

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 1.04 GROSS ACRES SITUATED ON THE NORTHWEST CORNER OF BERRYESSA ROAD AND LUNDY AVENUE (1705 BERRYESSA ROAD) FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE CP(PD) 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; and

WHEREAS, a Mitigated Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to CP(PD) Planned Development Zoning District under File No. PDC15-027 (the "MND"); and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to CP(PD) Planned Development Zoning District; and

WHEREAS, this Council of the City of San José has considered, approved and adopted said MND and related Mitigation Monitoring and Reporting Program under separate Council resolution prior to taking any approval actions on this 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 dated revised March 21, 2018, for the subject property entitled, "General Development Plan – File No. PDC15-027".

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" 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. PDC15-027 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

The land referred to herein below is situated in the city of San Jose, county of Santa Clara, state of California, and is described as follows:

PARCEL ONE:

That portion of lot no. 29 of the former pueblo lands of the city of San Jose, described as follows: Commencing at a point on the centerline of Lundy avenue as shown on the map filed at book 249 of maps, at page 50 in the office of the county recorder of Santa Clara county, California, distant thereon north 35° 01' 54" west 201.12 feet from the most northerly corner of parcel b, as shown on said record of survey; thence south 54°58' 06" west 53.00 feet to the true point of beginning; thence south 35° 01' 54" east, parallel with said centerline of Lundy avenue 125.00 feet to the beginning of a tangent curve concave westerly having a radius of 78.00 feet; thence southeasterly, southerly and southwesterly along said curve through a central angle of 81° 14' 37" an arc distance of 110.60 feet to the beginning of a compound curve concave northwesterly having a radius of 2435.00 feet; thence southwesterly along said curve through a central angle of 3° 31' 46" an arc distance of 150.00 feet; thence north 39° 40' 13" west 221.07 feet; thence north 54° 58' 06" east 232.86 feet to the true point of beginning.

PARCEL TWO:

an easement for the purpose of ingress and egress and installation, maintenance and repair of sign facilities, said easement being more particularly described as follows: Commencing at a point on the centerline of Lundy avenue, as shown on the map filed at book 249 of maps, at page 50 in the office of the county recorder of Santa Clara county, California, distant thereon north 35° 01' 54" west 201.12 feet from the most northerly corner of parcel b as shown on said record of survey; thence south 54° 58' 06" west 53.00 feet to the true point of beginning; thence north 35° 01' 54" west parallel with said centerline of Lundy avenue, 34.00 feet; thence south 32° 26' 51" west 88.77 feet to a point distant south 54°58' 06" west 82.00 feet from the true point of beginning; thence north 54° 58' 06" east 82.00 feet to the true point of beginning.

PARCEL THREE:

an easement for the purpose of ingress and egress and installation, maintenance and repair of sign facilities, said easement being more particularly described as follows: Commencing at a point on the centerline of Lundy avenue as shown on the map filed at book 249 of maps, at page 50 in the office of the county recorder of Santa Clara county, California, distant thereon north 35° 01' 54" west 201.12 feet from the most northerly corner of parcel b as shown on said record of survey; thence south 54° 58' 06" west 53.00 feet; thence south 35° 01' 54" east parallel with said centerline of Lundy avenue, 125.00 feet to the beginning of a tangent curve concave westerly having a radius of 78.00 feet; thence southeasterly, southerly and southwesterly along said curve through a central angle of 81° 14' 37" an arc distance of 110.60 feet to the beginning of compound curve concave northwesterly having a radius of 2435.00 feet; thence southwesterly along said curve through a central angle of 3°31' 46" an arc distance of 150.00 feet to the true point of beginning; thence continuing southwesterly along said curve through a central angle of 0° 16' 56" an arc distance of 12.00 feet; thence north 26° 12' 18" west 51.51 feet to a point which bears north 39° 40' 13" west 50.00 feet from the true point of beginning; thence south 39° 40' 10" east 50.00 feet to the true point of beginning.