

**DRAFT**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.90-GROSS ACRE, SITUATED ON THE WEST SIDE OF SARATOGA AVENUE, APPROXIMATELY 250 FEET SOUTHERLY OF SOUTH KIELY AVENUE (397 SARATOGA AVENUE) (APN: 294-42-001) FROM THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO THE CG COMMERCIAL GENERAL 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**, a Statement of Exemption was prepared for a rezoning under File No. C19-021, and said Statement of Exemption (Section 15301 for Existing Facilities) was adopted on July 28, 2019; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the CG Commercial General Zoning District; and

**WHEREAS**, this Council of the City of San José has considered and approves the Statement of Exemption as the appropriate environmental clearance for the proposed project 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 CG Commercial General 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.** Any land development approval that is the subject of City File No. C19-021 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 \_\_\_\_\_, 2019 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

LEGAL DESCRIPTION

All that certain real property situates in the City of San Jose, County of Santa Clara, State of California more particularly described as follows:

Parcel "A" of the Parcel Map filed for record on the 2<sup>nd</sup> Day of February, 1972 in Book 296 of Maps at Page 15 described as follows:

Beginning at the northeasterly most point of Parcel A as shown on said map, said point being known as the true point of beginning, thence, South 34° 18' 30" West a distance of 188.18 feet along the westerly right of way of Saratoga Avenue; Thence, South 89° 59' 30" West, a distance of 200.00 feet; Thence, North 0° 00' 30" West, a distance of 155.42 feet; Thence, North 89° 59' 30" East, a distance of 306.09 feet to the true point of beginning.

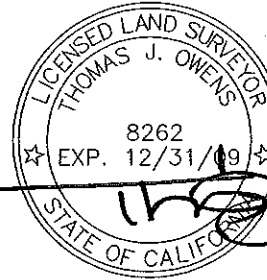
Contains: 0.903± Acres



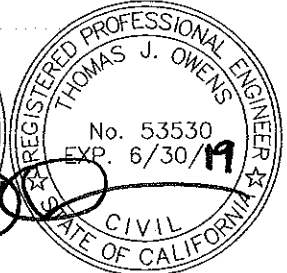
C19-021

Property Owner:  
 Michael Lopina  
 360 Kiely Blvd, #220  
 San Jose, CA 95129

Leasehold:  
 American Motor Corporation



THOMAS J. OWENS  
 R.L.S. 8262



THOMAS J. OWENS  
 R.C.E. 53530

N 89° 59' 30"E 306.09'

Parcel "A" of the Parcel Map  
 filed for record on the 2<sup>nd</sup> Day  
 of February, 1972 in Book 296 of  
 Maps at Page 15

N 00° 00' 30"W 155.42'

EX. BLDG TO BE  
 REMOVED

EX. CURB TO  
 REMAIN (TYP)

N 89° 59' 30"E 200'

N 34° 18' 30"E 188.18'  
**SARATOGA AVENUE**

**C19-021**

Note: No active  
 wells on site.

SCALE 1" = 50'

**KIELY BOULEVARD**



Owens Design Consultants  
 4604 California Avenue  
 Oakdale, CA. 95361  
 (209) 522-8031 - fax: (209) 522-4738 - www.odcengr.com

Drawn By: TO  
 Checked By: TO  
 Scale: 1"=50'  
 Job No. 2018003  
 Date: 3/26/2019  
 CAD File Name: 2018003

Project: REZONE OF PARCEL "A", 296 MAPS 15  
 Title: EXHIBIT "B"  
 CITY OF SAN JOSE STATE OF CALIFORNIA

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