

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
THE ZONING DISTRICT MAP TO APPLY THE MIHO MIXED
INCOME HOUSING OVERLAY DISTRICT ON TWO
PARCELS (APNs 101-30-005 & 007)**

WHEREAS, all 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 California Environmental Quality Act Guidelines Section 15168(c)(2), the City of San José has determined the proposed overlay districts are pursuant to, in furtherance of, and within the scope of the previously approved program evaluated in the Final Supplemental Environmental Impact Report to the Envision San José General Plan Final Program Environmental Impact Report for the 2023-2031 Housing Element Update, adopted by the City Council through Resolution No. RES2023-262 ("FPEIR"); and

WHEREAS, the City Council has reviewed and considered the Determination of Consistency to the FPEIR and finds adoption of this Ordinance to apply the Mixed Income Housing Overlay ("MIHO") districts to the Zoning District Map will not involve significant effects or impacts beyond those analyzed in the FPEIR; and

WHEREAS, the City Council finds the proposed overlay districts are consistent with the Envision San José 2040 General Plan in compliance with California Senate Bill 1333; and

WHEREAS, through adoption of the Ordinance, the City Council wishes to amend the Zoning District Map to add the MIHO district to two parcels in North San José, as depicted in the Zoning District Map amendments attached as Exhibit “A”; and

WHEREAS, the proposed overlay districts (File No. C24-041) do not reduce the intensity of residential uses because the overlay districts do not change the underlying zoning of the subject properties but allow an increase in residential capacity of 545 residential units, resulting in no net loss and compliance with California Senate Bill 330 (2019);

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. The foregoing recitals above are incorporated herein.

SECTION 2. The Mixed Income Housing Overlay District is hereby applied to all that real property hereinafter described in this section, hereinafter referred to as "subject property."

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,” entitled “Mixed Income Housing Overlay District Zoning Map,” attached hereto and incorporated herein by this reference.

SECTION 3. The City of San José Zoning District Map of the City is hereby amended accordingly.

SECTION 4. Any land development approval that is the subject of City File No. C24-041 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:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

Exhibit A: Mixed Income Housing Overlay District Zoning Map

