

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 13.05 GROSS ACRES SITUATED ON THE NORTH SIDE OF BERRYESSA ROAD, APPROXIMATELY 1,100 FEET WESTERLY OF LUNDY AVENUE (1655 BERRYESSA ROAD) (APNS: 241-03-023, 241-03-024, & 241-03-025) FROM THE LI LIGHT INDUSTRIAL AND A AGRICULTURAL ZONING DISTRICTS TO THE R-M(PD) AND CP(PD) PLANNED DEVELOPMENT ZONING DISTRICTS

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, the approximately 13.05-gross-acre site encompassed by the proposed rezoning was the subject of that certain Final Environmental Impact Report (FEIR) prepared for the Berryessa Road Mixed-Use Development (PDC18-036, PD21-009, PT21-030 & ER21-113), all in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, which evaluated the impact of the establishment of a Master Plan for a general site layout, public and private street layout, grading and drainage patterns, and utility layout to allow the future construction of up to 455,000-square feet of commercial space, a 0.92-acre park, and up to 850 residential units, including on-site affordable units, and construction of the first phase (Blocks A, B, and C, including 24 detached single family homes and 24 attached townhome units), including the demolition of an existing light industrial facility (9,740 square feet) and surface parking lot, and the removal of two ordinance-size trees and 96 non-ordinance trees on the Project Site, situated on the northerly side of Berryessa Road, approximately 1,100 feet westerly of Lundy Avenue (1655 Berryessa Road, APNs: 241-03-023, 241-03-024, and 241-03-025), which FEIR was certified and for which findings were adopted by the City Council on [REDACTED], 2023; and

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

WHEREAS, this Council of the City of San José has considered, approved, and adopted said FEIR and related Mitigation Monitoring and Reporting Program under separate Council Resolution No. [REDACTED] 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 R-M(PD) and CP(PD) Planned Development Zoning Districts. The base district zoning of the subject property shall be partially the R-M Multiple Residence Zoning District and partially 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 Lands of Facchino" last revised December 23, 2022 ("General Development Plan").

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. PDC18-036 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 _____, 2023 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk



EXHIBIT "A"
FOR ZONING PURPOSES

Parcel One

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of Parcels 1 & 2 and a portion of Parcel 3 as described in the Gift Deed recorded July 7, 2005, in Document No. 18456695 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the westerly corner of said Parcel 3;
Thence along the southwesterly line of said Parcel 3, South 37°13'17" East, 854.86 feet, to Point A designated hereon;
Thence North 48°50'52" East, 39.25 feet;
Thence along a tangent curve to the right, having a radius of 190.00 feet, through a central angle of 06°39'07" for an arc length of 22.06 feet;
Thence North 55°30'00" East, 65.11 feet;
Thence along a tangent curve to the left, having a radius of 210.00 feet, through a central angle of 02°43'16" for an arc length of 9.97 feet;
Thence North 52°46'43" East, 195.70 feet;
Thence along a tangent curve to the left, having a radius of 60.00 feet, through a central angle of 65°35'57" for an arc length of 68.70 feet;
Thence North 75°57'13" East, 1.51 feet, to the general westerly line of the Parcel of Land described in the Grant Deed recorded May 17, 2012, in Document No. 21671768 of Official Records, Santa Clara County Records;
Thence along said general westerly line the following four courses:
1. Thence North 14°02'47" West, 847.79 feet;
2. Thence westerly, along a non-tangent curve to the left, having a radius of 10.00 feet, whose center bears South 75°57'56" West, through a central angle of 112°43'09" for an arc length of 19.67 feet;
3. Thence South 53°14'47" West, 10.00 feet;
4. Thence North 36°45'13" West, 21.69 feet, to the northwesterly line of said Parcel 3;
Thence along said northwesterly line, South 53°13'56" West, 702.67 feet, to the POINT OF BEGINNING.

Containing 10.84 acres, more or less.

Parcel Two

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel 3 as described in the Gift Deed recorded July 7, 2005, in Document No. 18456695 of Official Records and a portion of Parcel C as shown on that certain Record of Survey, filed for record on February 17, 1969, in Book 249 of Maps, page 1, all of Santa Clara County Records, described as follows:

BEGINNING at Point A designated above, being on the southwesterly line of said Parcel 3;

Thence North 48°50'52" East, 39.25 feet;
Thence along a tangent curve to the right, having a radius of 190.00 feet, through a central angle of 06°39'07" for an arc length of 22.06 feet;
Thence North 55°30'00" East, 65.11 feet;
Thence along a tangent curve to the left, having a radius of 210.00 feet, through a central angle of 02°43'16" for an arc length of 9.97 feet;
Thence North 52°46'43" East, 195.70 feet;
Thence along a tangent curve to the left, having a radius of 60.00 feet, through a central angle of 65°35'57" for an arc length of 68.70 feet;
Thence North 75°57'13" East, 1.51 feet, to the general westerly line of the Parcel of Land described in the Grant Deed recorded May 17, 2012, in Document No. 21671768 of Official Records, Santa Clara County Records;
Thence along said general westerly line the following three courses:
1. Thence South 14°02'47" East, 137.76 feet;
2. Thence South 30°57'40" West, 15.38 feet;
3. Thence South 14°01'55" East, 206.48 feet;
Thence South 46°05'08" West, 239.78 feet, to the southwesterly line of said Parcel 3;
Thence along said southwesterly line, North 37°13'17" West, 315.90 feet, to the POINT OF BEGINNING.

Containing 2.09 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: 4-18-23


Tracy L. Giorgetti, LS 8720

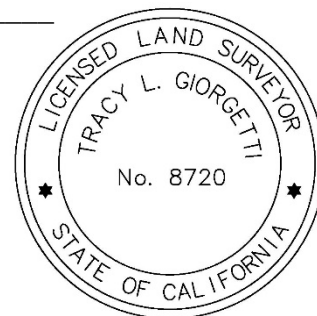
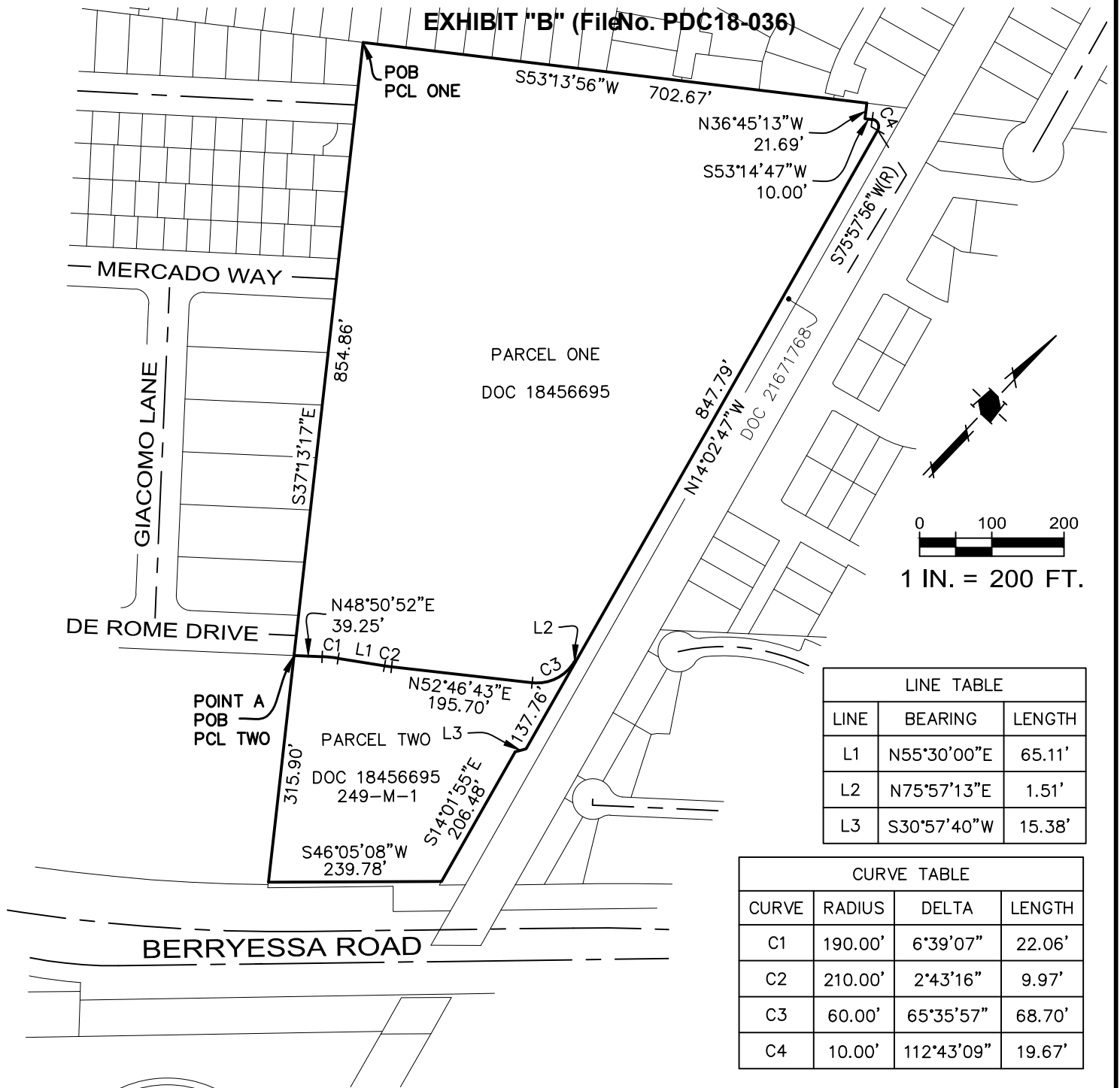


EXHIBIT "B" (File No. PDC18-036)



LEGEND

(R) RADIAL BEARING
POB POINT OF BEGINNING

SHEET 1 OF 1

Date: 2023-04-18

Designed: DM

Drawn: RF

Checked: TG

Proj. Engr.: —

522100PL01



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

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

SAN JOSE

CALIFORNIA

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