

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING
CERTAIN REAL PROPERTY OF APPROXIMATELY 1.13-
GROSS ACRES SITUATED NORTH OF WEST SAN
CARLOS STREET BETWEEN McEVOY STREET AND
DUPONT STREET (699 WEST SAN CARLOS STREET)
FROM THE HI HEAVY INDUSTRIAL ZONING DISTRICT TO
THE R-M MULTIPLE RESIDENCE 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, an Addendum to the Final Program Environmental Impact Report for the Diridon Station Area Plan, certified by the City Council on June 17, 2014, by Resolution No. 77096, in conformance with the California Environmental Quality Act, was prepared and approved by the Planning Director for the subject rezoning; 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 Multiple Residence Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves the application and use of said Addendum as the appropriate environmental clearance for this proposed project 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; 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, this Rezoning Ordinance (File No. C18-034) will offset the Rezoning Ordinance for 615-623 Stockton Avenue Hotel project (File No. C18-039) which is rezoning that project site from CN Commercial Neighborhood Zoning District to the CP Commercial Pedestrian Zoning District, such that there is no net loss in residential capacity with the change in rezoning between Rezoning Ordinance File No. C18-034 and Rezoning Ordinance File No. C18-039, consistent with SB 330.

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 R-M Multiple Residence 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. C18-034 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

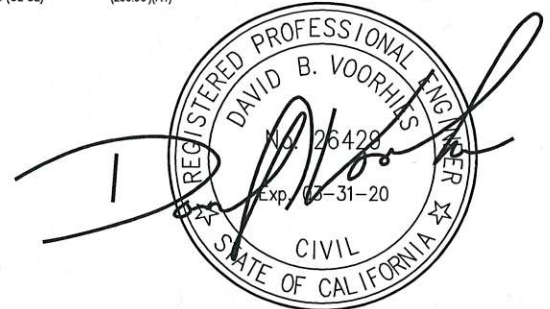
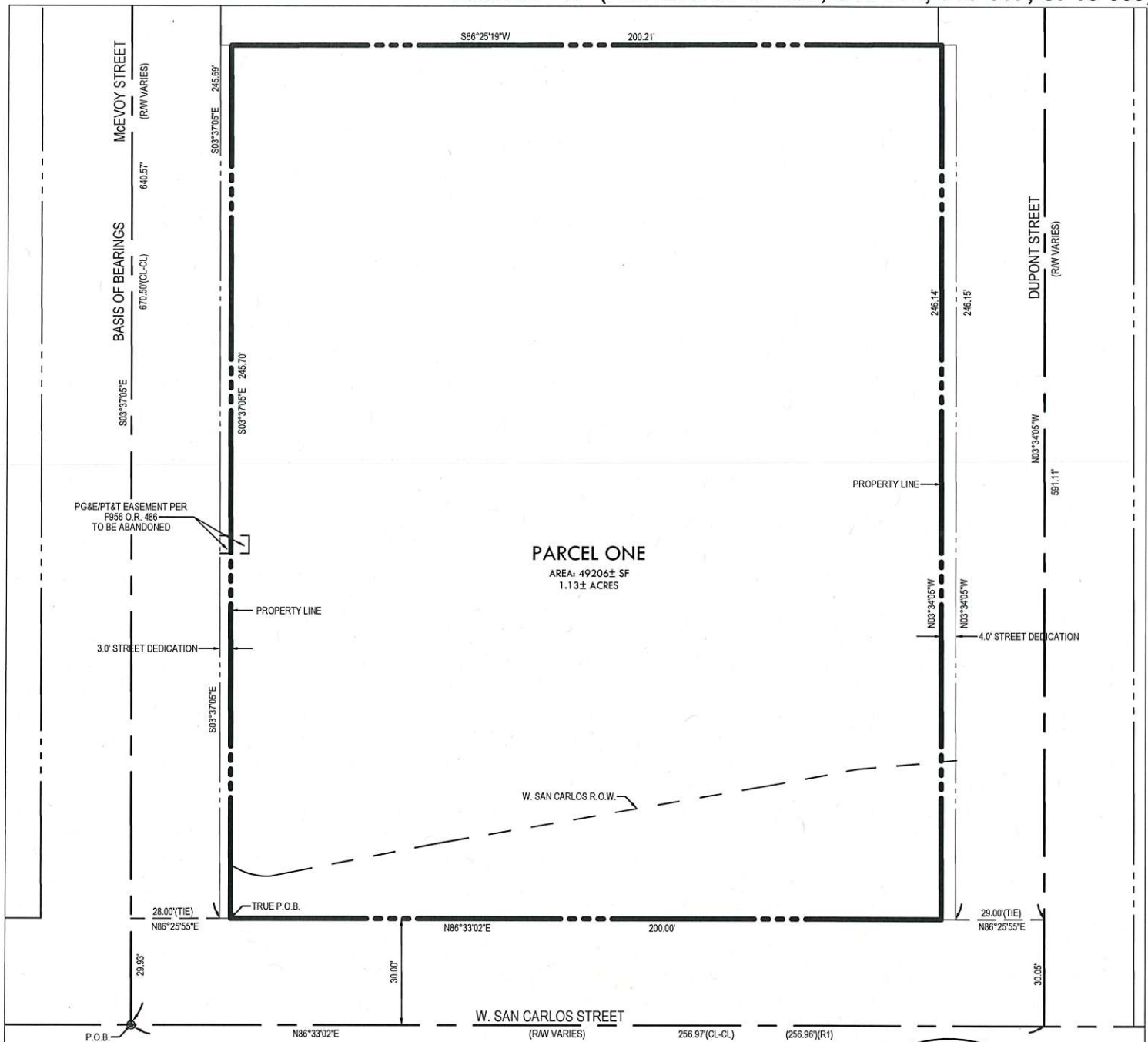
EXHIBIT A
LEGAL DESCRIPTION PARCEL 1
280 MCEVOY STREET
SAN JOSE, CALIFORNIA

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

Beginning at the intersection of W San Carlos Street and McEvoy Street AS SHOWN ON Parcel Map filed February 18, 2009, in Book 830 of Maps, at Pages 136 to 137 in the office of the County Surveyor of Santa Clara County; thence northerly along the center line of McEvoy Street N03°37'05"W, 29.93 feet; thence N86°25'55"E, 28.00' to the TRUE POINT OF BEGINNING; thence N86°32'02"E, 200.00'; thence N03°34'05"W, 246.24 feet; thence S86°25'19"W 200.21 feet; thence S03°37'05"E, 245.70 feet to the TRUE POINT OF BEGINNING.

Containing an Area of 49,206± S.F. (1.13± AC.)

END OF DESCRIPTION



OCT 21, 2019



PLAT TO ACCOMPANY LEGAL DESCRIPTION

280 McEVOY STREET

SAN JOSE

CALIFORNIA

SCALE	1" = 40'
DATE	10.21.2019
PRJ. NO.	18-009
DRAWN	CM
CHECKED	DV

SHEET

1

OF 2 SHEETS