

***DRAFT***

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING  
CERTAIN REAL PROPERTY OF APPROXIMATELY 0.79  
GROSS ACRE, SITUATED ON THE NORTHEAST CORNER  
OF BLOSSOM RIVER DRIVE AND BLOSSOM HILL ROAD  
(1009 BLOSSOM HILL ROAD) (APN 458-14-023) FROM  
THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT  
TO THE CG COMMERCIAL GENERAL 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 Statement of Exemption was prepared for a rezoning under File No. ER22-167, and said Statement of Exemption (CEQA Categorical Exemption Section 15303(c) for New Construction or Conversion of Small Structures) was adopted by the Director of Planning, Building and Code Enforcement on January 26, 2024; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the CG Commercial General Zoning District; and

**WHEREAS**, the City Council of the City of San José has considered and approves the Statement of Exemption as the appropriate environmental clearance for the proposed project 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. C22-075) does not reduce the intensity of residential uses; both the existing A(PD) Planned Development

Zoning District and the proposed CG Commercial General Zoning District do not allow for residential uses.

**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 CG Commercial General 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.** Any land development approval that is the subject of City File No. C22-075 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 \_\_\_\_\_, 2024 by the following  
vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

## Legal Description

**PARCEL ONE:**

ALL OF PARCEL 2, AS SHOWN UPON THAT CERTAIN MAP ENTITLED "PARCEL MAP BEING ALL OF PARCELS 1 AND 2 AS SHOWN ON THAT CERTAIN PARCEL MAP, FILED FOR RECORD IN BOOK 501 OF MAPS, AT PAGE 30, SANTA CLARA COUNTY RECORDS, WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON AUGUST 29, 1984 IN BOOK 533 OF MAPS, AT PAGE 26.

**PARCEL TWO:**

A NON-EXCLUSIVE EASEMENT AND RIGHT OF INGRESS, EGRESS AND USE FOR VEHICULAR AND PEDESTRIAN PASSAGE, AND PARKING ON AND ACROSS ALL ROADS, PARKING AREAS AND ACCESS ENTRIES TO AND FROM PUBLIC THOROUGHFARES AS SUCH ROADS, PARKING AREAS AND ENTRIES ARE LOCATED AND EXIST FROM TIME TO TIME ON SAID PARCELS 1, 3, 4 AND 5, AS SHOWN ON THE MAP HEREINABOVE REFERRED TO.

**PARCEL THREE:**

AN EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF UNDERGROUND STORM WATER TRANSPORTATION PIPE LINES OVER AND ACROSS PARCELS 3 AND 4 OF PARCEL MAP RECORDED IN BOOK 533, PAGE 26, AS SET FORTH IN THE RECIPROCAL EASEMENT ATTACHED.

**APN: 458-14-023**

