

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.81-GROSS ACRE SITUATED ON THE NORTHEAST SIDE OF NORTH THIRD STREET, APPROXIMATELY 170 FEET SOUTHEASTERLY OF EAST SAINT JOHN STREET (60 NORTH THIRD STREET) (APN: 467-20-080) FROM THE CG COMMERCIAL GENERAL ZONING DISTRICT TO THE DC DOWNTOWN PRIMARY COMMERCIAL 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, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the “FEIR”), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and Supplemental Environmental Impact Report (the “SEIR”), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; 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 information contained in the FEIR and related City Council Resolution No. 76041 and the SEIR and related City Council Resolution No. 77617, and Addenda thereto, and the

determination of consistency therewith prior to acting upon or approving the subject rezoning; and

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

WHEREAS, pursuant to Senate Bill 330, the proposed rezoning (File No. C21-005) does not reduce the intensity of residential uses because the proposed rezoning allows for greater residential density than the existing Zoning District of CG Commercial General; the rezoning would increase the residential capacity by 644 units, and further, this rezoning, if approved concurrently with File No. C21-006 would offset reduced intensity of residential capacity for proposed project File No. C21-005, resulting in no net loss of residential capacity; and approval of both rezonings would result in a net increase in residential capacity of 69 units.

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 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 "A1" and Exhibit "A2" and depicted in Exhibit "B1" and Exhibit "B2" 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. C21-005 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 _____, 2021 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

FEBRUARY 3, 2021

JOB NO. 20-131

EXHIBIT "A"
LEGAL DESCRIPTION
LOT 1 PORTION OF APN 467-20-080

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING A PORTION OF LOTS 3, 5 AND 6 IN BLOCK 2 OF RANGE 4 NORTH, AS SHOWN ON THAT CERTAIN MAP ENTITLED "CITY OF SAN JOSE, COPIED FROM THE ORIGINAL MAP DRAWN BY SHERMAN DAY, CIVIL ENGINEER", WHICH MAP WAS FILED FOR RECORD IN BOOK A OF MAPS, AT PAGES 72-73 OF SAID SANTA CLARA COUNTY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHWESTERLY BOUNDARY OF E. SANTA CLARA STREET (PUBLIC STREET) AND THE SOUTHWESTERLY BOUNDARY OF N. FOURTH STREET (PUBLIC STREET) AND ALSO BEING THE MOST EASTERLY CORNER OF LOT 8, AS LOT 8 IS ALSO SHOWN ON SAID MAP;

THENCE NORTHERLY ALONG SAID SOUTHWESTERLY BOUNDARY OF N. FOURTH STREET, NORTH 29° 56' 46" WEST, A DISTANCE OF 172.92 FEET TO **THE TRUE POINT OF BEGINNING**;

THENCE DEPARTING FROM SAID SOUTHWESTERLY BOUNDARY, SOUTH 60° 06' 16" WEST, A DISTANCE OF 175.52 FEET;

THENCE NORTH 30° 05' 38" WEST, A DISTANCE OF 62.00 FEET;

THENCE NORTH 60° 06' 16" EAST, A DISTANCE OF 175.68 FEET TO A POINT ON SAID SOUTHWESTERLY BOUNDARY OF N. FOURTH STREET;

THENCE SOUTHERLY ALONG SAID SOUTHWESTERLY BOUNDARY, SOUTH 29° 56' 46" EAST, A DISTANCE OF 62.00 FEET TO **THE TRUE POINT OF BEGINNING**.

CONTAINING 10,887 SQUARE FEET (0.25 ACRES) OF LAND, MORE OR LESS

BASIS OF BEARINGS: THE BEARING NORTH 29°56'46" WEST AS FOUND MONUMENTED ON N. FOURTH STREET AND AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED IN BOOK 821 OF MAPS AT PAGES 39-51, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF ALL BEARINGS SHOWN.

A PLAT ENTITLED "EXHIBIT B" IS ATTACHED HERETO AND MADE A PART HEREOF.

THIS DESCRIPTION AND THE ACCOMPANYING PLAT WERE PREPARED BY ME OR PREPARED UNDER MY DIRECTION.



ANDREW TURNER
P.L.S. 9104
CIVIL ENGINEERING ASSOCIATES, INC.



02/03/2021

DATE

LEGEND

---	DISTINCTIVE BOUNDARY
---	RIGHT-OF-WAY LINE
---	EXISTING LOT LINE
---	HISTORIC LOT LINE
---	CENTER LINE
---	EXISTING EASEMENT LINE
POC	POINT OF COMMENCEMENT
TPOB	TRUE POINT OF BEGINNING

SURVEYOR'S STATEMENTTHIS SITE PLAN WAS PREPARED
BY ME OR UNDER MY DIRECTION.

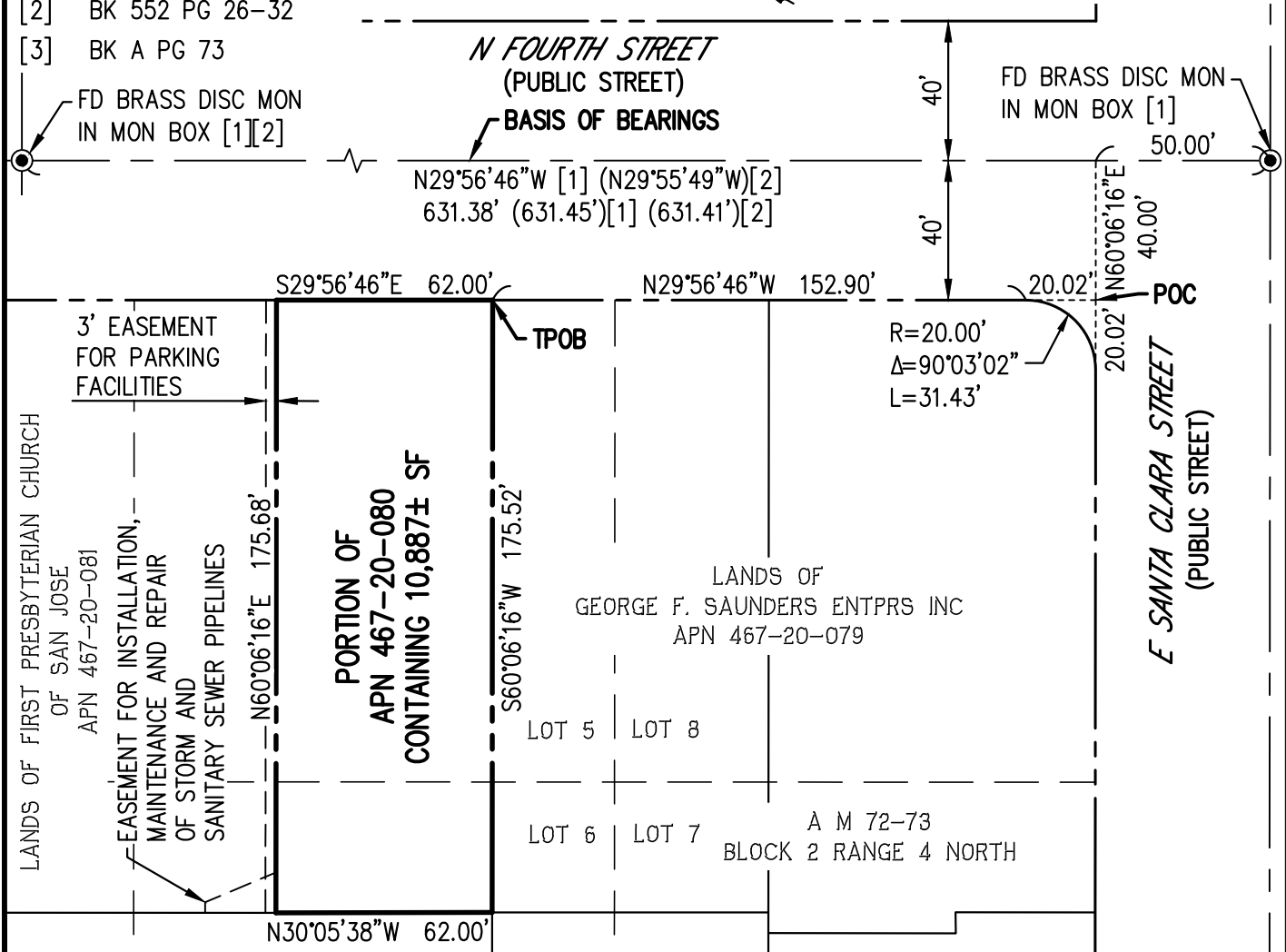
ANDREW TURNER, P.L.S.

02/03/2021

DATED

**REFERENCES**

- [1] BK 821 PG 1-51
[2] BK 552 PG 26-32
[3] BK A PG 73

**BASIS OF BEARINGS**

THE BEARING NORTH 29°56'46" WEST AS FOUND MONUMENTED ON N. FOURTH STREET AND AS SHOWN OF THAT CERTAIN RECORD OF SURVEY FILED IN BOOK 821 AT PAGES 39-51, SANTA CLARA COUNTY RECORDS WAS USED AS THE BASIS OF ALL BEARINGS SHOWN.

EXHIBIT "B"
PLAT TO ACCOMPANY LEGAL DESCRIPTION



**Civil
Engineering
Associates**

Civil Engineers • Planners • Surveyors

2055 Gateway Place Suite 550
San Jose, CA 95110
T: (408) 453-1066

BY: CH
DATE: 2/3/2021
SCALE: 1"=50'
JOB NO. 20-131

1 OF 1
SHT.NO.

FEBRUARY 3, 2021

JOB NO. 20-131

EXHIBIT "A"
LEGAL DESCRIPTION
LOT 2 PORTION OF APN 467-20-080

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

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THENCE NORTHERLY ALONG SAID SOUTHWESTERLY BOUNDARY OF N. FOURTH STREET, NORTH 29° 56' 46" WEST, A DISTANCE OF 172.92 FEET;

THENCE DEPARTING FROM SAID SOUTHWESTERLY BOUNDARY OF N. FOURTH STREET, SOUTH 60° 06' 16" WEST, A DISTANCE OF 175.52 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE SOUTH 60° 06' 16" WEST, A DISTANCE OF 100.77 FEET TO A POINT ON THE NORTHEASTERLY BOUNDARY OF N. THIRD STREET;

THENCE HEADING NORTHERLY ALONG SAID NORTHEASTERLY BOUNDARY, NORTH 29° 53' 43" WEST, A DISTANCE OF 240.67 FEET TO THE INTERSECTION OF THE NORTHWESTERLY BOUNDARY OF SAID LOT 3 AND NORTHEASTERLY BOUNDARY OF N. THIRD STREET;

THENCE DEPARTING FROM SAID NORTHEASTERLY BOUNDARY OF N. THIRD STREET ALONG SAID NORTHWESTERLY BOUNDARY OF LOT 3, NORTH 60° 06' 57" EAST, A DISTANCE OF 100.56 FEET;

THENCE SOUTH 29° 53' 43" EAST, A DISTANCE OF 178.65 FEET;

THENCE SOUTH 30° 05' 38" EAST, A DISTANCE OF 62.00 FEET TO THE **TRUE POINT OF BEGINNING.**

CONTAINING 24,207 SQUARE FEET (0.556 ACRES) OF LAND, MORE OR LESS

BASIS OF BEARINGS: THE BEARING NORTH 29°56'46" WEST AS FOUND MONUMENTED ON N. FOURTH STREET AND AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED IN BOOK 821 OF MAPS AT PAGES 39-51, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF ALL BEARINGS SHOWN.

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P.L.S. 9104
CIVIL ENGINEERING ASSOCIATES, INC.



02/03/2021

DATE

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	DISTINCTIVE BOUNDARY
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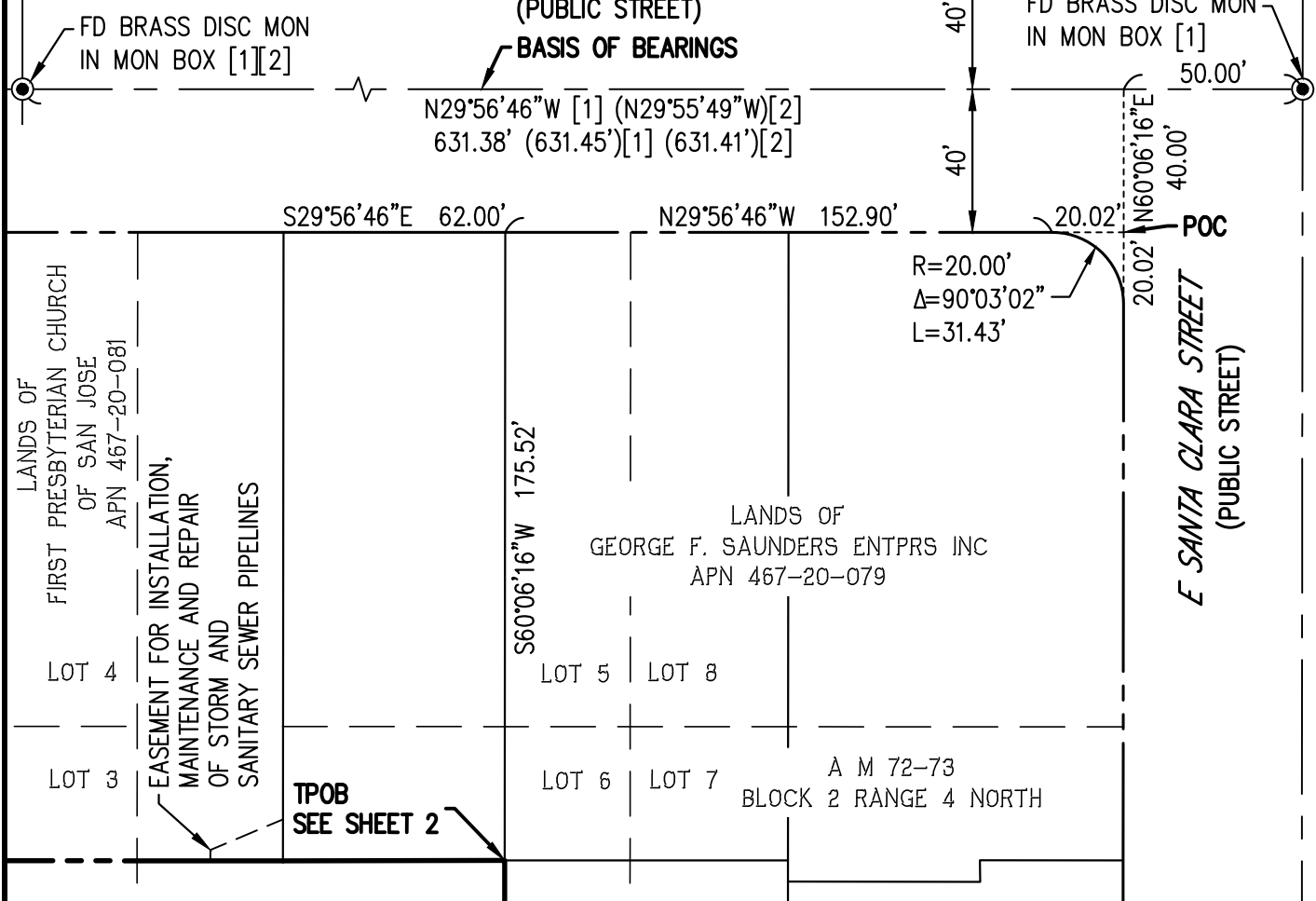
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DATED

**REFERENCES**

- [1] BK 821 PG 1-51
 [2] BK 552 PG 26-32
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**BASIS OF BEARINGS**

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1 OF 2
 SHT.NO.

LEGEND

	DISTINCTIVE BOUNDARY
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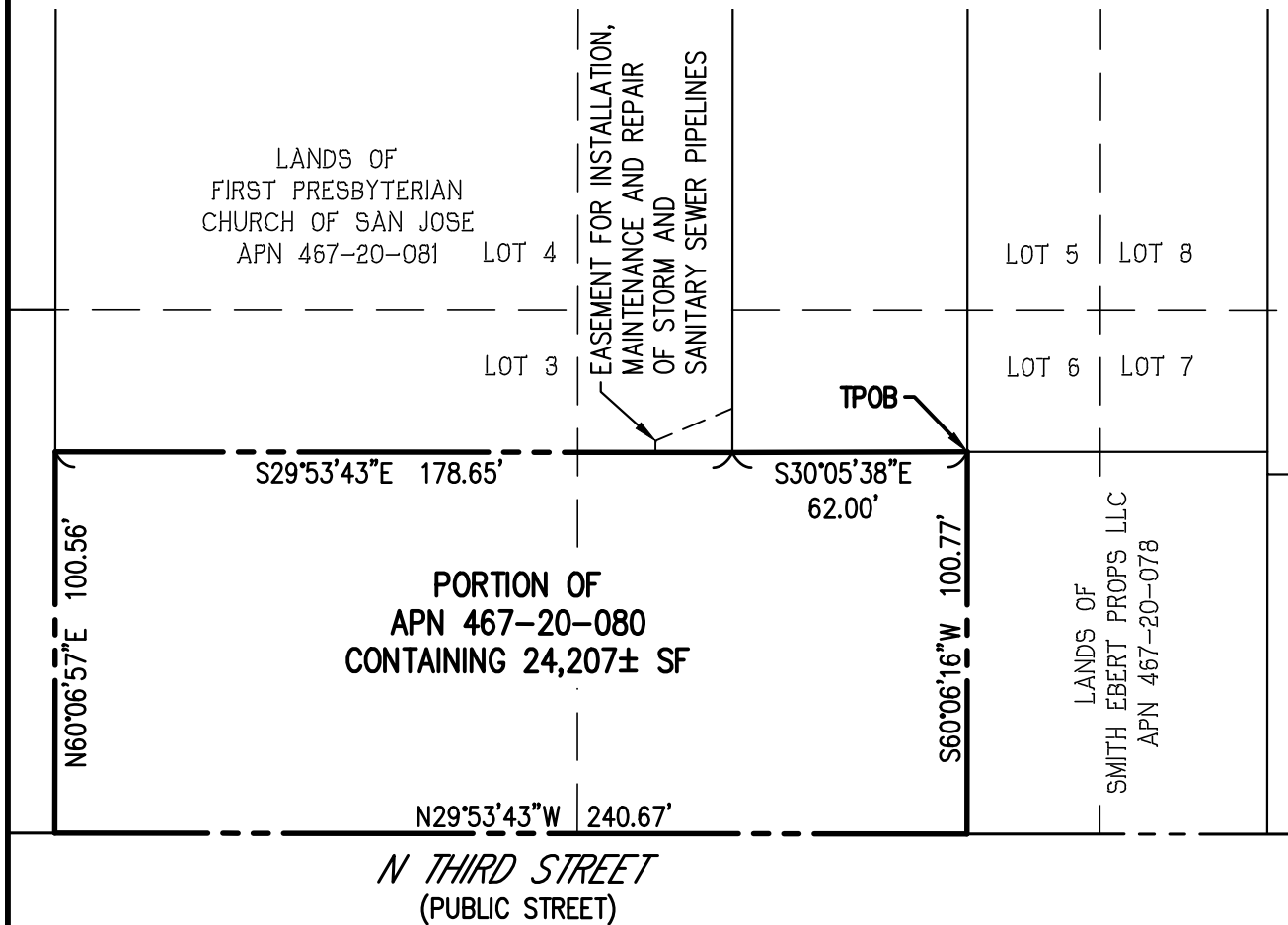
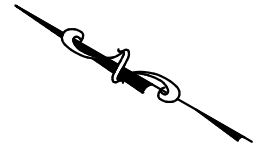


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