

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 10 GROSS ACRES SITUATED ON THE SOUTH SIDE OF STEVENS CREEK BOULEVARD BETWEEN PALACE DRIVE AND KIELY BOULEVARD (4300 – 4360 STEVENS CREEK BOULEVARD; APNS: 294-40-009, 296-38-014, AND 296-38-013) FROM THE CG COMMERCIAL GENERAL ZONING DISTRICT TO A CP(PD) PLANNED DEVELOPMENT 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, the approximately 10-gross acre site encompassed by the proposed rezoning was the subject of that certain Final Environmental Impact Report for the 4300 Stevens Creek Boulevard Mixed-Use Project (File Nos. PDC16-036 and PD17-014) (“EIR”), which evaluated the impact of demolishing five existing buildings totaling approximately 105,980 square feet, the removal of approximately 68 ordinance-sized trees, development of four buildings including a six-story approximately 300,000 square foot office building, a six-story parking garage, an eight-story mixed-use building containing approximately 15,000 square feet of ground floor commercial/retail and up to 289 residential units, and an eight-story residential building with approximately 293 residential units, where approximately 88 affordable units will be dispersed throughout the development, and development of an approximately 1.4-acre landscaped promenade; subdividing three existing parcels into four parcels and seven common parcels; and re-location of Lopina Way to the east side of the project site, on 10 gross acres located at 4300-4360 Stevens Creek Boulevard, which EIR was certified and for which findings were adopted by the City Council on February 26, 2019; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to a CP(PD) Planned Development Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves the information contained in the EIR and related City Council Resolution No. _____ and determination of consistency therewith prior to acting upon or approving the subject rezoning;

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 site," is hereby rezoned as CP(PD) Planned Development Zoning District. The base district zoning of the subject property shall be the CP Commercial Pedestrian Zoning District. The Planned Development Zoning of the subject property shall be that development plan for the subject property entitled, "Planned Development Zoning for Stevens Creek Promenade, dated received on January 3, 2019 ("General Development Plan").

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described and depicted in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 3. The district map of the City is hereby amended accordingly.

SECTION 4. The land development approval that is the subject of City File No. PDC16-036 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 ____ of _____, 2019 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 296-38-013, 296-38-014 and 296-40-009

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

PARCEL A AS SHOWN ON THE PARCEL MAP OF A PORTION OF THAT CERTAIN 51.058 ACRE PARCEL OF LAND AS SHOWN ON THAT CERTAIN RECORD OF SURVEY, RECORDED APRIL 29, 1969 IN BOOK 252, PAGE 38, SANTA CLARA COUNTY RECORDS, SAID PARCEL MAP BEING FILED DECEMBER 29, 2003 IN BOOK 767 OF MAPS, PAGES 10-12.

APN: 296-38-013

PARCEL TWO:

PARCEL B AS SHOWN ON THE PARCEL MAP OF A PORTION OF THAT CERTAIN 51.058 ACRE PARCEL OF LAND AS SHOWN ON THAT CERTAIN RECORD OF SURVEY, RECORDED APRIL 29, 1969 IN BOOK 252, PAGE 38, SANTA CLARA COUNTY RECORDS, SAID PARCEL MAP BEING FILED DECEMBER 29, 2003 IN BOOK 767 OF MAPS, PAGES 10-12.

APN: 296-38-014

PARCEL THREE:

BEGINNING AT A NORTHEASTERLY CORNER OF THAT CERTAIN 51.058 ACRE PARCEL OF LAND AS SHOWN ON THAT CERTAIN RECORD OF SURVEY, RECORDED IN BOOK 252, PAGE 38, SANTA CLARA COUNTY RECORDS, SAID CORNER BEING IN THE SOUTHERLY LINE OF STEVENS CREEK BOULEVARD; THENCE ALONG THE NORTHERLY LINE OF SAID 51.058 ACRE PARCEL, SAID LINE BEING ALSO THE SOUTHERLY LINE OF SAID STEVENS CREEK BOULEVARD, NORTH 89°26'25" WEST 260.09 FEET TO A POINT OF CUSP, AS DESCRIBED IN THAT CERTAIN DEED OF RIGHT-OF-WAY RECORDED IN BOOK 8821, PAGE 278, SANTA CLARA COUNTY RECORDS; THENCE LEAVING SAID NORTHERLY LINE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE, HAVING A RADIUS OF 30.00 FEET, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 89°53'44", AN ARC LENGTH OF 47.07 FEET; THENCE SOUTH 00°39'51" WEST 40.00 FEET; THENCE ON A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 236.00 FEET; THROUGH A CENTRAL ANGLE OF 7°37'41", AN ARC LENGTH OF 31.42 FEET TO A POINT OF REVERSE CURVATURE; THENCE ON A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 216.00 FEET

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

(File Nos. PDC16-036; PD17-014; PT17-023)

'A'

EXHIBIT "A"
Legal Description

THROUGH A CENTRAL ANGLE OF 7°37'41" AN ARC LENGTH OF 28.76 FEET; THENCE SOUTH 00°39'41" WEST 386.30 FEET; THENCE ON A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 90°06'25" AN ARC LENGTH OF 31.45 FEET; THENCE SOUTH 89°26'34" EAST 31.84 FEET; THENCE ON A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 330.00 FEET THROUGH A CENTRAL ANGLE OF 40°03'15" AN ARC LENGTH OF 230.70 FEET TO A POINT OF REVERSE CURVATURE; THENCE ON A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 270.00 FEET THROUGH A CENTRAL ANGLE OF 7°52'26" AN ARC LENGTH OF 37.11 FEET TO A POINT ON AN EASTERLY LINE OF SAID 51.058 ACRE PARCEL; THENCE ALONG SAID EASTERLY LINE NORTH 00°38'10" EAST 635.53 FEET TO THE POINT OF BEGINNING.

APN: 296-40-009

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