

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 6.98 GROSS ACRES SITUATED ON THE NORTHEAST CORNER OF SOUTH BASCOM AVENUE AND SOUTHWEST EXPRESSWAY (1330, 1388, AND 1410 SOUTH BASCOM AVENUE; APNS: 282-26-007, 282-26-011, AND 282-26-012) FROM THE CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO A 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 a CP(PD) Planned Development Zoning District under File Numbers PDC17-047 & PD18-005 (the “MND”); and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to a 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 site," 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 for the subject property entitled, "Planned Development Zoning for South Bascom Gateway Station," dated received on October 12, 2017 and last dated August 2, 2019 ("General Development Plan").

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 and depicted 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. PDC17-047 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 _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

JUNE 13, 2018
JOB NO.: 2785-000

**PROPERTY LEGAL DESCRIPTIONS
CITY OF SAN JOSE, COUNTY OF SANTA CLARA, CALIFORNIA**

REAL PROPERTY IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

1410 SOUTH BASCOM AVENUE:

COMMENCING AT AN IRON PIN SET ON THE EASTERLY LINE OF SOUTH BASCOM AVENUE (FORMERLY THE SAN JOSE-LOS GATOS ROAD), 60 FEET WIDE, DISTANT ALONG SAID EASTERLY LINE SOUTH 0° 35' EAST 300 FEET FROM AN IRON PIN SET AT THE SOUTHWESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED BY CHARLOTTE BENJAMIN TO GEORGE W. BLACKFORD BY DEED DATED SEPTEMBER 30, 1880 AND RECORDED NOVEMBER 1, 1880 IN BOOK 57 OF DEEDS, PAGE 329, SANTA CLARA COUNTY OFFICIAL RECORDS; THENCE FROM SAID TRUE POINT OF BEGINNING NORTH 89° 46' 45" EAST AND ALONG THE SOUTHERLY LINE OF THAT CERTAIN 2.066 ACRE PARCEL OF LAND CONVEYED BY DICK YEE AND BETTY YEE TO A. & F. DEVELOPMENT COMPANY, BY DEED DATED OCTOBER 17, 1957, AND RECORDED OCTOBER 28, 1957, IN BOOK 3923 OF OFFICIAL RECORDS, PAGE 452, SANTA CLARA COUNTY OFFICIAL RECORDS 300 FEET; THENCE SOUTH 0° 35' EAST 12.34 FEET; THENCE NORTH 89° 05' EAST 464.84 FEET TO AN IRON PIN SET IN THE WESTERLY LINE OF THE SOUTHERN PACIFIC RIGHT OF WAY; THENCE SOUTH 41° 13' 30" WEST 1,147.3 FEET TO THE EASTERLY LINE OF SOUTH BASCOM AVENUE (FORMERLY SAN JOSE-LOS GATOS ROAD); THENCE ALONG THE EASTERLY LINE OF SOUTH BASCOM AVENUE (FORMERLY SAN JOSE-LOS GATOS ROAD), NORTH 0° 35' WEST 866.71 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL THAT PORTION AS CONVEYED IN THE DEED FROM DICK YEE, INC., A CORPORATION, TO THE CITY OF SAN JOSE, A MUNICIPAL CORPORATION BY DEED RECORDED MAY 11, 1970, IN BOOK 8916 OF OFFICIAL RECORDS, PAGE ONE, DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF THAT CERTAIN PARCEL NO. 1 OF LAND DESCRIBED IN THE DEED FROM DICK YEE, ET UX TO DICK YEE, INC., A CORPORATION, RECORDED JANUARY 2, 1958 IN BOOK 3973 OF OFFICIAL RECORDS, OFFICE OF THE RECORDER, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AT PAGE 334, WITH THAT CERTAIN MONUMENT LINE ESTABLISHED FOR RECORD ON THAT PARTICULAR MAP ENTITLED, "RECORD OF SURVEY OF A MONUMENT LINE OF SOUTH BASCOM AVENUE FROM UNION AVENUE TO WEST SAN CARLOS STREET" FILED FOR RECORD ON 22ND, JANUARY 1969 IN BOOK 247 OF MAPS OF OFFICIAL RECORDS, OFFICE OF THE RECORDER, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AT PAGES 35-56; THENCE FROM SAID POINT OF COMMENCING EASTERLY ALONG SAID PROLONGATION TO THE NORTHWESTERLY CORNER OF SAID PROPERTY BEING IN THE EASTERLY LINE OF BASCOM AVENUE AND ALSO BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING EASTERLY ALONG SAID NORTHERLY LINE OF SAID PROPERTY TO THE POINT OF INTERSECTION THEREOF WITH A LINE PARALLEL WITH AND 73.00 FEET DISTANT EASTERLY MEASURED AT RIGHT ANGLES FROM SAID MONUMENT LINE; THENCE SOUTHERLY ALONG SAID PARALLEL LINE TO THE POINT

OF INTERSECTION THEREOF WITH THE SOUTHERLY LINE OF PARCEL 1 OF LAND DESCRIBED IN THE SAID DEED; THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY LINE TO THE POINT OF INTERSECTION THEREOF WITH SAID EASTERLY LINE OF BASCOM AVENUE ALSO BEING THE SOUTHWESTERLY CORNER OF SAID PROPERTY; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID BASCOM AVENUE TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION.

ALSO EXCEPTING THEREFROM ALL THAT PORTION CONDEMNED BY THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY IN THAT CERTAIN DOCUMENT ENTITLED "AMENDED FINAL ORDER OF CONDEMNATION" AND RECORDED JANUARY 13, 2004 AS INSTRUMENT NO. 17570053 OF OFFICIAL RECORDS OF SANTA CLARA COUNTY AND BEING DESCRIBED AS FOLLOWS:

ALL THAT REAL PROPERTY SITUATE IN THE CITY OF SAN JOSE, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF PARCEL 1 AS DESCRIBED IN THAT CERTAIN DEED RECORDED ON JANUARY 2, 1958 IN BOOK 3973 OF OFFICIAL RECORDS AT PAGE 334, SANTA CLARA COUNTY RECORDS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID PARCEL 1; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL 1, ALSO BEING THE NORTHWESTERLY LINE OF PARCEL 26 AS DESCRIBED IN THAT CERTAIN DOCUMENT TO SANTA CLARA VALLEY TRANSPORTATION AUTHORITY RECORDED ON SEPTEMBER 27, 2001 AS RECORDER SERIES 15886078, BEING 50 FEET WIDE, SOUTH 42° 16' 58" WEST, 257.363 METERS; THENCE LEAVING LAST SAID LINES, NORTH 36° 33' 29" EAST, 61.065 METERS; THENCE NORTH 42° 16' 58" EAST, 170.479 METERS; THENCE NORTH 45° 29' 00" EAST, 21.740 METERS TO THE NORTHERLY LINE OF SAID PARCEL 1; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 1, SOUTH 89° 52' 44" EAST 6.580 METERS TO THE POINT OF BEGINNING.

APN: 282-26-011 AND 282-26-012

1330 SOUTH BASCOM AVENUE:

PARCEL "A", AS SHOWN ON THAT CERTAIN MAP ENTITLED, "PARCEL MAP CONSISTING OF ONE SHEET, BEING A PORTION OF SECTION 25, T. 7 S., R. 1 W., M. D. B. & M., LYING WITHIN THE CITY OF SAN JOSE, CALIFORNIA, MAY 1, 1973", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, MAY 14, 1973 IN BOOK 323 OF MAPS, AT PAGE 14.

APN: 282-26-007