

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.81 GROSS ACRE SITUATED ON THE WEST SIDE OF EVERGREEN VILLAGE SQUARE, BETWEEN RUBY AVENUE AND CLASSICO AVENUE (APN: 659-57-015 & 659-84-093) FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE MUN(PD) PLANNED DEVELOPMENT ZONING DISTRICT

FILE NO. PDC21-036

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 was prepared in conformance with the California Environmental Quality Act of 1970 (“CEQA”), as amended, for the subject rezoning to MUN(PD) Planned Development Zoning District under File No. ER21-181 (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 MUN(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 to the MUN(PD) Zoning District. The base zoning district of the subject property shall be the MUN Mixed Use Neighborhood Zoning District. The Planned Development Zoning of the subject property shall be that development plan for the subject property entitled, "Planned Development Zoning, Evergreen Village Square" last revised on January 27, 2023 ("General Development Plan").

Said General Development Plan is on file in the office of the Director of Planning, Building, and Code Enforcement 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 PDC21-036 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



EXHIBIT "A"
FOR REZONING PURPOSES

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of Parcel 1 as shown on that certain Parcel map filed for record on May 20, 2002, in Book 748 of Maps, page 41, Santa Clara County Records, described as follows:

BEGINNING at the most southwesterly corner of said Parcel 1, being a point in the northwesterly right of way line of Classico Avenue;

Thence along said right of way the following two courses:

1. Thence North 77°24'03" East, 18.69 feet;
2. Thence North 56°13'45" East, 289.67 feet to the westerly line of Evergreen Village Square;

Thence along said westerly line, North 22°12'35" East, 51.60 feet;

Thence along the general northerly and northwesterly lines of said Parcel 1, the following seven courses:

1. Thence South 80°13'26" West, 30.98 feet;
2. Thence North 33°49'08" West, 63.22 feet;
3. Thence South 51°58'32" West, 137.84 feet;
4. Thence South 28°53'48" West, 115.59 feet;
5. Thence South 41°16'06" West, 37.67 feet;
6. Thence South 59°21'51" West, 30.51 feet;
7. Thence South 05°09'24" East, 30.28 feet to the POINT OF BEGINNING.

Containing 0.54 acres, more or less.


As shown on Exhibit "B" attached hereto and made a part hereof.

END OF DESCRIPTION

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.

This legal description was prepared by me or under my direction in accordance with the Professional Land Surveyors Act.

Date: 11.9.21


Tracy L. Giorgetti, LS 8720

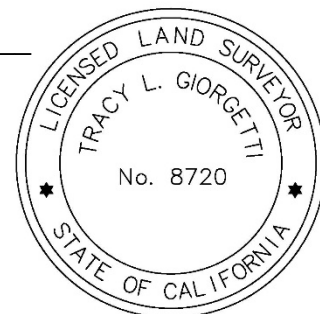




EXHIBIT "A"
FOR REZONING PURPOSES

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of Lot 93 as shown on that map of Tract 10093 filed for record on February 8, 2012, in Book 850 of Maps, page 26, Santa Clara County Records, described as follows:

BEGINNING at the most southerly corner of said Lot 93, being a point in the westerly right of way line of Evergreen Village Square;

Thence along said right of way, North 22°12'35" East, 112.19 feet to the southwesterly right of way line of Ruby Avenue;

Thence along said right of way, North 28°05'41" West, 42.85 feet;

Thence along the general northerly, westerly and southwesterly lines of said Lot 93, the following five courses:

1. Thence South 61°54'19" West, 60.62 feet;
2. Thence North 82°23'22" West, 62.19 feet;
3. Thence South 17°35'17" East, 17.33 feet;
4. Thence South 01°25'30" West, 61.22 feet;
5. Thence South 63°55'47" East, 99.29 feet to the POINT OF BEGINNING.

Containing 0.27 acres, more or less.

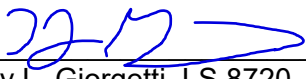
As shown on Exhibit "B" attached hereto and made a part hereof.

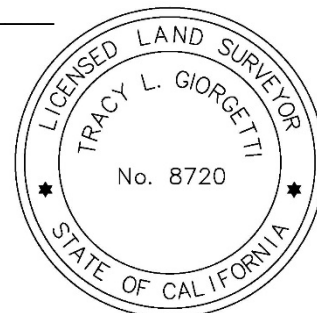
END OF DESCRIPTION

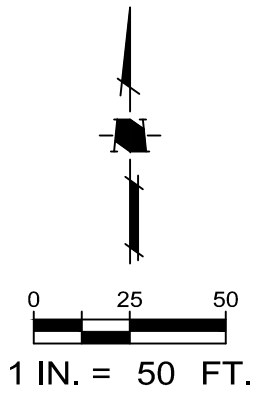
For assessment or zoning purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

This legal description was prepared by me or under my direction in accordance with the Professional Land Surveyors Act.

Date: 11.9.21


Tracy L. Giorgetti, LS 8720

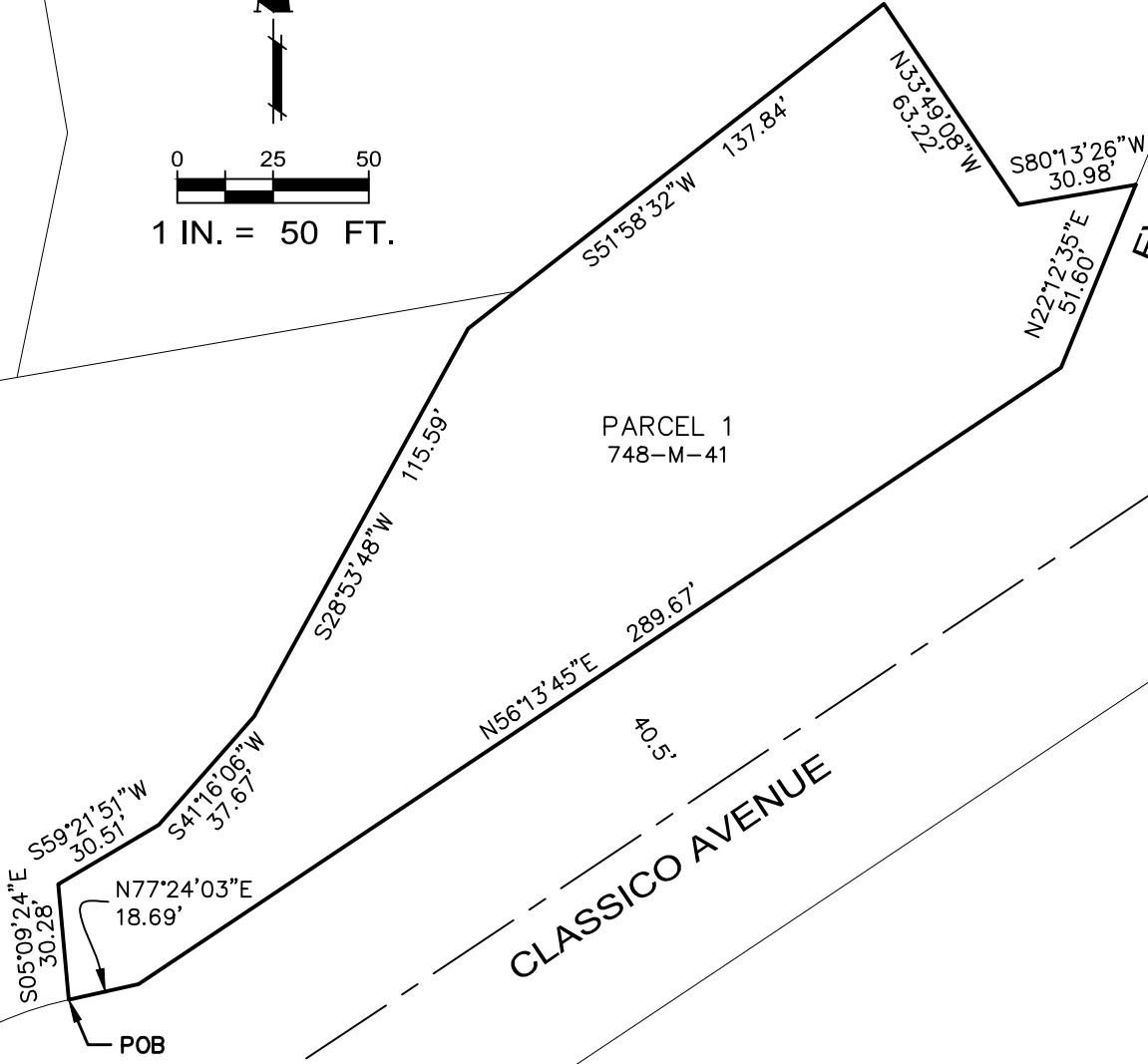




PARCEL 1
748-M-41

EVERGREEN VILLAGE
SQUARE

CLASSICO AVENUE



LEGEND

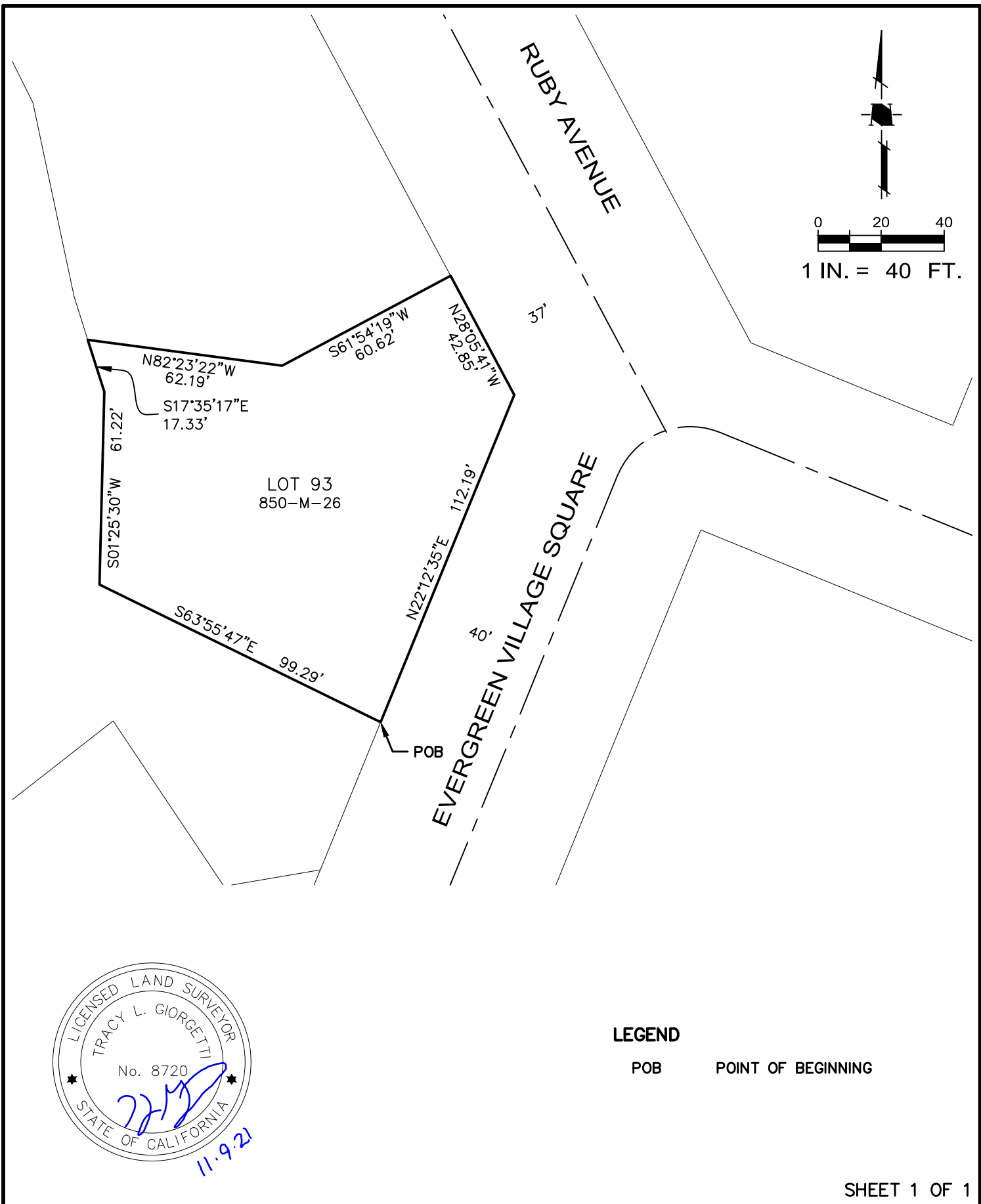
POB POINT OF BEGINNING

Date:	2021 11 09
Designed:	DAW
Drawn:	DAW
Checked:	RF
Proj. Engr.:	DM
	279170PL02



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

EXHIBIT "B"
PLAT TO ACCOMPANY DESCRIPTION:
FOR REZONING PURPOSES
[File No. PDC21-036](#)
SAN JOSE CALIFORNIA



LEGEND

POB POINT OF BEGINNING

SHEET 1 OF 1

Date: 2021 11 09
Designed: DAW
Drawn: DAW
Checked: RF
Proj. Engr.: DM
279170PL01



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

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

SAN JOSE

File No. PDC21-036

CALIFORNIA