

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 1.72 GROSS ACRES, SITUATED ON THE NORTHEASTERLY SIDE OF STOCKTON AVENUE APPROXIMATELY 230 FEET NORTHWEST OF WEST SANTA CLARA STREET (130 STOCKTON AVENUE) (APN 259-28-046) FROM AN A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE DC DOWNTOWN PRIMARY 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 DC Downtown Primary Commercial 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. C23-118) 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 (File No. PDC15-010); the DC Downtown Primary Commercial Zoning District allows up to 800 dwelling units per acre and the A(PD) Planned Development Zoning District (File No. PDC15-010) allows up to 95 dwelling units per acre or 163 residential 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 DC Downtown Primary 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. C23-118 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 _____, 2025 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

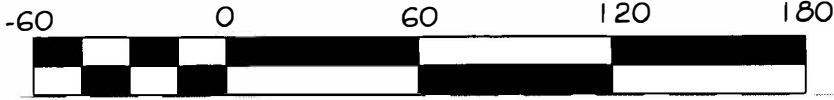
LOT LINE ADJUSTMENT

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

Beginning at the most southerly corner of Parcel one as said is stated in that certain Grant Deed recorded August 02, 2004 as Document No 17931129, Santa Clara County Records; Thence from said True Point of Beginning, along the Northeasterly line of Stockton Avenue, North 41°45'00" West, 244.41 feet; Thence leaving said northeasterly line of Stockton Avenue, North 47°55'40" East, 325.45 feet to a point in the westerly line of lands of the Southern Pacific Company; Thence along said westerly line of said lands of Southern Pacific Company, South 34°08'38" East, 130.50 feet; Thence continuing along said westerly line of said lands of Southern Pacific Company, North 51°50'56" East, 6.03 feet; Thence continuing along said westerly line of said lands of Southern Pacific Company, South 27°11'55", 83.93 feet to the beginning of a tangent curve to the right; Thence, Southeasterly, along said curve, having radius of 337.64 feet, through a central angle of 5°20'22", an arc length of 31.46 feet to a found chiseled cross on retaining wall; Thence South 47°11'44" West, 283.84 feet to the True Point of Beginning.

Containing 1.719 Acres, more or less.

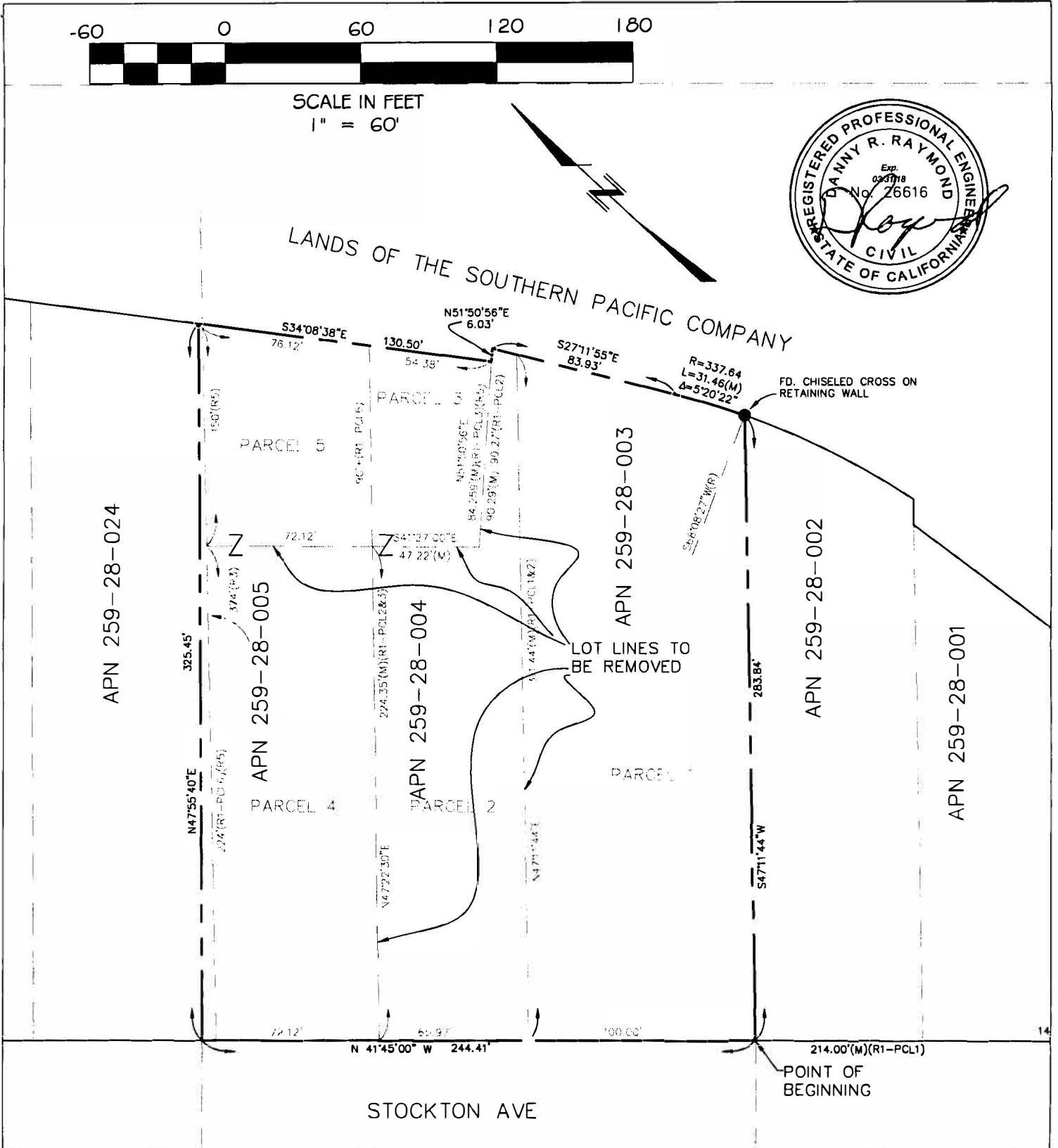




SCALE IN FEET
1" = 60'



LANDS OF THE SOUTHERN PACIFIC COMPANY



SHEET 2 OF 3



EXHIBIT B
VESPAIO @ DIRIDON
STOCKTON AVENUE
San Jose, CA

PROJECT:	2012.356
FILE:	EXHIBIT B.DWG
DATE:	MAY 03, 2017
SCALE:	1" = 60'
PREPARED:	YC
REVIEWED:	DRR

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