

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.86-GROSS ACRE SITUATED ON THE SOUTHEAST CORNER OF STOCKTON AVENUE AND WEST JULIAN STREET (292 STOCKTON AVENUE) (APN 259-28-028), FROM THE HI HEAVY INDUSTRIAL ZONING DISTRICT TO THE DC DOWNTOWN PRIMARY COMEMRCIAL 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 Environmental Impact Report for the Diridon Station Area Plan, certified by 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 DC Downtown Primary Commercial 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 the 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 DC Downtown Primary Commercial 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. Any land development approval that is the subject of City File No. C19-039 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.

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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
292 STOCKTON AVENUE
SAN JOSE, CALIFORNIA
A.P.N. 259-28-028

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California, being Parcel One and Parcel Two of the Lands described in Document No. 20119140 recorded February 3, 2009, in the Office of the Recorder of said County and State; being more particularly described as follows:

Beginning at the intersection of the southeasterly line of West Julian Street with the northeasterly line of Stockton Avenue;

Thence along the southeasterly line of said West Julian Street and the northwesterly line of said Lands North $48^{\circ}08'13''$ East, 374.00 feet to the northerly corner of said Lands;

Thence along the northeasterly line of said Lands South $41^{\circ}45'00''$ East, 100.00 feet to the easterly corner of said Lands;

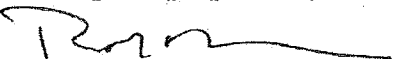
Thence along the southeasterly line of said Lands South $48^{\circ}08'13''$ West, 374.00 feet to a point on said northeasterly line of Stockton Avenue, said point being the Southerly corner of said Lands;

Thence along said northeasterly line said Stockton Avenue and the southwesterly line of said Lands North $41^{\circ}45'00''$ West, 100.00 feet to the **Point of Beginning**.

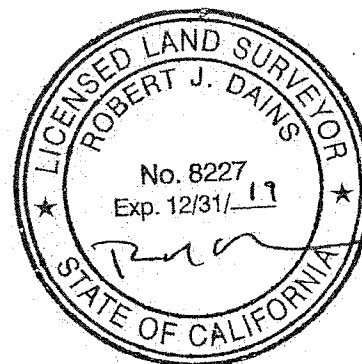
As shown on Exhibit "B", "Plat to Accompany Legal Description for Re-Zoning Purposes", attached hereto and made a part hereof.

Containing 37,400 sq. ft. more or less.

Description prepared by Dains Land Surveying


Robert Dains L.S. 8227

Nov. 5, 2019
Date



SOUTHERN PACIFIC
TRANSPORTATION COMPANY &
PENINSULA CORRIDOR JOINT
POWERS BOARD

EXHIBIT "B"

(S 40°45'00" E)
S 41°45'00" E

100.00'

204.00'

204.00'

PARCEL ONE
DOC. NO
20119140

(S 40°45'00" E)
N 41°45'00" W

100.00'

PARCEL TWO
DOC. NO
20119140

170.00'

170.00'

POINT OF
BEGINNING
100.00'

N 41°45'00" W
(N 40°45'00" W)

STOCKTON AVENUE
(100' - WIDE)

NOTES:

() RECORD DATA PER
DOC. NO. 20119140

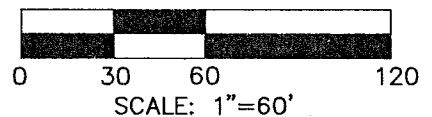
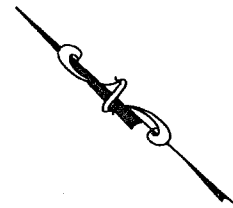
BEARINGS AND DISTANCES
SHOWN ARE BASED ON A
FIELD SURVEY

WEST JULIAN STREET
(60' - WIDE)

(N 49°08'00" E)
N 48°08'13" E 374.00'

LANDS OF IMWALLE ANNEX HBD, LLC
250 STOCKTON AVENUE
A.P.N. 259-28-024

S 48°08'13" W 374.00'
(S 49°08'00" W)



PLAT TO ACCOMPANY LEGAL DESCRIPTION
FOR REZONING PURPOSES

SAN JOSE

SANTA CLARA COUNTY

CALIFORNIA

PLAT:
RJD

SCALE:
1" = 60'

DATE:
11/05/19

JOB #:
17-734

DAINS LAND SURVEYING

rdains@dainslandsurveying.net

(650) 743-0831

Closure Calculations:

North: 9632.6608' East: 9983.7735'

Segment #1 : Line

Course: N48° 08' 13"E Length: 374.00'
North: 9882.2506' East: 10262.3070'

Segment #2 : Line

Course: S41° 45' 00"E Length: 100.00'
North: 9807.6449' East: 10328.8951'

Segment #3 : Line

Course: S48° 08' 13"W Length: 374.00'
North: 9558.0551' East: 10050.3616'

Segment #4 : Line

Course: N41° 45' 00"W Length: 100.00'
North: 9632.6608' East: 9983.7735'

Perimeter: 948.00' Area: 37399.93 Sq. Ft.
Error Closure: 0.0000 Course: N0° 00' 00"E
Error North: 0.00000 East: 0.00000

Precision 1: 948000000.00

