

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTIES OF APPROXIMATELY 0.21-GROSS ACRE EACH SITUATED ON THE EAST SIDE OF NORTH SECOND STREET APPROXIMATELY 330 FEET NORTH OF WEST JULIAN STREET (332 AND 334 NORTH SECOND STREET) (APNs: 249-44-029; 249-44-030) FROM THE LI LIGHT INDUSTRIAL ZONING DISTRICT TO THE CN COMMERCIAL NEIGHBORHOOD 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, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (the "FEIR"), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and the Supplemental Environmental Impact Report (the "SEIR"), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the CN Commercial Neighborhood Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves the information contained in the FEIR and related City Council Resolution No. 76041 and the

SEIR and related City Council Resolution No. 77617, and Addenda thereto, and the determination of consistency therewith 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.

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 properties," are hereby rezoned CN Commercial Neighborhood Zoning District.

The subject properties referred to in this section are 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. Any land development approval that is the subject of City File No. C19-037 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 _____, 2020 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT A

REZONING FOR LANDS OF LOUIS ABRONSON

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:

COMMENCING AT A POINT ON THE EASTERLY LINE OF SECOND STREET DISTANT 275 FEET NORTHERLY FROM THE POINT OF INTERSECTION OF SAID EASTERLY LINE OF SECOND STREET WITH THE NORTHERLY LINE OF JULIAN STREET, RUNNING THENCE NORTHERLY ALONG SAID LINE OF SECOND STREET 45 FEET 10 INCHES; THENCE AT RIGHT ANGLES EASTERLY 137 1/2 FEET; THENCE AT RIGHT ANGLES SOUTHERLY 45 FEET 10 INCHES AND THENCE AT RIGHT ANGLES WESTERLY 137 ½ FEET TO THE POINT OF COMMENCEMENT.

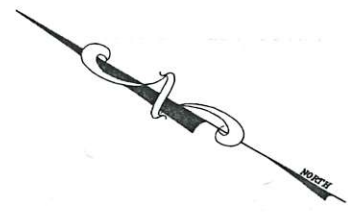
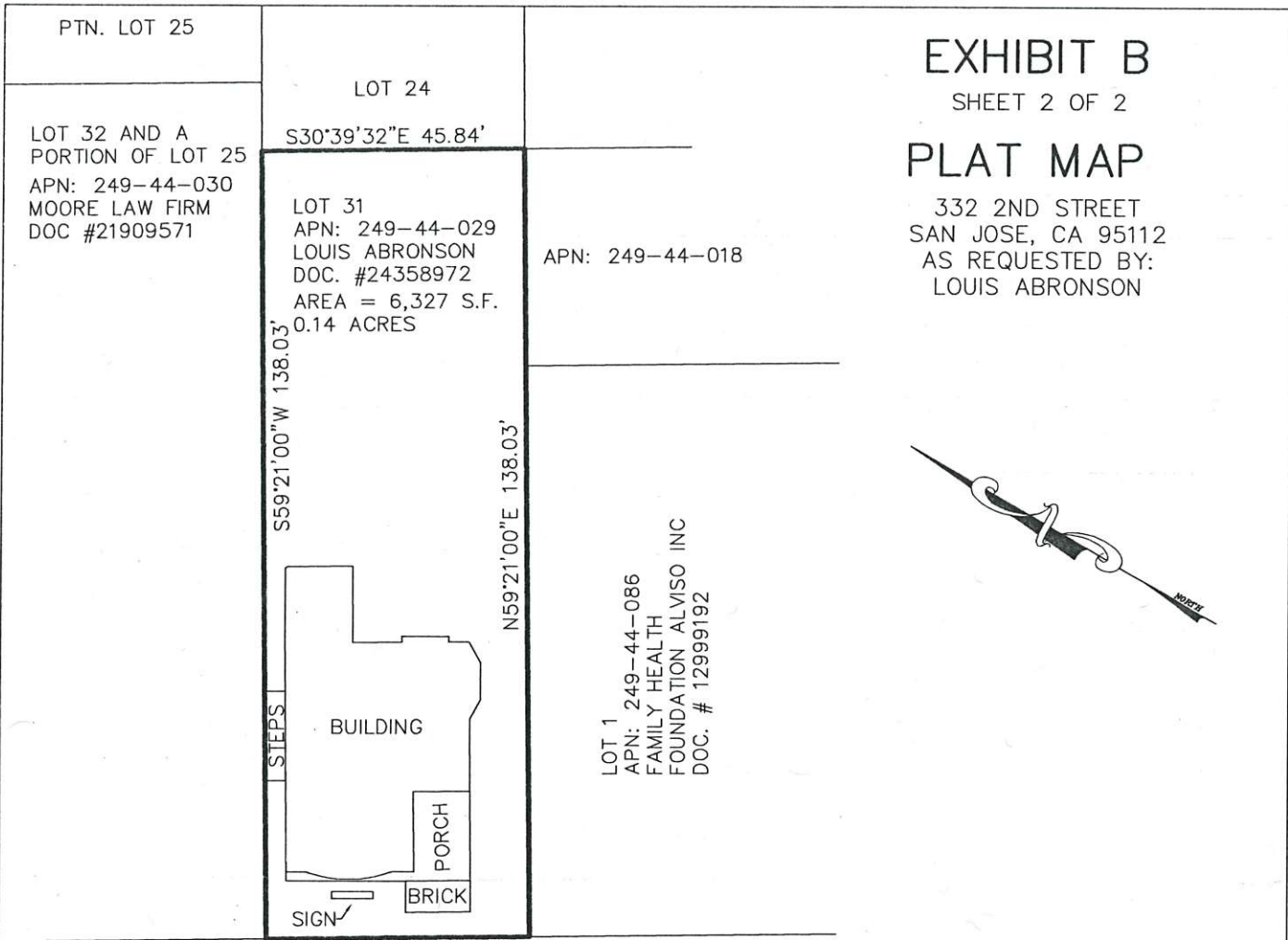
SURVEYOR'S NOTE

THIS LEGAL DESCRIPTION WAS COPIED FROM THE GRANT DEED RECORDED DECEMBER 17, 2019 AS DOCUMENT NUMBER 24358972 IN THE RECORDER'S OFFICE OF THE COUNTY OF SANTA CLARA. THE BEARINGS AND DISTANCES SHOWN ON EXHIBIT B WERE BASED ON A FIELD SURVEY BY WILSON LAND SURVEYS INC. BASED ON OUR FIELD SURVEY, THE AREA OF THIS PARCEL IS 6,327 SQUARE FEET.

KENNETH D. WILSON

EXHIBIT B
SHEET 2 OF 2
PLAT MAP

332 2ND STREET
SAN JOSE, CA 95112
AS REQUESTED BY:
LOUIS ABRONSON

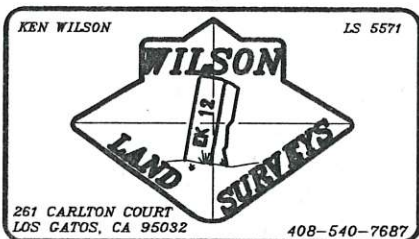


THE BEARINGS AND DISTANCES SHOWN ON THIS PLAT WERE BASED ON A FIELD SURVEY BY WILSON LAND SURVEYS INC.

S.F. = SQUARE FEET
POB = POINT OF BEGINNING

2ND STREET

Email: kenw@wilsonlandsurveys.com
www.wilsonlandsurveys.com



GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



EXHIBIT A

REZONING FOR LANDS OF MOORE LAW FIRM

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:

BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF SECOND STREET, DISTANT THEREON 320 10/12 FEET NORTHWESTERLY FROM THE POINT OF INTERSECTION OF THE NORTHEASTERLY LINE OF SECOND STREET WITH THE NORTHWESTERLY LINE OF JULIAN STREET; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SECOND STREET 45.84 FEET; THENCE AT RIGHT ANGLES AND PARALLEL WITH THE NORTHWESTERLY LINE OF JULIAN STREET NORTHEASTERLY 150 FEET; THENCE AT RIGHT ANGLES AND PARALLEL WITH THE NORTHEASTERLY LINE OF SECOND STREET SOUTHEASTERLY 45.84 FEET; THENCE AT RIGHT ANGLES AND PARALLEL WITH THE NORTHWESTERLY LINE OF JULIAN STREET SOUTHWESTERLY 150 FEET TO THE POINT OF BEGINNING AND BEING ALL OF LOT 32 AND A PORTION OF LOT 25 OF THE HOUGHTON SURVEY.

SURVEYOR'S NOTE

THIS LEGAL DESCRIPTION WAS COPIED FROM THE GRANT DEED RECORDED NOVEMBER 22, 2012 AS DOCUMENT NUMBER 21909571 IN THE RECORDER'S OFFICE OF THE COUNTY OF SANTA CLARA. THE BEARINGS AND DISTANCES SHOWN ON EXHIBIT B WERE BASED ON A FIELD SURVEY BY WILSON LAND SURVEYS INC. BASED ON OUR FIELD SURVEY, THE AREA OF THIS PARCEL IS 6,874 SQUARE FEET.

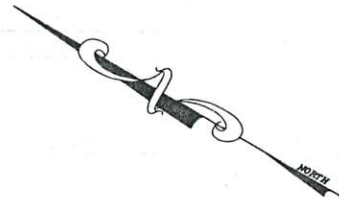
KENNETH D. WILSON

EXHIBIT B

SHEET 2 OF 2

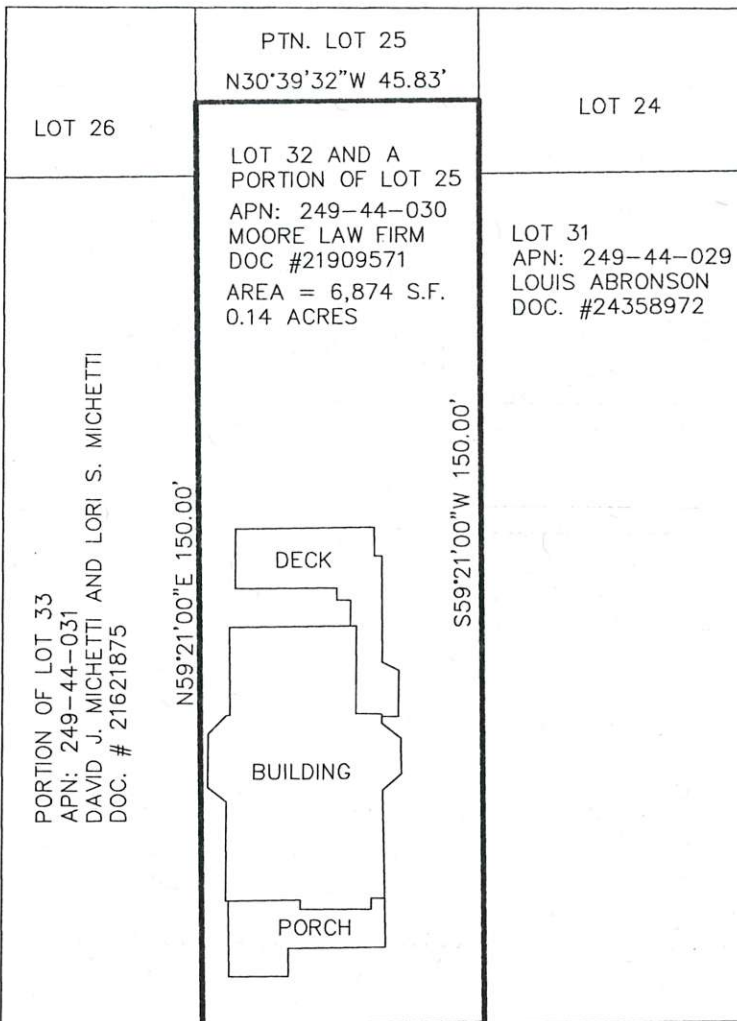
PLAT MAP

334 2ND STREET
SAN JOSE, CA 95112
AS REQUESTED BY: TANYA
MOORE: MOORE LAW FIRM



THE BEARINGS AND DISTANCES SHOWN
ON THIS PLAT WERE BASED ON A
FIELD SURVEY BY WILSON LAND
SURVEYS INC.

S.F. = SQUARE FEET
POB = POINT OF BEGINNING

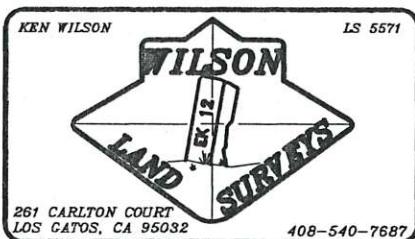


POB → N30°39'32"W 45.83'

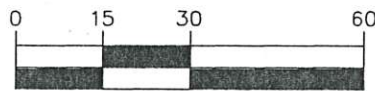
2ND STREET 40'

40'

Email: kenw@wilsonlandsurveys.com
www.wilsonlandsurveys.com



GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

