DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 5.4 GROSS ACRES SITUATED ON THE SOUTHEAST CORNER OF MCEVOY AND DUPONT STREET (226 TO 254 MCEVOY STREET AND 205 DUPONT STREET) (APN: 261-38-005, 018, 037, 057, 064, 065 & 067) FROM THE R-M MULTIPLE RESIDENCE ZONING DISTRICT TO AN R-M(PD) PLANNED DEVELOPMENT ZONING DISTRICT

FILE NO. PDC20-020

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 Downtown Strategy 2040 Final Environmental Impact Report (FEIR) certified by the City Council on December 18, 2018, by Resolution No. 78942, all in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, was prepared and approved by the Director of Planning, Building and Code Enforcement 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 (PD) Planned Development Zoning District; and

WHEREAS, this Council of the City of San José has considered and approved the application and use of said Addendum and its related Mitigation Monitoring and Reporting Program as the appropriate environmental clearance for this proposed project 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.

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 R-M(PD) Zoning District. The base district zoning of the subject property shall be the R-M Multiple Residence Zoning District. The Planned Development Zoning of the subject property shall be that development plan for the subject property entitled, “Planned Development Zoning PDC20-020 Dupont Village” last revised March 11, 2022 (“General Development Plan”).

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 PDC20-001 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 _____, 2022 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

_____
SAM LICCARDO
Mayor

ATTEST:

_____
TONI J. TABER, CMC
City Clerk

March 30, 2022
HMH 5663.00.270

EXHIBIT “A”
FOR REZONING PURPOSES

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of the 1.261 acre parcel of land as shown on that certain Record of Survey filed for record on August 26, 1968, in Book 241 of Maps, page 28; a portion of Parcel One & Dupont Street as shown on that certain Parcel Map filed for record on February 18, 2009, in Book 830 of Maps, page 36; all of Parcel 7-B, a portion of Parcel 8-B and a portion of Park Avenue as shown on that certain Record of Survey filed for record on February 8, 1968, in Book 233 of Maps, page 11; all of Parcel No 1 as shown on that certain Parcel Map filed for record on November 21, 1977, in Book 407 of Maps, page 56; all of the Parcel A & B as described in the Resolution and Order Proclaiming the Vacation of a Portion of Dupont Street recorded July 27, 1988, in Book K618 of Official Records, page 864; and a portion of the parcel of land described in the Grant Deed recorded August 26, 2008, in Document No. 19964945, all of Santa Clara County Records, described as follows:

BEGINNING at the southwesterly corner of said 1.261 acre parcel of land being on the easterly line of Dupont Street;
Thence along said easterly line, North 02°26'48" West, 19.16 feet;
Thence northwesterly, along a non-tangent curve to the left, having a radius of 75.23 feet, whose center bears South 67°15'10" West, through a central angle of 07°09'19" for an arc length of 9.40 feet;
Thence along a reverse curve to the right, having a radius of 55.00 feet, through a central angle of 27°27'13" for an arc length of 26.35 feet;
Thence North 02°26'56" West, 88.76 feet;
Thence North 05°03'31" East, 20.69 feet;
Thence along a tangent curve to the left, having a radius of 60.00 feet, through a central angle of 105°07'45" for an arc length of 110.09 feet;
Thence South 79°55'45" West, 22.14 feet;
Thence South 87°31'27" West, 143.55 feet;
Thence along a tangent curve to the right, having a radius of 12.00 feet, through a central angle of 89°58'45" for an arc length of 18.85 feet, to the easterly line of McEvoy Street;
Thence along said easterly line and its northerly prolongation North 02°29'48" West, 472.31 feet;
Thence along a tangent curve to the right, having a radius of 24.00 feet, through a central angle of 89°44'26" for an arc length of 37.59 feet;
Thence North 87°14'38" East, 306.12 feet;
Thence North 87°55'39" East, 47.72 feet;
Thence South 02°26'48" East, 46.21 feet;
Thence South 00°59'45" West, 51.09 feet;
Thence South 87°29'51" West, 3.97 feet;
Thence southerly, along a non-tangent curve to the right, having a radius of 1,961.64 feet, whose center bears South 76°55'59" West, through a central angle of 01°10'47" for an arc length of 40.39 feet, to the easterly line of said 1.261 acre parcel of land;
Thence along said easterly line, South 02°26'48" East, 420.89 feet;

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Thence southerly, along a non-tangent curve to the right, having a radius of 420.35 feet, whose center bears North 80°34'42" West, through a central angle of 21°11'48" for an arc length of 155.51 feet;
Thence along a compound curve to the right, having a radius of 1,712.59 feet, through a central angle of 01°05'30" for an arc length of 32.63 feet;
Thence South 31°42'36" West, 10.15 feet;
Thence South 87°33'12" West, 42.19 feet, to the POINT OF BEGINNING.

Containing 4.97 acres, more or less.

As shown on Exhibit “B" attached hereto and made a part hereof.

END OF DESCRIPTION

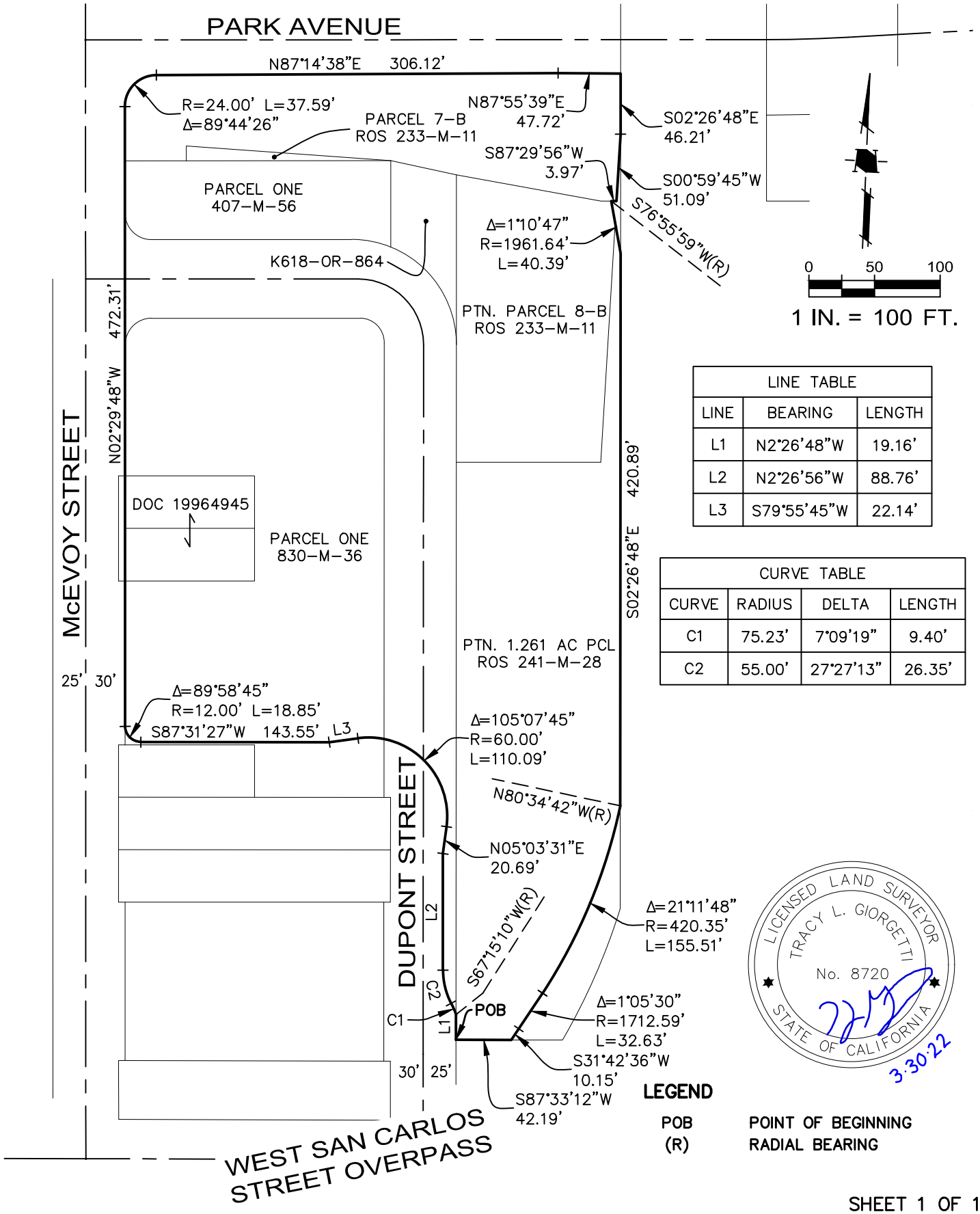
For assessment or zoning purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

This legal description was prepared by me or under my direction in accordance with the Professional Land Surveyors Act.

Date: 3·30·22

Tracy L. Giorgetti, LS 8720

LICENSED LAND SURVEYOR
TRACY L. GIORGETTI
No. 8720
STATE OF CALIFORNIA



LINE TABLE		
LINE	BEARING	LENGTH
L1	N2°26'48"W	19.16'
L2	N2°26'56"W	88.76'
L3	S79°55'45"W	22.14'

CURVE TABLE			
CURVE	RADIUS	DELTA	LENGTH
C1	75.23'	7°09'19"	9.40'
C2	55.00'	27°27'13"	26.35'

LEGEND

POB	POINT OF BEGINNING
(R)	RADIAL BEARING

SHEET 1 OF 1

Date:	2022-03-30
Designed:	AL
Drawn:	RF
Checked:	TG
Proj. Engr.:	–
566300PL08	

HMH
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EXHIBIT "B"
PLAT TO ACCOMPANY DESCRIPTION:
FOR ZONING PURPOSES

SAN JOSE CALIFORNIA