

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.43-GROSS ACRE SITUATED AT THE NORTHEAST CORNER OF NORTH 3RD STREET AND EAST EMPIRE STREET (501 NORTH 3RD STREET), FROM THE CO COMMERCIAL OFFICE ZONING DISTRICT 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, as supplemented and addendum thereto, and related

City Council Resolution Nos. 76041 and 77617 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. C18-008 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
LANDS OF EVES
510 NORTH THIRD STREET, CA
APN 249-40-055

CERTAIN REAL PROPERTY SITUATED IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEING ALL OF PARCEL 1, 2, AND 3 DESCRIBED IN THE DEED OF TRUST TO FIRST SANTA CLARA CORPORATION, RECORDED AUGUST 21, 2012, AS DOCUMENT NUMBER 21806670, SANTA CLARA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF E EMPIRE STREET WITH THE EASTERLY LINE OF NORTH THIRD STREET, ALSO BEING THE MOST SOUTHERLY CORNER OF SAID PARCEL 3;

THENCE NORTH 30°39'00" WEST 137.93 FEET ALONG THE EASTERLY LINE OF NORTH THIRD STREET TO THE MOST WESTERLY CORNER OF SAID PARCEL 3;

THENCE NORTH 59°19'00" EAST 137.50 FEET PARALLEL WITH THE NORTHERLY LINE OF E EMPIRE STREET TO THE MOST NORTHERLY CORNER OF SAID PARCEL 1;

THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT, SOUTH 30°39'00" EAST 137.93 FEET TO THE MOST EASTERLY CORNER OF SAID PARCEL 1;

THENCE ALONG THE NORTHERLY LINE OF E EMPIRE STREET, SOUTH 59°19'00" WEST 137.50 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 18,965 SQUARE FEET, MORE OR LESS.

SEE EXHIBIT B FOR THE ACCOMPANYING PLAT, ATTACHED HERETO AND MADE A PART HEREOF.

BASIS OF BEARINGS: THE BEARINGS DESCRIBED IN THIS DESCRIPTION ARE BASED ON THE BEARING NORTH 30°39'00" WEST OF THE CENTERLINE OF NORTH THIRD STREET, AS SHOWN IN BOOK 140 OF MAPS AT PAGE 50, RECORDED NOVEMBER 30, 1961, SANTA CLARA COUNTY RECORDS.

PREPARED ON JANUARY 12, 2018
LC ENGINEERING



TOM H. MILO LS NO. 6438
EXPIRATION DATE 12/31/2018

LC ENGINEERING

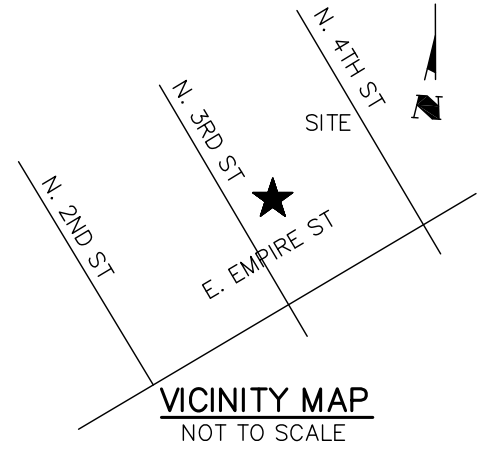
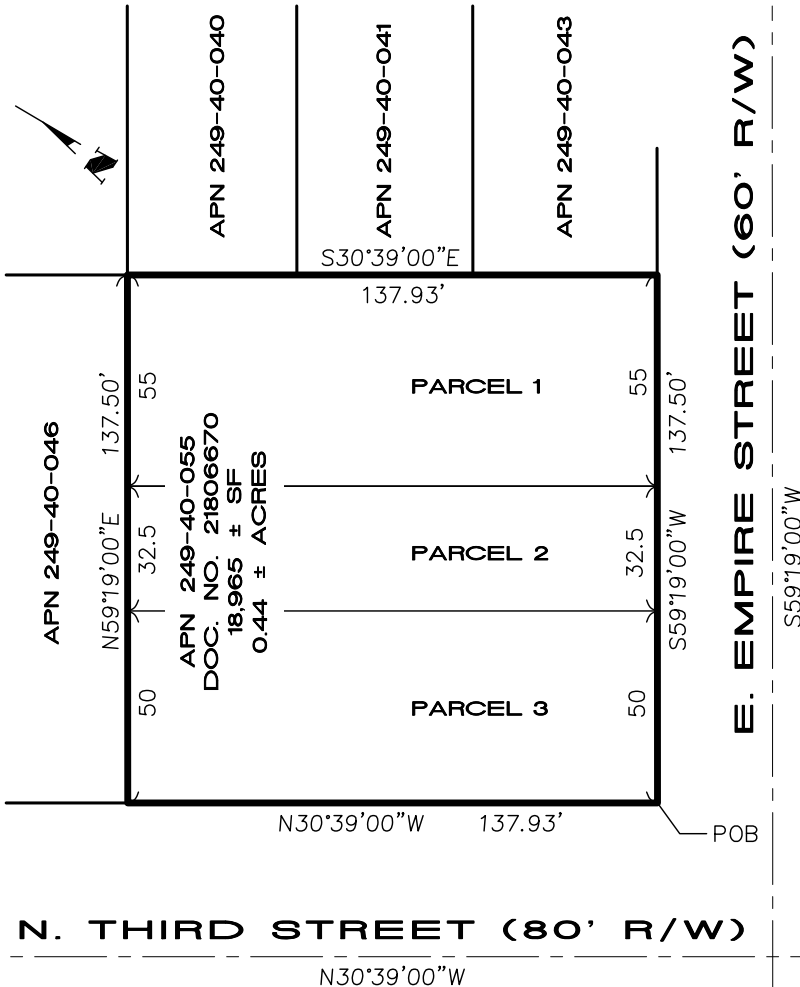
598 E Santa Clara St. Suite 270, San Jose, CA 95110

(408) 299-7107 / (408) 599-1000

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

"A"
3-008)

EXHIBIT "B"



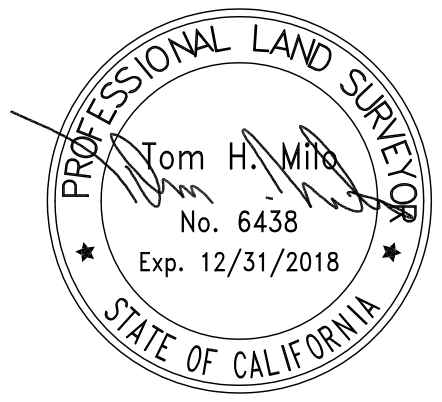
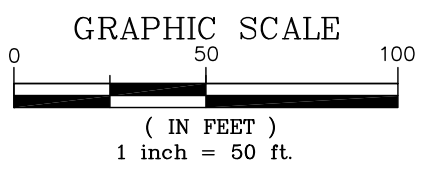
PARCEL SQUARE FOOTAGE	
PARCEL 1	7,586.15
PARCEL 2	4482.72
PARCEL 3	6896.50
TOTAL	18,965.37

BASIS OF BEARINGS

LEGEND

- LOT LINE
- PARCEL LINE
- PROPERTY LINE
- CENTERLINE
- POB POINT OF BEGINNING

THE BEARING N30°39'00"W OF THE CENTERLINE OF NORTH THIRD STREET AS SHOWN IN BOOK 140 OF MAPS AT PAGE 50, RECORDED NOVEMBER 30, 1961, SANTA CLARA COUNTY RECORDS.



PLAT
LANDS OF EVES
510 NORTH THIRD STREET
APN 249-40-055

ENGINEERING

598 E Santa Clara St, #270
San Jose, CA 95112
Phone: (408) 806-7187
Fax: (408) 583-4006

San Jose

California

SCALE: 1" = 50' DATE: 01/12/18 DRWG. NAME: PROJECT NO. SHEET 1 OF 1

DRAFT--Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for final document.

"B"
(FILE NO. C18-008)