

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.47-GROSS ACRE SITUATED ON THE NORTH SIDE OF HEMLOCK AVENUE, APPROXIMATELY 120 FEET EASTERLY OF SOUTH BAYWOOD AVENUE (2881 HEMLOCK AVENUE AND 376 SOUTH BAYWOOD AVENUE) FROM THE CG GENERAL COMMERCIAL ZONING DISTRICT TO THE 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 CP(PD) Planned Development Zoning District under File No. PDC18-009 (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 approval 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 property," is hereby rezoned as CP(PD) Planned Development Zoning District. The base district zoning of the subject property shall be CP Commercial Pedestrian Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "Hemlock Mixed Use Project" last revised on November 21, 2018 ("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. PDC18-009 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 _____, 2019 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 277-34-051

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Parcel 3, as shown on that certain Parcel Map which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on June 29, 1978 in Book 421 of Maps at page(s) 35.

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 277-34-023

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOT 32, AS DELINEATED UPON THAT CERTAIN MAP ENTITLED "TRACT NO. 238 WESTWOOD PARK UNIT NO. 2, SITUATION IN THE S.W. 1/4 OF SECTION OF 14, T.7 S.R. 1W., M.D.B. AND M.", FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON JANUARY 21ST, 1946 IN BOOK 8 OF MAPS, AT PAGE 17.