

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.90 GROSS ACRE LOCATED AT THE SOUTHWEST CORNER OF WEST SAN CARLOS STREET AND GIFFORD AVENUE (470 WEST SAN CARLOS STREET) (APNS: 264-20-082, 264-20-083, 264-20-084, 264-20-085, 264-20-086, 264-30-087) FROM THE LI LIGHT INDUSTRIAL ZONING DISTRICT AND R-2 TWO FAMILY RESIDENCE 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, an Addendum to the Downtown Strategy 2040 Final Environmental Impact Report adopted by City Council Resolution No. 78942 on December 19, 2018, and addenda thereto, was prepared and approved by the Director of Planning, Building and Code Enforcement for the subject rezoning; 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, approved and adopted said Addendum under separate Council resolution prior to taking any approval actions on this project; and

WHEREAS, the proposed rezoning is consistent with the designation of the site in the applicable General Plan.

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" 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. C19-042 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.

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PASSED FOR PUBLICATION of title this ____ day of _____, 2021 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT A
LEGAL DESCRIPTION

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

ALL OF LOTS 24, 25 AND 26, AS SHOWN UPON THAT CERTAIN MAP ENTITLED "MAP OF GIFFORD ADDITION BEING LOT 2 SUNOL PARTITION OF A PART OF THE LOS COCHES RANCHO SANTA CLARA CO. CAL.", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON MAY 5, 1905 IN [BOOK K OF MAPS, AT PAGE 71](#).

[APN: 264-20-086 \(LOT 26\), 264-20-087 \(LOT 25\) AND 264-20-088 \(LOT 24\)](#)

EXHIBIT A
LEGAL DESCRIPTION

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

PARCEL ONE:

All of Lot 27, as shown upon that certain map entitled "Map of the Gifford Addition, being Lot 2 Sunol Partition of a part of the Los Coches Rancho, Santa Clara Co., Cal.", which map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on July 22, 1904, in [Book F3 of Maps, at Page 85](#).

[APN: 264-20-085](#)

PARCEL TWO:

All of Lot 30, and the Westerly one-half of Lot 29, as shown upon that certain map entitled "Map of the Gifford Addition, being Lot 2 Sunol Partition of a part of the Los Coches Rancho, Santa Clara Co., Cal.", which map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on July 22, 1904, in [Book F3 of Maps, at Page 85](#).

EXCEPTING THEREFROM all that portion conveyed to the City of San Jose, a municipal corporation, by Instrument recorded January 17, 1956, in [Book 3388, Page 453 of Official Records](#).

[APN: 264-20-083](#)

PARCEL THREE:

The Northeasterly 39.00 feet of Lot 31, as shown upon that certain map entitled "Map of the Gifford Addition, being Lot 2 Sunol Partition of a part of the Los Coches Rancho, Santa Clara Co., Cal.", which map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on July 22, 1904, in [Book F3 of Maps, at Page 85](#).

EXCEPTING THEREFROM all that portion conveyed to the City of San Jose, a municipal corporation, by Instrument recorded January 17, 1956, in [Book 3388, Page 450 of Official Records](#).

[APN: 264-20-082](#)

EXHIBIT A
LEGAL DESCRIPTION

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

All of Lot 28, and the Northeasterly one-half, front and rear measurements of Lot 29, as shown upon that certain map entitled "Map of the Gifford Addition, being Lot 2 Sunol Partition of a part of the Los Coches Rancho, Santa Clara Co., Cal.", which map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on July 22, 1904, in [Book F3 of Maps, at Page 85](#).

EXCEPTING THEREFROM all that portion conveyed to the City of San Jose, a municipal corporation, by Instrument recorded April 25, 1956, in [Book 3476, Page 623 of Official Records](#).

[APN: 264-20-084](#)