

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE PRE-ZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.56 GROSS ACRES, SITUATED ON THE NORTHEASTERLY CORNER OF WEST SAN CARLOS STREET AND CLEVELAND AVENUE (APNS 274-17-018, 018, 019, 020 & 021) FROM UNINCORPORATED TERRITORY WITHIN THE COUNTY OF SANTA CLARA TO THE URBAN VILLAGE ZONING DISTRICT

WHEREAS, all pre-zoning 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, the approximately 0.56-gross-acre site encompassed by the proposed pre-zoning was the subject of that certain Initial Study/Mitigated Negative Declaration (IS/MND) for the 1921 and 1927 West San Carlos Project (Burbank 45/C21-034/ GP23-001/H23-005/T23-003), which evaluated the impact of the demolition of all existing structures on site for the construction of a seven-story, 108,935 gross square-foot building consisting of 94 units and accompanying approximately 1,800-square-foot retail space situated on the northeasterly corner of West San Carlos Street and Cleveland Avenue, and which was certified and for which findings were adopted by the City Council on May 6, 2025; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject pre-zoning to the Urban Village Zoning District; and

WHEREAS, this Council of the City of San José has considered, approved, and adopted said IS/MND and related Mitigation Monitoring and Reporting Program under separate

Council Resolution No. [REDACTED] prior to taking any approval actions on this project; and
WHEREAS, the proposed pre-zoning 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 pre-zoned into the Urban Village 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 and incorporated 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. C21-034 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 _____, 2025 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

**ANNEXATION NO.
ANNEXATION TO CITY OF SAN JOSE**

THE LAND REFERRED TO IS SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

BEING A PORTION OF CLEVELAND AVENUE AND LOT 9 AND ALL OF LOTS 10, 11, 12, AND 13, BLOCK 13 OF THAT CERTAIN MAP ENTITLED "INTERURBAN PARK TRACT" DATED DECEMBER 5, 1904 AND RECORDED IN BOOK K OF MAPS, PAGE 21, SANTA CLARA COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEASTERN CORNER OF THE AFOREMENTIONED LOT 13, BLOCK 13 OF THAT CERTAIN MAP ENTITLED "INTERURBAN PARK TRACT" DATED DECEMBER 5, 1904 AND RECORDED IN BOOK K OF MAPS, PAGE 21, SANTA CLARA COUNTY RECORDS, SAME BEING THE TRUE POINT OF BEGINNING OF THE BURBANK NO. 40 ANNEXATION TO THE CITY OF SAN JOSE AS DESCRIBED IN RESOLUTION NO. 74505 DATED MAY 20, 2008; FROM WHICH A 3/4" IRON PIPE FOUND BEARS NORTH 89°59'38" WEST, 103.28 FEET, BEING 5 FEET EAST OF THE CENTERLINE OF SAID CLEVELAND;

THENCE ALONG THE NORTHERLY LINE OF WEST SAN CARLOS STREET, (1) NORTH 89°59'38" WEST, 133.28 FEET TO THE WESTERLY RIGHT OF WAY LINE OF CLEVELAND AVENUE;

THENCE ALONG THE WEST LINE OF SAID CLEVELAND AVENUE, (2) NORTH 0°08'17" WEST, 260.03 FEET;

THENCE (3) NORTH 89°51'43" EAST, 50.00 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 9, SAME BEING THE EASTERLY RIGHT OF WAY LINE OF CLEVELAND AVENUE;

THENCE ALONG THE WEST LINE OF SAID LOT 9, (4) SOUTH 0°08'17" EAST, 22.49 FEET;

THENCE CROSSING SAID LOT 9, (5) SOUTH 89°59'38" EAST, 124.92 FEET TO A POINT ON THE EAST LINE OF SAID LOT 9, SAME BEING THE WEST LINE OF LOT 23;


THENCE ALONG SAID COMMON LINE, (6) SOUTH 0°08'17" EAST, 112.66 FEET TO THE SOUTHERLY LINE OF SAID LOT 11, BLOCK 13 OF SAID INTERURBAN PARK TRACT;

THENCE ALONG SAID SOUTHERLY LINE, (7) NORTH 89°59'38" WEST, 41.63 FEET TO THE EASTERLY LINE OF SAID LOT 13, ALSO BEING THE WESTERLY LINE OF PARCEL 1 OF THAT CERTAIN PARCEL MAP DATED DECEMBER 18, 2009 AND RECORDED IN BOOK 834 OF MAPS, PAGES 50-51, SANTA CLARA COUNTY RECORDS;

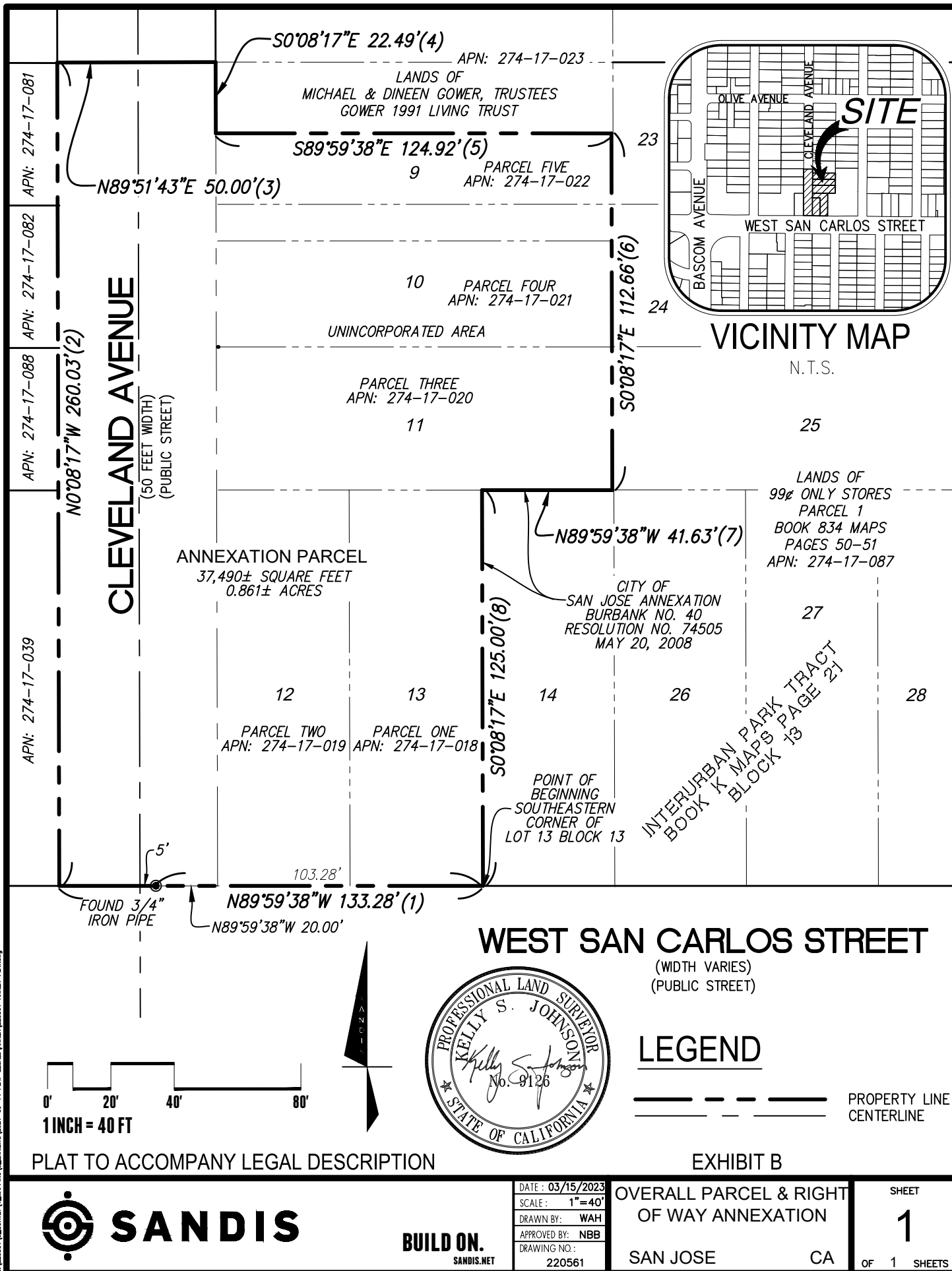
THENCE ALONG SAID COMMON LINE, (8) SOUTH 0°08'17" EAST, 125.00 FEET TO THE **POINT OF BEGINNING.**

SAID PARCEL AREA CONTAINING 24,485 SQUARE FEET OR 0.562 ACRES, AS SHOWN ON ATTACHED EXHIBIT "B", WHICH BY THIS REFERENCE IS MADE A PART HEREOF.

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE CALIFORNIA PROFESSIONAL LAND SURVEYORS ACT.


Kelly S. Johnson, PLS 9126
Date: March 17, 2023





**220561-MAPCHECK
ANNEXATION PARCEL**

Survey Tech: Wayne Holland

Closure Summary

Precision, 1 part in: 74427.01'

Error distance: 0.01'

Error direction: N60°12'21"E

Area: 37489.79 Sq. Ft.

Square area: 37489.789

Perimeter: 870.01'

Point of Beginning

Easting: 5193.5461'

Northing: 1989.3279'

Side 1: Line

Direction: N89°59'38"W

Angle: [90°00'22"]

Deflection angle: [-89°59'38"]

Distance: 133.28'

Easting: 5060.2661'

Northing: 1989.3422'

Side 2: Line

Direction: N0°08'17"W

Angle: [-90°08'39"]

Deflection angle: [89°51'21"]

Distance: 260.03'

Easting: 5059.6396'

Northing: 2249.3714'

Side 3: Line

Direction: N89°51'43"E
Angle: [-90°00'00"]
Deflection angle: [90°00'00"]
Distance: 50.00'
Easting: 5109.6394'
Northing: 2249.4919'

Side 4: Line

Direction: S0°08'17"E
Angle: [-90°00'00"]
Deflection angle: [90°00'00"]
Distance: 22.49'
Easting: 5109.6936'
Northing: 2227.0019'

Side 5: Line

Direction: S89°59'38"E
Angle: [90°08'39"]
Deflection angle: [-89°51'21"]
Distance: 124.92'
Easting: 5234.6136'
Northing: 2226.9886'

Side 6: Line

Direction: S0°08'17"E
Angle: [-90°08'39"]
Deflection angle: [89°51'21"]
Distance: 112.66'
Easting: 5234.8851'
Northing: 2114.3290'

Side 7: Line

Direction: N89°59'38"W

EXHIBIT "B" (File Nos. C21-034, GP23-001, H23-005, T23-003)

Angle: [-89°51'21"]

Deflection angle: [90°08'39"]

Distance: 41.63'

Easting: 5193.2551'

Northing: 2114.3334'

Side 8: Line

Direction: S0°08'17"E

Angle: [89°51'21"]

Deflection angle: [-90°08'39"]

Distance: 125.00'

Easting: 5193.5563'

Northing: 1989.3338'.0054'

