

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 1.09-GROSS ACRES, LOCATED AT THE SOUTHWEST CORNER OF SENTER ROAD AND LEWIS ROAD (2905 AND 2911 SENTER ROAD) (ASSESSOR PARCEL NUMBERS: 497-22-110, 497-27-111) FROM THE CN COMMERCIAL NEIGHBORHOOD and CP COMMERCIAL PEDESTRIAN ZONING DISTRICT TO THE MUC MIXED USE 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 Initial Study/Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to the MUC Mixed Use Commercial Zoning District under File Numbers GP21-007 and C21-029 (the "IS/ND"); and

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

**WHEREAS**, this Council of the City of San José has considered and approves the IS/ND as the appropriate environmental clearance for the proposed project prior to acting upon or approving the subject rezoning; and

**WHEREAS**, the proposed rezoning is consistent with the designation of the site in the applicable General Plan; and

**WHEREAS**, Senate Bill 330 (2019) requires that rezoning actions by local agencies result in no net loss of residential capacity, which residential capacity can be pooled and accumulated by the City of San José in accordance with Senate Bill 940 (2020), so even though the proposed rezoning (File No. C21-029) reduces the intensity of residential uses and residential capacity by 66 residential units, the City approximately has 15,008 residential units that were previously rezoned to increase residential capacity (File Nos. PDC19-039, C20-002, C20-014, C21-003, C21-013, C21-015, C21-016, and C21-021) so there is no net loss of residential capacity in San José resulting from the present rezoning action. Therefore, there remains a surplus of residential units available satisfying the no net loss of residential capacity requirements of Senate Bill 330 and Senate Bill 940.

**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 to the to the MUC Mixed Use 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, 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.** Any land development approval that is the subject of City File No. C21-029 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. 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 of Property Planned for Rezoning

Being all of New Parcel "A", as described and delineated in that certain Grant Deed filed for record on December 31, 2019, as Document Number 24370493, and all of New Parcel "B", as described and delineated in that certain Grant Deed filed for record on December 31, 2019, as Document Number 24370494, Santa Clara County records and being more particularly described as follows:

Being a Portion of Lot 1, as shown on that certain map entitled, "Map of Ivywild Tract", filed for record on May 14, 1907, in Volume "L" of Maps, at page 82, Santa Clara County Records, State of California, and being more particularly described as follows:

**COMMENCING** at a Brass Pin in a concrete post, said point being at the intersection of the centerlines of Hunken Drive and Lewis Road, as shown on that certain map entitled, "Tract No. 2760", filed for record in Book 134 of Maps, at page 24, Santa Clara County Records;

Thence along said centerline of Lewis Road, also being the northwesterly line of said Lot 1 of the "Map of Ivywild Tract", North 48° 53' 30" East, 220.04 feet;

Thence South 39° 55' 26" East, 25.01 feet to the **POINT OF BEGINNING**;

Thence South 39° 55' 26" East, 195.06 feet to the most northwesterly line of Lot 36 of said "Tract No. 2760";

Thence along last said line, North 48° 53' 43" East, 20.00 feet to the northerly corner of said Lot 36;

Thence along the northeasterly line of said Lot 36, South 39° 55' 26" East, 54.98 feet to the westerly line of Parcel 2, as said parcel is shown on the Parcel Map filed for record on October 4, 1973, in Book 330 of Maps at Page 53, Santa Clara County Records;

Thence along the northwesterly line of said Parcel 2, North 48° 53' 47" East 175.05 feet to the southwesterly line of Senter Road;

Thence along said southwesterly line of Senter Road, North 39° 55' 41" West, 229.64 feet to the beginning of a tangent curve, concave southerly;

Thence westerly and southwesterly along said curve having a radius of 20.00 feet, through a central angle of 91° 10' 49", an arc length of 31.83 feet to the southeasterly line of Lewis Road;

Thence along said southeasterly line of Lewis Road, South 48° 53' 30" West, 174.62 to the **POINT OF BEGINNING**.

Containing 47,569 square feet/1.092 acres, more or less.

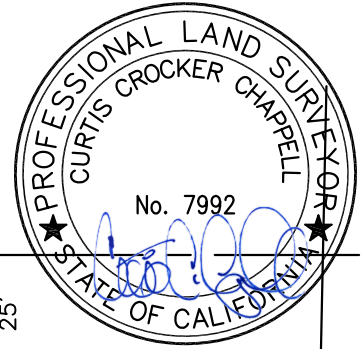


\_\_\_\_\_  
Curtis C. Chappell, PLS 7992



**LEGEND**

APN ASSESSOR'S PARCEL NUMBER  
 P.O.B. POINT OF BEGINNING  
 P.O.C. POINT OF COMMENCEMENT



**LEWIS ROAD**

P.O.C.

220.04'  
 N48°53'30"E

P.O.B.

HUNKEN DRIVE

30'

S39°55'26"E  
 25.01'

25'

25'

S48°53'30"W 174.62'

R=20.00'

L=31.83'

Δ=91°10'49"

45'

**NEW PARCEL "A"**  
**PER DOC. 24370493**

APN 497-27-110

AREA = 23,421± SQUARE FEET

**AREA TO BE REZONED**

AREA  
 47,569± SQUARE FEET  
 1.092± ACRES

N39°55'41"W 229.64'

SENER ROAD

S39°55'26"E 195.06'

N48°53'43"E  
 20.00'

**NEW PARCEL "B"**  
**PER DOC. 24370494**

APN 497-27-111

AREA = 24,148± SQUARE FEET

S39°55'26"E  
 54.98'

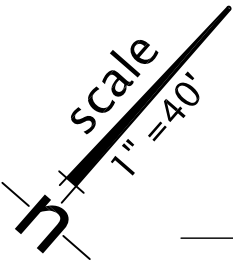
N48°53'47"E 175.05'

**PARCEL 2**  
**PER 330-M-53**

APN 497-27-015

45'

LOT 36  
 TRACT NO. 2760  
 134-M-24  
 APN 497-27-022



SHEET 1 OF 1

SCALE: 1"=40'

DATE: 7/13/2021

PREPARED BY: C. CHAPPELL

Job. No.:

**EXHIBIT "B"**

**PLAT**

**FOR: PLANNING PURPOSES**



**CHAPPELL**  
 SURVEYING, INC.

147 N 1st Ave,  
 OAKDALE, CA, 95361

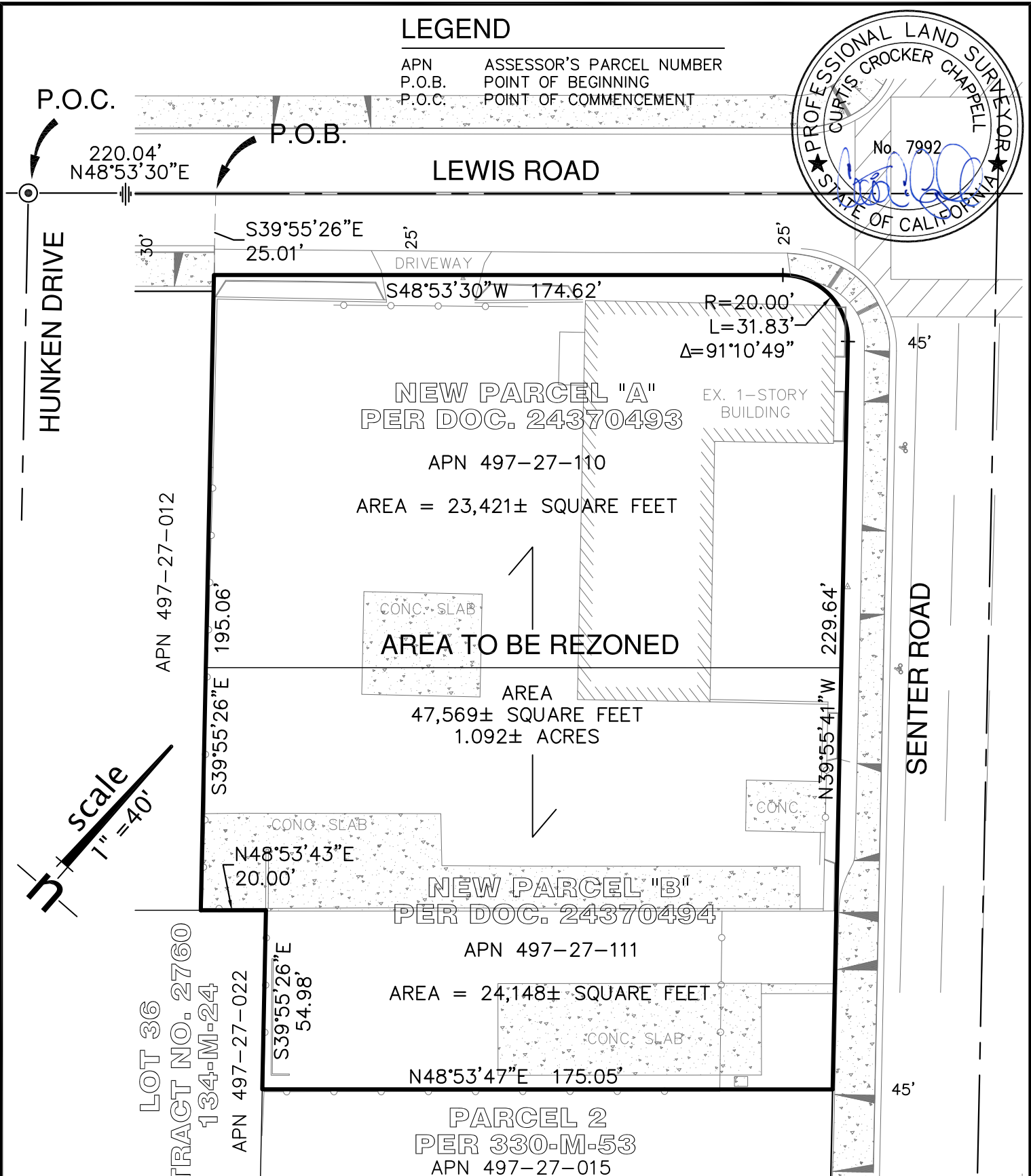
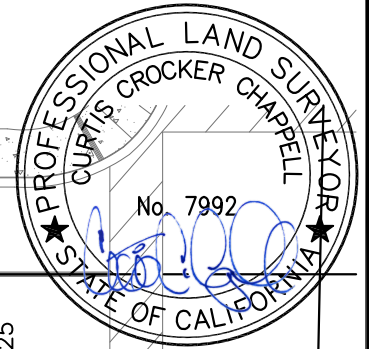
59694  
 ALE.COM

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

**EXHIBIT "B" (File Nos. GP21-007; C21-029)**


# LEGEND

APN ASSESSOR'S PARCEL NUMBER  
 P.O.B. POINT OF BEGINNING  
 P.O.C. POINT OF COMMENCEMENT



SHEET	1 OF 1
SCALE:	1"=40'
DATE:	7/12/2021
PREPARED BY:	C. CHAPPELL
Job. No.:	

**EXHIBIT "B"**  
**PLAT**  
**SITE EXHIBIT**



**CHAPPELL**  
 SURVEYING, INC.  
 147 N 1st Ave,  
 OAKDALE, CA, 95361  
 916.969.4500  
 WWW.CHAPPELLSURVEYING.COM

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



**CHAPPELL**  
SURVEYING INC.

July 12, 2021

**CHAPPELL SURVEYING, INC.**

Land Surveying • Subdivision Mapping  
Topographic Mapping • ALTA Mapping  
Laser Scanning • Aerial Mapping • GPS  
Agricultural Mapping • GIS Mapping

**Closure Calculations - Rezoning Plat Exhibit "B" (APN 497-27-110 and 497-27-111)  
Boundary of Area to be Rezoned**

North: 4964.5002' East: 4936.8833'

Segment #1 : Line  
Course: S39° 55' 26"E Length: 195.06'  
North: 4814.9092' East: 5062.0668'

Segment #2 : Line  
Course: N48° 53' 43"E Length: 20.00'  
North: 4828.0579' East: 5077.1370'

Segment #3 : Line  
Course: S39° 55' 26"E Length: 54.98'  
North: 4785.8939' East: 5112.4215'

Segment #4 : Line  
Course: N48° 53' 47"E Length: 175.05'  
North: 4900.9892' East: 5244.3138'

Segment #5 : Line  
Course: N39° 55' 41"W Length: 229.64'  
North: 5077.0811' East: 5096.9315'

Segment #6 : Curve  
Length: 31.83' Radius: 20.00'  
Delta: 91°10'49" Tangent: 20.42'  
Chord: 28.57' Course: N85° 31' 06"W  
Course In: S50° 04' 19"W Course Out: N41° 06' 30"W  
RP North: 5064.2446' East: 5081.5944'  
End North: 5079.3136' East: 5068.4488'

Segment #7 : Line  
Course: S48° 53' 30"W Length: 174.62'  
North: 4964.5036' East: 4936.8783'

Perimeter: 881.16' Area: 47569 Sq. Ft.  
Error Closure: 0.0060 Course: N55° 50' 30"W  
Error North: 0.00339 East: -0.00499  
Precision 1: 146318.33

