

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.68 ACRE GENERALLY SITUATED AT THE NORTHWEST CORNER OF DELMAS AVENUE AND AUZERAIS AVENUE (425 AUZERAIS AVENUE; APN: 264-26-088 AND 383 DELMAS AVENUE; APN: 264-26-013) FROM THE LI LIGHT INDUSTRIAL/R-2 TWO FAMILY RESIDENCE ZONING DISTRICTS AND THE LI LIGHT INDUSTRIAL ZONING DISTRICT, RESPECTIVELY, TO THE DC DOWNTOWN PRIMARY COMMERCIAL 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**, an Addendum to the Final Program Environmental Impact Report (EIR) for the Diridon Station Area Plan certified by the City Council on June 15, 2014 by Resolution No. 77096; the Final Program EIR for the San José Downtown Strategy 2000 certified by the City Council on June 21, 2005 by Resolution No. 72767; the Final Program EIR for the Envision San José 2040 General Plan certified by the City Council on November 2, 2011 by Resolution No. 76041; and the Final Supplemental EIR to the Envision San José 2040 General Plan Final Program EIR certified by the City Council on December 15, 2015 by Resolution No. 77617, and Addenda thereto, all in conformance with the California Environmental Quality Act, was prepared and approved by the Planning Director 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 the DC Downtown Primary Commercial 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 this 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 site," is hereby rezoned as DC Downtown Primary Commercial 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 Exhibits "A1 and A2" and depicted in Exhibits "B1 and B2" 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. C17-009 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:

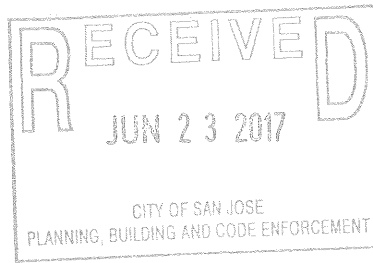
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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk



June 16, 2017  
HMH 4963.00.270  
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**EXHIBIT "A1"  
FOR DC REZONING PURPOSES**

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of Parcels One, Two and Four described in the grant deed recorded December 16, 2016 in Document No. 23535168 and all of Parcel One described in the Correctory Trustee's Deed recorded August 12, 2015 in Document No. 23050441 both of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the easterly corner of said Parcel Four, being on the northwesterly line of Auzerais Avenue;

Thence along said northwesterly line the following two courses:

1. Thence South 60°15'35" West, 91.63 feet;
2. Thence South 54°47'54" West, 15.26 feet, to the southwesterly line of said Parcel One as described in said grant deed;

Thence along said southwesterly line, and the northwesterly and northeasterly lines of said Parcel One the following three courses:

1. Thence North 43°28'21" West, 213.81 feet;
2. Thence North 60°15'35" East, 105.08 feet;
3. Thence South 29°44'25" East, 68.61 feet, to the northwesterly line of said Parcel Two;

Thence along said northwesterly line, North 60°15'35" East, 137.50 feet, to the southwesterly line of Delmas Avenue;

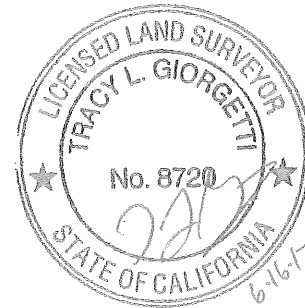
Thence along said southwesterly line, South 29°44'25" East, 68.82 feet, to the southeasterly line of said Parcel One as described in said Correctory Trustee's Deed;

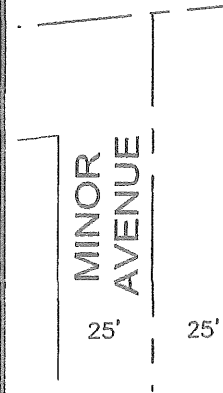
Thence along said southeasterly line, South 60°15'35" West, 85.00 feet, to the northeasterly line of said Parcel Four;

Thence along said northeasterly line, South 29°44'25" East, 68.82 feet, to the POINT OF BEGINNING.

Containing 29,562 square feet or 0.68 acres, more or less.

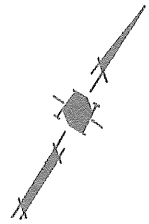
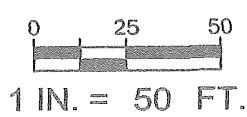
*For assessment or zoning purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.*





**LEGEND**

POB POINT OF BEGINNING



SHEET 1 OF 1

Date:	2017-06-16
Designed:	-
Drawn:	RF
Checked:	TG
Proj. Eng.:	-
	49630

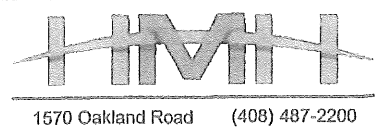
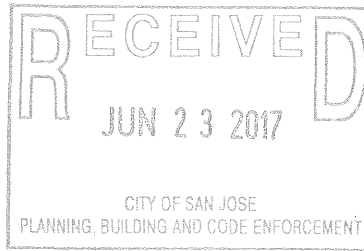


EXHIBIT "B1"  
PLAT TO ACCOMPANY DESCRIPTION:  
FOR DC REZONING PURPOSES

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



June 16, 2017  
HMH 4963.00.270  
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**EXHIBIT "A2"  
FOR R-2 ZONING PURPOSES**

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of Parcels Five and Six as described in the grant deed recorded December 16, 2016 in Document No. 23535168 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the easterly corner of said Parcel Five, being on the northwesterly line of Auzerais Avenue;  
Thence along said northwesterly line, South 54°47'54" West, 68.00 feet, to the general southwesterly line of said Parcel Five;  
Thence along said general southwesterly line and the southwesterly line of said Parcel Six the following three courses:  
1. Thence North 35°12'07" West, 115.00 feet;  
2. Thence South 54°47'54" West, 5.03 feet;  
3. Thence North 35°12'07" West, 200.00 feet, to the northwesterly line of said Parcel Six;  
Thence along said northwesterly line and northeasterly line of said Parcels Five and Six the following two courses:  
1. Thence North 54°47'54" East, 27.24 feet;  
2. Thence South 43°28'21" East, 318.31 feet, to the POINT OF BEGINNING.

Containing 15,214 square feet or 0.35 acres, more or less.

*For assessment or zoning purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.*





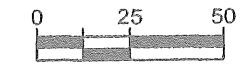
DELMAS AVENUE  
30'

AUZERAI AVENUE  
30'

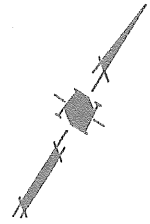
MINOR AVENUE  
25' 25'

**LEGEND**

POB POINT OF BEGINNING



1 IN. = 50 FT.



SHEET 1 OF 1

Date:	2017-06-16
Designed:	-
Drawn:	RF
Checked:	TG
Proj. Engr.:	-
496300PL02	



1570 Oakland Road (408) 487-2200  
San Jose, CA 95131 HMMca.com

EXHIBIT "B2"  
PLAT TO ACCOMPANY DESCRIPTION:  
FOR R-2 ZONING PURPOSES

SAN JOSE

CALIFORNIA

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