

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 4.69 GROSS ACRES SITUATED ON THE WEST SIDE OF UNION AVENUE, APPROXIMATELY 260 FEET NORTHERLY OF LOS GATOS ALMADEN ROAD (5175 UNION AVENUE) FROM THE R-1-8 SINGLE-FAMILY RESIDENCE 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, a Mitigated Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to CN Commercial Neighborhood Zoning District under File Numbers C18-018 and CP18-025 (the “MND”); 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, 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 property," is hereby rezoned as CN Commercial Neighborhood 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 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. The land development approval that is the subject of City File No. C18-018 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.

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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



May 30, 2018
 HMH 5320.00.270
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EXHIBIT "A"
 REZONING FROM R-1-8 TO CN
 PORTION OF APN 421-20-010

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being all of that certain parcel of land described in the grant deed recorded April 18, 1962, in Book 5537 of Official Records, page 697, a portion of that certain parcel of land described in the grant deed recorded April 6, 1962, in Book 5528 of Official Records, page 84, and a portion of Parcel No. 2 described in the quitclaim deed recorded in 1962, in Book 5710 of Official Records, page 360, all of Santa Clara County Records, described as follows:

BEGINNING at the northeast corner of said parcel of land described in the grant deed recorded April 18, 1962, being on the centerline of Union Avenue;
 Thence along said centerline, South 00°27'17" West, 605.82 feet to the southerly line of Zone R-1-8 as shown on the City of San Jose Land Use Zoning Map;
 Thence along said southerly line, North 89°28'06" West, 278.27 feet, to the general westerly line of said parcel of land described in the grant deed recorded April 6, 1962;
 Thence along said general westerly line, the following three courses:

1. Thence North 00°27'17" East, 180.00 feet;
2. Thence North 89°28'06" West, 216.10 feet;
3. Thence North 00°27'17" East, 35.39 feet, to the westerly line of said parcel of land described in the grant deed recorded April 18, 1962;

Thence along said westerly line and the northerly line of said parcel of land the following three courses:

1. Thence North 00°27'17" East, 132.31 feet,
2. Thence North 59°32'17" East, 383.07 feet;
3. Thence along a tangent curve to the right, having a radius of 470.00 feet, through a central angle of 21°38'26" for an arc length of 177.52 feet, to the POINT OF BEGINNING.

Containing 4.69 acres, more or less.

As shown on Exhibit "B" attached hereto and made a part hereof.

For 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.

This legal description was prepared by me or under my direction in accordance with the Professional Land Surveyors Act.

Date: 5-30-18

Tracy L. Giorgetti
 Tracy L. Giorgetti, LS 8720





0 60 120
1 IN. = 120 FT.

ROSS CREEK

45' 43' POB

N59°32'17"E 383.07'
5537-OR-697

R=470.00' L=177.52'
Δ=21°38'26"

N00°27'17"E
132.31'

5528-OR-84

N89°28'06"W
216.10'

S00°27'17"W 605.82'

HEATHER DRIVE

LINE TABLE		
LINE	BEARING	LENGTH
L1	N0°27'17"E	35.39'

N00°27'17"E 180.00'

PARCEL NO. 2
5710-OR-360

N89°28'06"W 278.27'

UNION AVENUE

45' VAR.

LOS GATOS ALMADEN ROAD



LEGEND
POB POINT OF BEGINNING

SHEET 1 OF 1

Date: 2018-05-30
Designed: -
Drawn: RF
Checked: TG
Proj. Engr.:
53200



EXHIBIT "B"
REZONING FROM R-1-8 TO CN
PORTION OF APN 421-20-010

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



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MAPCHECKS Tue May 29 08:55:59 2018
Parcel Map Check

Parcel name: 532000PL02

S 00-27-17 W	605.82				2101.6282, 44160.2536
N 89-28-06 W	278.27				1495.8273, 44155.4456
N 00-27-17 E	180.00				1498.4094, 43877.1876
N 89-28-06 W	216.10				1678.4038, 43878.6161
N 00-27-17 E	35.39				1680.4090, 43662.5254
N 00-27-17 E	132.31				1715.7979, 43662.8063
N 59-32-17 E	383.07				1848.1037, 43663.8564
Arc 177.52	Rad 470.00	Cen 21-38-26	Tan 89.83	Ch: 176.47	2042.3072, 43994.0497
S 30-27-43 E	IN	N 08-49-17 W	OUT	Radius Point	N 70-21-30 E
					1637.1831, 44232.3237
N 54-53-56 E	0.01				2101.6236, 44160.2470
					2101.6293, 44160.2552

Perimeter: 2008.49 Area: 204,127 Sq Ft 4.69 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
 Total: 0.0019 N 54-53-54 E Error (N, E) 0.00110, 0.00156
 Precision 1:1,057,100.00



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