

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 0.25 GROSS ACRE SITUATED ON THE NORTHEAST CORNER OF OAKLAND ROAD AND FAULSTICH COURT (APN 241-13-019) FROM THE COMBINED INDUSTRIAL/COMMERCIAL ZONING DISTRICT TO THE CIC(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 (“Subject Property”); 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 the CIC(PD) Planned Development Zoning District under File No. PDC18-032 (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 CIC(PD) Planned Development Zoning; 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; 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 as CIC(PD) Planned Development Zoning District. The base district zoning of the subject property shall be the CIC Combined Industrial/Commercial Zoning District. The CIC(PD) Planned Development zoning of the subject property shall be that General Development Plan for the subject property entitled, "Comfort Inn & Suites I", dated October 12, 2021 ("General Development Plan").

Said General Development Plan is on file in the office of the Director of Planning, Building and Code Enforcement 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 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. PDC18-032 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 \_\_\_\_\_, 20\_\_ by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

**EXHIBIT "A"**  
Legal Description

**For APN/Parcel ID(s): NONE**

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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:

A PORTION OF LOT 11, AS SHOWN UPON THAT CERTAIN MAP ENTITLED, "MAP OF ALISAL [TRACT NO. 1](#)", FILED FOR RECORD ON DECEMBER 2, 1910 IN BOOK 'N' OF MAPS, AT PAGE 16, SANTA CLARA COUNTY OFFICIAL RECORDS, SAID PORTION BEING "PARCEL ONE", "PARCEL TWO", AND "PARCEL NO. 3", AS SAID PARCELS ARE DESCRIBED IN THE GRANT DEED FROM ANGELI, ET UX TO THREE SISTERS RANCH ENTERPRISES AND FILED FOR RECORD ON AUGUST 27, 1985 IN [BOOK J439, PAGE 903](#) OF OFFICIAL RECORDS, SANTA CLARA COUNTY RECORDS, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF TOWNSEND AVENUE, 40 FEET IN WIDTH (NOW CALLED FAULSTICH COURT), AS SAID TOWNSEND AVENUE IS SHOWN ON SAID "MAP OF ALISAL [TRACT NO. 1](#)", WITH THE EASTERLY LINE OF MILPITAS ROAD (NOW CALLED OLD OAKLAND ROAD), AS SAID EASTERLY LINE IS DESCRIBED IN THE DEED FROM B. MARTINI, ET UX, TO THE STATE OF CALIFORNIA, AND FILED FOR RECORD ON APRIL 30, 1931 IN [BOOK 560, PAGE 561](#) OF OFFICIAL RECORDS, SANTA CLARA COUNTY RECORDS; THENCE ALONG LAST SAID EASTERLY LINE OF MILPITAS ROAD AND THE WESTERLY LINE OF SAID "PARCEL NO. 3", N. 15° 26' 56" W. 120.00 FEET TO THE SOUTHWEST CORNER OF "PARCEL 1" AS SAID "PARCEL 1" IS DESCRIBED IN THE GRANT DEED FROM OKU TO CITY OF SAN JOSE FILED FOR RECORD ON FEBRUARY 26, 1963 [BOOK 5918, PAGE 110](#) OFFICIAL RECORDS, SANTA CLARA COUNTY RECORDS; THENCE, PARALLEL WITH SAID TOWNSEND AVENUE, ALONG THE SOUTHEASTERLY LINE OF LAST SAID "PARCEL 1", N. 50° 23' 23" E. 10.97 FEET TO THE SOUTHEAST CORNER OF LAST SAID "PARCEL 1"; THENCE ALONG THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID "PARCEL 1", S. 15° 26' 56" E. 20.85 FEET TO THE BEGINNING OF CURVE; THENCE ON A TANGENT CURVE, WITH A RADIUS OF 50.00 FEET, DEFLECTING TO THE LEFT FROM LAST SAID COURSE, THROUGH A CENTRAL ANGLE OF 114° 09' 41", AN ARC DISTANCE OF 99.62 FEET TO A POINT DISTANT 20.00 FEET NORTHWESTERLY FROM AND MEASURED AT RIGHT ANGLES TO SAID NORTHWESTERLY LINE OF SAID TOWNSEND AVENUE (NOW CALLED FAULSTICH COURT); THENCE ALONG A LINE DRAWN PARALLEL AND DISTANT 20.00 FEET NORTHWESTERLY FROM AND MEASURED AT RIGHT ANGLES TO SAID NORTHWESTERLY LINE OF SAID TOWNSEND AVENUE, NO. 50° 23' 23" E. 45.30 FEET TO A POINT IN A LINE DRAWN PARALLEL TO THE EASTERLY LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM JOSE MARTINI, ET AL, TO B. MARTINI FILED FOR RECORD ON MARCH 15, 1930 IN [BOOK 505, PAGE 479](#) OFFICIAL RECORDS, SANTA CLARA COUNTY RECORDS; LAST SAID POINT BEING THE WESTERLY CORNER OF "PARCEL 2" IN SAID GRANT DEED FROM OKU TO CITY OF SAN JOSE; THENCE ALONG LAST SAID PARALLEL LINE, BEING THE WESTERLY LINE OF SAID "PARCEL 2", S. 15° 26' 56" E., 21.92 FEET TO A POINT IN SAID NORTHWESTERLY LINE OF TOWNSEND AVENUE, 40.00 FEET IN WIDTH, AS SHOWN ON SAID "MAP OF ALISAL [TRACT NO. 1](#)", LAST SAID POINT ALSO BEING THE SOUTHERLY MOST CORNER OF SAID "PARCEL 2"; THENCE ALONG LAST SAID NORTHWESTERLY LINE OF TOWNSEND AVENUE, (NOW CALLED FAULSTICH COURT) BEING THE SOUTHWESTERLY LINE OF SAID AFORESAID "PARCEL TWO", AND AFORESAID "PARCEL ONE", S. 50° 23' 23" W., 133.50 FEET TO THE POINT OF BEGINNING.

SAID DESCRIPTION BEING THE SAME AS SHOWN IN THAT CERTAIN GRANT DEED RECORDED NOVEMBER 13, 1986 IN [BOOK J922, PAGE 1086](#) OF OFFICIAL RECORDS (#9028882)

SAID LAND IS ALSO DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS

**EXHIBIT "A"**  
 Legal Description  
 (continued)

"PARCEL 2", CONVEYED BY OKU TO THE CITY OF SAN JOSE BY DOCUMENT RECORDED IN [BOOK 5918, PAGE 110](#) OF OFFICIAL RECORDS, SAID POINT ALSO LYING IN THE NORTHWESTERLY LINE OF FAULSTICH COURT (FORMERLY TOWNSEND AVENUE), 60 FEET WIDE; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID CITY OF SAN JOSE PARCEL SOUTH 16° 16' 30" EAST 21.93 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF LOT 11 AS SHOWN ON THE MAP OF THE ALISAL [TRACT NO. 1](#), FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA IN BOOK "N" OF MAPS AT PAGE 16; THENCE ALONG SAID SOUTHEASTERLY LINE SOUTH 49° 30' 18" WEST 133.50 FEET TO A POINT ON THE NORTHEASTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED BY MARTINI TO THE STATE OF CALIFORNIA BY DOCUMENT RECORDED IN [BOOK 560, PAGE 561](#) OF OFFICIAL RECORDS, SAID CORNER ALSO LYING IN THE NORTHEASTERLY LINE OF OLD OAKLAND ROAD, 100 FEET WIDE; THENCE ALONG SAID NORTHEASTERLY LINE NORTH 16° 16' 30" WEST 120.00 FEET; THENCE LEAVING SAID NORTHEASTERLY LINE NORTH 49° 30' 18" EAST 10.96 FEET TO THE MOST EASTERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED AS "PARCEL 1" CONVEYED BY OKU TO THE CITY OF SAN JOSE BY DOCUMENT RECORDED IN [BOOK 5918, PAGE 110](#) OF OFFICIAL RECORDS; THENCE SOUTH 16° 16' 30" EAST 20.85 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET, TANGENT TO THE PRECEDING COURSE, THROUGH A CENTRAL ANGLE OF 114° 13' 12", AN ARC DISTANCE OF 99.68 FEET TO A POINT ON A LINE PARALLEL WITH AND 30.00 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, OF THE CENTERLINE OF FAULSTICH COURT; THENCE ALONG SAID PARALLEL LINE NORTH 49° 30' 18" EAST 45.22 FEET TO THE POINT OF BEGINNING.

SAID DESCRIPTION BEING THE SAME AS SHOWN IN THAT CERTAIN GRANT DEED RECORDED AUGUST 24, 1988 IN [BOOK K653, PAGE 616](#) OF OFFICIAL RECORDS (#9808904).