

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY ON AN APPROXIMATELY 0.59-GROSS ACRE SITE SITUATED ON THE NORTHWEST CORNER OF STOCKTON AVENUE AND SCHIELE AVENUE (615 AND 623 STOCKTON AVENUE) FROM THE CN COMMERCIAL NEIGHBORHOOD ZONING DISTRICT TO THE CP COMMERCIAL PEDESTRIAN 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 Commercial Pedestrian Zoning District under File No. C18-039 (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 Commercial Pedestrian 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 City Council resolution prior to taking any approval actions on the project; and

WHEREAS, the proposed rezoning is consistent with the designation of the site in the applicable General Plan; and

WHEREAS, pursuant to California Senate Bill (SB) 330, a city is prohibited from enacting a development policy, standard, or condition, as defined, that would have the effect of changing the land use designation or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing zoning district below what was allowed under the general plan or specific plan land use designation and zoning ordinances of the county or city as in effect on January 1, 2018; and

WHEREAS, California Government Code Section 66300(b)(1) allows a city to change a land use designation or zoning ordinance to a less intensive use if the city concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity; and

WHEREAS, the City is concurrently rezoning the McEvoy Housing project (File No. C18-034) from the HI Heavy Industrial Zoning District to the R-M Multiple Residence Zoning District, for which the project provides 361 affordable housing units and therefore, there is no net loss in residential capacity with the change in zoning herein;

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 Commercial Pedestrian Zoning District.

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 No. C18-039 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 _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A"
(File Nos. GP18-013; C18-039; SP18-060)

ORDER NO. : 0616017164

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:

Commencing at a point on the Southwesterly line of Stockton Avenue at the most Northerly corner of Lot No. 25 of Schiele Subdivision No. 1 as shown on the Map of said Schiele Subdivision of record in the Office of the County Recorder of the County of Santa Clara, State of California in Book D of Maps, Page 31, thence running Northwesterly along said line of Stockton Avenue fifty (50) feet; thence running Southwesterly and parallel with Villa Avenue two hundred (200) feet, thence Southeasterly and parallel with Stockton Avenue fifty (50) feet to the Northwesterly line of said Lot 25 of said Schiele Subdivision and (200) feet to the place of beginning, and being a portion of that Polhemus by Deed dated March 21, 1887 and recorded in the Office of the County Recorder of Santa Clara County, California in Book 89 of Deeds, Page 286, and being situate in the Rancho El Potrero de Santa Clara.

APN: 261-07-068

LEGAL DESCRIPTION

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

Portion of Lot 25, as shown upon that certain Map entitled, "Map of the Schiele Subdivision", which Map was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on October 10, 1888 in Book D of Maps, at Page 61, and more particularly described as follows:

BEGINNING at a point of intersection of the Northwestern line of Schiele Avenue with the Southwesterly line of Stockton Avenue, and running thence Southwesterly along the Northwestern line of Schiele Avenue, 131 feet; thence at right angles Northwesterly and parallel with the dividing line between Lots 24 and 25 of the Schiele Subdivision No. 1 hereinabove referred to, 120.05 feet; more or less, to the Northwestern line of said Lot 25; thence Northeasterly along the Northwestern line of said Lot 25, 131.45 feet to the Southwesterly line of Stockton Avenue thence Southeasterly along the Southwesterly line of Stockton Avenue 120 feet to the point of beginning.

APN: 261-07-001
(End of Legal Description)

EXHIBIT "B"

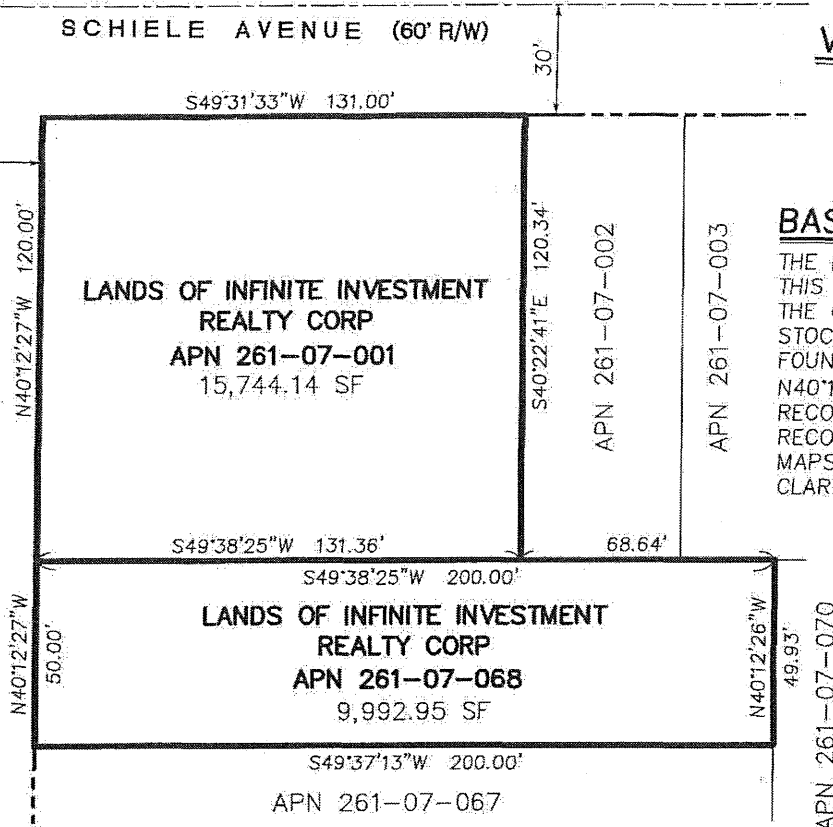
VICINITY MAP
NOT TO SCALE

BASIS OF BEARINGS

THE BEARINGS SHOWN ON THIS MAP ARE BASED ON THE CENTERLINE ON STOCKTON AVENUE, AS FOUND MONUMENTED AS N40°12'27"W SHOWN ON RECORD OF SURVEY RECORDED IN BOOK 821 OF MAPS, AT PAGE 44, SANTA CLARA COUNTY RECORDS.

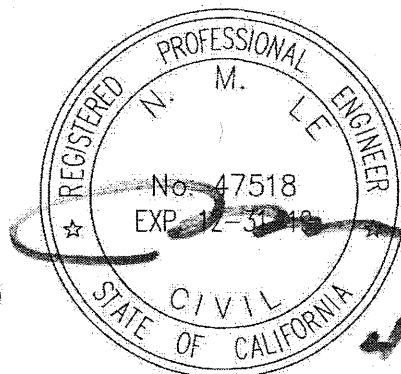
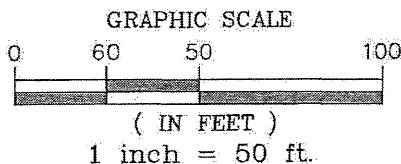
Q N40°12'27"W (BASIS OF BEARINGS)

STOCKTON AVENUE (100' R/W)



LEGEND

- OTHER PROPERTY LINE
- - - EXISTING RIGHT OF WAY
- PROPERTY LINE
- - - CENTERLINE
- POB POINT OF BEGINNING
- R/W RIGHT OF WAY



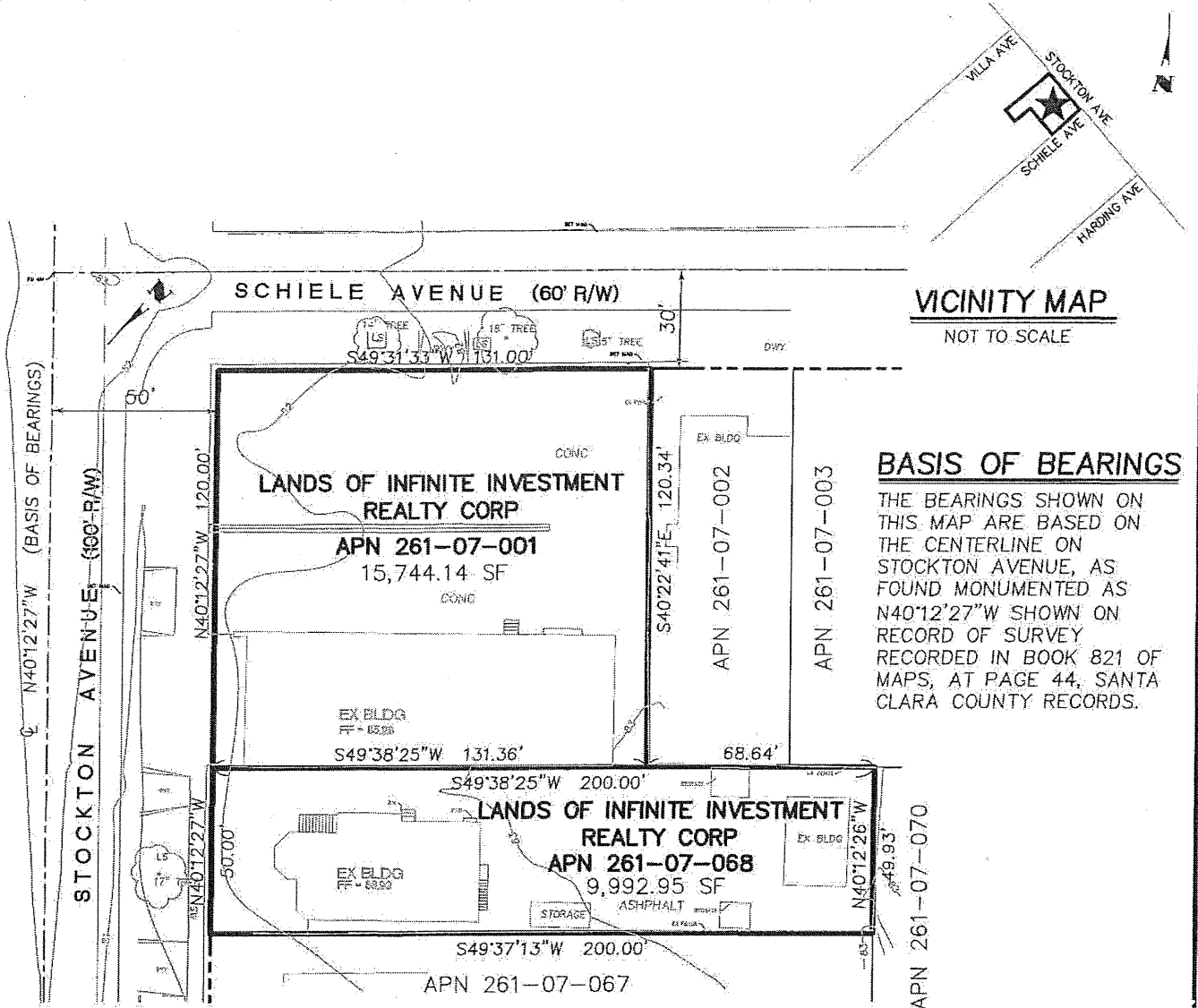
4/12/19

EXHIBIT "B"
615 & 623 STOCKTON AVENUE
APN 261-07-001 & 261-07-068

San Jose

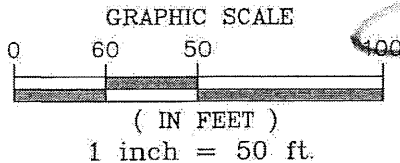
California

LE ENGINEERING
598 E Santa Clara St #270
San Jose, CA 95112
Phone: (408) 806-7187
Fax: (408) 583-4006



LEGEND

- OTHER PROPERTY LINE
- - - EXISTING RIGHT OF WAY
- PROPERTY LINE
- CENTERLINE
- POB POINT OF BEGINNING
- R/W RIGHT OF WAY



SITE PLAN
615 & 623 STOCKTON AVENUE
APN 261-07-001 & 261-07-068

ENGINEERING
598 E Santa Clara St #270
San Jose, CA 95112
Phone: (408) 806-7187
Fax: (408) 583-4006

San Jose

California