

**(a) City Initiated Rezoning of Parcels to Align a Property's Zoning District to its General Plan in Land Use Designation in Response to Senate Bill 1333 - C24-024, C24-025, C24-026, C24-027, C24-028, C24-030. – TO BE HEARD IMMEDIATELY AFTER CONSENT**

**Recommendation:**

Approve an ordinance of the City of San José rezoning 25 properties from A(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, 10 properties from A(PD) Planned Development Zoning District to CG Commercial General Zoning District, 10 properties from A(PD) Planned Development Zoning District to IP Industrial Park Zoning District, six properties from A(PD) Planned Development Zoning District to CN Commercial Neighborhood Zoning District, four properties from LI(PD) Planned Development Zoning District to CN Commercial Neighborhood Zoning District, three properties from CO(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, two properties from R-1-8(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, two properties from A(PD) Planned Development Zoning District to CIC Combined Industrial/Commercial Zoning District, two properties from IP(PD) Planned Development Zoning District to TEC Transit Employment Center Zoning District, one property from R-2(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, one property from CO(PD) Planned Development Zoning District to CG Commercial General Zoning District, and one property from R-1-8(PD) Planned Development Zoning District to CG Commercial General Zoning District, all located on those certain real properties situated within the City of San José.

CEQA: Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. (Planning, Building and Code Enforcement)

**TO BE HEARD IMMEDIATELY AFTER CONSENT**



## CITY COUNCIL STAFF REPORT

<b>File Nos.</b>	C24-024, C24-025, C24-026, C24-027, C24-028, C24-030
<b>Location</b>	67 parcels at various locations within the City of San José
<b>Existing Zoning</b>	A(PD) Planned Development, CO(PD) Planned Development, LI(PD) Planned Development, IP(PD) Planned Development, R-1-8(PD) Planned Development, R-2(PD) Planned Development
<b>Proposed Zoning</b>	CP Commercial Pedestrian, CG Commercial General, CN Commercial Neighborhood, CIC Combined Industrial/Commercial, TEC Transit Employment Center, IP Industrial Park
<b>CEQA:</b>	Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto.

### RECOMMENDATION:

Staff recommends that the City Council:

1. Consider the Determination of Consistency with the Envision San José 2040 General Plan EIR (Resolution No. 76041) and the Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto.
2. Approve an ordinance of the City of San José rezoning 25 properties from A(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, 10 properties from A(PD) Planned Development Zoning District to CG Commercial General Zoning District, 10 properties from A(PD) Planned Development Zoning District to IP Industrial Park Zoning District, six properties from A(PD) Planned Development Zoning District to CN Commercial Neighborhood Zoning District, four properties from LI(PD) Planned Development Zoning District to CN Commercial Neighborhood Zoning District, three properties from CO(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, two properties from R-1-8(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, two properties from A(PD) Planned Development Zoning District to CIC Combined Industrial/Commercial Zoning District, two properties from IP(PD) Planned Development Zoning District to TEC Transit Employment Center Zoning District, one property from R-2(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, one property from CO(PD) Planned Development Zoning District to CG Commercial General Zoning District, one property

from R-1-8(PD) Planned Development Zoning District to CG Commercial General Zoning District, all located on those certain real properties situated within the City of San José.

## PROJECT DATA

GENERAL PLAN CONSISTENCY	
<b>General Plan Designation</b>	NCC Neighborhood/Community Commercial, CIC Combined Industrial/Commercial, TEC Transit Employment Center, IP Industrial Park  <input checked="" type="checkbox"/> <b>Consistent</b> <input type="checkbox"/> <b>Inconsistent</b>
<b>Consistent Policies</b>	<b>Implementation Policies IP-1.7, IP-8.2, IP-8.3</b>

## PROJECT DESCRIPTION

City-initiated Conforming Rezoning to rezone a total of 67 properties. The 25 properties from A(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, 10 properties from A(PD) Planned Development Zoning District to CG Commercial General Zoning District, 10 properties from A(PD) Planned Development Zoning District to IP Industrial Park Zoning District, six properties from A(PD) Planned Development Zoning District to CN Commercial Neighborhood Zoning District, four properties from LI(PD) Planned Development Zoning District to CN Commercial Neighborhood Zoning District, three properties from CO(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, two properties from R-1-8(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, two properties from A(PD) Planned Development Zoning District to CIC Combined Industrial/Commercial Zoning District, two properties from IP(PD) Planned Development Zoning District to TEC Transit Employment Center Zoning District, one property from R-2(PD) Planned Development Zoning District to CP Commercial Pedestrian Zoning District, one property from CO(PD) Planned Development Zoning District to CG Commercial General Zoning District, one property from R-1-8(PD) Planned Development Zoning District to CG Commercial General Zoning District, all located on those certain real properties situated within the City of San José. The specific locations of the parcels to be rezoned are specified in the proposed rezoning ordinance, attached hereto and incorporated herein by reference as Attachment - Draft Ordinance.

### **Background**

Government Code section 65860 (amended in 2018 by Senate Bill 1333) requires charter cities such as San José to make zoning consistent with the General Plan land use designation. To comply with the change in state law and to streamline the development review process for projects consistent with the General Plan, staff has been working on a multiyear effort to make the zoning district map consistent with the Envision San José 2040 General Plan land use map. The first phase of this work (Phase 1(a)) was approved by City Council in June 2019, which aligned the existing zoning districts with their respective General Plan designations, including

changes to permitting requirements in the Zoning Ordinance across all zoning districts. Phase 1(b) was approved by the City Council in June 2021 and created six new urban village and mixed-use zoning districts to support areas that are planned for mixed-use development and high-density residential or commercial uses.

Rezoning properties to make zoning districts consistent with the General Plan land use designations represents the final phase of work to bring the Zoning District Map into conformance with the General Plan land use map. At this time, staff proposes rezoning 67 properties to make consistent their designated zoning with their General Plan land use designation. These properties are all Planned Development zonings, which are individually designed to meet the needs of the parcel. These needs could be specific uses and development standards. However, all of these Planned Development Zoning Districts allow uses and/or have development standards that are inconsistent with their underlying General Plan land use designations, therefore must be rezoned in accordance with SB 1333. The proposed 67 properties are located in various locations, as indicated on the attached draft Ordinance and shown on the maps. (Attachment: Ordinance)

## ANALYSIS

The proposed project was analyzed for conformance with the following:

- 1) Envision San José 2040 General Plan
- 2) Zoning Ordinance
- 3) Senate Bill 330
- 5) California Environmental Quality Act

### **Envision San José 2040 General Plan Conformance**

The subject sites have an Envision San José 2040 General Plan Land Use/Transportation Diagram land use designations of NCC Neighborhood/Community Commercial, CIC Combined Industrial/Commercial, TEC Transit Employment Center, and IP Industrial Park. (see Exhibit A of the attached ordinance).

*NCC Neighborhood/Community Commercial:* This designation supports a very broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood-serving retail and services and commercial/professional office development. Neighborhood/Community Commercial uses typically have a strong connection to and provide services and amenities for the nearby community and should be designed to promote that connection with an appropriate urban form that supports walking, transit use, and public interaction. General office uses, hospitals, and private community gathering facilities are also allowed in this designation. This designation also supports one hundred percent (100%) deed-restricted affordable housing developments that are consistent with General Plan Policy H-2.9 and Policy IP-5.12.

*CIC Combined Industrial/Commercial:* This category allows a significant amount of flexibility for the development of a varied mixture of compatible commercial and industrial uses, including hospitals and private community gathering facilities. Properties with this designation are intended for commercial, office, or industrial developments or a compatible mix of these uses.

This designation occurs in areas where the existing development pattern exhibits a mix of commercial and industrial land uses or in areas on the boundary between commercial and industrial uses. Development intensity can vary significantly in this designation based on the nature of specific uses likely to occur in a particular area. In order to maintain an industrial character, small, suburban strip centers are discouraged in this designation, although larger big-box type developments may be allowed because they mix elements of retail commercial and warehouse forms and uses. While this designation potentially accommodates a wide variety of uses and building forms, more specific guidance should be provided through the application of the Zoning Ordinance in order to establish use and form standards that will promote the development of a cohesive employment area across multiple adjoining properties that share this designation.

*TEC Transit Employment Center:* This designation is applied to areas planned for intensive job growth because of their importance as employment districts to the City and a high degree of access to transit and other facilities and services. To support San José's growth as a Regional Employment Center, it is useful to designate such key Employment Centers along the light rail corridor in North San José, in proximity to the BART and light rail facilities in the Berryessa/Milpitas area, and in proximity to light rail in the Old Edenvale area. All of these areas fall within identified Growth Areas and have access to transit and other important infrastructure to support their intensification. Uses allowed in the Industrial Park designation are appropriate in the Transit Employment Center designation, as are supportive commercial uses. The North San José Transit Employment Center also allows limited residential uses (in areas designated with residential overlays), while other Employment Centers should only be developed for industrial and commercial uses.

*IP Industrial Park:* The Industrial Park designation is an industrial designation intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing and offices. This designation is differentiated from the Light Industrial and Heavy Industrial designations in that Industrial Park uses are limited to those for which the functional or operational characteristics of a hazardous or nuisance nature can be mitigated through design controls. Hospitals may be appropriate within this designation, if it can be demonstrated that they will not be incompatible with Industrial Park uses or other nearby activities. Areas identified exclusively for Industrial Park uses may contain a very limited number of supportive and compatible commercial uses, when those uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area. These commercial uses should typically be located within a larger industrial building to protect the character of the area and maintain land use compatibility. Additional flexibility may be provided for retail and service commercial uses, including hotels within North San José and the Edenvale Development Policy area through the City's discretionary review and permitting process. One primary difference between this use category and the "Light Industrial" category is that, through the Zoning Ordinance, performance and design standards are more stringently applied to Industrial Park uses.

The proposed conforming rezoning is consistent with the following General Plan policies.

1. Implementation Policy IP-1.7: Ensure that proposals to rezone and prezone properties conform to the Land Use/Transportation Diagram, and advance Envision General Plan vision, goals, and policies.

2. Implementation Policy IP-8.2: Use the City's conventional zoning districts, contained in its Zoning Ordinance, to implement the Envision General Plan Land Use/Transportation Diagram. These districts include a range of allowed land uses, development intensities, and standards within major land use categories (residential, commercial, and industrial) together with zoning districts for other land uses such as mixed-use and open space. The various ranges of allowed use and development intensity generally correspond to the respective Envision General Plan land use designations while providing greater detail as to the appropriate land uses and form of development.
3. Implementation Policy IP-8.3 – Zoning: For the review of privately or publicly initiated rezoning applications, consider the appropriateness of the proposed zoning district in terms of how it will further the Envision General Plan goals and policies as follows:
  - a. Align with the Envision General Plan Land Use/Transportation Diagram;
  - b. Retain or expand existing employment capacity;
  - c. Preserve existing retail activity;
  - d. Avoid adverse land use incompatibilities;
  - e. Implement the Envision General Plan goals and policies including those for Urban Design;
  - f. Support higher-density land uses consistent with the City's transition to a more urban environment;
  - g. Facilitate the intensification of villages and other growth areas consistent with the goal of creating walkable, mixed-use communities; and,
  - h. Address height limits, setbacks, land use interfaces, and other design standards to provide for the intensification of land uses adjacent to already developed areas.

*Analysis: The General Plan land use designations for the proposed sites include, NCC, CIC, TEC, and IP. Therefore, staff proposes a Conforming Rezoning of the properties from the A(PD) to CP, A(PD) to CG, A(PD) to IP, A(PD) to CN, LI(PD) to CN, CO(PD) to CP, R-1-8(PD) to CP, A(PD) to CIC, IP(PD) to TEC, R-2(PD) to CP, CO(PD) to CG, and R-1-8(PD) to CG. This would correspond to the existing Envision General Plan land use designations for the subject sites. The proposed rezoning would allow future development consistent with the sites' General Plan land use designations.*

### **Zoning Ordinance Conformance**

The proposed rezoning conforms with Table 20-270 in Section 20.120.110 of the San Jose Municipal Code, which identifies the CG, CN, CP, CIC, TEC, and IP as a conforming district to the respective NCC, CIC, TEC, and IP General Plan land use designations (see Exhibit A of the attached ordinance). The proposed rezoning would allow the properties to be used and developed in accordance with the allowable uses in Title 20 of the San José Municipal Code.

### **Senate Bill 330 Compliance**

The Housing Crisis Act of 2019 (Senate Bill 330) limits the manner in which local governments may reduce the capacity for residential units that can be built on properties that allow housing, including actions such as down-zoning, changing general or specific plan land use designations to a less intensive use, reductions in height, density or floor area ratio, or other types of increased

requirements. An exception to this is that a property may be allowed to reduce intensity of residential uses if changes in land use designations or zoning elsewhere ensure “no net loss” (down-zoning) in residential capacity within the jurisdiction.

Approval of File Nos. C24-024, C24-025, C24-026, C24-027, C24-028, and C24-030 would not result in a decrease or increase of residential unit capacity. These Planned Development Zonings allows commercial or industrial uses of that time period. By rezoning these Planned Development Zonings, it will allow the updated uses of our current zoning ordinance.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the proposed project is pursuant to, in furtherance of, and within the scope of the Envision San José 2040 General Plan program, the impacts of which were analyzed and disclosed in the Final Environmental Impact Report for the Envision San José 2040 General Plan (FEIR), for which findings were adopted by City Council Resolution No. 76041 on November 1, 2011 and Supplemental Environmental Impact Report (SEIR) adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto. The FEIR, SEIR, and Addenda were prepared for the comprehensive update and revision of all elements of the City of San José General Plan, including an extension of the planning timeframe to the year 2040.

No new or more significant environmental impacts beyond those identified in the Envision San José 2040 General Plan FEIR, SEIR, and Addenda have been identified, nor have any new mitigation measures or alternatives that are considerably different from those analyzed in the FEIR, SEIR, and Addenda been identified.

### **PUBLIC HEARING NOTIFICATION**

Staff followed Council Policy 6-30: Public Outreach Policy. Planning staff distributed notices to the property owners and tenants for File Nos. C24-024, C24-025, C24-026, C24-027, C24-028, C24-030 on May 3, 2024 to provide information on the proposed Conforming Rezoning. Staff included their contact information on the notice and have been available to answer any questions that property owners and tenants may have. The notice also included direction to the Rezoning and General Plan Alignment website that has information to assist property owners and tenants with the process and includes frequently ask questions. The notice also included directions to our interactive Rezoning Map Viewer where the community can view the rezonings that are happening within their neighborhood and throughout the City.

Subsequent to sending the rezoning notice to affected property owners and tenants, a notice of the public hearing was distributed to the owners and tenants of all properties located within 300 feet of the project site and posted on the City website. The staff report is also posted on the City’s website. Staff has been available to respond to questions from the public. Staff received one email from a member of the public inquiring about the rezoning.

/s/

Chris Burton, Director

Planning, Building and Code Enforcement

HONORABLE MAYOR AND CITY COUNCIL

May 13, 2024

Subject: File No. C24-024, C24-025, C24-026, C24-027, C24-028, C24-030

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For questions, please contact Ruth Cueto, Principal Planner, Planning, Building, and Code Enforcement at (408) 535-7886 or [ruth.cueto@sanjoseca.gov](mailto:ruth.cueto@sanjoseca.gov).

Attachment: Draft Ordinance

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING 25 PROPERTIES FROM A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO CP COMMERCIAL PEDESTRIAN ZONING DISTRICT, 10 PROPERTIES FROM A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO CG COMMERCIAL GENERAL ZONING DISTRICT, 10 PROPERTIES FROM A(PD) PLANNED DEVELOPMENT TO IP INDUSTRIAL PARK ZONING DISTRICT, SIX PROPERTIES FROM A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT, FOUR PROPERTIES FROM LI(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT, THREE PROPERTIES FROM CO(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO CP COMMERCIAL PEDESTRIAN ZONING DISTRICT, TWO PROPERTIES FROM R-1-8(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO CP COMMERCIAL PEDESTRIAN ZONING DISTRICT, TWO PROPERTIES FROM A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO CIC COMBINED INDUSTRIAL/COMMERCIAL ZONING DISTRICT, TWO PROPERTIES FROM IP(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO TEC TRANSIT EMPLOYMENT CENTER, ONE PROPERTY FROM R-2(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO CP COMMERCIAL PEDESTRIAN, ONE PROPERTY FROM CO(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO CG COMMERCIAL GENERAL ZONING DISTRICT, AND ONE PROPERTY FROM R-1-8(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO CG COMMERCIAL GENERAL ZONING DISTRICT, ALL LOCATED ON THOSE CERTAIN REAL PROPERTIES SITUATED WITHIN THE CITY OF SAN JOSÉ**

**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 Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined the proposed rezoning is pursuant to, in furtherance of and within

the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the “FEIR”), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011 and Supplemental Environmental Impact Report (the “SEIR”), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezonings to the CP Commercial Pedestrian, CG Commercial General, CN Commercial Neighborhood, CIC Combined Industrial/Commercial, TEC Transit Employment Center, IP Industrial Park; and

**WHEREAS**, this Council of the City of San José has considered and approves the information contained in the FEIR and related City Council Resolution No. 76041, and in the SEIR and related City Council Resolution No. 77617, and Addenda thereto, and the determination of consistency therewith prior to acting upon or approving the subject rezoning; and

**WHEREAS**, the proposed rezonings are consistent with the designations of the sites in the applicable General Plan; and

**WHEREAS**, pursuant to Senate Bill 330, the proposed rezonings (File Nos. C24-024, C24-025, C24-026, C24-027, C24-028, C24-030) would not decrease the residential units. These Planned Development Zonings allows commercial or industrial uses of that time period. By rezoning these Planned Development Zonings, it will allow the updated uses of our current zoning ordinance, complying with Senate Bill 330 requirements; and

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

**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 CP Commercial Pedestrian, CG Commercial General, CN Commercial Neighborhood, CIC Combined Industrial/Commercial, TEC Transit Employment Center, and IP Industrial Park.

The subject properties referred to in this section are all those real properties 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 Nos. C24-024, C24-025, C24-026, C24-027, C24-028, C24-030 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. 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

**EXHIBIT “A”****EXISTING GENERAL PLAN DESIGNATION AND EXISTING AND PROPOSED ZONING DISTRICT PARCEL LIST**

File Nos. C24-024, C24-025, C24-026, C24-027, C24-028, C24-030: The following parcels specified by Assessor’s Parcel Number (APN) are hereby rezoned from the zoning district specified below as “Existing Zoning” to the zoning district specified below as “Conforming Rezoning:”

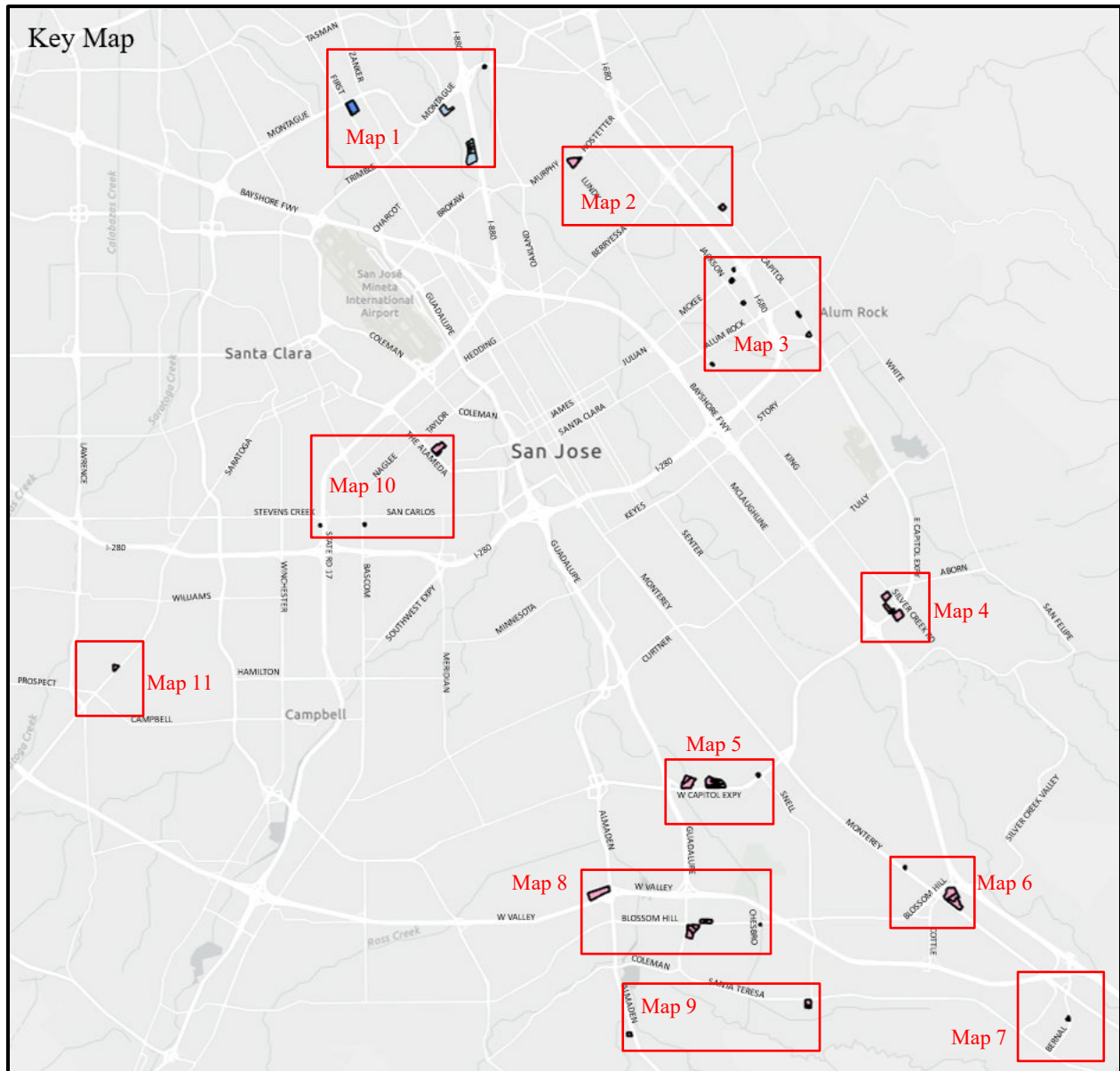
<b>No</b>	<b>APN</b>	<b>Existing General Plan Designation</b>	<b>Existing Zoning District</b>	<b>Proposed Zoning District</b>	<b>Density Change (Residential Units)</b>
1	23701051	CIC	A(PD)	CIC	0
2	46219006	CIC	A(PD)	CIC	0
3	23702074	IP	A(PD)	IP	0
4	23702075	IP	A(PD)	IP	0
5	23702082	IP	A(PD)	IP	0
6	23702083	IP	A(PD)	IP	0
7	23702084	IP	A(PD)	IP	0
8	23719053	IP	A(PD)	IP	0
9	23702078	IP	A(PD)	IP	0
10	23702039	IP	A(PD)	IP	0
11	23702081	IP	A(PD)	IP	0
12	23702072	IP	A(PD)	IP	0
13	46249004	NCC	A(PD)	CG	0
14	67853002	NCC	A(PD)	CG	0
15	67853005	NCC	A(PD)	CG	0
16	69419020	NCC	A(PD)	CG	0
17	67853001	NCC	A(PD)	CG	0
18	56902071	NCC	A(PD)	CG	0
19	69419026	NCC	A(PD)	CG	0
20	69419025	NCC	A(PD)	CG	0
21	69419018	NCC	A(PD)	CG	0
22	46249008	NCC	A(PD)	CG	0
23	27735052	NCC	CO(PD)	CG	0
24	27735052	NCC	R-1-8(PD)	CG	0
25	26106036	NCC	A(PD)	CN	0
26	26106037	NCC	A(PD)	CN	0
27	24544008	NCC	A(PD)	CN	0

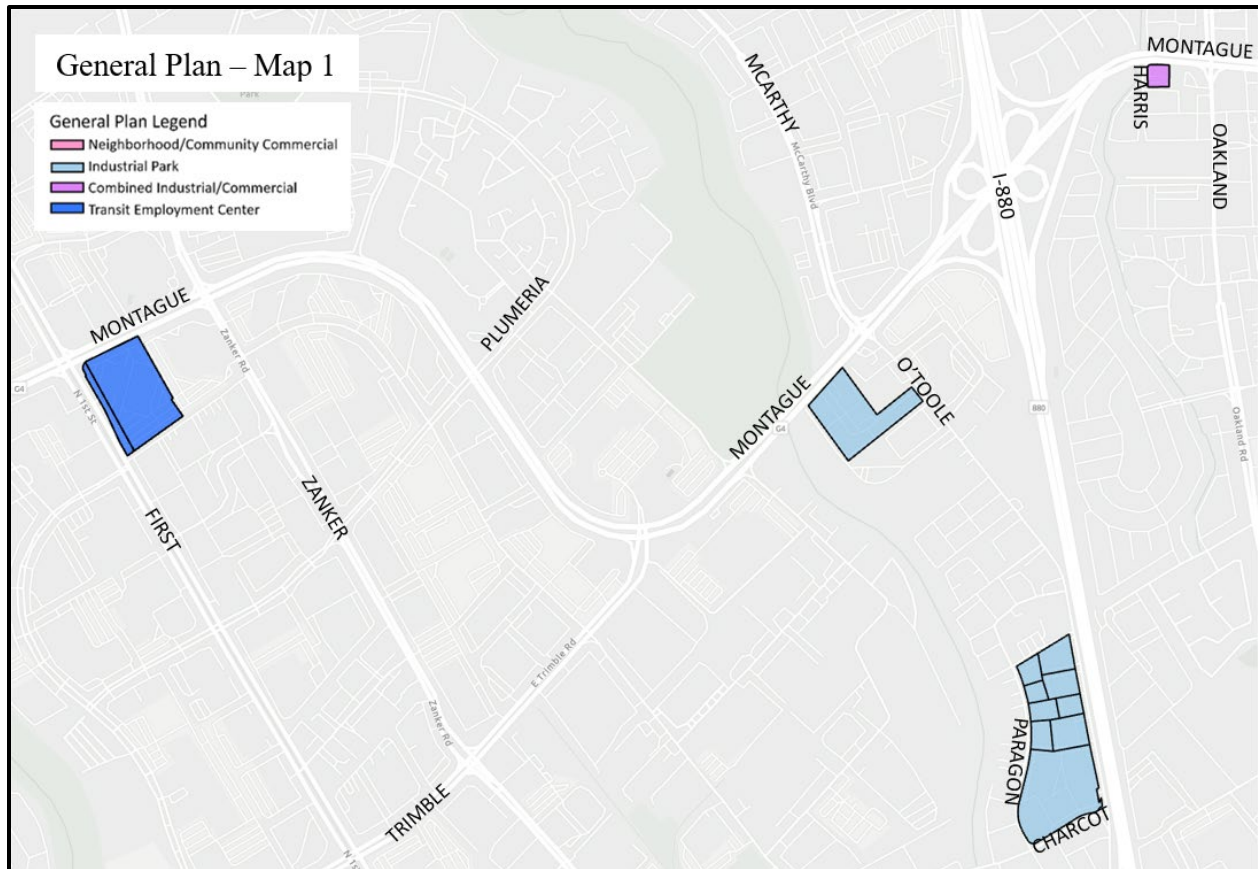
No	APN	Existing General Plan Designation	Existing Zoning District	Proposed Zoning District	Density Change (Residential Units)
28	67603035	NCC	A(PD)	CN	0
29	67043C01	NCC	A(PD)	CN	0
30	68430010	NCC	A(PD)	CN	0
31	67015020	NCC	LI(PD)	CN	0
32	67015021	NCC	LI(PD)	CN	0
33	67015022	NCC	LI(PD)	CN	0
34	67015023	NCC	LI(PD)	CN	0
35	25465027	NCC	A(PD)	CP	0
36	48117070	NCC	A(PD)	CP	0
37	48406113	NCC	A(PD)	CP	0
38	48445116	NCC	A(PD)	CP	0
39	59201022	NCC	A(PD)	CP	0
40	59201021	NCC	A(PD)	CP	0
41	24544010	NCC	A(PD)	CP	0
42	48456050	NCC	A(PD)	CP	0
43	70610030	NCC	A(PD)	CP	0
44	57709045	NCC	A(PD)	CP	0
45	46264012	NCC	A(PD)	CP	0
46	27705007	NCC	A(PD)	CP	0
47	69524071	NCC	A(PD)	CP	0
48	69524072	NCC	A(PD)	CP	0
49	46220005	NCC	A(PD)	CP	0
50	46220006	NCC	A(PD)	CP	0
51	46264003	NCC	A(PD)	CP	0
52	46264004	NCC	A(PD)	CP	0
53	46264005	NCC	A(PD)	CP	0
54	46264006	NCC	A(PD)	CP	0
55	46264007	NCC	A(PD)	CP	0
56	46264008	NCC	A(PD)	CP	0
57	46264009	NCC	A(PD)	CP	0
58	46264010	NCC	A(PD)	CP	0
59	46264011	NCC	A(PD)	CP	0
60	48407076	NCC	CO(PD)	CP	0
61	48407077	NCC	CO(PD)	CP	0
62	38131C01	NCC	CO(PD)	CP	0

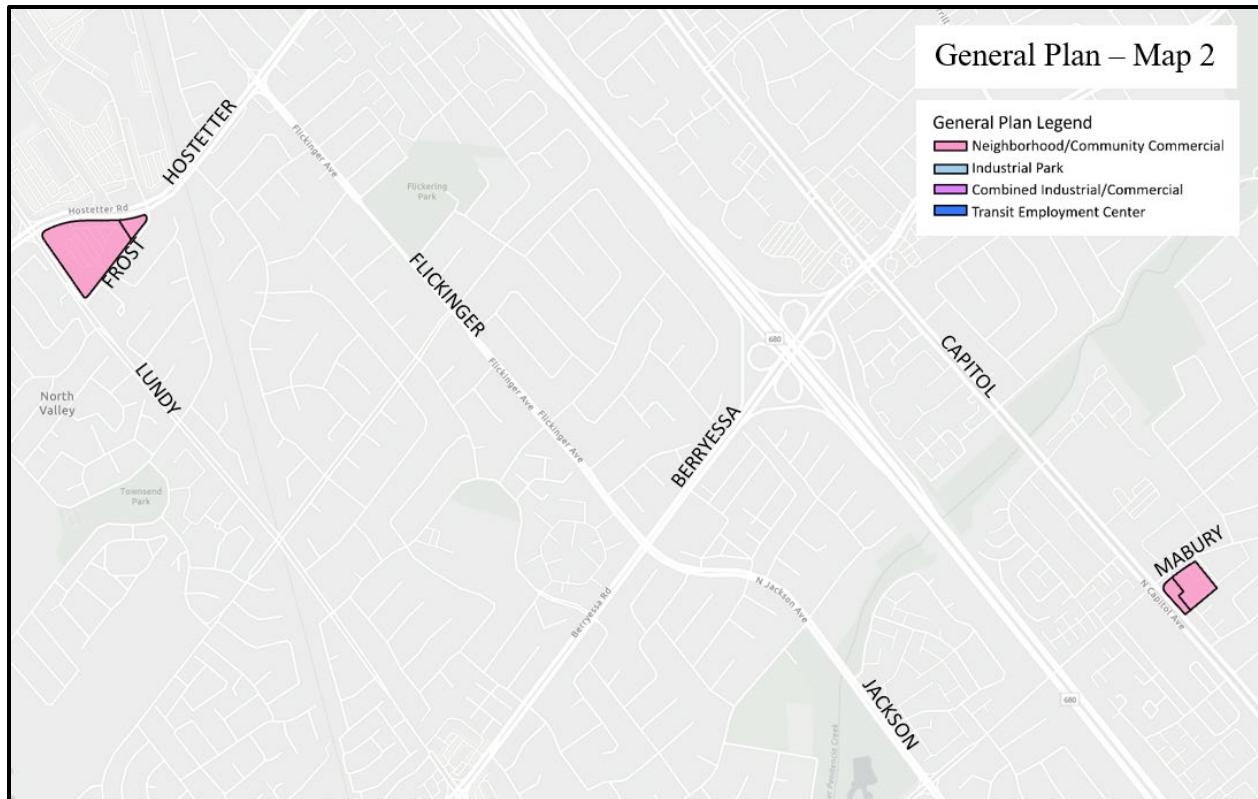
<b>No</b>	<b>APN</b>	<b>Existing General Plan Designation</b>	<b>Existing Zoning District</b>	<b>Proposed Zoning District</b>	<b>Density Change (Residential Units)</b>
63	46427028	NCC	R-1-8(PD)	CP	0
64	46427029	NCC	R-1-8(PD)	CP	0
65	68702051	NCC	R-2(PD)	CP	0
66	10130003	TEC	IP(PD)	TEC	0
67	10130002	TEC	IP(PD)	TEC	0

**EXHIBIT “B”****EXISTING GENERAL PLAN DESIGNATION AND EXISTING AND PROPOSED ZONING DISTRICT MAPS**

File Nos. C24-024, C24-025, C24-026, C24-027, C24-028, C24-030: The Zoning District Map is hereby amended as follows:









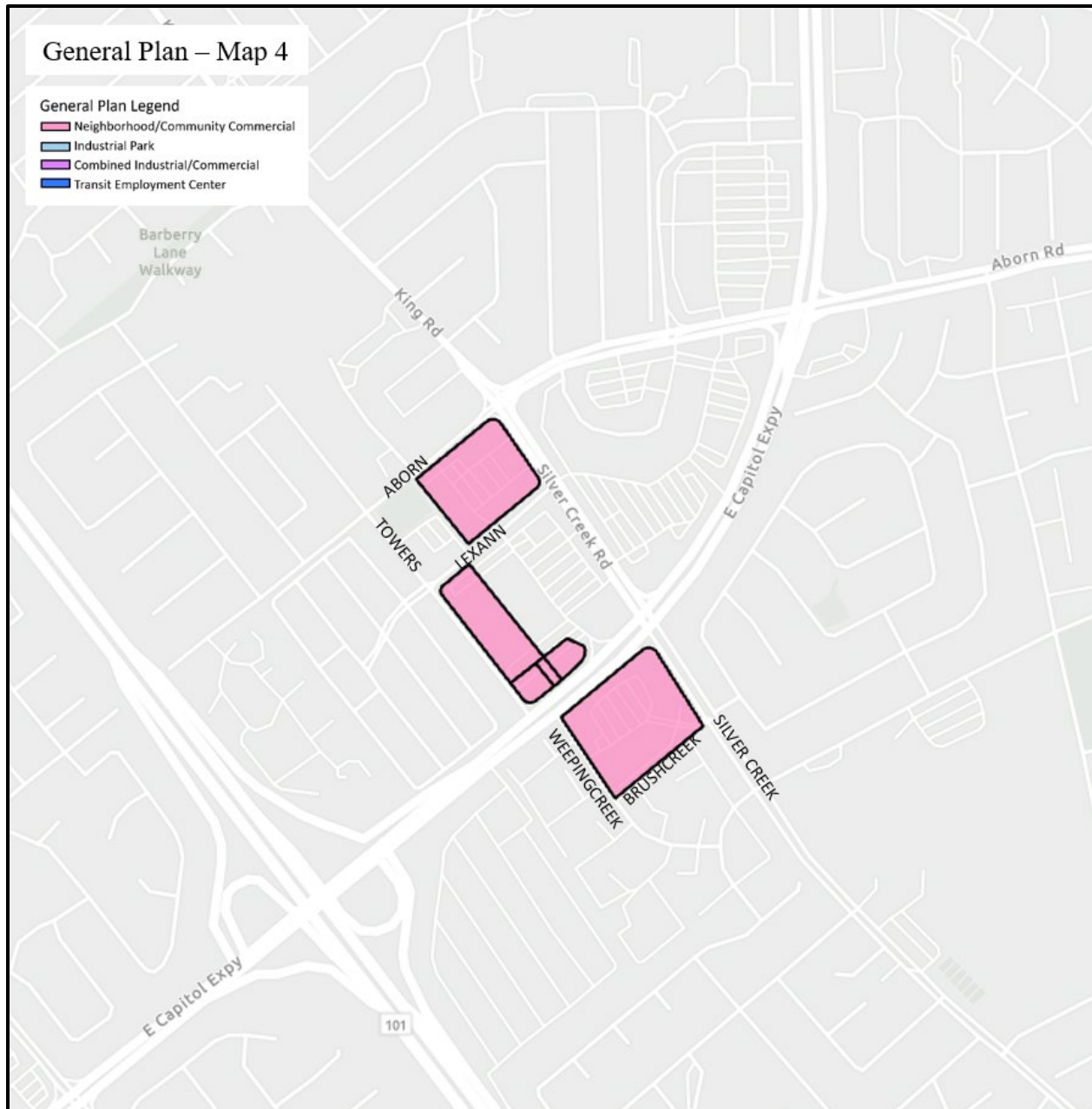
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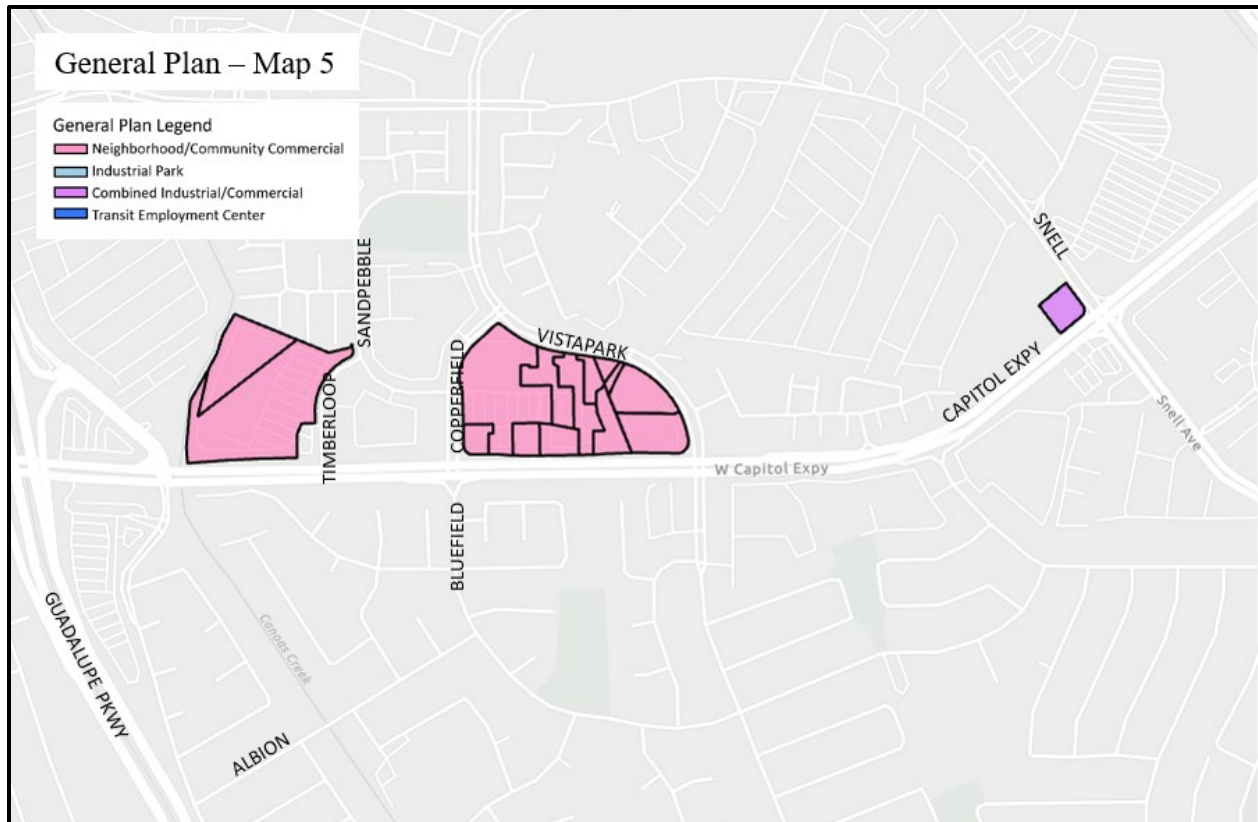
T-53000 / 2108358

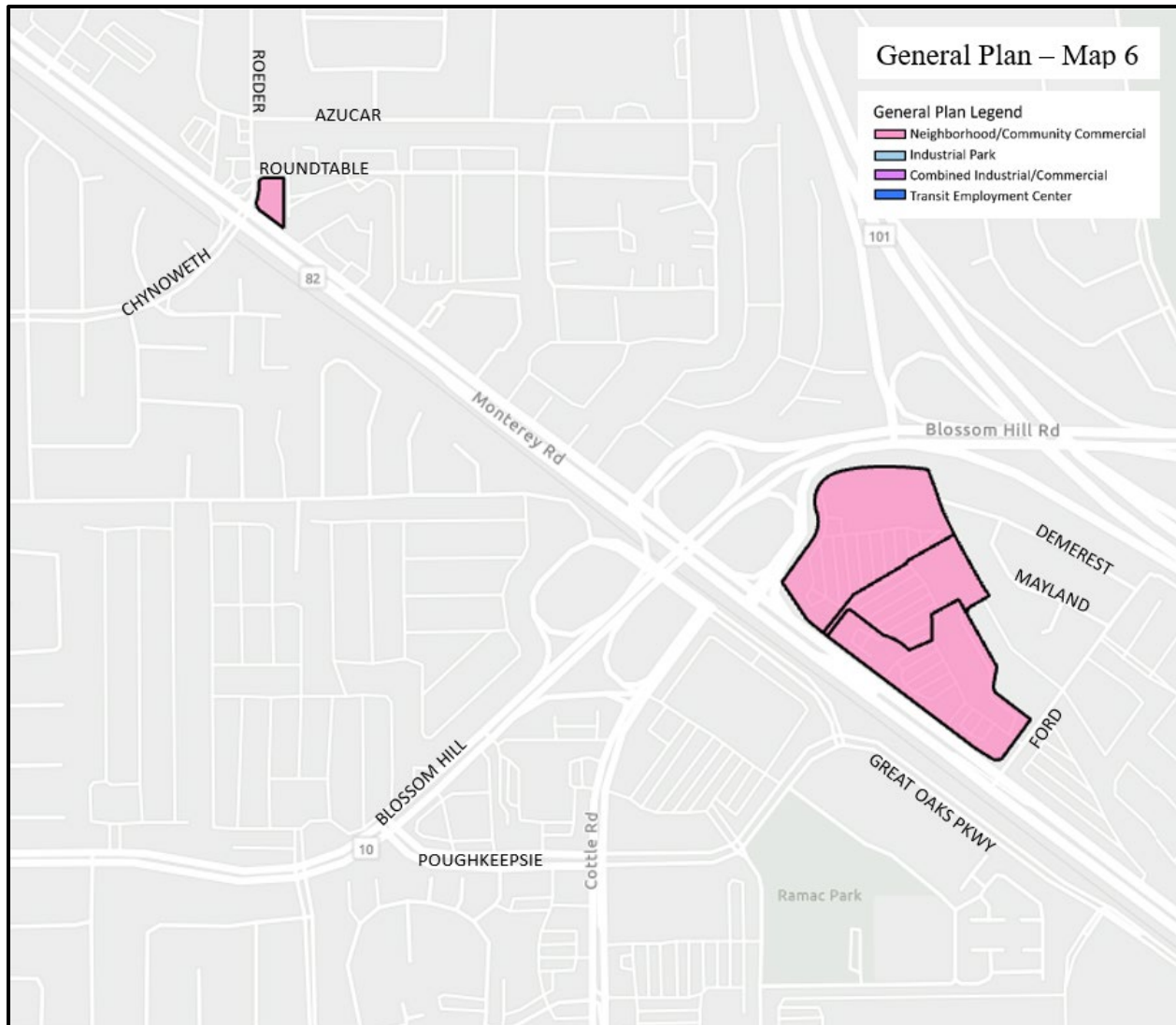
Council Agenda: 6/4/2024

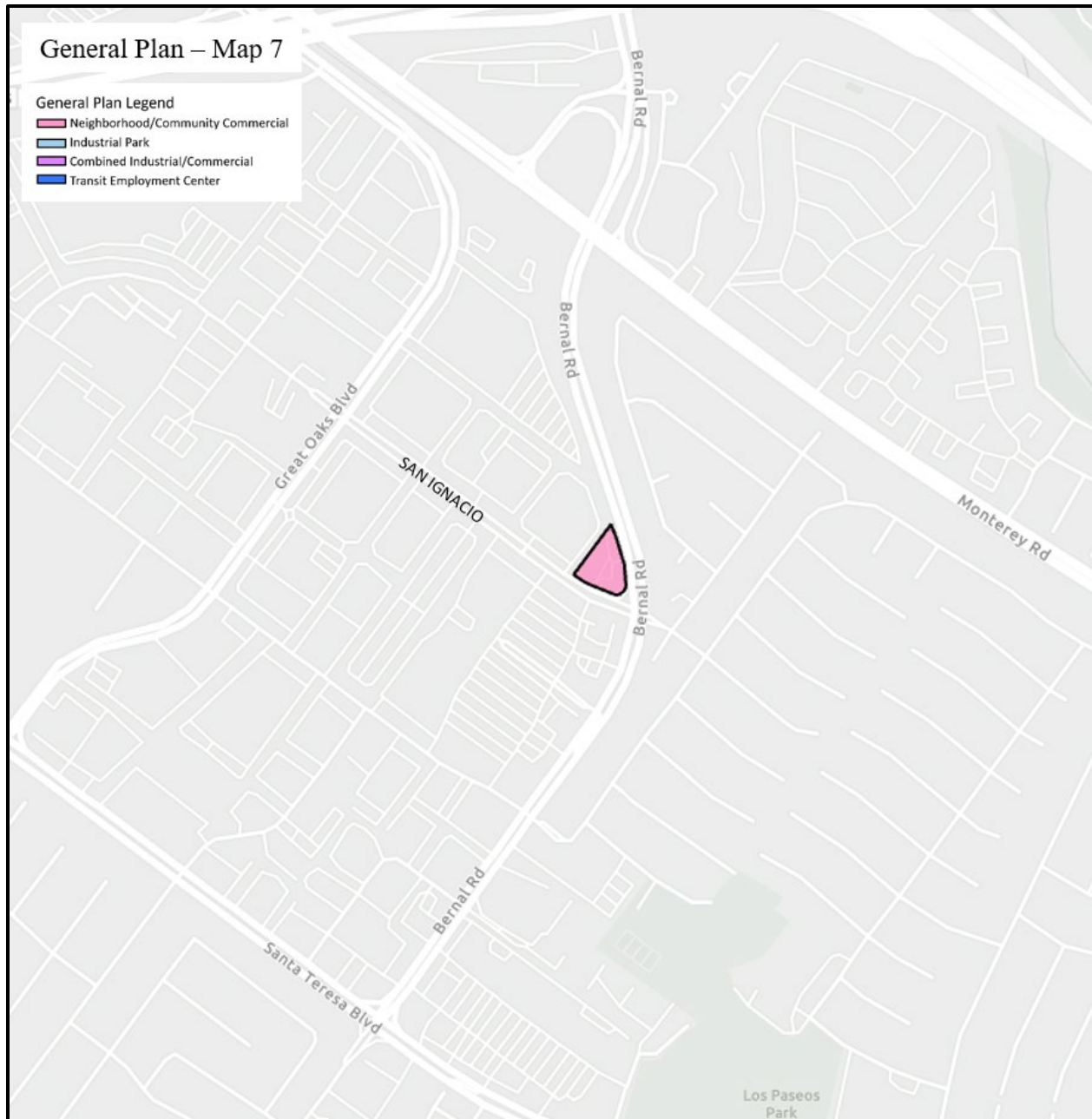
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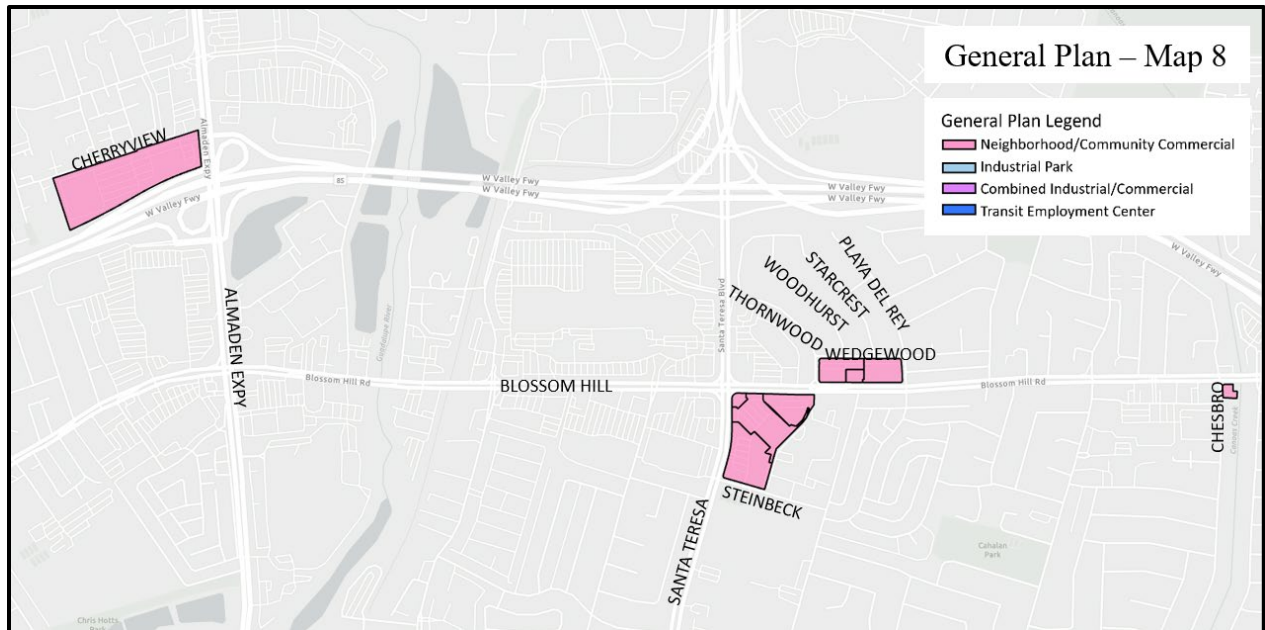
**DRAFT – Contact the Office of the City Clerk at (408) 535-1260 or [CityClerk@sanjoseca.gov](mailto:CityClerk@sanjoseca.gov) for final document.**

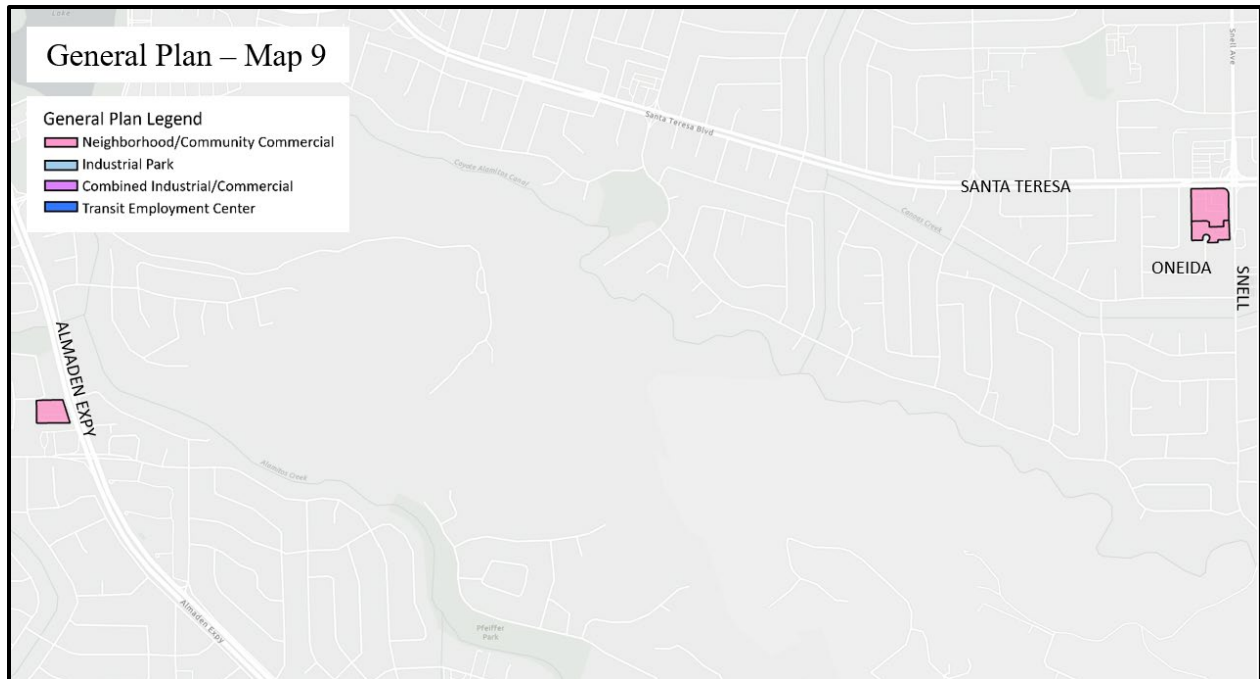


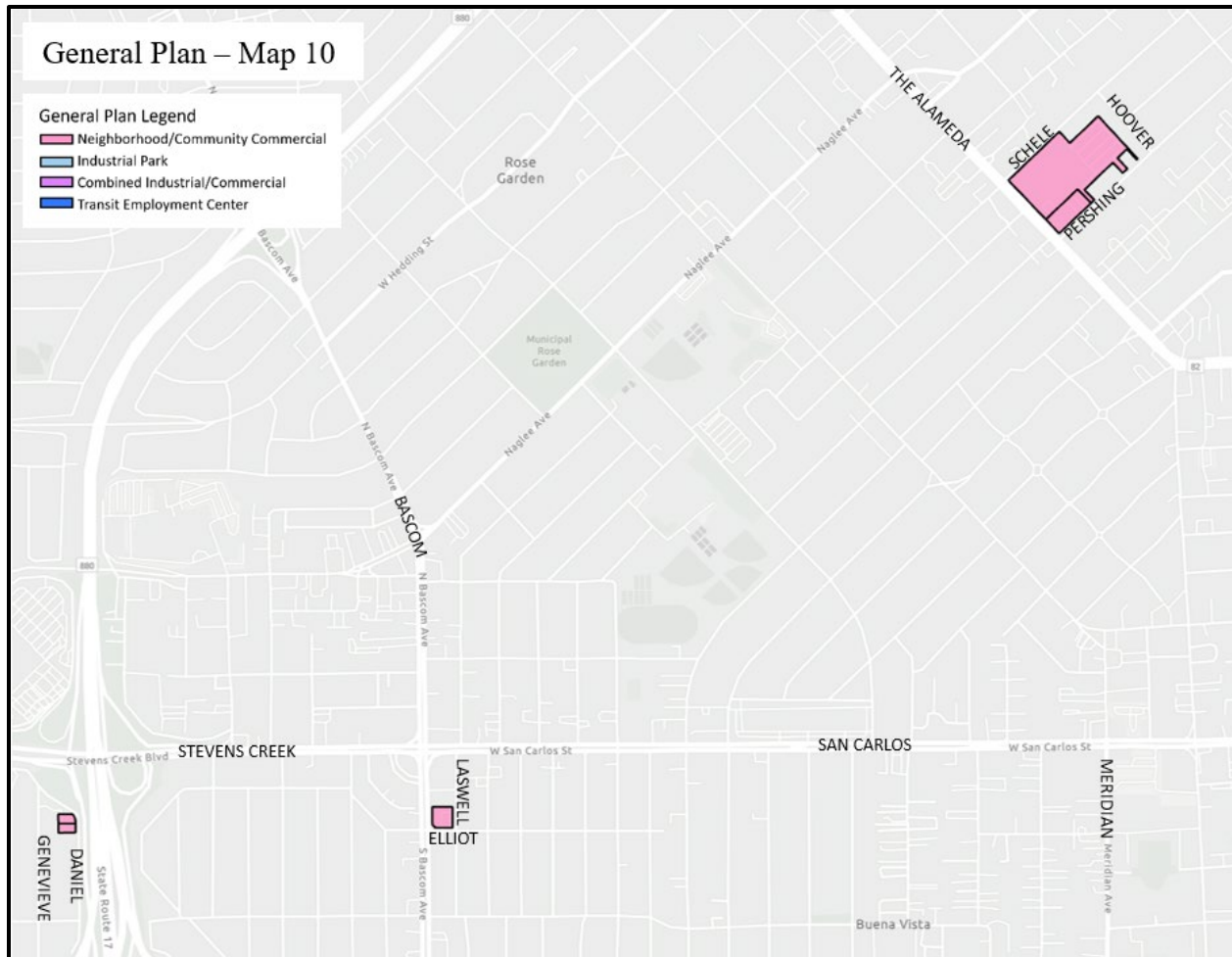












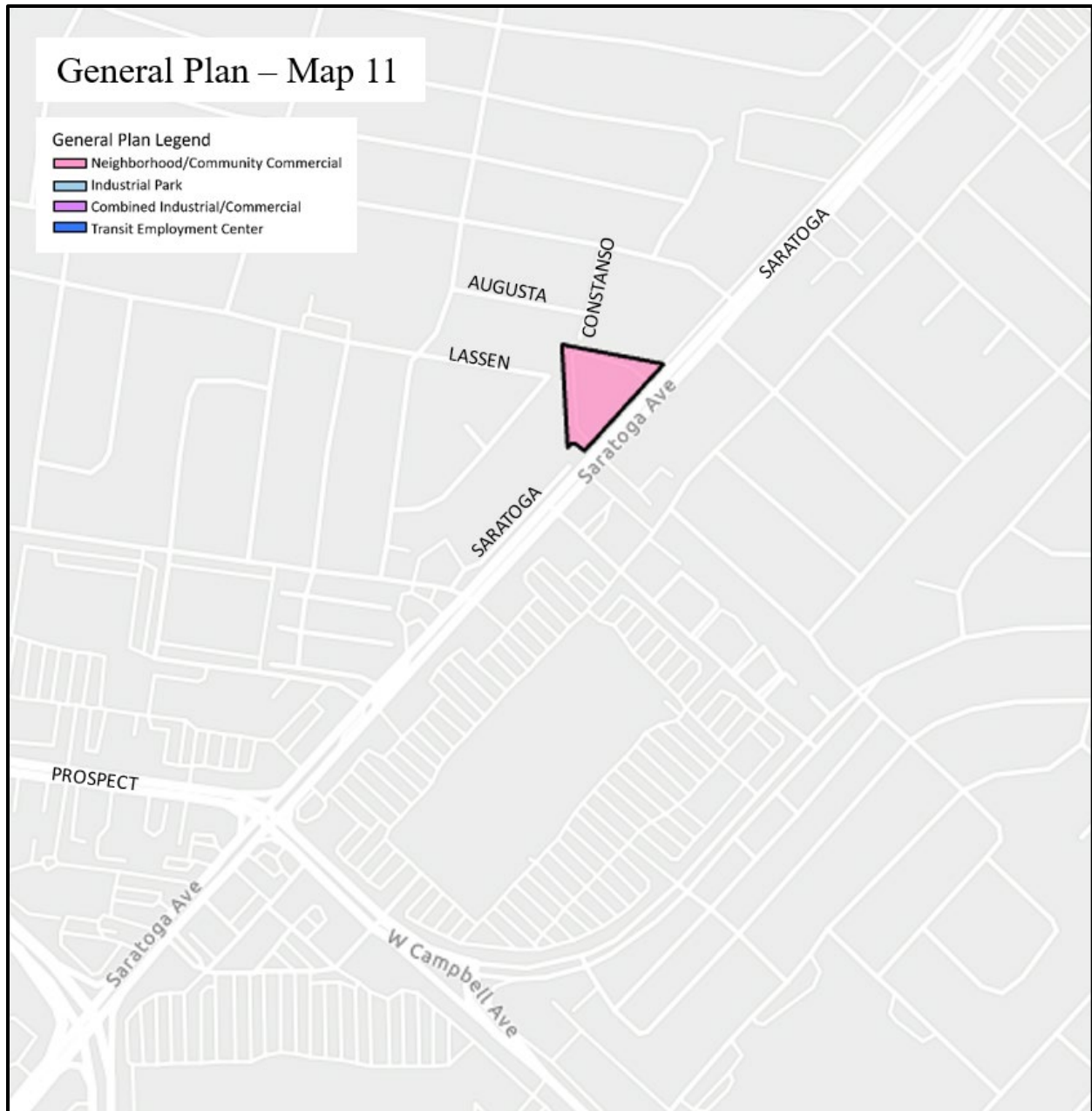
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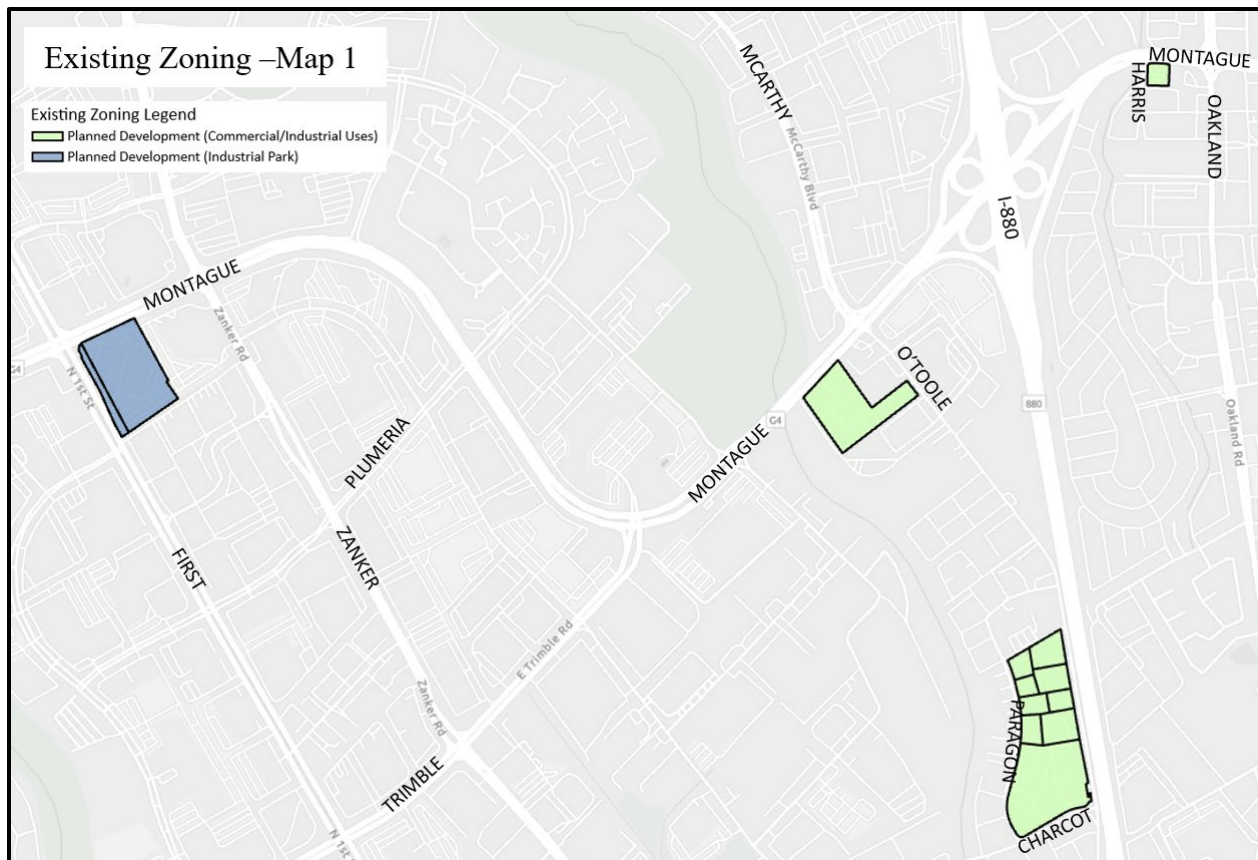
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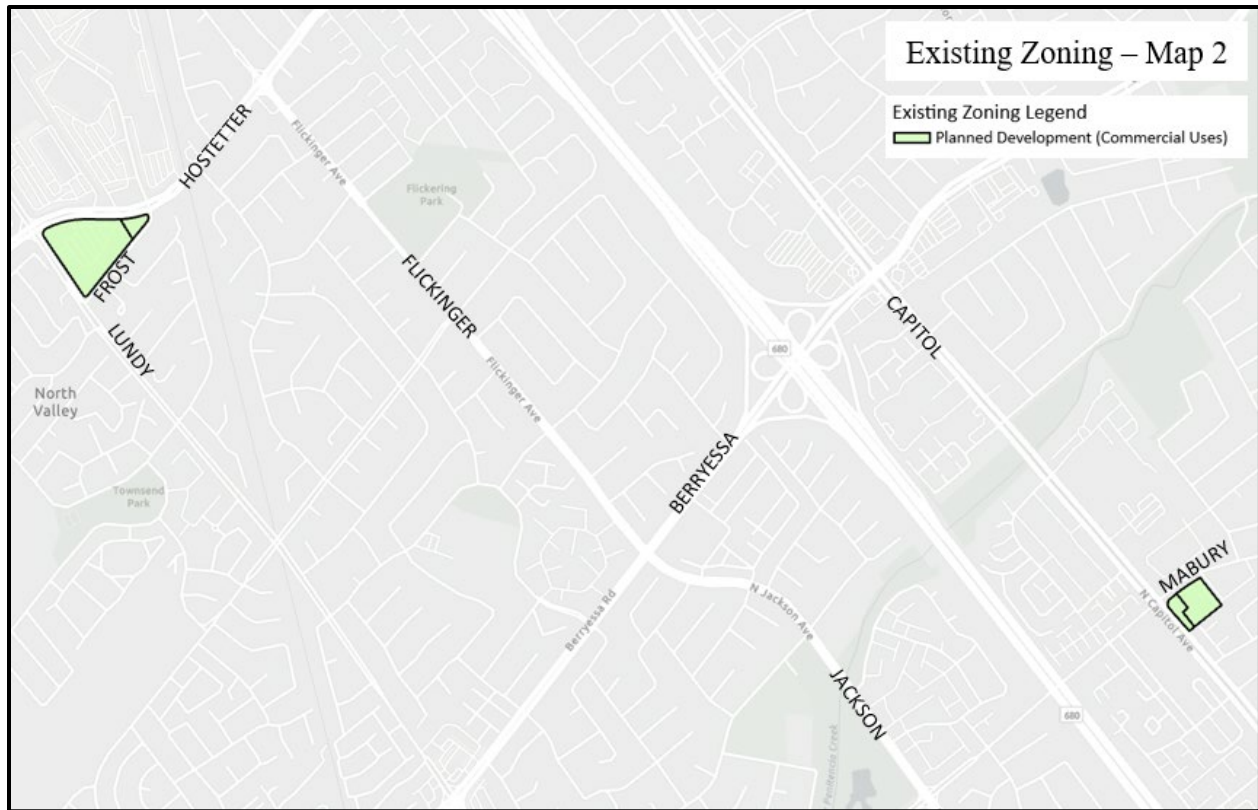
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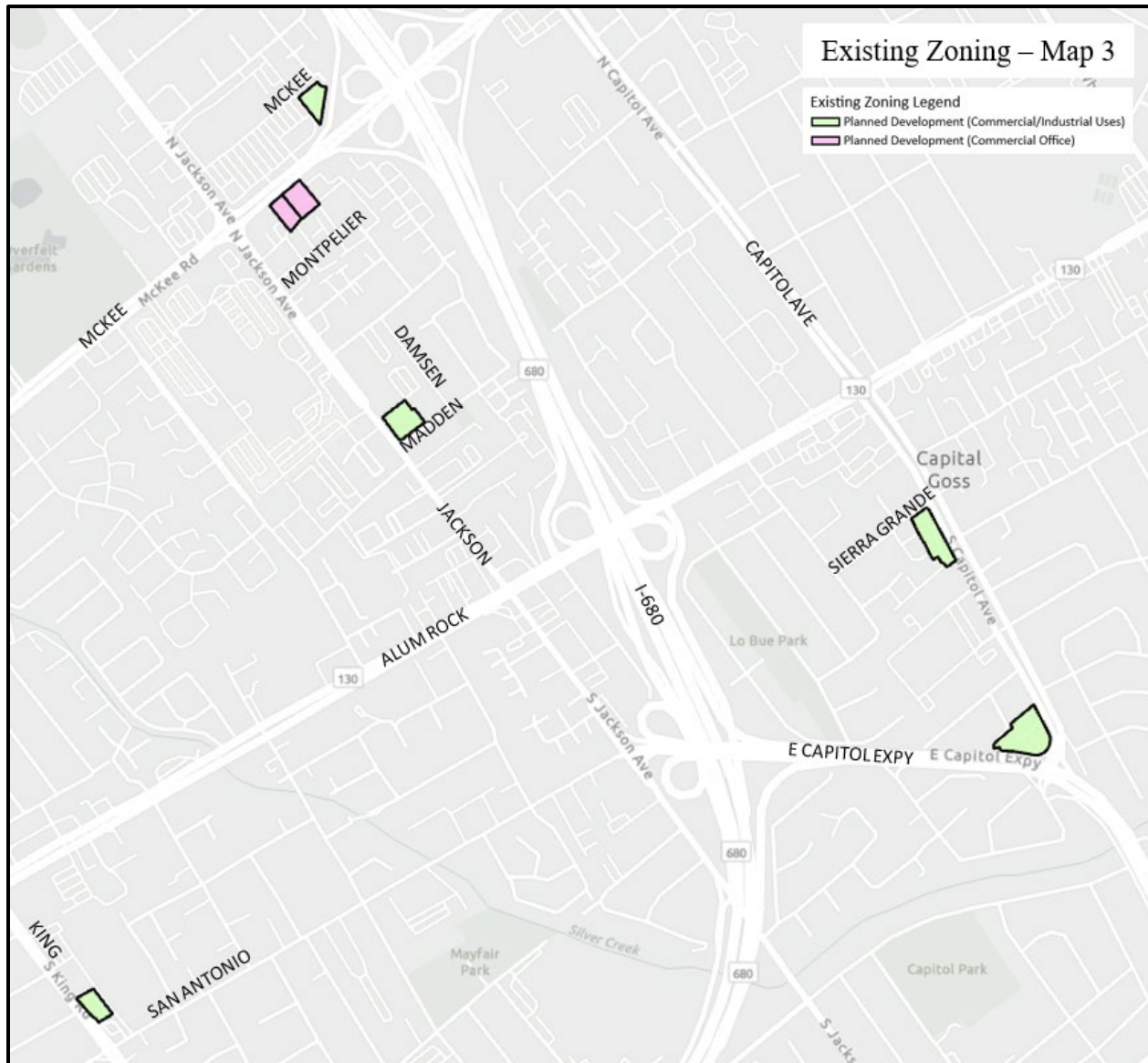
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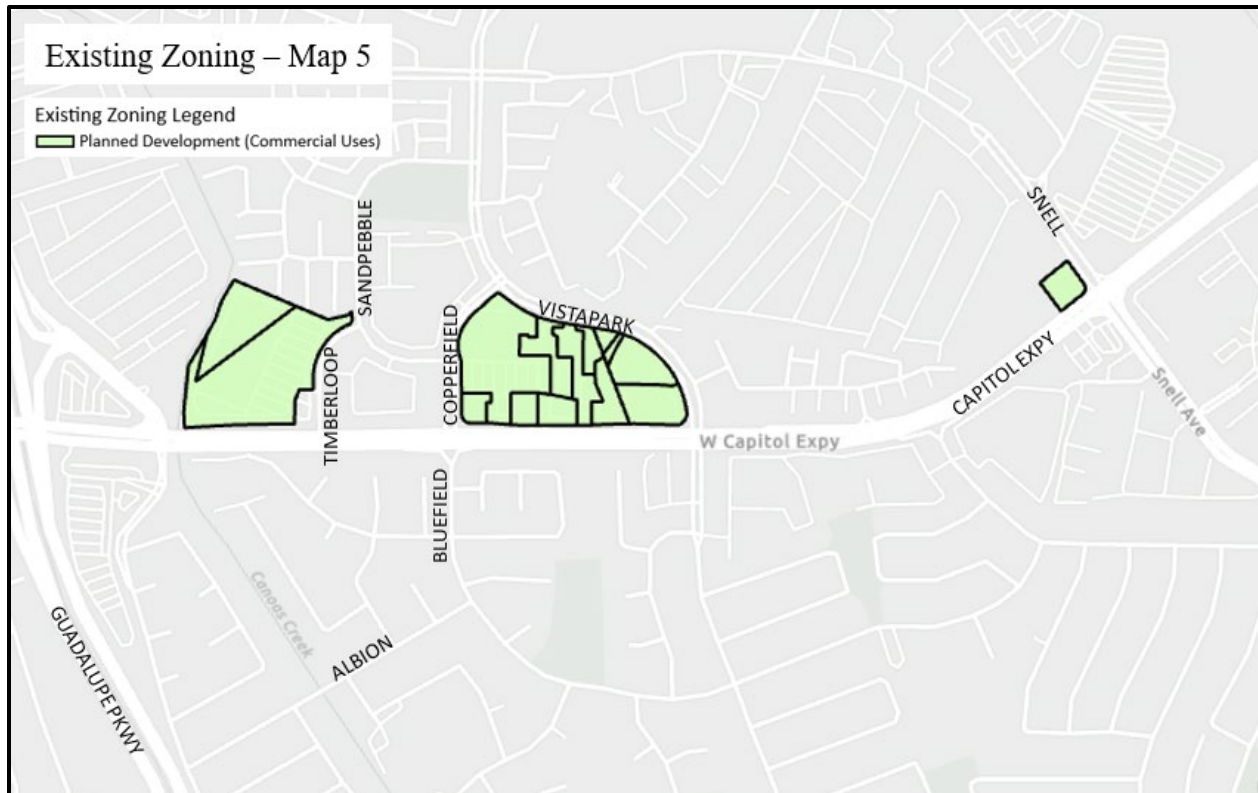
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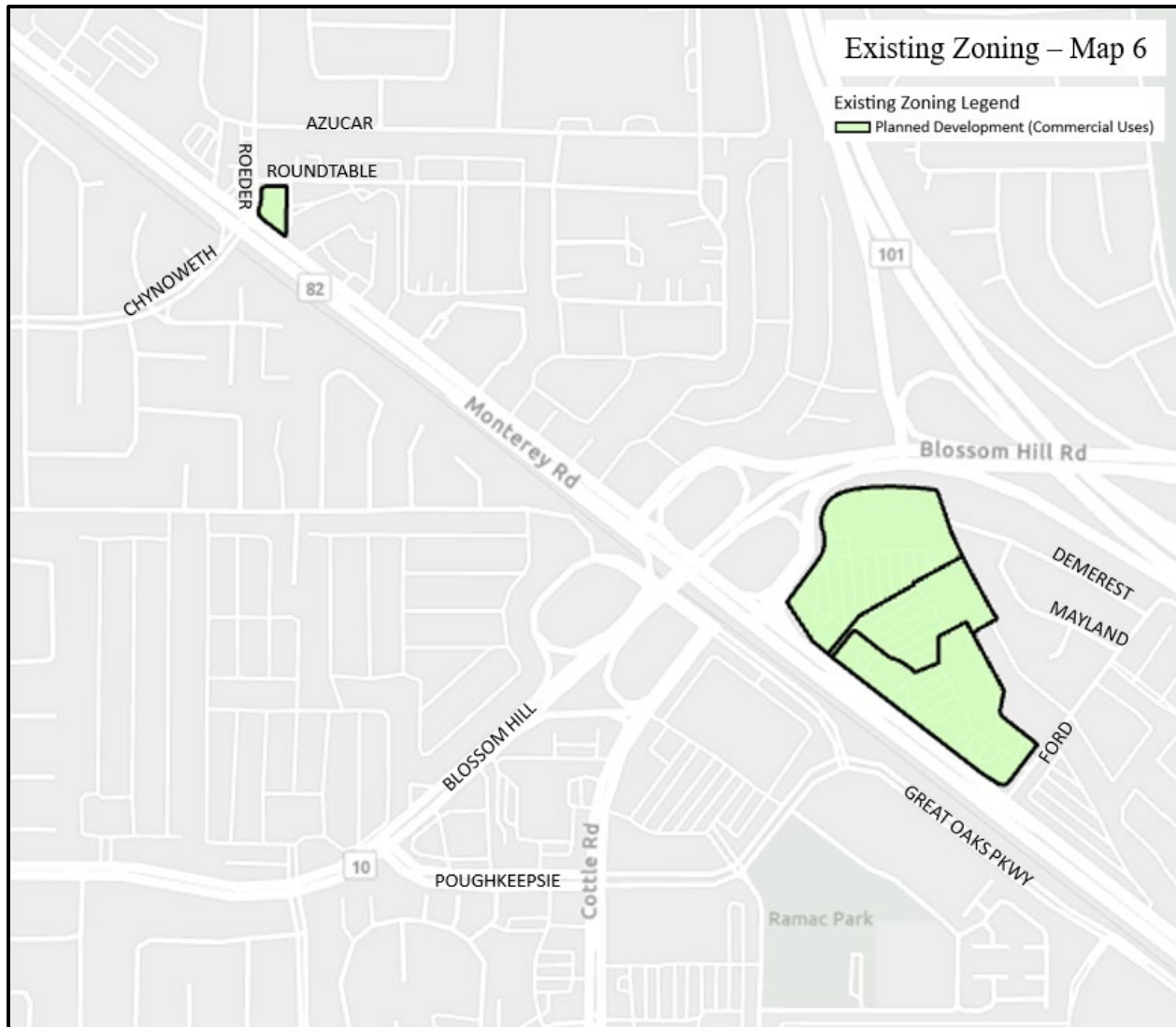


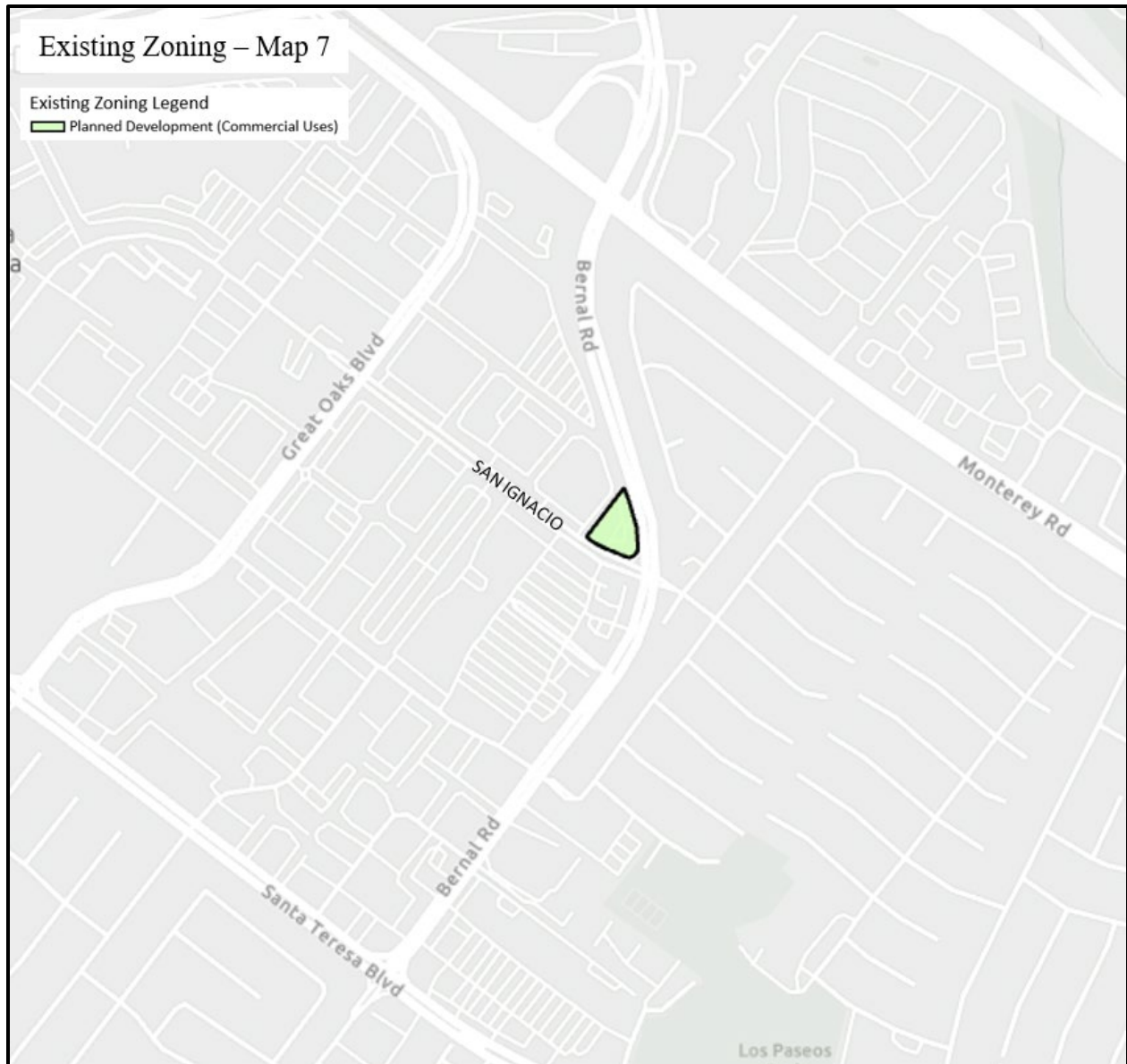


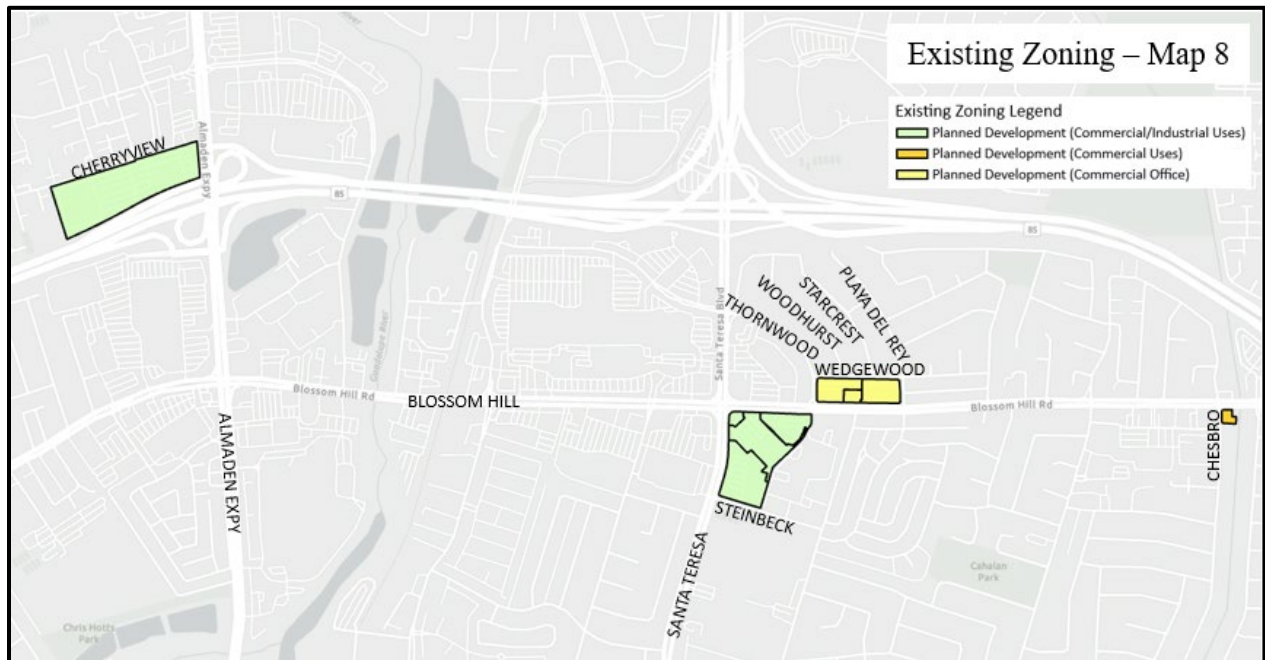


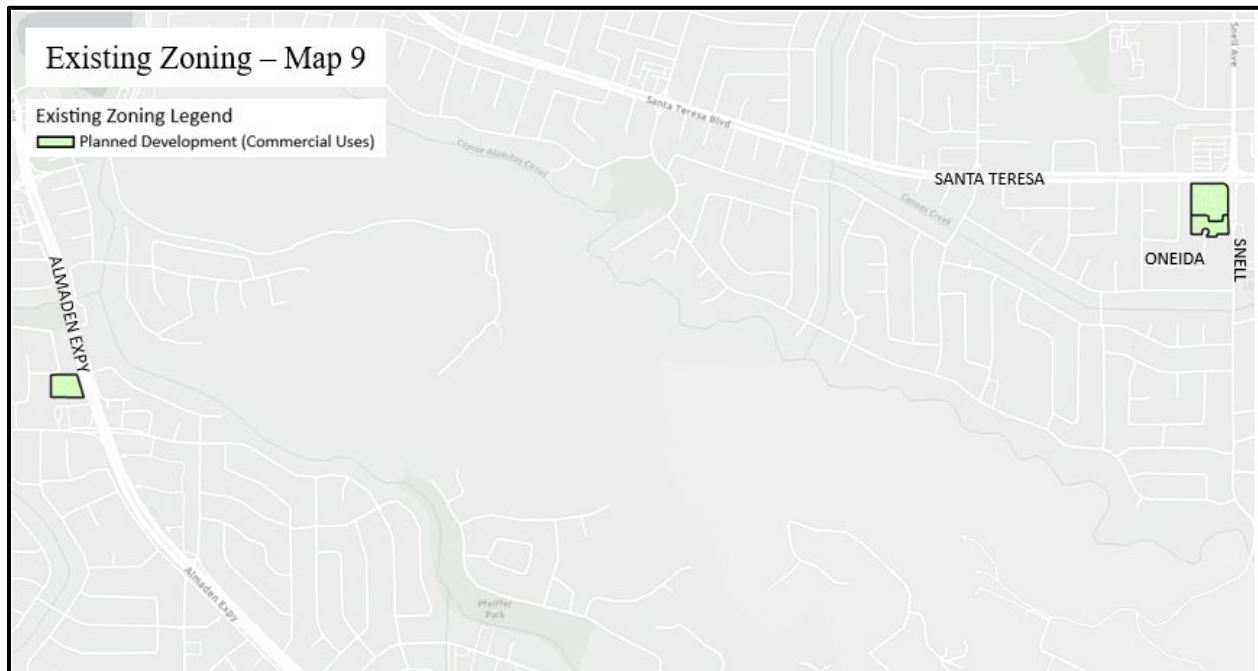




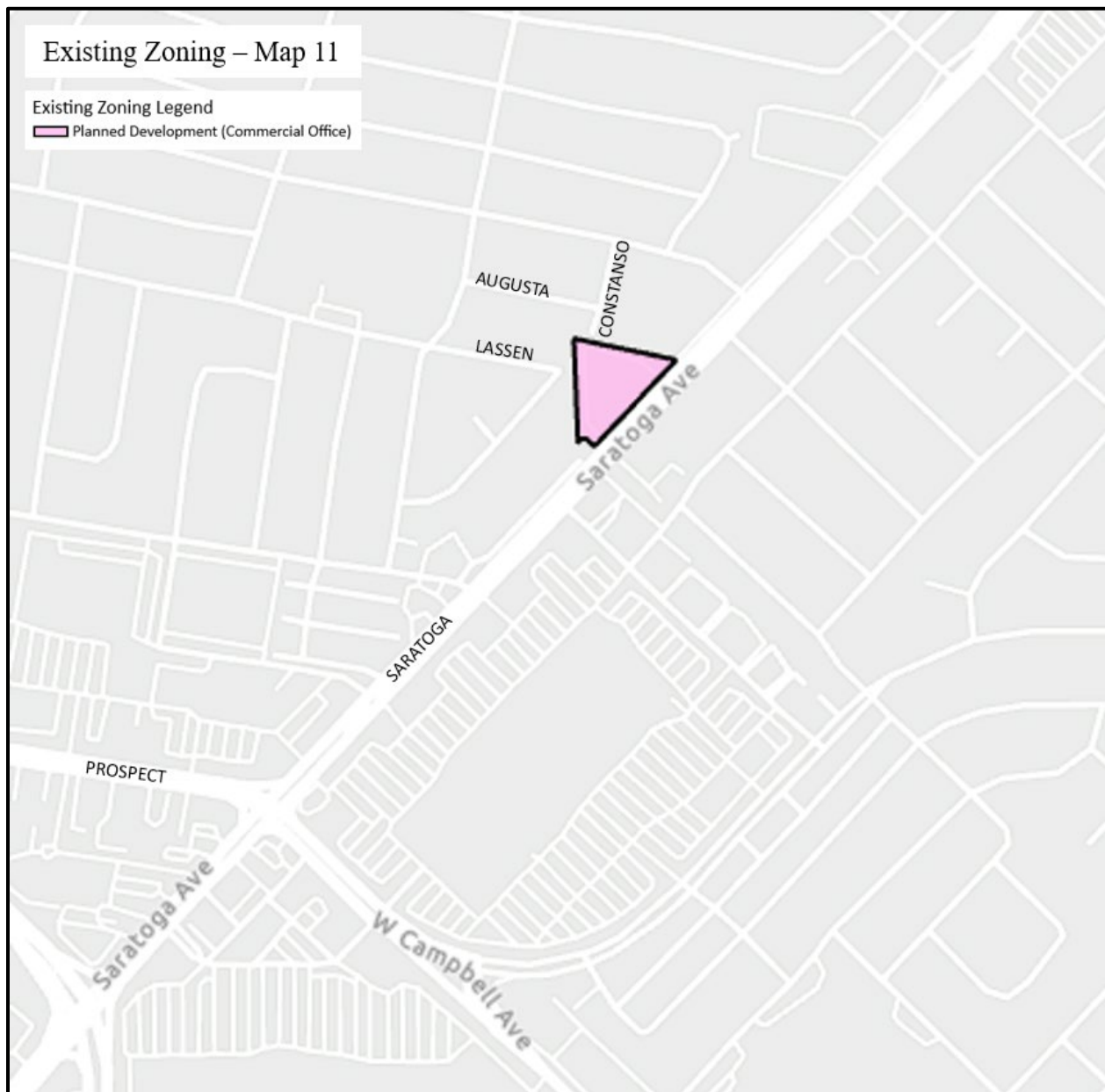












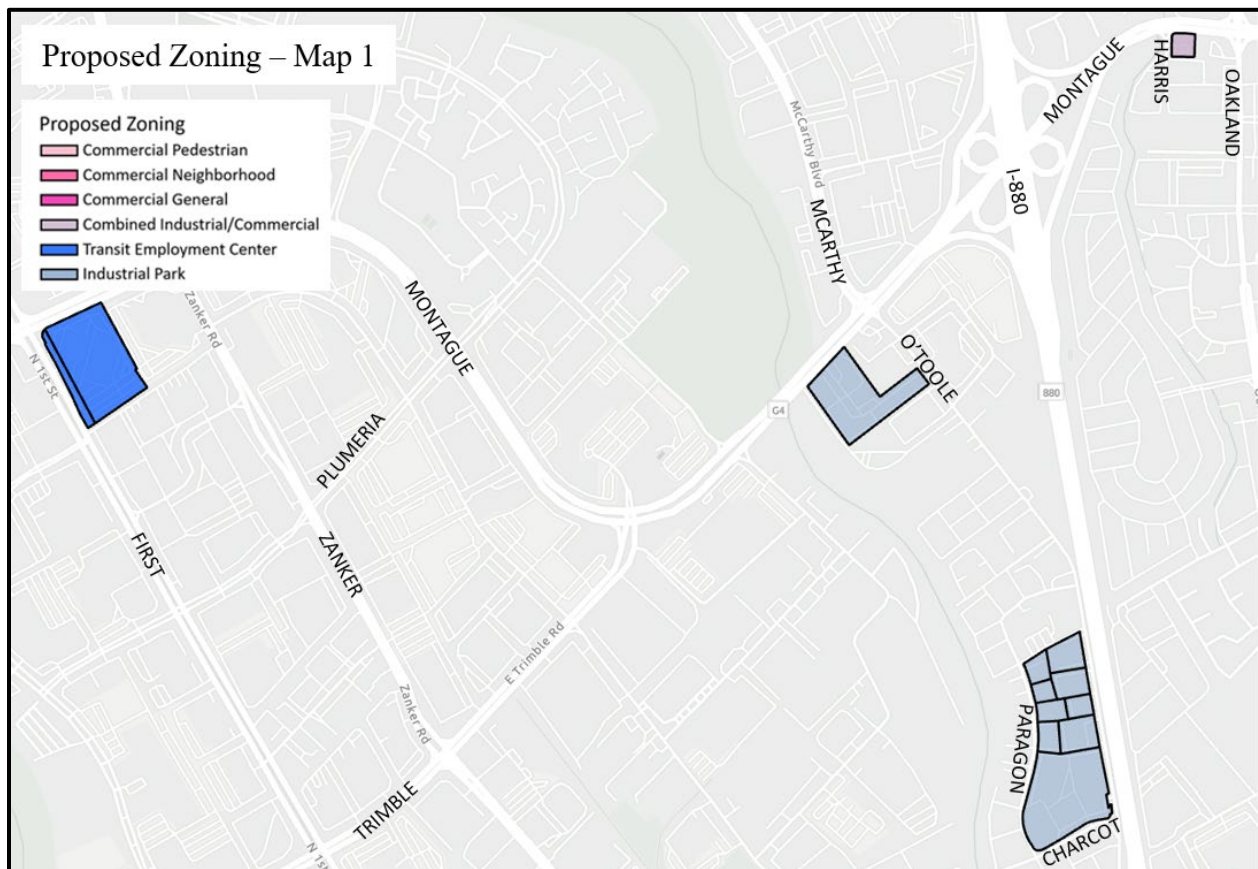
B-23

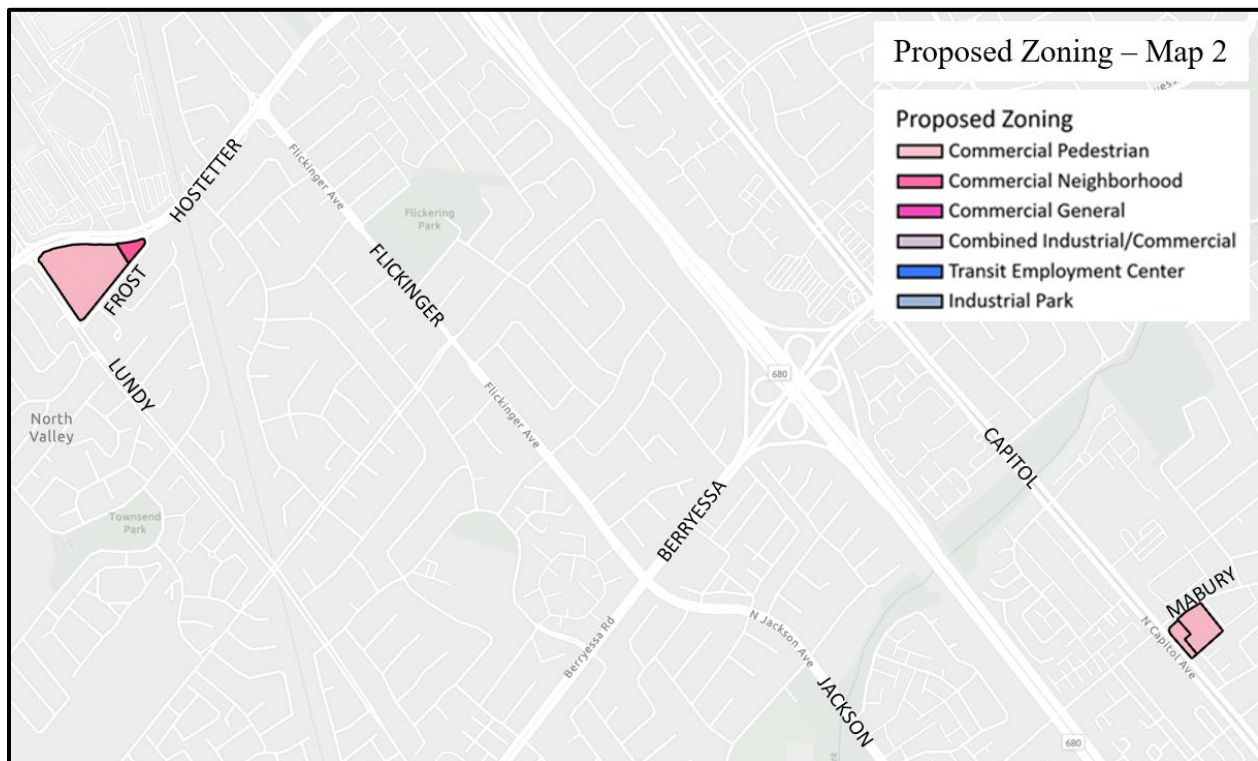
T-53000 / 2108358

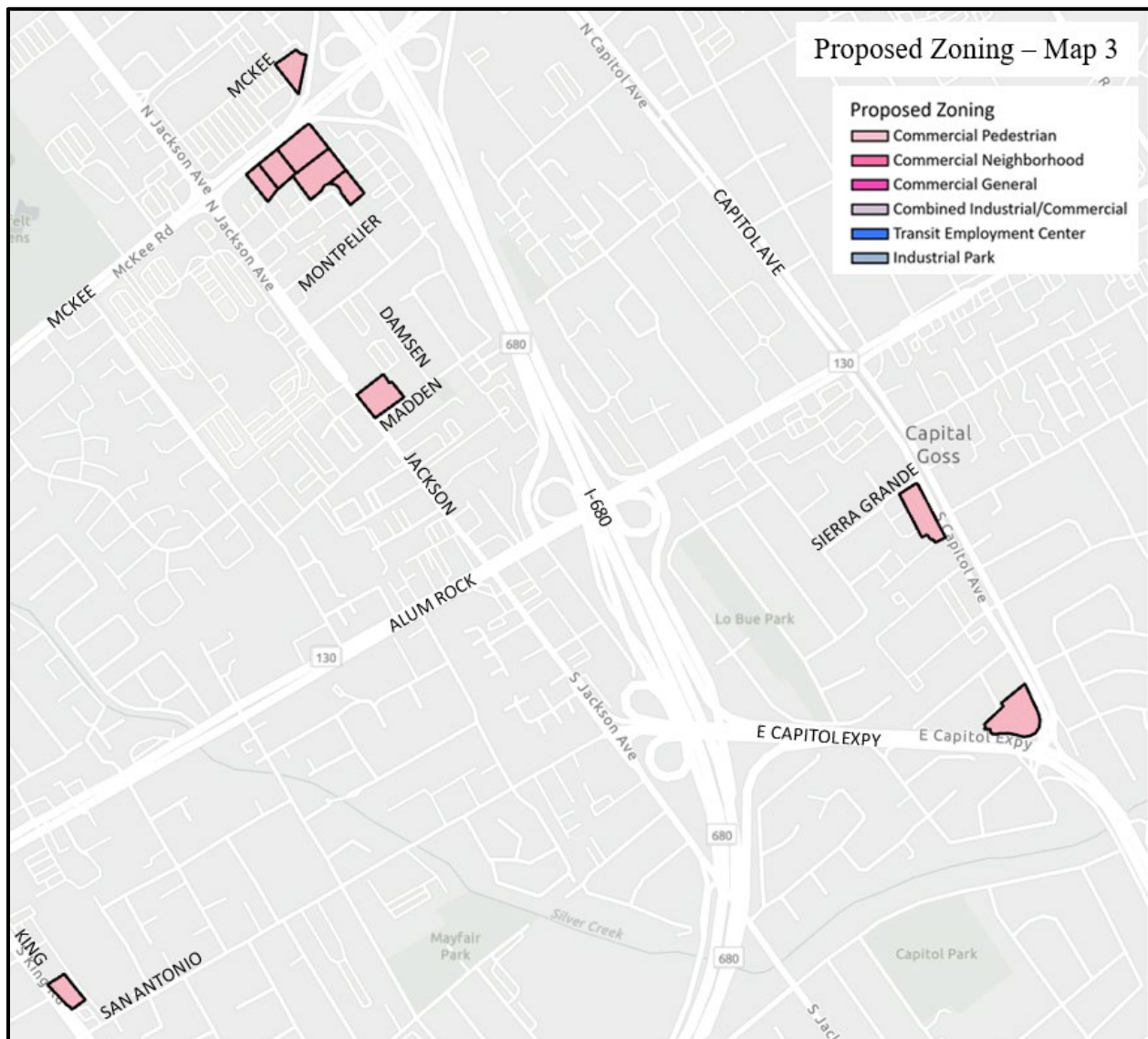
Council Agenda: 6/4/2024

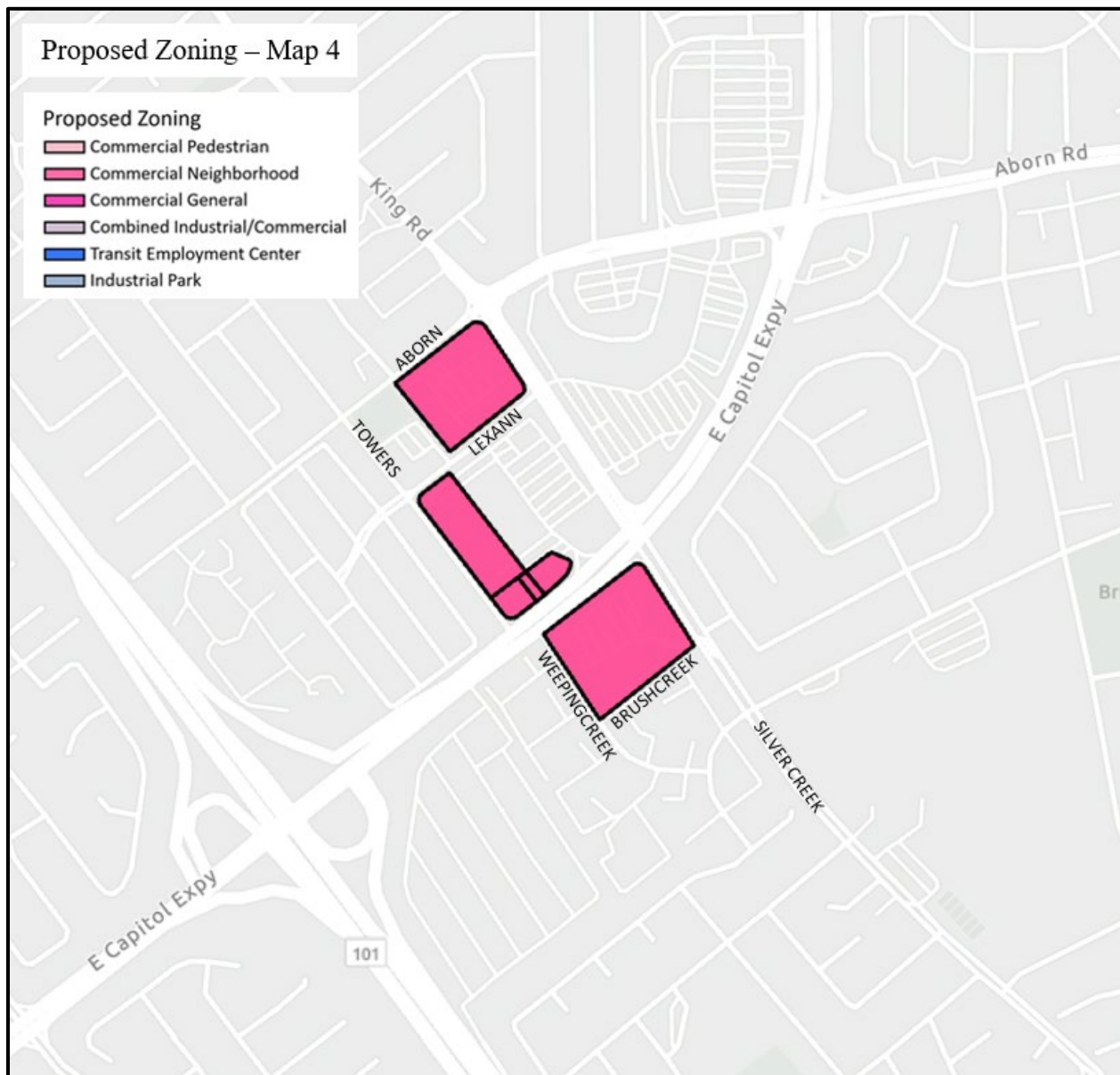
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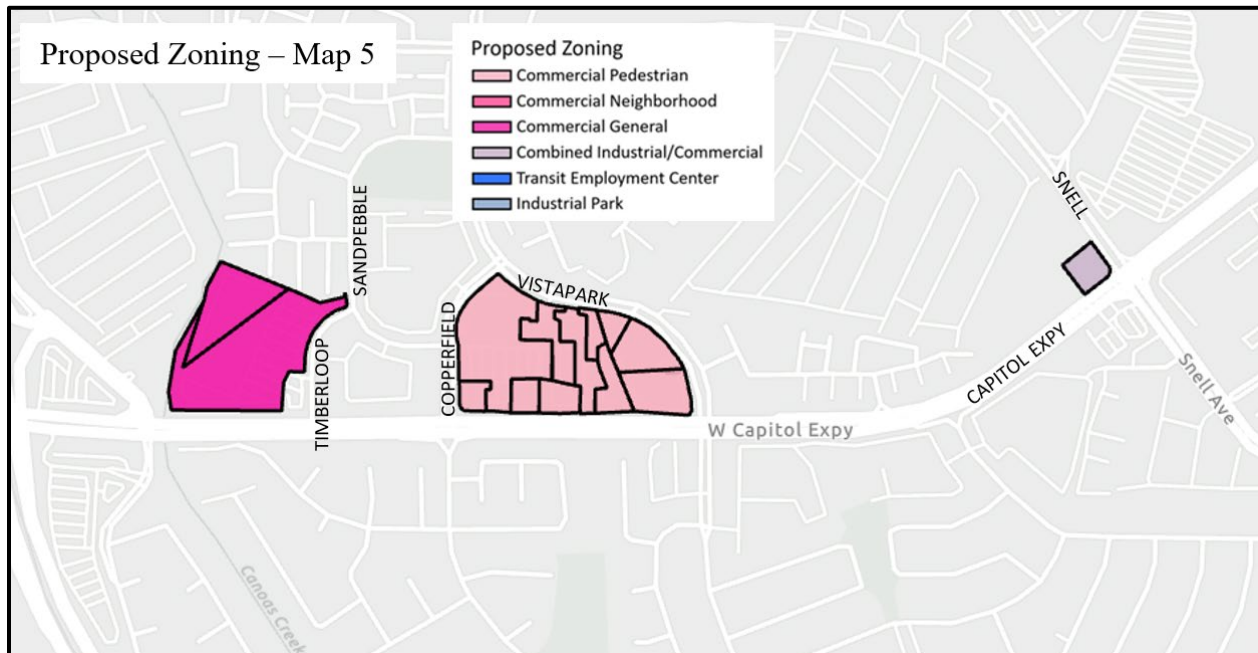
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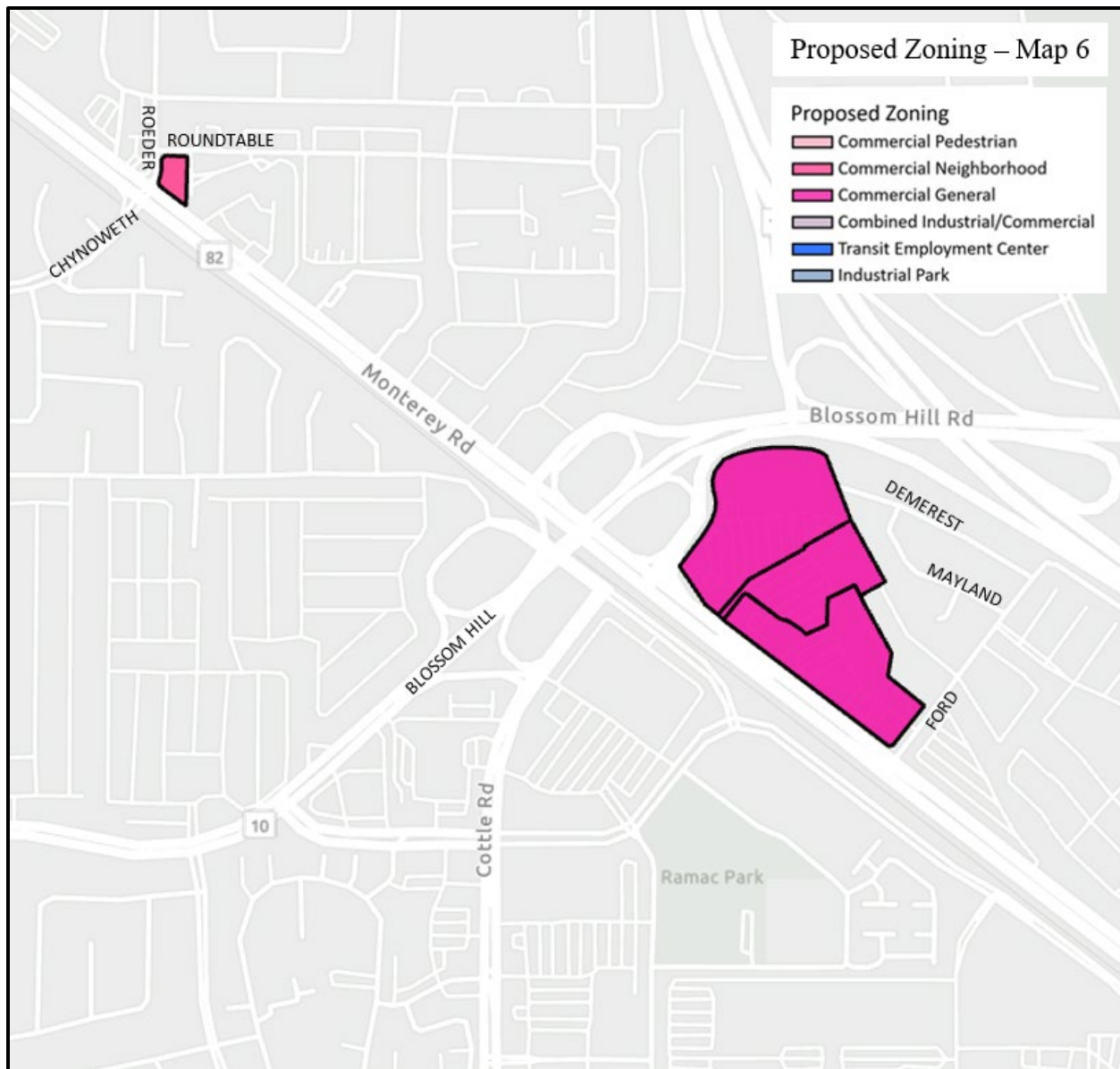


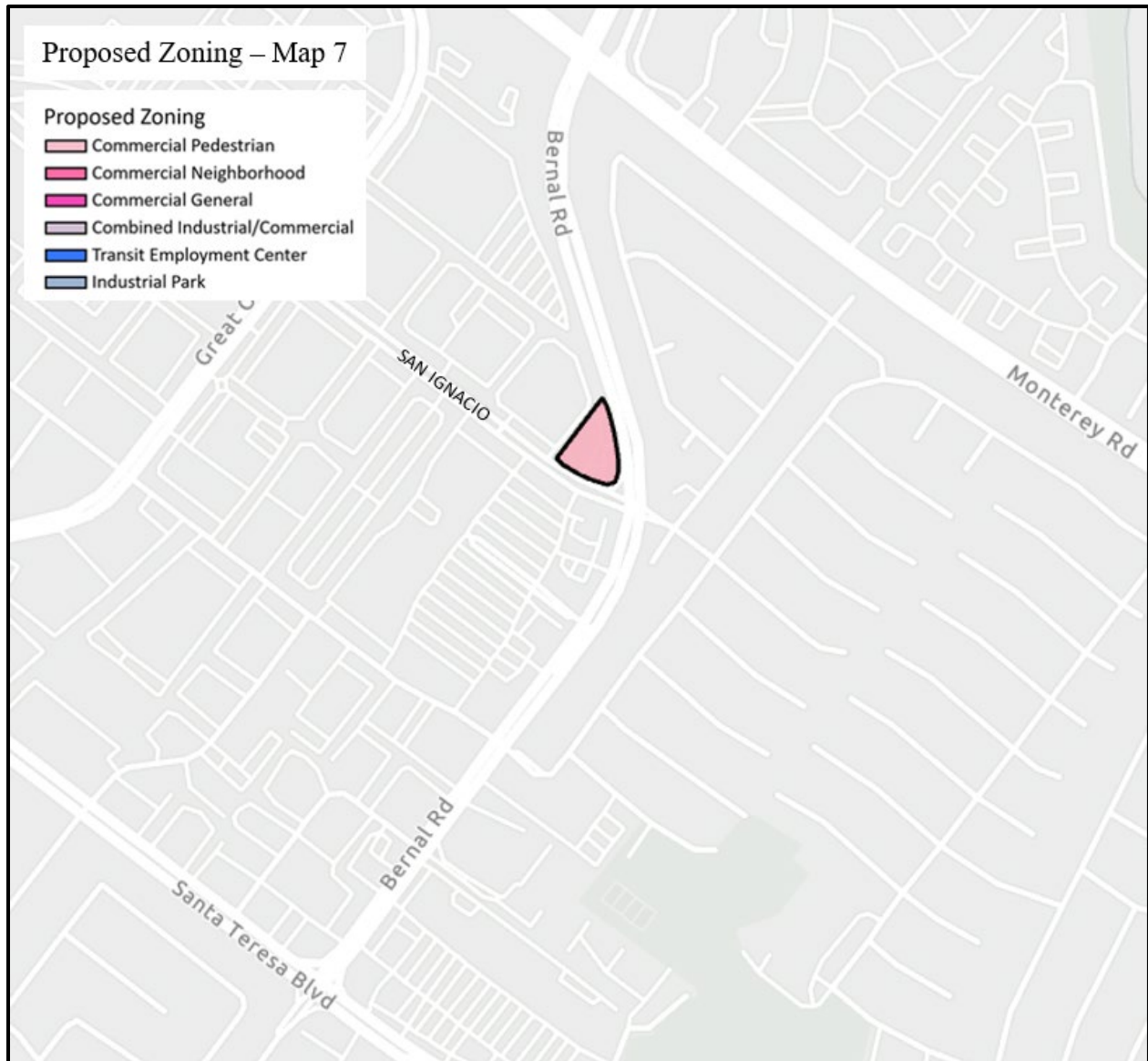


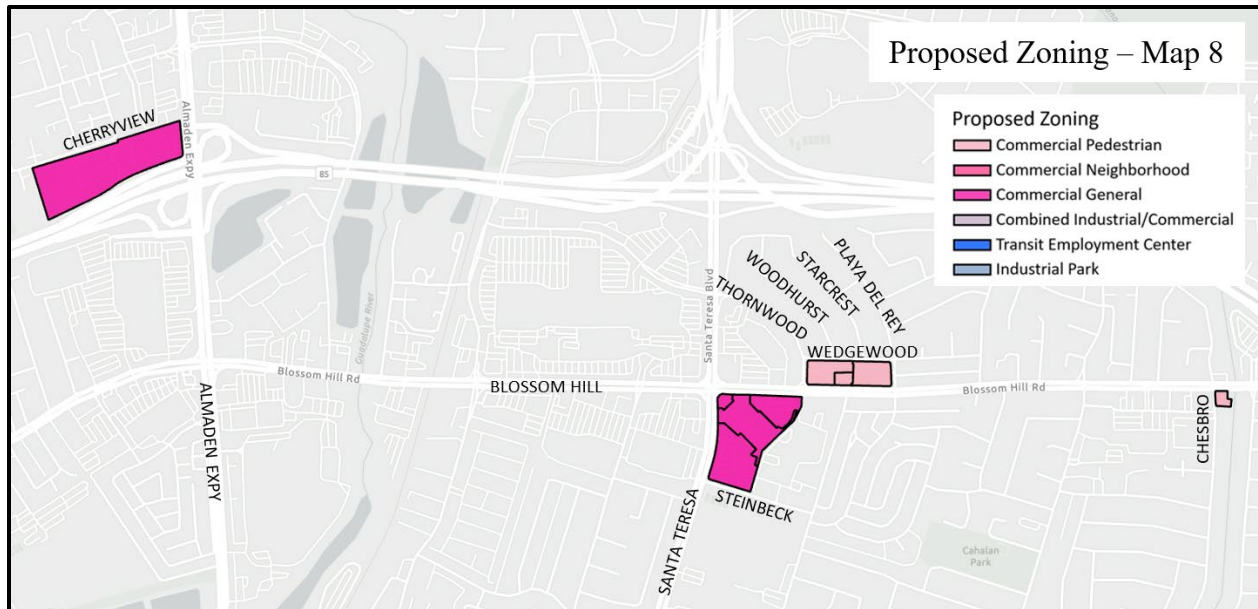


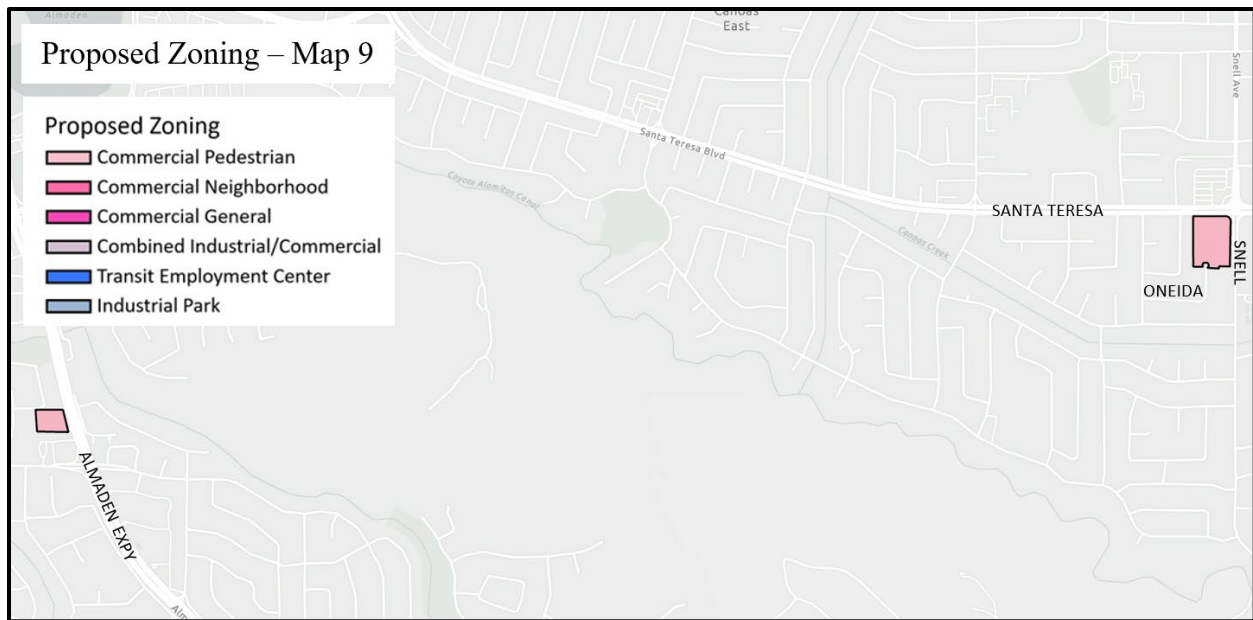


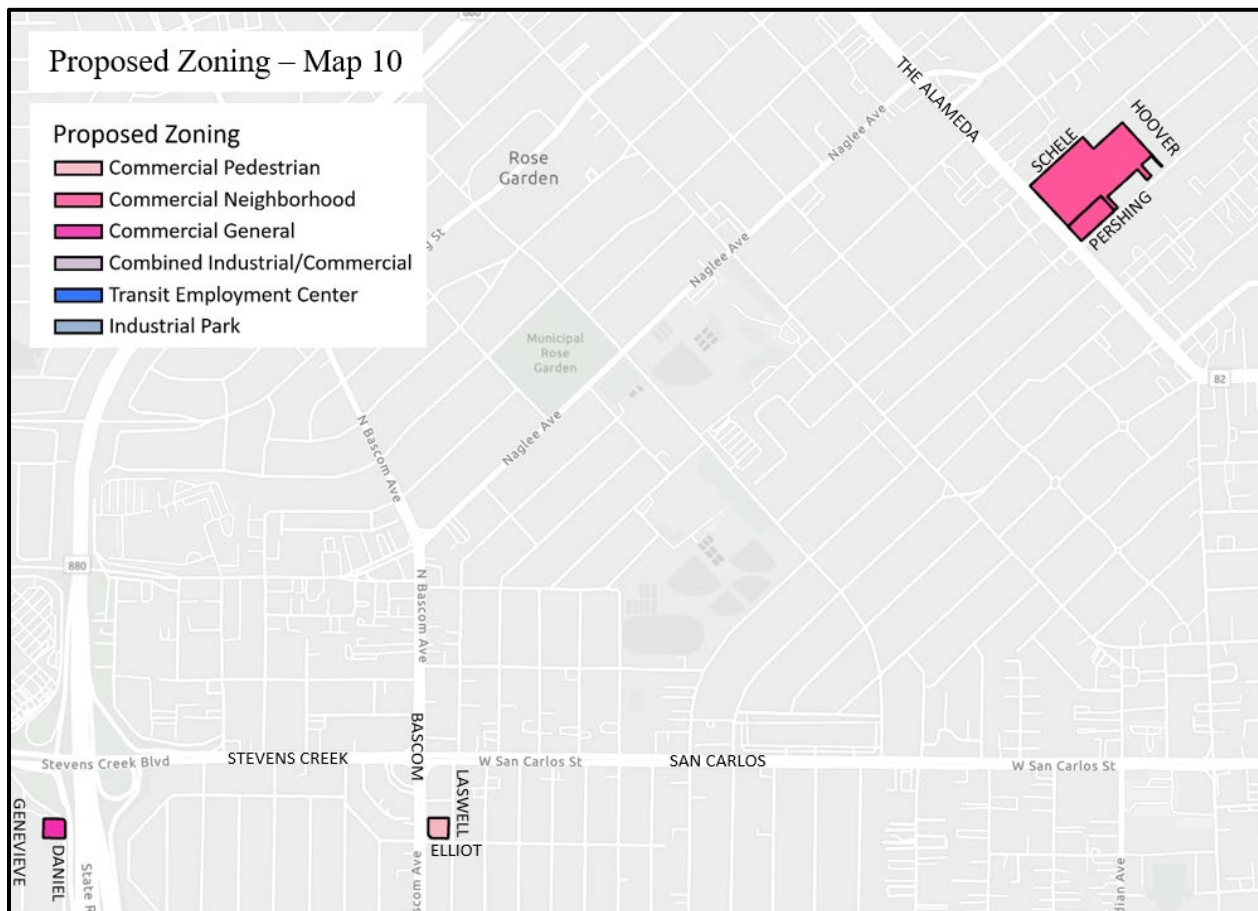














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Item No.: \_\_\_\_\_

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**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSÉ REZONING 25 PROPERTIES FROM A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO CP COMMERCIAL PEDESTRIAN ZONING DISTRICT, 10 PROPERTIES FROM A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO CG COMMERCIAL GENERAL ZONING DISTRICT, 10 PROPERTIES FROM A(PD) PLANNED DEVELOPMENT TO IP INDUSTRIAL PARK ZONING DISTRICT, SIX PROPERTIES FROM A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT, FOUR PROPERTIES FROM LI(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT, THREE PROPERTIES FROM CO(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO CP COMMERCIAL PEDESTRIAN ZONING DISTRICT, TWO PROPERTIES FROM R-1-8(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO CP COMMERCIAL PEDESTRIAN ZONING DISTRICT, TWO PROPERTIES FROM A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO CIC COMBINED INDUSTRIAL/COMMERCIAL ZONING DISTRICT, TWO PROPERTIES FROM IP(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO TEC TRANSIT EMPLOYMENT CENTER, ONE PROPERTY FROM R-2(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO CP COMMERCIAL PEDESTRIAN, ONE PROPERTY FROM CO(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO CG COMMERCIAL GENERAL ZONING DISTRICT, AND ONE PROPERTY FROM R-1-8(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO CG COMMERCIAL GENERAL ZONING DISTRICT, ALL LOCATED ON THOSE CERTAIN REAL PROPERTIES SITUATED WITHIN THE CITY OF SAN JOSÉ**

**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 Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined the proposed rezoning is pursuant to, in furtherance of and within

the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the “FEIR”), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011 and Supplemental Environmental Impact Report (the “SEIR”), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezonings to the CP Commercial Pedestrian, CG Commercial General, CN Commercial Neighborhood, CIC Combined Industrial/Commercial, TEC Transit Employment Center, IP Industrial Park; and

**WHEREAS**, this Council of the City of San José has considered and approves the information contained in the FEIR and related City Council Resolution No. 76041, and in the SEIR and related City Council Resolution No. 77617, and Addenda thereto, and the determination of consistency therewith prior to acting upon or approving the subject rezoning; and

**WHEREAS**, the proposed rezonings are consistent with the designations of the sites in the applicable General Plan; and

**WHEREAS**, pursuant to Senate Bill 330, the proposed rezonings (File Nos. C24-024, C24-025, C24-026, C24-027, C24-028, C24-030) will not decrease the number of residential units allowed. The Planned Development Zonings will allow continued commercial or industrial uses prior to rezonings by this ordinance. Rezoning the Planned Development zoned parcels will allow the updated uses of the current zoning ordinance, thereby complying with Senate Bill 330 requirements; and

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

**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 CP Commercial Pedestrian, CG Commercial General, CN Commercial Neighborhood, CIC Combined Industrial/Commercial, TEC Transit Employment Center, and IP Industrial Park.

The subject properties referred to in this section are all those real properties 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 Nos. C24-024, C24-025, C24-026, C24-027, C24-028, C24-030 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. 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

## EXHIBIT “A”

### EXISTING GENERAL PLAN DESIGNATION AND EXISTING AND PROPOSED ZONING DISTRICT PARCEL LIST

File Nos. C24-024, C24-025, C24-026, C24-027, C24-028, C24-030: The following parcels specified by Assessor’s Parcel Number (APN) are hereby rezoned from the zoning district specified below as “Existing Zoning” to the zoning district specified below as “Conforming Rezoning:”

No	APN	Existing General Plan Designation	Existing Zoning District	Proposed Zoning District	Density Change (Residential Units)
1	23701051	CIC	A(PD)	CIC	0
2	46219006	CIC	A(PD)	CIC	0
3	23702074	IP	A(PD)	IP	0
4	23702075	IP	A(PD)	IP	0
5	23702082	IP	A(PD)	IP	0
6	23702083	IP	A(PD)	IP	0
7	23702084	IP	A(PD)	IP	0
8	23719053	IP	A(PD)	IP	0
9	23702078	IP	A(PD)	IP	0
10	23702039	IP	A(PD)	IP	0
11	23702081	IP	A(PD)	IP	0
12	23702072	IP	A(PD)	IP	0
13	46249004	NCC	A(PD)	CG	0
14	67853002	NCC	A(PD)	CG	0
15	67853005	NCC	A(PD)	CG	0
16	69419020	NCC	A(PD)	CG	0
17	67853001	NCC	A(PD)	CG	0
18	56902071	NCC	A(PD)	CG	0
19	69419026	NCC	A(PD)	CG	0
20	69419025	NCC	A(PD)	CG	0
21	69419018	NCC	A(PD)	CG	0
22	46249008	NCC	A(PD)	CG	0
23	27735052	NCC	CO(PD)	CG	0
24	27735052	NCC	R-1-8(PD)	CG	0
25	26106036	NCC	A(PD)	CN	0
26	26106037	NCC	A(PD)	CN	0
27	24544008	NCC	A(PD)	CN	0

No	APN	Existing General Plan Designation	Existing Zoning District	Proposed Zoning District	Density Change (Residential Units)
28	67603035	NCC	A(PD)	CN	0
29	67043C01	NCC	A(PD)	CN	0
30	68430010	NCC	A(PD)	CN	0
31	67015020	NCC	LI(PD)	CN	0
32	67015021	NCC	LI(PD)	CN	0
33	67015022	NCC	LI(PD)	CN	0
34	67015023	NCC	LI(PD)	CN	0
35	25465027	NCC	A(PD)	CP	0
36	48117070	NCC	A(PD)	CP	0
37	48406113	NCC	A(PD)	CP	0
38	48445116	NCC	A(PD)	CP	0
39	59201022	NCC	A(PD)	CP	0
40	59201021	NCC	A(PD)	CP	0
41	24544010	NCC	A(PD)	CP	0
42	48456050	NCC	A(PD)	CP	0
43	70610030	NCC	A(PD)	CP	0
44	57709045	NCC	A(PD)	CP	0
45	46264012	NCC	A(PD)	CP	0
46	27705007	NCC	A(PD)	CP	0
47	69524071	NCC	A(PD)	CP	0
48	69524072	NCC	A(PD)	CP	0
49	46220005	NCC	A(PD)	CP	0
50	46220006	NCC	A(PD)	CP	0
51	46264003	NCC	A(PD)	CP	0
52	46264004	NCC	A(PD)	CP	0
53	46264005	NCC	A(PD)	CP	0
54	46264006	NCC	A(PD)	CP	0
55	46264007	NCC	A(PD)	CP	0
56	46264008	NCC	A(PD)	CP	0
57	46264009	NCC	A(PD)	CP	0
58	46264010	NCC	A(PD)	CP	0
59	46264011	NCC	A(PD)	CP	0
60	48407076	NCC	CO(PD)	CP	0
61	48407077	NCC	CO(PD)	CP	0
62	38131C01	NCC	CO(PD)	CP	0

No	APN	Existing General Plan Designation	Existing Zoning District	Proposed Zoning District	Density Change (Residential Units)
63	46427028	NCC	R-1-8(PD)	CP	0
64	46427029	NCC	R-1-8(PD)	CP	0
65	68702051	NCC	R-2(PD)	CP	0
66	10130003	TEC	IP(PD)	TEC	0
67	10130002	TEC	IP(PD)	TEC	0

## EXHIBIT “B”

### EXISTING GENERAL PLAN DESIGNATION AND EXISTING AND PROPOSED ZONING DISTRICT MAPS

File Nos. C24-024, C24-025, C24-026, C24-027, C24-028, C24-030: The Zoning District Map is hereby amended as follows:

