

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 10.0 GROSS ACRES SITUATED ON THE SOUTHEAST CORNER OF STEVENS CREEK BOULEVARD AND LOPINA WAY (4300-4360 STEVENS CREEK BOULEVARD) (APN: 296-40-009, 296-38-013 & 296-38-014) FROM THE CP(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, an Addendum to the Final Environmental Impact Report prepared for the 4300 Stevens Creek Boulevard Mixed Use Project (PDC16-036 and PD17-014) adopted by City Council Resolution No. 78994 on February 26, 2019, all in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, was prepared and approved by the Director of Planning, Building and Code Enforcement 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 CP(PD) 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 and its related Mitigation Monitoring and Reporting Program as the appropriate environmental clearance for the proposed project prior to taking any approval actions on the project; and

WHEREAS, the proposed rezoning 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 rezoned 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 Zoning PDC20-021 Stevens Creek Promenade" last revised March 7, 2022 ("General Development Plan").

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. PDC20-021 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.

PASSED FOR PUBLICATION of title this ____ day of _____, 2022 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT A
LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED **IN THE CITY OF SAN JOSE** IN THE COUNTY OF **SANTA CLARA**, STATE OF **CALIFORNIA**, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

PARCEL A AS SHOWN ON THE PARCEL MAP OF A PORTION OF THAT CERTAIN 51.058 ACRE PARCEL OF LAND AS SHOWN ON THAT CERTAIN RECORD OF SURVEY, RECORDED APRIL 29, 1969 IN [BOOK 252, PAGE 38](#), SANTA CLARA COUNTY RECORDS, SAID PARCEL MAP BEING FILED DECEMBER 29, 2003 IN [BOOK 767 OF MAPS, PAGES 10-12](#).

[APN: 296-38-013](#)

PARCEL TWO:

PARCEL B AS SHOWN ON THE PARCEL MAP OF A PORTION OF THAT CERTAIN 51.058 ACRE PARCEL OF LAND AS SHOWN ON THAT CERTAIN RECORD OF SURVEY, RECORDED APRIL 29, 1969 IN [BOOK 252, PAGE 38](#), SANTA CLARA COUNTY RECORDS, SAID PARCEL MAP BEING FILED DECEMBER 29, 2003 IN [BOOK 767 OF MAPS, PAGES 10-12](#).

[APN: 296-38-014](#)

PARCEL THREE:

BEGINNING AT A NORTHEASTERLY CORNER OF THAT CERTAIN 51.058 ACRE PARCEL OF LAND AS SHOWN ON THAT CERTAIN RECORD OF SURVEY, RECORDED IN [BOOK 252, PAGE 38](#), SANTA CLARA COUNTY RECORDS, SAID CORNER BEING IN THE SOUTHERLY LINE OF STEVENS CREEK BOULEVARD; THENCE ALONG THE NORTHERLY LINE OF SAID 51.058 ACRE PARCEL, SAID LINE BEING ALSO THE SOUTHERLY LINE OF SAID STEVENS CREEK BOULEVARD, NORTH 89° 26' 25" WEST 260.09 FEET TO A POINT OF CUSP, AS DESCRIBED IN THAT CERTAIN DEED OF RIGHT-OF-WAY RECORDED IN [BOOK 8821, PAGE 278](#), SANTA CLARA COUNTY RECORDS; THENCE LEAVING SAID NORTHERLY LINE IN A SOUTHWESTERLY DIRECTION ALONG A CURVE, HAVING A RADIUS OF 30.00 FEET, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 89° 53' 44", AN ARC LENGTH OF 47.07 FEET; THENCE SOUTH 00° 39' 51" WEST 40.00 FEET; THENCE ON A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 236.00 FEET; THROUGH A CENTRAL ANGLE OF 7° 37' 41", AN ARC LENGTH OF 31.42 FEET TO A POINT OF REVERSE CURVATURE; THENCE ON A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 216.00 FEET THROUGH A CENTRAL ANGLE OF 7° 37' 41" AN ARC LENGTH OF 28.76 FEET; THENCE SOUTH 00° 39' 41" WEST 386.30 FEET; THENCE ON A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 90° 06' 25" AN ARC LENGTH OF 31.45 FEET; THENCE SOUTH 89° 26' 34" EAST 31.84 FEET; THENCE ON A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 330.00 FEET THROUGH A CENTRAL ANGLE OF 40° 03' 15" AN ARC LENGTH OF 230.70 FEET TO A POINT OF REVERSE CURVATURE; THENCE ON A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 270.00 FEET THROUGH A CENTRAL ANGLE OF 7° 52' 26" AN ARC LENGTH OF 37.11 FEET TO A POINT ON AN EASTERLY LINE OF SAID 51.058 ACRE PARCEL; THENCE ALONG SAID EASTERLY LINE NORTH 00° 38' 10" EAST 635.53 FEET TO THE POINT OF BEGINNING.

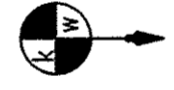
[APN: 296-40-009](#)

PARCEL MAP

CONSISTING OF THREE SHEETS

BEING A PORTION OF THAT CERTAIN 51.058 ACRE
PARCEL OF LAND AS SHOWN ON THAT CERTAIN
RECORD OF SURVEY, RECORDED APRIL 29, 1969 IN
BOOK 252, PAGE 38, SANTA CLARA COUNTY RECORDS
AND LYING IN THE

CITY OF SAN JOSE
COUNTY OF SANTA CLARA STATE OF CALIFORNIA
OCTOBER, 2003

 **KIER & WRIGHT**
CIVIL ENGINEERS & SURVEYORS, INC.
3350 Scott Boulevard, Building 22
Santa Clara, California 95054

OWNER'S STATEMENT

We hereby state that we are the owners of or have some right, title or interest in and to the real property included within the subdivision shown on the map; that we are the only persons whose consent is necessary to pass a clear title to said real property; that we hereby consent to the making of said map and subdivision as shown within the distinctive border line.

We also hereby covenant to the City of San Jose pursuant to the California Government Code (Sections 65870 - 65875) and Part 1 of Chapter 20.110 of Title 20 of the San Jose Municipal Code that an easement for ingress and egress purposes is created upon the recording of this map, for the benefit of Parcel B, over a portion of Parcel A. Said easement is not intended for the use of the general public but is intended for the exclusive use of the parcel benefited. Said easement is to be kept open and free of surface structures of any kind.

There is also shown on the hereon map, easements for storm drainage purposes, designated and delineated as "PSDE" (Private Storm Drainage Easement) for the installation and maintenance of private storm drainage facilities for the benefit of "Parcel B" over "Parcel A". These easements are to be kept open and free from buildings and structures of any kind, except irrigation systems and appurtenances thereto, lawful fences and all lawful unsupported roof overhangs. The maintenance, repair, and/or replacement of private storm drainage facilities shall be the sole responsibility of the lot owners benefited as determined by the appropriated covenants, conditions, and restrictions. Said easement is not offered, nor is it accepted for dedication by the City of San Jose.

We also hereby dedicate to public use an easement for surface flow of storm water on or over that certain strip of land which lies within Parcels A and B and being designated and delineated as "SDRE" (Surface Drainage Release Easement). Said easement shall be kept open and free of any obstructions, including, but not limited to, berms, trees, permanent excavations, shrubs, buildings, or permanent structures of any kind except lawful unsupported roof overhangs. Further, the surface elevations of said easement shall not be altered without the written consent of the Director of Public Works of the City of San Jose.

AS OWNER:

Meridian Square Investors of San Jose LLC, a Delaware limited liability company

BY: UBS REALTY INVESTORS LLC, ITS MANAGER

NAME: Thomas Enger

TITLE: Thomas Enger, Director

Acknowledgement

State of California SS,
County of ~~Santa Clara~~ San Francisco

On October 30, 2003 before me, the undersigned, a notary public in and for said state, personally appeared

Thomas Enger

proved to me on the basis of satisfactory evidence to be the person(s) whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand

Notary's Signature Teresa L. Rao

Printed Notary's Name Teresa L. Rao

Notary's Principal Place of Business San Francisco

Expiration of Notary's Commission Dec. 13, 2004

Notary Commission No. 1384491

EASEMENT ACCEPTANCE BY THE DIRECTOR OF PLANNING

Pursuant to the California Government Code (Sections 65870 - 65875) and Part 1 of Chapter 20.110 of Title 20 of the San Jose Municipal Code, I hereby Accept on behalf of the City of San Jose a Covenant of Easement shown on the herein map and described hereon.

Date: December 17, 2003

Stephen M. Haase, AICP
Director of Planning of the City of San Jose,
California

By: Jean-Hamilton
Deputy

CITY ENGINEER'S STATEMENT

I hereby state that I have examined the hereon parcel map; that the subdivision as shown hereon is substantially the same as it appeared on the tentative map if any; and any approved alterations thereof; that all provisions of the Subdivision Map Act, as amended, and of any local ordinance applicable at the time of approval of the tentative map if required; have been complied with and I am satisfied that said map is technically correct.

Date 12.17.03

David J. Clarke
David J. Clarke, R.C.E. No. 30315
City of San Jose, California
R.C.E. Expires: 03-31-04



COUNTY RECORDER'S STATEMENT

File No. 17550250 Fee \$12.00 Paid.

Accepted for record and filed in Book 767 of Maps at Pages 10 and 12, Santa Clara County Records, this 29th day of December 2003, at 2:03 P.M. at the request of Kier and Wright, Civil Engineers and Surveyors.

Brenda Davis, County Recorder
Santa Clara County, California

By: g. Perez
Deputy

SURVEYOR'S STATEMENT

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of Arctec on October 3, 2003. I hereby state that this parcel map substantially conforms to the approved or conditionally approved tentative map, if any; that the survey is true and complete as shown; that all monuments are of the character and occupy the positions indicated, or that they will be set in those positions on or before October 3, 2004; that the monuments are, or will be, sufficient to enable the survey to be retraced.

Date 10-28-03

J. R. Vigil
Jimmy R. Vigil, LS 6256



#17550250

767
10/1
767
10/12

PARCEL MAP

CONSISTING OF THREE SHEETS

BEING A PORTION OF THAT CERTAIN 51.058 ACRE
PARCEL OF LAND AS SHOWN ON THAT CERTAIN
RECORD OF SURVEY, RECORDED APRIL 29, 1969 IN
BOOK 252, PAGE 38, SANTA CLARA COUNTY RECORDS
AND LYING IN THE

CITY OF SAN JOSE

COUNTY OF SANTA CLARA STATE OF CALIFORNIA

OCTOBER, 2003



KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
3350 Scott Boulevard, Building 22
Santa Clara, California 95054

BASIS OF BEARINGS

THE BEARING OF SOUTH 89°26'25" EAST, TAKEN ON THE CENTERLINE OF STEVENS CREEK BOULEVARD, AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED FOR RECORD ON APRIL 29, 1969 IN BOOK 252 OF MAPS AT PAGE 38, SANTA CLARA COUNTY RECORDS, AND AS FOUND MONUMENTED, WAS TAKEN AS THE BASIS FOR ALL BEARINGS SHOWN HEREON.

NOTES

1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
2. THE AREA WITHIN THE DISTINCTIVE BORDER LINE IS 5.445 ± ACRES.
3. THE DISTINCTIVE BORDER DENOTES THE BOUNDARY OF THE SUBDIVISION

LEGEND

- DISTINCTIVE BORDER LINE
- NEW LOT LINE
- CENTERLINE
- EASEMENT LINE
- FOUND STREET MONUMENT
- ⊙ SET 3/4" IRON PIPE & PLUG, L.S. 6256
- SET LEAD & TAG, L.S. 6256
- ⊙ RADIAL BEARING
- (R) RECORD INFORMATION

ABBREVIATIONS

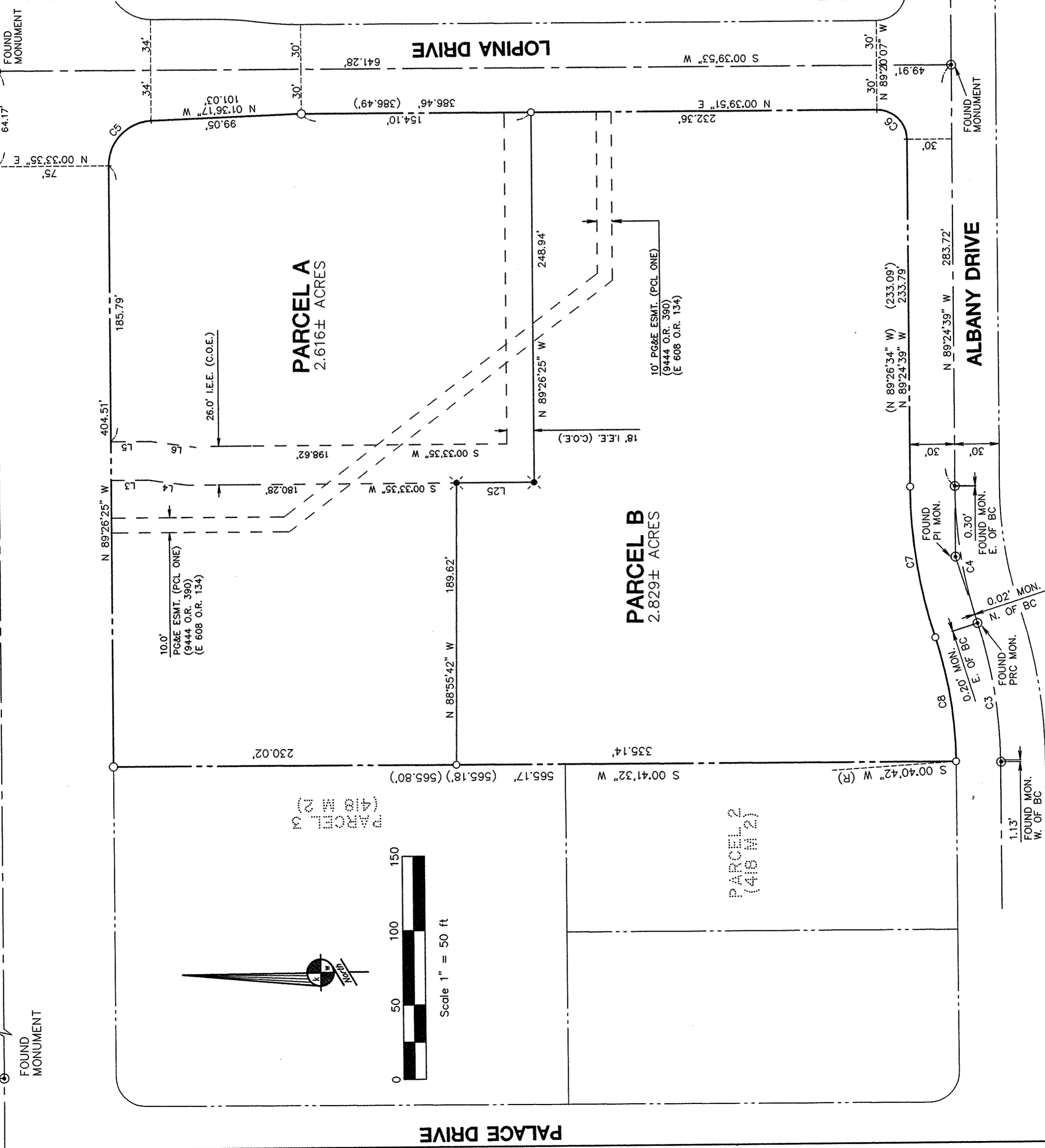
- I.E.E. INGRESS EGRESS EASEMENT
- P.S.D.E. PRIVATE STORM DRAIN EASEMENT
- C.O.E. COVENANT OF EASEMENT
- S.D.R.E. SURFACE DRAINAGE RELEASE EASEMENT

LINE TABLE:

LINE	BEARING	DISTANCE	CURVE	RADIUS	DELTA	LENGTH
L1	S 00°33'35" W	17.35'	C1	8.00'	87°48'56"	12.26'
L2	S 00°32'41" W	18.56'	C2	13.00'	87°48'56"	19.92'
L3	N 00°39'51" E	5.00'	C3	300.00'	17°53'16"	93.86'
L4	N 41°24'52" W	3.49'	C4	300.00'	17°53'33"	93.86'
L5	N 41°24'52" W	3.51'	C5	30.00'	87°50'08"	45.99'
L6	S 89°44'50" W	32.65'	C6	20.00'	89°55'30"	31.39'
L7	S 89°44'50" W	32.15'	C7	330.00'	(89°53'35") (31.368)	(103.24)
L8	N 51°09'38" W	10.14'	C8	270.00'	(18°02'28") (103.91')	(84.90')
L9	N 89°18'28" W	29.94'				
L10	N 89°18'28" W	31.25'				
L11	N 89°18'28" W	24.57'				
L12	N 59°59'03" W	23.17'				
L13	N 59°59'03" W	23.64'				
L14	S 61°32'41" W	23.64'				

STEVENS CREEK BOULEVARD

(BASIS OF BEARINGS)
N 89°26'25" W 1107.94'



#17550250

767
11/12
767
11/12

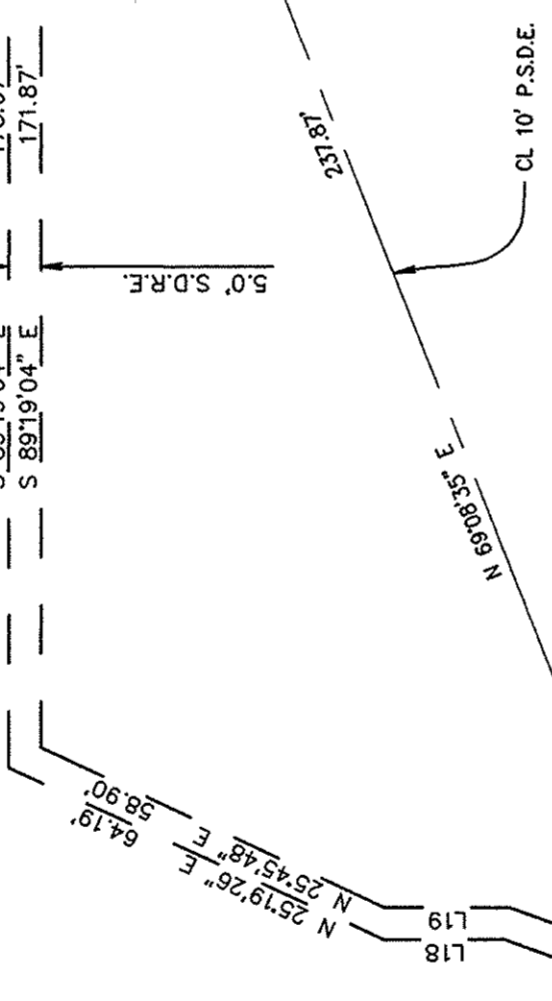
WOODHAMS ROAD

N 89°26'25" W 1107.94'
(BASIS OF BEARINGS)

FOUND MONUMENT

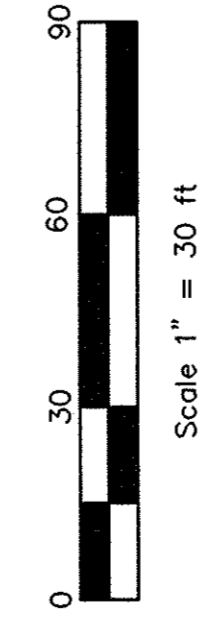
STEVENS CREEK BOULEVARD

N 89°26'25" W 404.51'



PARCEL A
2.616± ACRES

PARCEL B
2.829± ACRES



PRIVATE STORM DRAIN EASEMENT
AND
STORM DRAIN RELEASE EASEMENT

PARCEL MAP

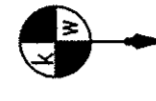
CONSISTING OF THREE SHEETS

BEING A PORTION OF THAT CERTAIN 51.058 ACRE
PARCEL OF LAND AS SHOWN ON THAT CERTAIN
RECORD OF SURVEY, RECORDED APRIL 29, 1969 IN
BOOK 252, PAGE 38, SANTA CLARA COUNTY RECORDS
AND LYING IN THE

CITY OF SAN JOSE

COUNTY OF SANTA CLARA STATE OF CALIFORNIA

OCTOBER, 2003

 **KIER & WRIGHT**
CIVIL ENGINEERS & SURVEYORS, INC.
3350 Scott Boulevard, Building 22
Santa Clara, California 95054

BASIS OF BEARINGS

THE BEARING OF SOUTH 89°26'25" EAST, TAKEN ON THE CENTERLINE OF STEVENS CREEK BOULEVARD, AS SHOWN ON THAT CERTAIN RECORD OF SURVEY FILED FOR RECORD ON APRIL 29, 1969 IN BOOK 252 OF MAPS, AT PAGE 38, SANTA CLARA COUNTY RECORDS AND AS FOUND MONUMENTED, WAS TAKEN AS THE BASIS FOR ALL BEARINGS SHOWN HEREON.

NOTES

1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
2. THE AREA WITHIN THE DISTINCTIVE BORDER LINE IS 5.445 ± ACRES.
3. THE DISTINCTIVE BORDER DENOTES THE BOUNDARY OF THE SUBDIVISION.

LEGEND

- DISTINCTIVE BORDER LINE
- NEW LOT LINE
- CENTERLINE
- EASEMENT LINE
- FOUND STREET MONUMENT
- SET 3/4" IRON PIPE & PLUG, L.S. 6256
- ⊙ SET LEAD & TAG, L.S. 6256
- (R) RADIAL BEARING
- () RECORD INFORMATION

ABBREVIATIONS

- I.E.E. INGRESS EGRESS EASEMENT
- P.S.D.E. PRIVATE STORM DRAIN EASEMENT
- C.O.E. COVENANT OF EASEMENT
- S.D.R.E. SURFACE DRAINAGE RELEASE EASEMENT

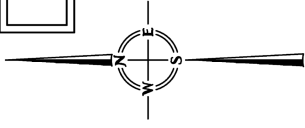
3-02236

92192-8

SHEET 3 OF 3

#17550250

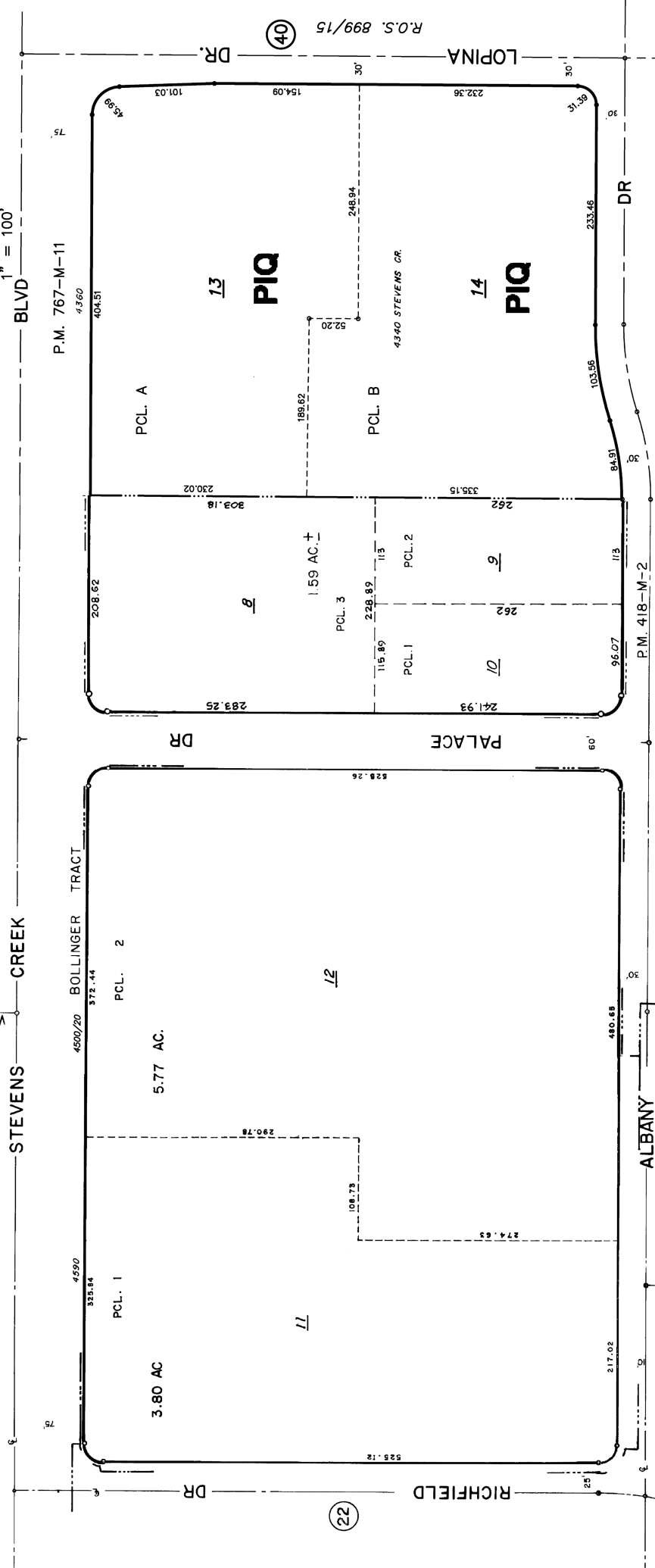
This map/plan is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



(21)

(37)

(22)

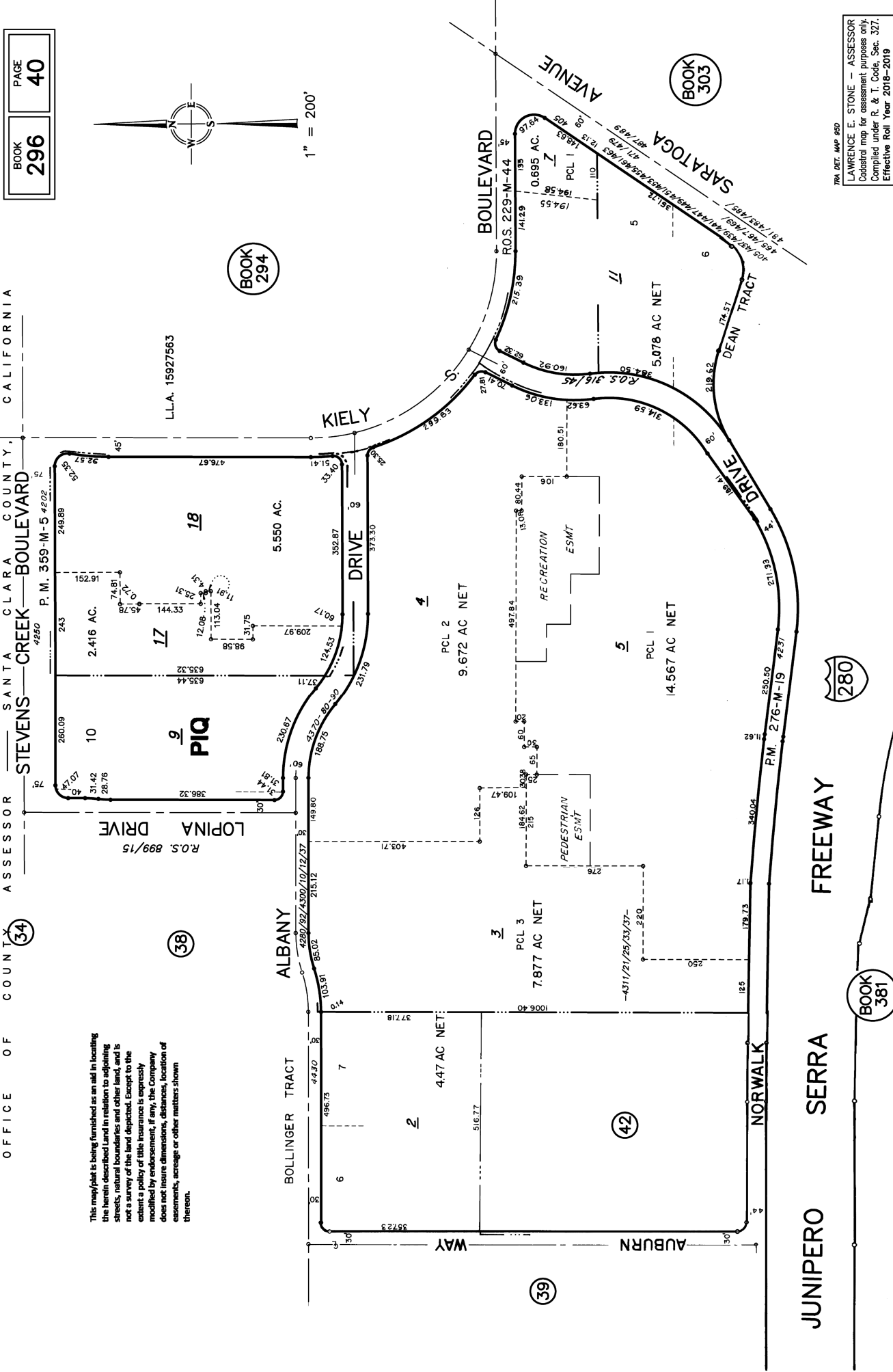
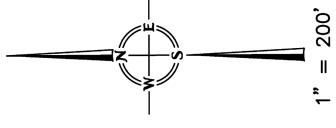


(39)

(40)

TRAL. DET. MAP 850
LAWRENCE E. STONE — ASSESSOR
Cadastral map for assessment purposes only.
Compiled under R. & T. Code, Sec. 327.
Effective Roll Year 2018-2019

This map/plot is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



TRA DET. MAP 950
 LAWRENCE E. STONE — ASSESSOR
 Cadastral map for assessment purposes only.
 Compiled under R. & T. Code, Sec. 327.
 Effective Roll Year 2018–2019