

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.43 GROSS ACRE, SITUATED ON THE WESTERLY SIDE OF NORTH FIFTH STREET, APPROXIMATELY 45 FEET SOUTH OF JACKSON STREET (575, 591, & 593 NORTH 5TH STREET) (APNS: 249-40-002, 249-40-003, & 249-40-004) FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE MUC MIXED USE COMMERCIAL 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, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that 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 rezoning to the MUC Mixed Use Commercial Residence Zoning District; 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 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 in accordance with CEQA; 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. C22-125) does not reduce the intensity of residential uses because the proposed rezoning allows for greater residential density than the existing A(PD) Planned Development Zoning District; the rezoning would increase the residential capacity by approximately 21 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 MUC Mixed Use Commercial 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. C22-125 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 _____, 2023 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED
:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT A

LOT MERGER
PARCEL "A"

Situate in the City of San Jose, County of Santa Clara, State of California, and is more particularly described as follows

Being a portion of Block 14, of White's Addition as shown on that map entitled, "City of San Jose, copied from the original Map drawn by Sherman Day Civil Engineer", which map was filed for Record in Book A of Maps at Pages 72 and 73, Official Records of the County of Santa Clara, and is more particularly described as follows;

Beginning at a point on the western sideline of Fifth Street, distant thereon 45.83 feet southeasterly from the point of intersection of said western side of Fifth Street and the southern sideline of Jackson Street;


Thence southeasterly along the western sideline of Fifth Street 137.50 feet a little more or less, to the northern boundary of the Lands Granted to Alan T. Nakasaki as described in the Trust Transfer Deed Recorded on the 19th of October, 2020 in Document #24659343 of Official Records of Santa Clara County;

Thence southwesterly and parallel with the southern line of Jackson Street, along the northern boundary said Lands of Nakasaki 137.50 feet;

Thence northerly and parallel with the western sideline of Fifth Street 137.50 feet a little more or less to a point;

Thence northeasterly and parallel with the southern sideline of Jackson Street 137.50 feet a little more or less to the **Point of Beginning**.

Attached hereto is a plat and by this reference made a part thereof.


Alan Brodie French, PLS 9301
Job #2022-085


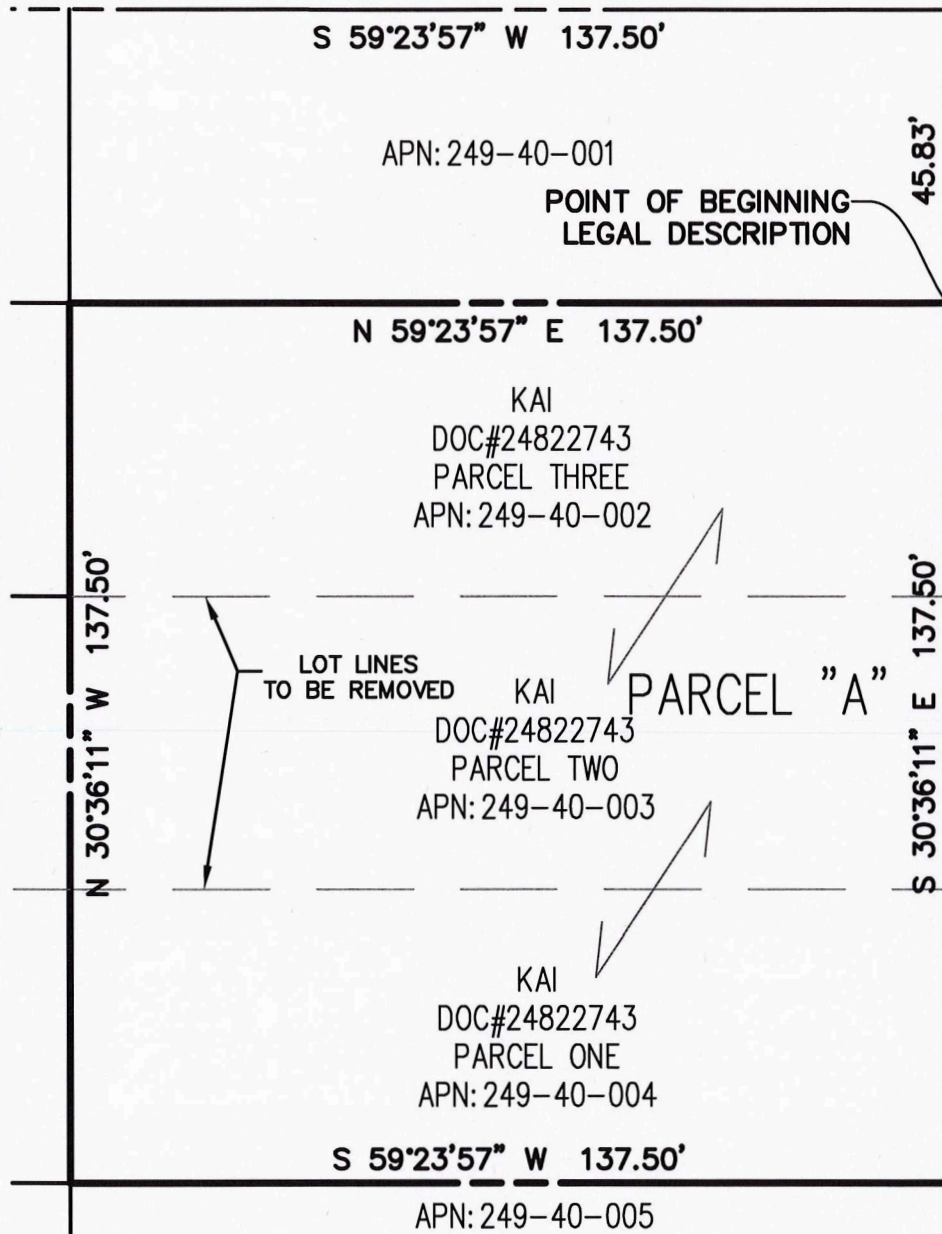

7-11-2023

EXHIBIT B

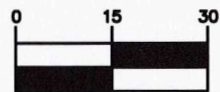
JACKSON STREET



NORTH FIFTH AVE

BASIS OF BEARINGS
FOUND MONUMENT TO FOUND MONUMENT
(N 30°36'11" W 907.69') (N 30°39' W 912.66')²

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

APN: 249-40-002

APN: 249-40-003

APN: 249-40-004

EXISTING

PROPOSED

| | |
|--------------------|---------------------|
| 6,302 SF (0.145ac) | 18,906 SF (0.434ac) |
| 6,302 SF (0.145ac) | 0 SF (0.0ac) |
| 6,302 SF (0.145ac) | 0 SF (0.0ac) |

ALPHA LAND
SURVEYS, INC.
4444 SCOTTS VALLEY DR. #7
SCOTTS VALLEY, CA 95066
(831) 438-4453



Alan Brodie French

7/11/2023

JOB #2022-085