

**DRAFT**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.41 GROSS ACRE SITUATED ON THE SOUTH SIDE OF WEST SAN CARLOS STREET, APPROXIMATELY 500 FEET EAST OF SUNOL STREET (750 WEST SAN CARLOS STREET) FROM THE HI HEAVY INDUSTRIAL ZONING DISTRICT TO THE R-M(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 (“Subject Property”); and

**WHEREAS**, an Addendum to the Final Program Environmental Impact Report for the Diridon Station Area Plan certified by the City Council on June 17, 2014 by Resolution No. 77096, the Final Program Environmental Impact Report for the Envision San José 2040 General Plan certified by the City Council on November 1, 2011, by Resolution No. 76041, and the Supplemental Environmental Impact Report to the Envision San José 2040 General Plan certified by the City Council on December 15, 2015 by Resolution No. 77617 and Addenda thereto, all in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, was prepared and approved by the Planning Director on August 1, 2017, 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 R-M(PD) Planned Development Zoning District; and

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**WHEREAS**, this Council of the City of San José has considered, and approves the application and use of said Addendum as the appropriate environmental clearance for the proposed project prior to taking any approval actions on the project;

**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 R-M(PD) Planned Development Zoning District. The base district zoning of the subject property shall be the R-M Multiple Residence Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "General Development Plan – Exhibit C, dated September 22, 2017 (“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 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. PDC16-045 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 \_\_\_\_\_, 2017 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

## EXHIBIT A

The land referred to is situated in the County of Santa Clara, City of San Jose, State of California, and is described as follows:

Beginning at an iron pipe set in the Southerly line of San Carlos Street at the Northeasterly corner of that certain tract of land (here designated as Tract A), conveyed by Sunset Lumber Company, a corporation to Tilden Lumber and Mill Co., a California corporation by Deed dated July 25, 1924 and recorded in Volume 101 of Official Records, at Page 381, and running thence Westerly along said Southerly line of San Carlos Street South 86° 47' West, 70.00 feet to an iron pipe; thence at right angles Southerly South 3° 13' East, 325.60 feet to an iron pipe set in the Southeasterly line of said Tract A; thence Northeasterly along said Southeasterly line of said Tract A, North 41° 17' East, 101.00 feet to a 2" x 3" stake set at the Southeasterly corner of said Tract A; and thence Northerly along the Easterly line of said Tract A, North 3° 23' West, 253.64 feet to the point of beginning.

EXCEPTING THEREFROM the interest conveyed in the Deed from Foster and Weiser Company, a corporation, to City of San Jose, dated August 29, 1940 and recorded October 1, 1940 in Book 1005 of Official Records, Page 230.

APN: 264-15-003