

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 1.22 GROSS ACRES SITUATED ON THE NORTHWEST CORNER OF WEST JULIAN STREET AND STOCKTON AVENUE (715 WEST JULIAN STREET) FROM THE COMMERCIAL PEDESTRIAN ZONING DISTRICT TO THE CP(PD) COMMERCIAL PEDESTRIAN PLANNED DEVELOPMENT 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 (“Subject Property”); and

WHEREAS, an Addendum to the Final Program Environmental Impact Report for the Diridon Station Area Plan certified by the City Council on June 17, 2014 by Resolution No. 77096, the Final Program Environmental Impact Report for the Envision San José 2040 General Plan certified by the City Council on November 1, 2011, by Resolution No. 76041, and the Supplemental Environmental Impact Report to the Envision San José 2040 General Plan certified by the City Council on December 15, 2015 by Resolution No. 77617 and the Addenda thereto, all in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, was prepared and approved by the Planning Director on September 26, 2018, 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 CP(PD) Commercial Pedestrian Planned Development 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 the 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 as CP(PD) Planned Development Zoning District. The base district zoning of the subject property shall be the CP Commercial Pedestrian Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "Planned Development Standards – Exhibit C, dated August 20, 2018 ("Planned Development Standards")."

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

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. PDC17-058 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 _____, 2018 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

LEGAL DESCRIPTION

Real property in the City of San Jose, County of Santa Clara, State of California, described as follows:

TRACT ONE:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF JULIAN STREET WITH THE SOUTHWESTERLY LINE OF STOCKTON AVENUE; THENCE WESTERLY ALONG THE NORTHERLY LINE OF JULIAN STREET 111 FEET; THENCE AT RIGHT ANGLES NORTHERLY AND PARALLEL WITH THE DIVIDING LINE BETWEEN LOTS 1 AND 2 OF THE RHODES TRACT, AS HEREINAFTER REFERRED TO, 82.75 FEET; THENCE AT RIGHT ANGLES EASTERLY AND PARALLEL WITH THE NORTHERLY LINE OF JULIAN STREET, 46.77 FEET TO THE SOUTHWESTERLY LINE OF STOCKTON AVENUE; THENCE SOUTHEASTERLY AND ALONG SAID LINE OF STOCKTON AVENUE TO THE POINT OF INTERSECTION, AND BEING A PART OF LOT 1 OF THE RHODES TRACT ACCORDING TO A MAP ENTITLED, "MAP OF THE SUBDIVISION OF THE RHODES TRACT", WHICH SAID MAP IS OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA IN BOOK "B" OF MAPS, PAGE 87, SANTA CLARA COUNTY RECORDS.

TRACT TWO:

PARCEL A AS SHOWN ON CITY OF SAN JOSE, CALIFORNIA DEPARTMENT OF CITY PLANNING LOT LINE ADJUSTMENT PERMIT, FILE NO. AT 97-05-053 AS EVIDENCED BY DOCUMENT RECORDED OCTOBER 10, 1997, AS DOCUMENT NO. 13894399, OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF PARCEL 1 AS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, IN BOOK 584 OF MAPS AT PAGES 7 AND 8.

AND IN ADDITION THERETO, THE FOLLOWING TRANSFER AREA 1:

ALL THAT REAL PROPERTY DESCRIBED IN THAT CERTAIN DEED RECORDED MARCH 16, 1997, IN BOOK C668, PAGE 354, OFFICIAL RECORDS OF SANTA CLARA COUNTY, DESCRIBED AS FOLLOWS:

ALL OF LOT TEN (10) AS SHOWN ON THAT MAP ENTITLED "MAP OF THE SUBDIVISION OF THE RHODES TRACT", FILED FOR RECORD ON SEPTEMBER 14, 1887 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA IN VOL. "B" OF MAPS, PAGE 87, DESCRIBED AS FOLLOWS:

BEGINNING AT SOUTHEASTERLY CORNER OF SAID LOT 10, SAID CORNER BEING THE SOUTHWESTERLY CORNER OF SAID PARCEL 1 AS SHOWN ON SAID PARCEL MAP;

THENCE ALONG THE SOUTHERLY, WESTERLY AND NORTHERLY LINE OF SAID LOT 10 THE FOLLOWING THREE (3) COURSES:

SOUTH 87° 08' 20" WEST 50.00 FEET;

NORTH 2° 51' 40" WEST 196.00 FEET;

SOUTH 66° 48' 20" EAST 55.66 FEET TO THE COMMON LINE BETWEEN SAID LOT 10 AND

PARCEL 1, AS SAID PARCEL IS SHOWN ON SAID PARCEL MAP FILED IN BOOK 584 OF MAPS AT PAGES 7 AND 8.

THENCE ALONG SAID COMMON LINE SOUTH 2° 51' 40" EAST 171.55 FEET TO THE POINT OF BEGINNING.

AND IN ADDITION THERETO, THE FOLLOWING TRANSFER AREA 2:

ALL THAT REAL PROPERTY DESCRIBED IN THAT CERTAIN DEED RECORDED FEBRUARY 27, 1996, IN BOOK P218, PAGE 2033, OFFICIAL RECORDS OF SANTA CLARA COUNTY, DESCRIBED AS FOLLOWS:

PORTIONS OF LOTS 1 AND 2 AS SHOWN ON THAT MAP ENTITLED, "MAP OF THE SUBDIVISION OF THE RHODES TRACT", FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, ON SEPTEMBER 14, 1887 IN BOOK "B" OF MAPS, PAGE 87, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF JULIAN STREET DISTANT THEREON 151.20 FEET SOUTHWESTERLY FROM THE POINT OF INTERSECTION OF SAID NORTHWESTERLY LINE OF JULIAN STREET WITH THE SOUTHWESTERLY LINE OF STOCKTON AVE; SAID POINT BEING THE SOUTHEASTERLY CORNER OF SAID PARCEL 1, AS SHOWN ON SAID PARCEL MAP;

THENCE ALONG THE GENERAL EASTERLY LINE OF SAID PARCEL 1 NORTH 2° 51' 40" EAST 82.75 FEET;

THENCE PARALLEL WITH SAID NORTHWESTERLY LINE OF JULIAN STREET NORTH 87° 08' 20" EAST 40.20 FEET;

THENCE AT RIGHT ANGLES SOUTH 2° 51' 40" EAST 82.75 FEET TO SAID NORTHWESTERLY LINE OF JULIAN STREET;

THENCE ALONG SAID NORTHWESTERLY LINE SOUTH 87° 08' 20" WEST 40.20 FEET TO THE POINT OF BEGINNING.

AND IN ADDITION THERETO THE FOLLOWING TRANSFER AREA 3:

ALL THAT REAL PROPERTY DESCRIBED IN THAT CERTAIN DEED RECORDED AUGUST 3, 1990, IN BOOK L438, PAGE 1669, OFFICIAL RECORDS OF SANTA CLARA COUNTY, DESCRIBED AS FOLLOWS:

PORTION OF LOTS 1 AND 2 AS SHOWN ON THAT CERTAIN MAP ENTITLED, "MAP OF THE SUBDIVISION OF THE RHODES TRACT", FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, SEPTEMBER 14, 1887 IN BOOK "B" OF MAPS, AT PAGE 87, DESCRIBED AS FOLLOWS:

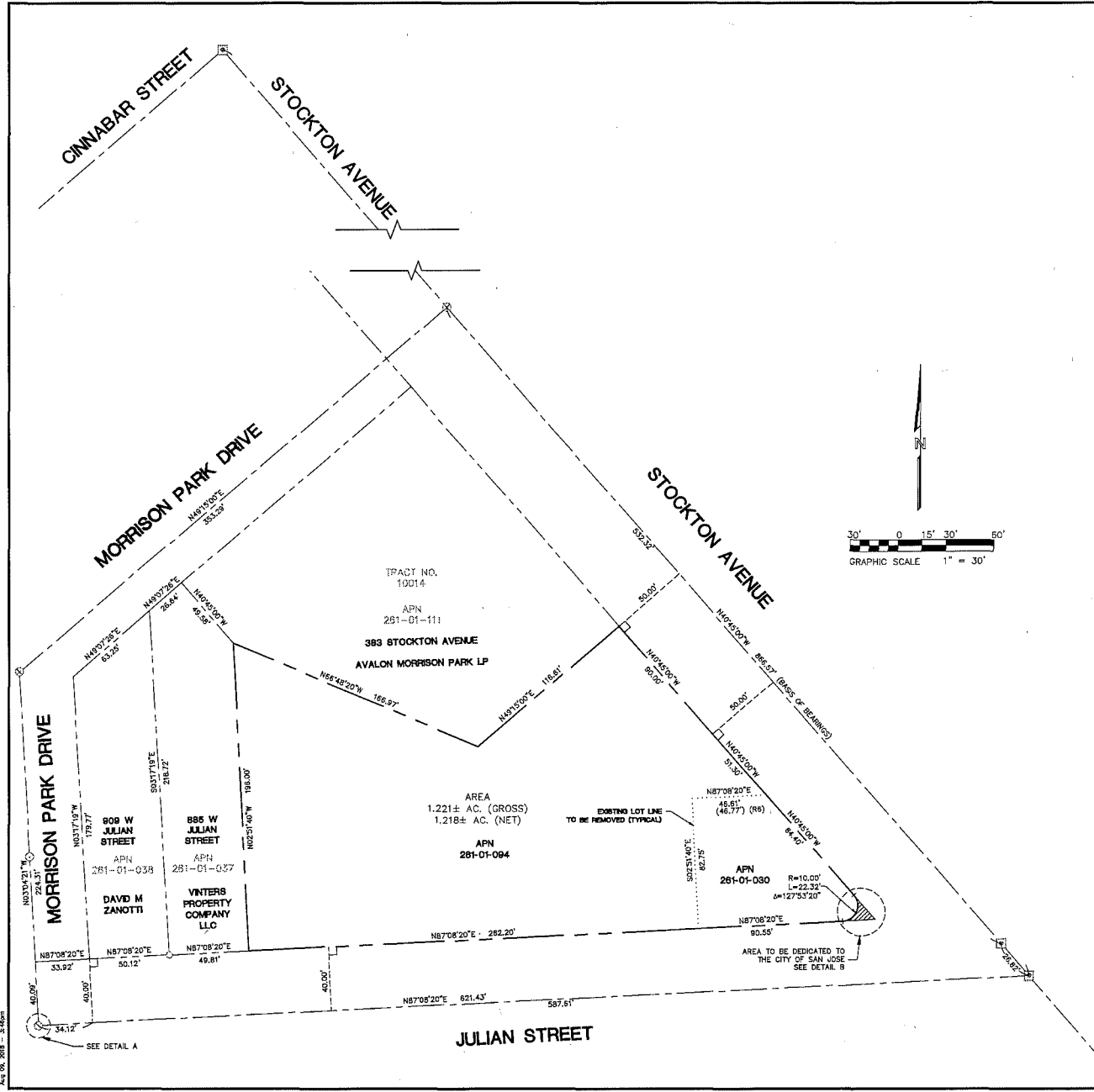
BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF STOCKTON AVENUE, DISTANT THEREON 104.85 FEET NORTHWESTERLY FROM THE POINT OF INTERSECTION OF THE SAID SOUTHWESTERLY LINE OF STOCKTON AVENUE WITH THE NORTHWESTERLY LINE OF JULIAN STREET;

THENCE ALONG SAID SOUTHWESTERLY LINE OF STOCKTON AVENUE NORTH 40° 45' 00" WEST 51.30 FEET TO THE MOST EASTERLY CORNER OF SAID PARCEL 1 AS SHOWN ON SAID PARCEL MAP;

THENCE ALONG THE GENERAL EASTERLY LINE OF SAID PARCEL 1 SOUTH 49° 15' 00" WEST
65.93 FEET;

THENCE PARALLEL WITH SAID NORTHWESTERLY LINE OF JULIAN STREET NORTH 87° 08' 20"
EAST 83.54 FEET TO THE POINT OF BEGINNING.

APN: 261-01-030 (Tract One) and 261-01-094 (Tract Two)



BASIS OF BEARINGS
THE BEARING NORTH $40^{\circ}45'00''$ WEST OF THE CENTER LINE OF STOCKTON AVENUE AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD IN BOOK 584 OF MAPS, PAGE 7, SANTA CLARA COUNTY RECORDS, AND AS FOUND MONUMENTED.

BENCHMARK INFORMATION
ELEV DATUM: SCVDN DATUMS, 90.91 FEET, NAVD 88 (ADJUSTED 02-05-2013)

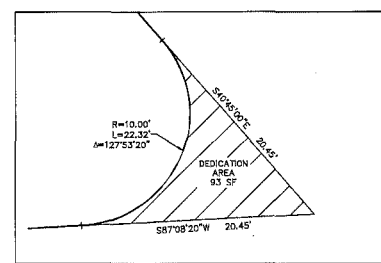
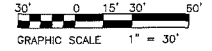
TEMPORARY BENCHMARK: PT 5 FROM HMM#4247, ELEV = 86.05' (ADJUSTED TO CURRENT BM ELEV)

REFERENCES
(R1) PARCEL MAP, BK 584 M 7-8
(R2) TR 10014, BK 828 M 50-51
(R3) RGS, BK 538 M 28
(R4) RHODES TRACT BK 8 M 87
(R5) PRELIMINARY TITLE REPORT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY DATED SEPTEMBER 8, 2017, ORDER NUMBER NCS-889415-H01
(R6) LOT LINE ADJUSTMENT, DOC 13894399

Designed	Drawn	M.S.	Checked	Revisions

- LEGEND**
- DISTINCTIVE BORDER LINE
 - LOT LINES WITHIN DISTINCTIVE BORDER
 - EXISTING PROPERTY LINE
 - EXISTING "E" LINE
 - EXISTING CENTER LINE
 - EXISTING LOT LINE TO BE REMOVED
 - FOUND GRANITE MON IN BOX
 - 2.5" BRASS DISK W/ PUNCH IN WELL LS8888
 - FD 3/4" IRON PIPE (SFPN)
 - RECORD DIMENSION W/ REFERENCE
 - AREA TO BE DEDICATED TO THE CITY OF SAN JOSE

AREA WITHIN DISTINCTIVE SITE BOUNDARY:
51,074 SQUARE FEET (NET)
1.218 ACRES± (NET)



VESTING TENTATIVE MAP

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R+G
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OVERALL MAP
LANDS OF SPENO ENTERPRISES
CALIFORNIA
SAN JOSE

Scale AS SHOWN
Date 8/13/2018
2 of 2 Sheets
Job No. 179018
Drawing

Drawing File: C:\Users\mccarthy\OneDrive\Desktop\Stockton Map 2018.dwg
Date: 08/13/2018 11:54 AM