

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.84-GROSS ACRE SITUATED AT THE SOUTHWEST CORNER OF SARATOGA AVENUE AND BORINA DRIVE (951 SARATOGA AVENUE) FROM THE A(PD) PLANNED DEVELOPMENT AND R-1-8 SINGLE FAMILY RESIDENCE ZONING DISTRICTS 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, 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 CP Commercial Pedestrian 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;

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. C17-053 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 _____, 2018 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT "A" Legal Description

For APN/Parcel ID(s): 381-12-127

PARCEL ONE:

BEGINNING AT A GRANITE MONUMENT STANDING IN THE WESTERLY LINE OF SARATOGA AVENUE AND AT THE NORTHEAST CORNER OF THAT 14.922 ACRE TRACT IN THE QUITO RANCHO CONVEYED BY ANTONIETTA LIPARI TO CHRIS S. HEDEGARD BY DEED DATED AUGUST 4, 1919 AND RECORDED IN BOOK 489 OF DEEDS, PAGE 507, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND RUNNING THENCE ALONG THE NORTHERLY LINE OF SAID 14.922 ACRE TRACT, NORTH 74° 35' WEST 6.042 CHAINS TO A STAKE; THENCE SOUTH 8° 30' WEST 2.077 CHAINS TO A STAKE; THENCE SOUTH 82° 30' EAST 6.056 CHAINS TO A STAKE IN THE WESTERLY LINE OF SARATOGA AVENUE; THENCE ALONG THE WESTERLY LINE OF SAID AVENUE, N. 6° 00' E, 1.244 CHAINS TO THE PLACE OF BEGINNING, AND BEING A PART OF THE ABOVE MENTIONED 14.922 ACRE TRACT IN SAID QUITO RANCHO.

PARCEL TWO:

BEGINNING AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF BORINA DRIVE AS SHOWN ON THE MAP OF THE TRACT NO. 1507 GRANDVIEW MANOR UNIT NO. 1, WHICH MAP IS FILED IN BOOK 63 OF MAPS AT PAGE 2, SANTA CLARA COUNTY RECORDS, WITH THE NORTHEASTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED BY CHRIS S. HEDEGARD, ET UX, TO J. C. TRESSLER, BY DEED DATED SEPTEMBER 2, 1919 AND RECORDED SEPTEMBER 10, 1919 IN BOOK 490 OF DEEDS, AT PAGE 396, SANTA CLARA COUNTY RECORDS; THENCE ALONG THE NORTHEASTERLY LINE OF SAID PARCEL OF LAND CONVEYED TO J. C. TRESSLER, N. 74° 34' 16" W. 388 FEET MORE OR LESS TO THE NORTHERLY CORNER THEREOF; THENCE ALONG THE NORTHWESTERLY LINE OF SAID PARCEL OF LAND CONVEYED TO J. C. TRESSLER, S. 8° 30' W. 136.62 FEET TO THE WESTERLY CORNER THEREOF; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL OF LAND CONVEYED TO J. C. TRESSLER, S. 82° 30' E. 90 FEET MORE OR LESS, TO THE POINT OF INTERSECTION OF SAID SOUTHWESTERLY LINE WITH THE NORTHEASTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF LOT 81 AS SHOWN ON THE MAP OF TRACT NO. 1755 GRANDVIEW MANOR UNIT NO. 2 WHICH MAP IS ON FILED IN BOOK 73 OF MAPS, AT PAGE 46, SANTA CLARA COUNTY RECORDS; THENCE ALONG SAID NORTHEASTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF SAID LOT 81, S. 7° 25' 57" W. 30 FEET, MORE OR LESS TO THE EASTERLY CORNER OF SAID LOT 81; THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 81, N. 82° 34' 03" W. 105.00 FEET TO THE SOUTHEASTERLY LINE OF ZARICK DRIVE AS SHOWN ON SAID MAP OF TRACT NO. 1755 GRANDVIEW MANOR UNIT NO. 2; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID ZARICK DRIVE, N. 7° 25' 57" E. 23.84 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1192.47 FEET, TANGENT TO THE PRECEDING COURSE, THROUGH AN ANGLE OF 7° 34' 03", AN ARC DISTANCE OF 157.50 FEET; THENCE ALONG THE ARC OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 20 FEET, THROUGH AN ANGLE OF 90° AN ARC DISTANCE OF 31.42 FEET TO THE SOUTHWESTERLY LINE OF BORINA DRIVE AS SHOWN ON THE MAP OF TRACT NO. 1705 GRANDVIEW MANOR UNIT NO. 1 ABOVE REFERRED TO; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID BORINA DRIVE S. 75° 00' E. 46.95 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 247.50 FEET, TANGENT TO THE PRECEDING COURSE, THROUGH AN ANGLE OF 18° 55' 29" AN ARC DISTANCE OF 81.75 FEET TO A POINT OF REVERSE CURVE; THENCE ALONG THE ARC OF SAID REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 307.50 FEET, THROUGH AN ANGLE OF 18° 55' 29" AN ARC DISTANCE OF 101.75 FEET; THENCE S. 75° 00' E. 132.43 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 20 FEET, TANGENT TO THE PRECEDING COURSE, THROUGH AN ANGLE OF 66° 51' 22" AN ARC DISTANCE OF 23.34 FEET TO THE POINT OF BEGINNING, AND BEING A PORTION OF THE QUITO RANCHO.

EXCEPTING FROM PARCELS ONE AND TWO ABOVE DESCRIBED ALL THAT PORTION THEREOF AS CONVEYED TO HOGUE CONSTRUCTION COMPANY, INC., A CORPORATION BY DEED RECORDED DECEMBER 30, 1975 IN BOOK B795 OF OFFICIAL RECORDS, PAGE 416, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EXHIBIT "A"

Legal Description
(continued)

ALL OF PARCELS 1, 2 AND 3, AS SHOWN UPON THAT CERTAIN MAP OF RECORD OF SURVEY, FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON APRIL 3, 1964 IN BOOK 176 OF MAPS, AT PAGE 23.

C17-053

PLAT TO ACCOMPANY
LEGAL DESCRIPTION

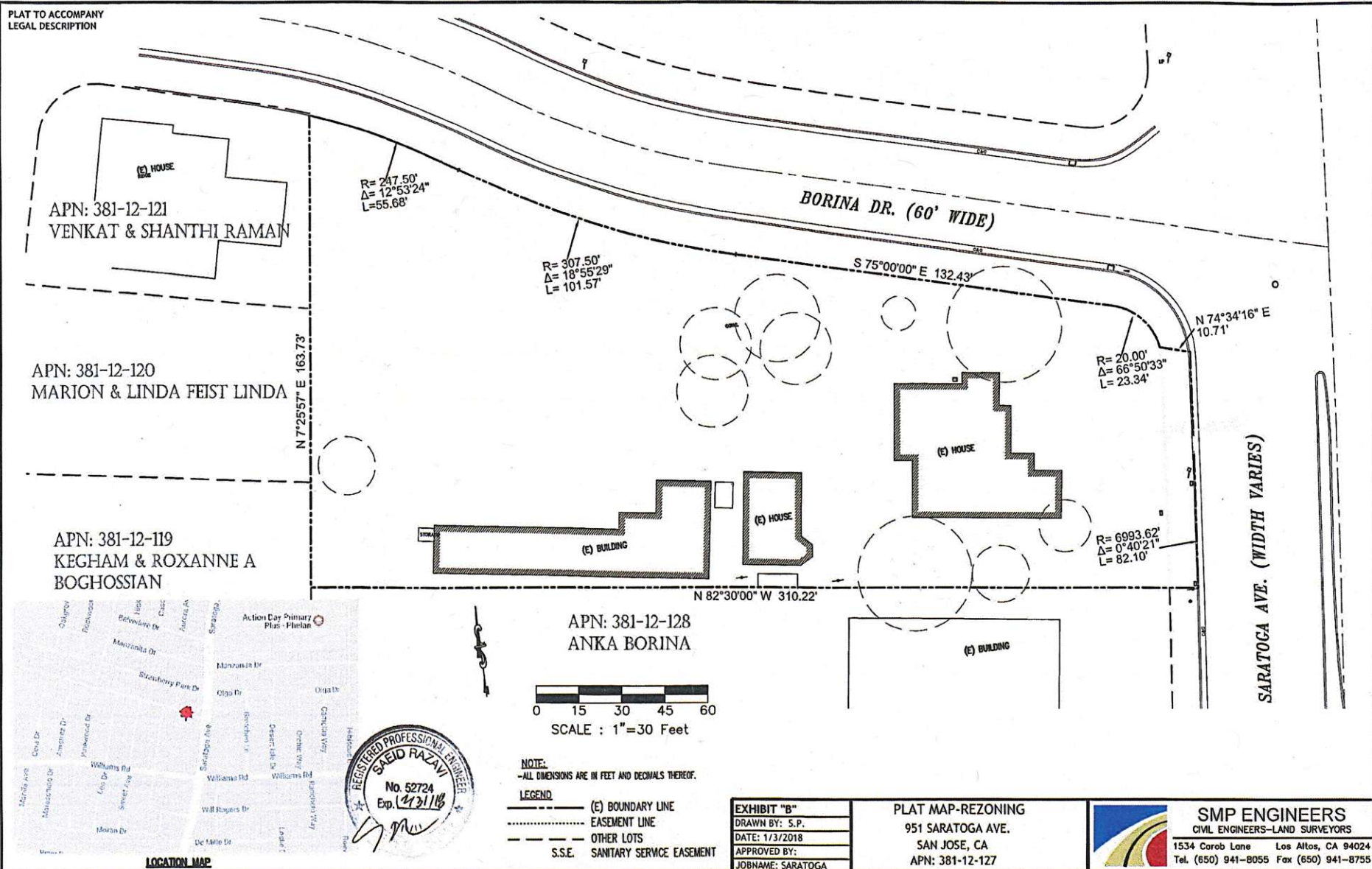


EXHIBIT "B" (File No. C17-053)