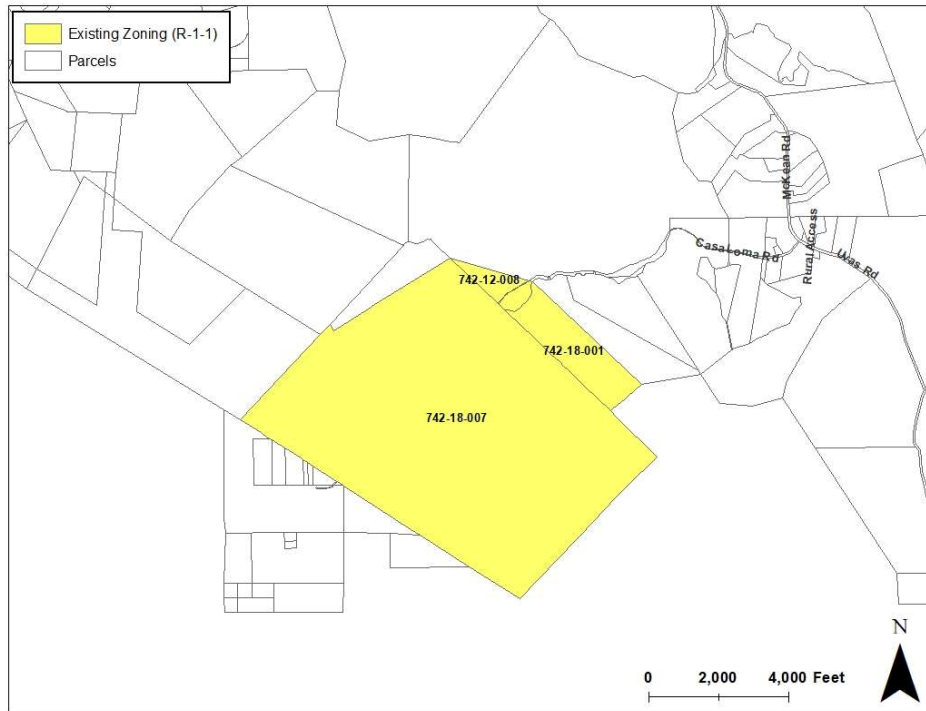


Exhibit A-1-2

T-41000/1824585

Council Agenda: 06-08-2021

Item No.: 10.4

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EXHIBIT A-2 AREAS REZONED TO OS OPEN SPACE ZONING DISTRICT

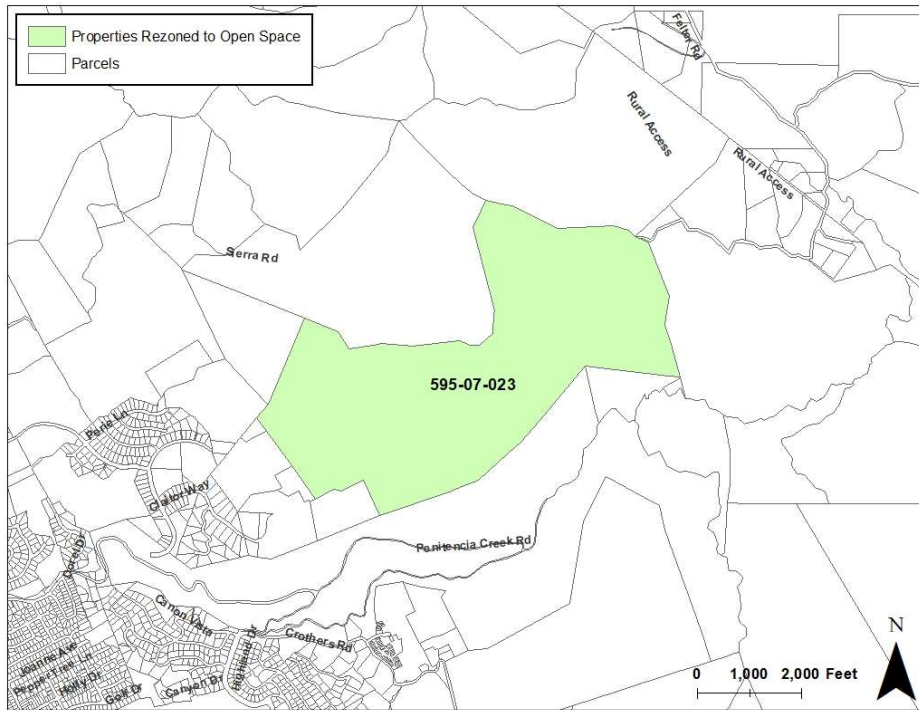


Exhibit A-1-3

T-41000/1824585

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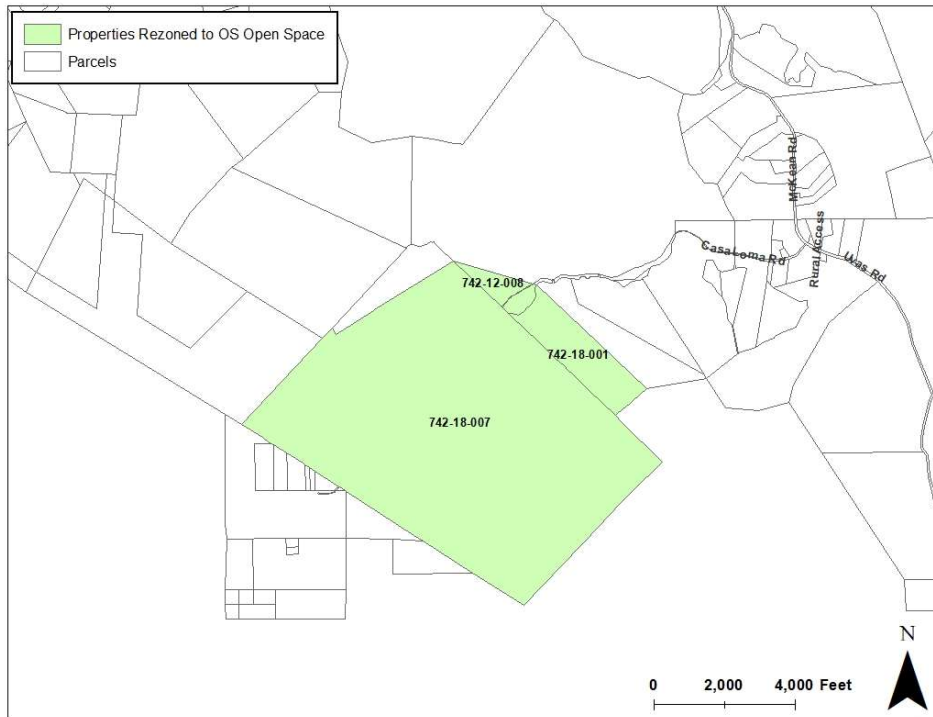


Exhibit A-1-4

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