

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 2.77 GROSS ACRES SITUATED ON THE SOUTH SIDE OF EAST SANTA CLARA STREET, EAST OF SOUTH 26TH STREET, AND NORTH OF SHORTRIDGE AVENUE (1260 EAST SANTA CLARA STREET; APNS: 467-33-001, 467-33-002, 467-33-003, 467-33-004, 467-33-006, 467-33-007, AND 467-33-008) FROM THE CG COMMERCIAL GENERAL ZONING DISTRICT AND LI LIGHT INDUSTRIAL ZONING DISTRICT TO A CP(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 was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to the CP(PD) Planned Development Zoning District under File Nos. PDC15-067 and ER20-102 (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 CP(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 approved actions on this 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 site," is hereby rezoned as CP(PD) Planned Development Zoning District. The base district zoning of the subject property shall be the CP Commercial Pedestrian Zoning District. The Planned Development Zoning of the subject property shall be that development plan for the subject property entitled, "Planned Development Zoning for Empire Lumber Mixed-Use, dated received on July 29, 2021 ("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" 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. The land development approval that is the subject of City File Nos. PDC15-067 and ER20-102 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 ____ of _____, 2022 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk



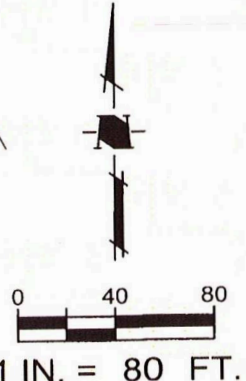
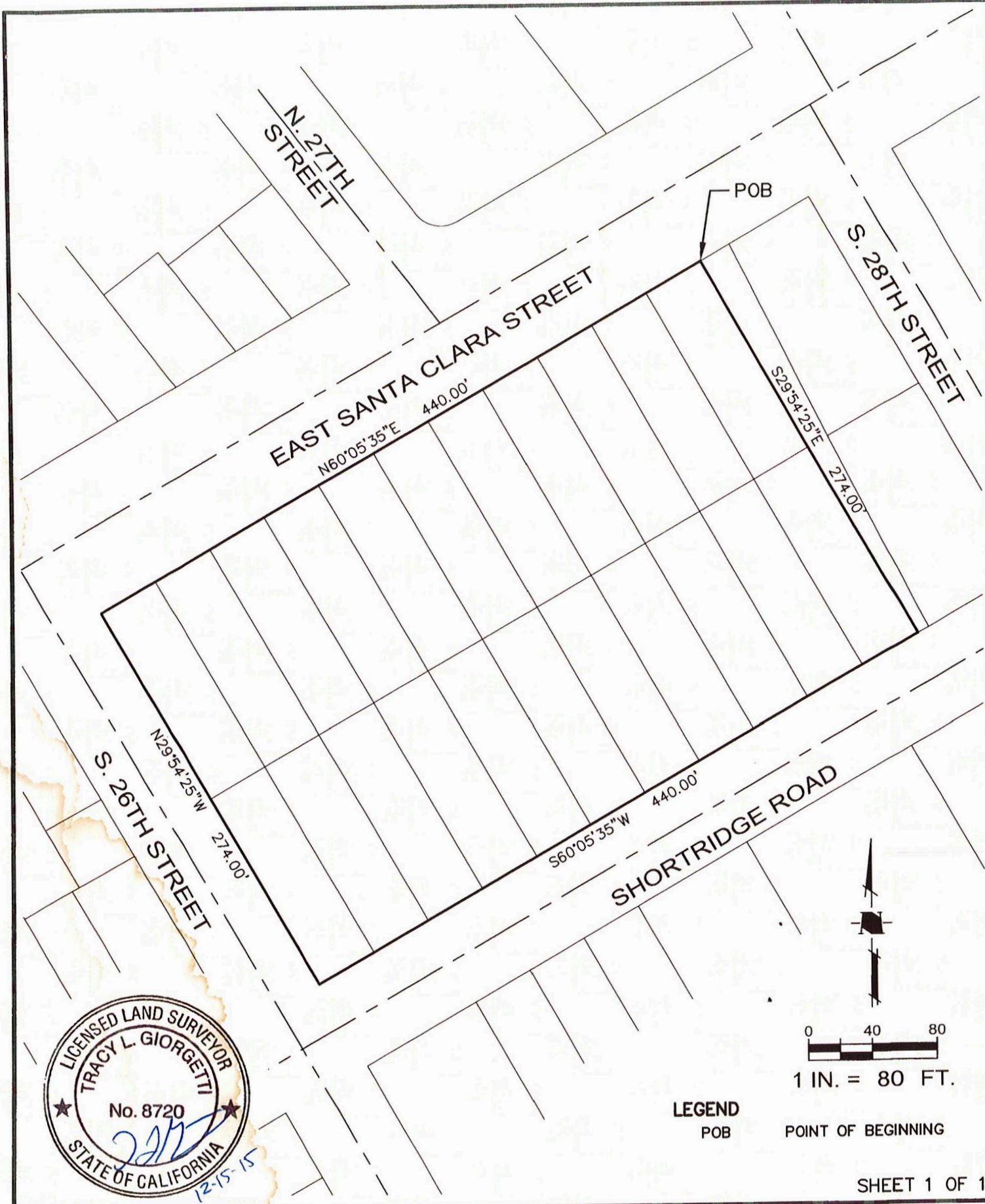
EXHIBIT "A"
DESCRIPTION FOR REZONING PURPOSES

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of that parcel of land described in the Grant Deed to the James Burch Investment Company, A General Partnership, recorded July 17, 1980, in Book F445 of Official Records, page 330, Santa Clara County Records, described as follows:

BEGINNING at the northerly corner of said parcel of land;
Thence South 29°54'25" East, 274.00 feet;
Thence South 60°05'35" West, 440.00 feet;
Thence North 29°54'25" West, 274.00 feet;
Thence North 60°05'35" East, 440.00 feet, to the POINT OF BEGINNING.

Containing 2.77 acres, more or less.





LEGEND
 POB POINT OF BEGINNING

SHEET 1 OF 1

Date:	2015-12-15
Designed:	-
Drawn:	RF
Checked:	TG
Proj. Eng.:	4703



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

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



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MAPCHECKSTue December 15 15:29:21 2015

Parcel Map Check

Parcel name: 470300PL01

S 29-54-25 E 274.00

S 60-05-35 W 440.00

N 29-54-25 W 274.00

N 60-05-35 E 440.00

Perimeter: 1428.00

Area: 120,560 Sq Ft 2.77 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Total: 0.0000 N 00-00-00 E

Precision 1:1,428,000,000.00

1919.0852, 21278.5587
1681.5720, 21415.1732
1462.1912, 21033.7652
1699.7043, 20897.1507
1919.0852, 21278.5587



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