

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 1.2 GROSS ACRES SITUATED ON SOUTH E. VIRGINIA STREET BETWEEN SOUTH 2ND STREET AND SOUTH 1ST STREET (802 S. 1ST STREET), FROM THE CN COMMERCIAL NEIGHBORHOOD AND CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO THE A(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, a Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Plan were prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to the A(PD) Planned Development Zoning District under File No. PDC17-022 (the “MND”); and

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

WHEREAS, this Council of the City of San José has considered, approved, and adopted said MND and related Mitigation Monitoring and Reporting Program 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 as A(PD) Planned Development Zoning District. The base district zoning of the subject property shall be the A Agriculture Zoning District. The A(PD) Planned Development zoning of the subject property shall be that General Development Plan for the subject property entitled, "Planned Development Zoning for 1st and Virginia", dated December 2, 2020 ("General Development Plan").

Said General Development Plan is on file in the office of the Director of Planning, Building and Code Enforcement and virtually on sjpermits.org 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 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. PDC17-022 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 _____, 2021 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk



EXHIBIT "A"
DESCRIPTION FOR ZONING PURPOSES

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of Parcels One, Two, Three and that parcel of land described in the grant deed recorded December 28, 2012, in Document No. 22026652 of Official Records; that parcel of land described in the grant deed recorded December 28, 2012, in Document No. 22026653 of Official Records; that parcel of land described in the grand deed recorded April 29, 1977, in Book C783 of Official Records, page 86; Parcels One and Two described in the grant deed recorded February 13, 1976, in Book B866 of Official Records, page 56; and a portion of the alley way of Block 64 as shown upon that certain Map entitled "Map of that Part of the Reed Addition to the City of San Jose", filed for record on March 18, 1869, in Book C of Miscellaneous Records, page 322, all of Santa Clara County Records, described as follows:

BEGINNING at the easterly corner of said parcel of land described in the grant deed recorded in Document No. 22026652, being on the southwesterly line of South Second Street; Thence along said southwesterly line, the southeasterly line of East Virginia Street and the northeasterly line of South First Street the following four courses:

1. Thence North 29°52'30" West, 195.36 feet;
2. Thence South 60°07'30" West, 275.68 feet;
3. Thence South 29°52'30" East, 116.78 feet;
4. Thence South 37°32'25" East, 69.54 feet, to the southeasterly line of said Parcel Two described in said grant deed recorded in Book B866 of Official Records, page 56;

Thence along said southeasterly line and its northeasterly prolongation, North 60°07'30" East, 141.06 feet, to the southwesterly line of said parcel of land described in the grant deed recorded in Document No. 22026652;

Thence along said southwesterly and the southeasterly line of said parcel of land the following two courses:

1. Thence South 29°52'30" East, 9.66 feet;
2. Thence North 60°07'30" East, 125.34 feet, to the POINT OF BEGINNING.

Containing 52,085 square feet or 1.20 acres, more or less.

For assessment or zoning purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.



EAST VIRGINIA STREET

30'
30'

S60°07'30"W 275.68'

SOUTH FIRST STREET

S29°52'30"E 116.78'
69.54'
S37°32'25"E

C783-OR-86

PARCEL ONE
B866-OR-56

PARCEL TWO
B866-OR-56

N60°07'30"E 141.06'

C-MISC-322

S29°52'30"E 9.66'
25'

ALLEY

PARCEL ONE
DOC 22026652

DOC 22026653

PARCEL TWO
DOC 22026652

PARCEL THREE
DOC 22026652

DOC 22026652

N60°07'30"E 125.34'

N29°52'30"W 195.36'

POB

SOUTH SECOND STREET

SUTTER STREET



1 IN. = 60 FT.

LEGEND

POB POINT OF BEGINNING

SHEET 1 OF 1

Date:	2017-07-11
Designed:	-
Drawn:	RF
Checked:	TG
Proj. Engr.:	ZJ
470900PLO2	



1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

EXHIBIT "B"
PLAT TO ACCOMPANY DESCRIPTION:
FOR ZONING PURPOSES

SAN JOSE

CALIFORNIA