

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING CERTAIN REAL PROPERTY OF APPROXIMATELY 10.76 GROSS ACRES SITUATED EAST OF THE INTERSECTION OF SARATOGA AVENUE AND QUITO ROAD (1312 EI PASEO DE SARATOGA) (APN: 403-33-014) AND NORTH OF THE INTERSECTION OF SARATOGA AVENUE AND LAWRENCE EXPRESSWAY (1777 SARATOGA AVENUE) (APN: 386-10-033, -036, -044, -045 & -046) FROM THE CG COMMERCIAL GENERAL AND CP COMMERCIAL PEDESTRIAN ZONING DISTRICTS TO CG(PD) PLANNED DEVELOPMENT ZONING DISTRICT**

**FILE NO. PDC19-049**

**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**, the approximately 10.76-gross acre site encompassed by the proposed rezoning was the subject of that certain Final Environmental Impact Report for the 1312 El Paseo and 1777 Saratoga Avenue Mixed-Use Village Project (File Nos. PDC19-049 & PD20-006) ("FEIR), prepared in conformance with the California Environmental Quality Act (CEQA), as amended, which evaluated the impact of the demolition of approximately 126,345 square feet of existing commercial buildings, the removal of 120 trees (20 ordinance-size, 100 non-ordinance-size) for the construction of four mixed use buildings consisting of 994 residential units and 165,949 square feet of commercial space, extended construction hours (15-hour concrete pours between 6:00 am to 9:00 pm daily over a 15-day period), and a Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-sale alcohol (Type 21 ABC License) at a future grocery store in an approximately 56,603-square foot tenant space on an approximately 10.76-gross acre site located east of the intersection of Saratoga Avenue and Quito Road (1312 El Paseo de Saratoga) and north of the intersection of Saratoga Avenue and

Lawrence Expressway (1777 Saratoga Avenue), which FEIR was certified and for which findings were adopted by the City Council on [REDACTED], 2022; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the CG(PD) Planned Development Zoning District; and

**WHEREAS**, this Council of the City of San José has considered, approved, and adopted said EIR and related Mitigation Monitoring and Reporting Program under separate Council Resolution No. [REDACTED] 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 to the CG(PD) Planned Development Zoning District. The base district zoning of the subject property shall be the CG Commercial General Zoning District. The Planned Development rezoning of the subject property shall be that development plan for the subject property entitled, "El Paseo and 1777 Saratoga Avenue Mixed Use Village Planned Development Zoning Application PDC19-049", dated November 30, 2021 ("General Development Plan").

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 Exhibits "A-1" and "A-2" and depicted in Exhibits "B-1" and "B-2" 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 PDC19-049 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 \_\_\_\_\_, 2022 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

**PARCEL A**  
**MAP 669 M 1**

Being a portion of Parcel A of that certain parcel map filed for record on February 9, 1998 in Book 699 of Maps at Pages 1 & 2, Records of Santa Clara County, State of California, more particularly described as follows

**LOT ONE:**

**BEGINNING** at a point on the easterly line of Quito Road, said point also being the southwest corner of said Parcel A (699 M 1), thence along said easterly line North  $00^{\circ}48'53''$  East, 279.83 feet;

Thence North  $03^{\circ}38'06''$  West, 277.47 feet;

Thence North  $28^{\circ}22'50''$  East, 143.58 feet to a point on the southeasterly line of Saratoga Avenue, said point also being the beginning of a non-tangent curve, concave southeasterly, having a radius of 11,995.00 feet, with a radial line that bears North  $48^{\circ}53'25''$  West;

Thence northeasterly along said curve, through a central angle of  $00^{\circ}06'18''$ , for an arc length of 21.96 feet;

Thence leaving said southeasterly line of Saratoga Avenue South  $46^{\circ}14'30''$  East, 61.72 feet;

Thence North  $88^{\circ}23'38''$  East, 162.82 feet;

Thence North  $43^{\circ}40'52''$  East, 98.43 feet;

Thence North  $89^{\circ}24'31''$  East, 210.06 feet to the northerly prolongation of the westerly line of Parcel B of said parcel map (699 M 1);

Thence southerly along said prolongation and along said westerly line of Parcel B (699 M 1) and along the southerly prolongation of said westerly line of Parcel B (699 M 1) South  $00^{\circ}38'20''$  East, 728.57 feet to the south line of said Parcel A (699 M 1);

Thence South  $89^{\circ}21'40''$  West, 562.61 feet to the POINT OF BEGINNING.

Containing 385,756 square feet or 8.856 acres, more or less.

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**LOT TWO:**

**BEGINNING** at a point on the easterly line of Quito Road, said point also being the southwest corner of said Parcel A (699 M 1), thence along said easterly line North  $00^{\circ}48'53''$  East, 279.83 feet;

Thence North  $03^{\circ}38'06''$  West, 277.47 feet;

Thence North 28°22'50" East, 143.58 feet to a point on the southeasterly line of Saratoga Avenue, said point also being the beginning of a non-tangent curve, concave southeasterly, having a radius of 11,995.00 feet, with a radial line that bears North 48°53'25" West;

Thence northeasterly along said curve, through a central angle of 00°06'18", for an arc length of 21.96 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing along said southeasterly line of Saratoga Avenue and along said curve through a central angle of 00°38'36", for an arc length of 134.67 feet;

North 41°51'28" East, 21.02 feet to the beginning of a curve to the right, having a radius of 13,584.00 feet;

Thence northeasterly along said curve, through a central angle of 01°15'47", for an arc length of 299.45 feet;

Thence leaving said southeasterly line of Saratoga Avenue South 46°31'26" East, 164.72 feet;

Thence North 43°31'08" East, 327.00 feet to the southwesterly line of Campbell Avenue;

Thence southeasterly along said southwesterly line of Campbell Avenue South 46°31'26" East, 268.01 feet to the beginning of a curve to the left, having a radius of 4,308.00 feet;

Thence southeasterly along said curve, through a central angle of 02°39'34", for an arc length of 199.96 feet;

Thence South 49°11'00" East, 403.46 feet to the beginning of a curve to the right, having a radius of 4,308.00 feet;

Thence Southeasterly along said curve, through a central angle of 02°39'34", for an arc length of 199.96 feet;

Thence South 46°31'26" East, 642.50 feet;

Thence leaving said southwesterly line of Campbell Avenue South 89°21'40" West, 146.06 feet;

Thence North 20°10'22" East, 21.40 feet;

Thence South 89°21'40" West, 1,280.76 feet to the southerly prolongation of the westerly line of Parcel B of said parcel map (699 M 1);

Thence along said prolongation North 00°38'20" West, 141.98 feet to the southwest corner of said Parcel B (699 M 1);

Thence along the general southerly, easterly and northerLY lines of said Parcel B the following seven (7) courses:

1. North 89°21'40" East, 51.99 feet;
2. South 14°42'30" East, 41.47 feet;

3. North 74°15'10" East, 137.68 feet;
4. North 00°38'20" West, 205.67 feet;
5. North 45°38'20" West, 40.30 feet;
6. South 89°21'40" West, 138.00 feet;
7. South 44°21'40" West, 40.30 feet;

Thence along the northerly prolongation of said westerly line of Parcel B (699 M 1); North 00°38'20" West, 385.26 feet;

Thence South 89°24'31" West, 210.06 feet;

Thence South 43°40'52" West, 98.43 feet;

Thence South 88°23'38" West, 162.82 feet;

Thence North 46°14'30" West, 61.72 feet to the **TRUE POINT OF BEGINNING**.

Containing 950,435 square feet or 21.819 acres, more or less.


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A plat showing the above-described parcel is attached herein and made a part hereof as Exhibit "B".

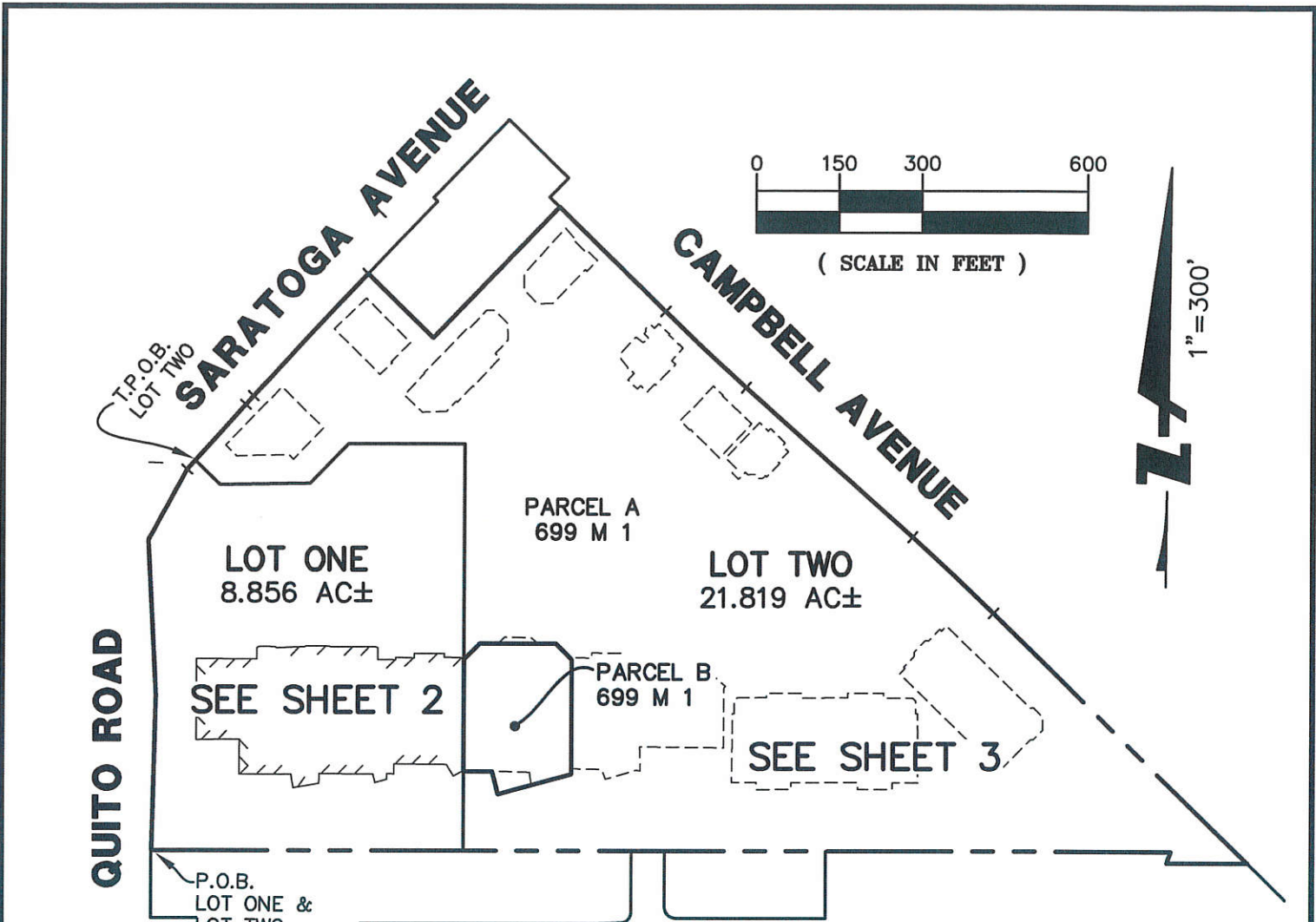
**BASIS OF BEARINGS:**

THE BEARINGS SHOWN HEREON ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983, CCS83, ZONE 3, IN ACCORDANCE WITH THE CALIFORNIA PUBLIC RESOURCES CODE SECTIONS 8801-8819.

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

  
\_\_\_\_\_  
Benjamin H. Santos  
P.L.S. No. 9251  
  
12/16/19  
\_\_\_\_\_  
Date





**LEGEND**

- EXISTING BUILDING TO REMAIN
- PORTION OF EXISTING BUILDING TO BE DEMOLISHED
- P.O.B. POINT OF BEGINNING
- T.P.O.B. TRUE POINT OF BEGINNING

**NOTE:** ALL OF SUBJECT SITE IS CITY OF SAN JOSE ZONE CG—COMMERCIAL GENERAL

**BASIS OF BEARINGS**

BASIS OF BEARINGS: THE BEARINGS SHOWN HEREON ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983, CCS83, ZONE 3, IN ACCORDANCE WITH THE CALIFORNIA PUBLIC RESOURCES CODE SECTIONS 8801-8819.



**EXHIBIT "B"**  
 PLAT TO ACCOMPANY  
 LEGAL DESCRIPTION

K: \2019\191362\_SJ\_EL\_PASEO\_&\_1777\_SARATOGA\_AVE\SUR\DWG\EXHBT\RECORD\_REI.DWG

Subject PARCEL A, PM 699 M 1  
PLAT MAP  
 Job No. 20191362  
 By MDB Date 12-16-09 Chkd. BHS  
 SHEET 1 OF 3

PLOTTED BY: barm



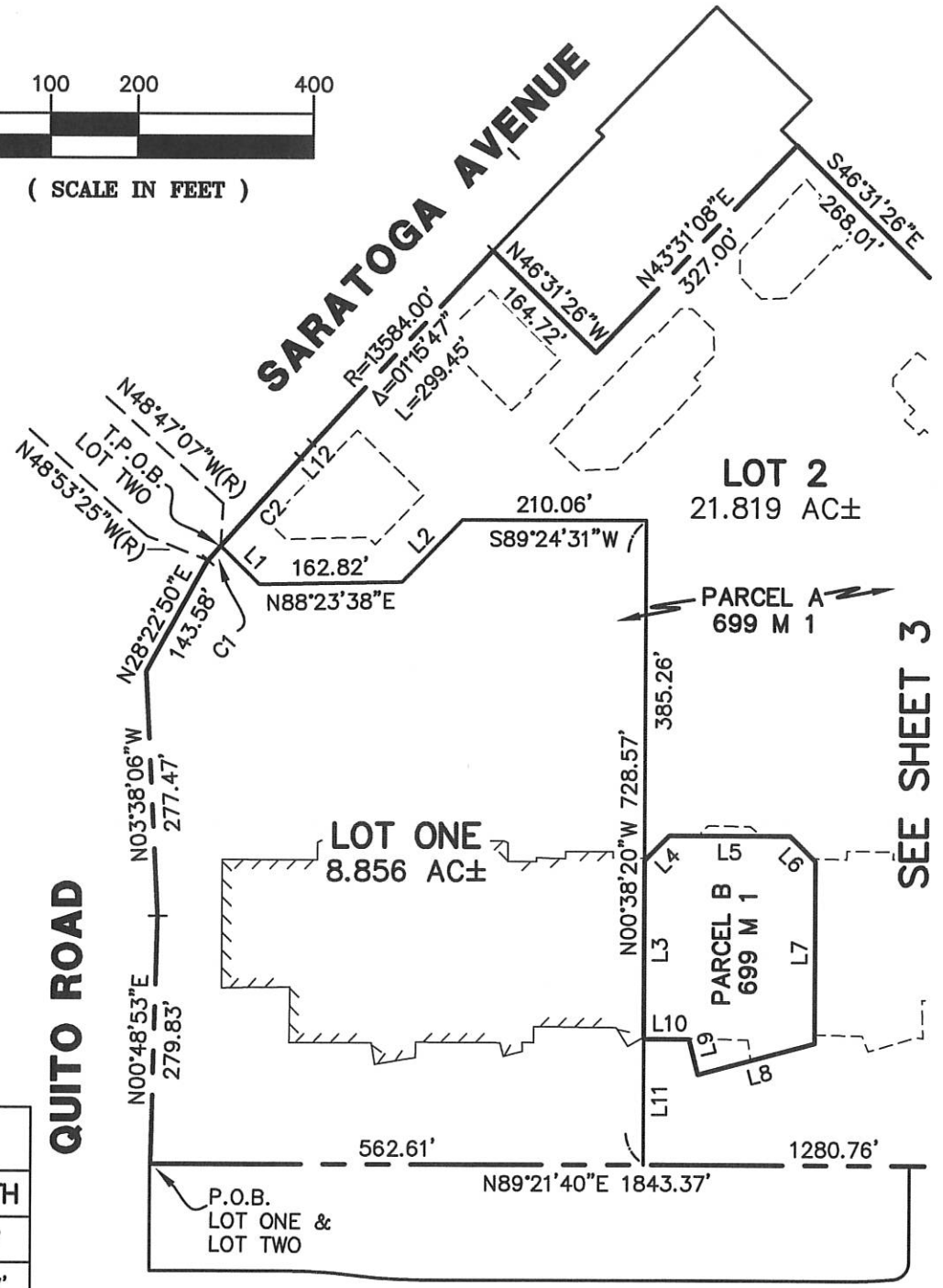
1730 N. FIRST STREET  
 SUITE 600  
 SAN JOSE, CA 95112  
 408-467-9100  
 408-467-9199 (FAX)



( SCALE IN FEET )

LINE TABLE		
NO.	BEARING	LENGTH
L1	N46°14'30"W	61.72'
L2	S43°40'52"W	98.43'
L3	S00°38'20"E	201.33'
L4	S44°21'40"W	40.30'
L5	S89°21'40"W	138.00'
L6	N45°38'20"W	40.30'
L7	N00°38'20"W	205.67'
L8	N74°15'10"E	137.68'
L9	S14°42'30"E	41.47'
L10	N89°21'40"E	51.99'
L11	N00°38'20"W	141.98'
L12	S41°51'28"W	21.02'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	11995.00'	0°06'18"	21.96'
C2	11995.00'	0°38'36"	134.67'



SEE SHEET 3

**EXHIBIT "B"**

PLAT TO ACCOMPANY  
LEGAL DESCRIPTION

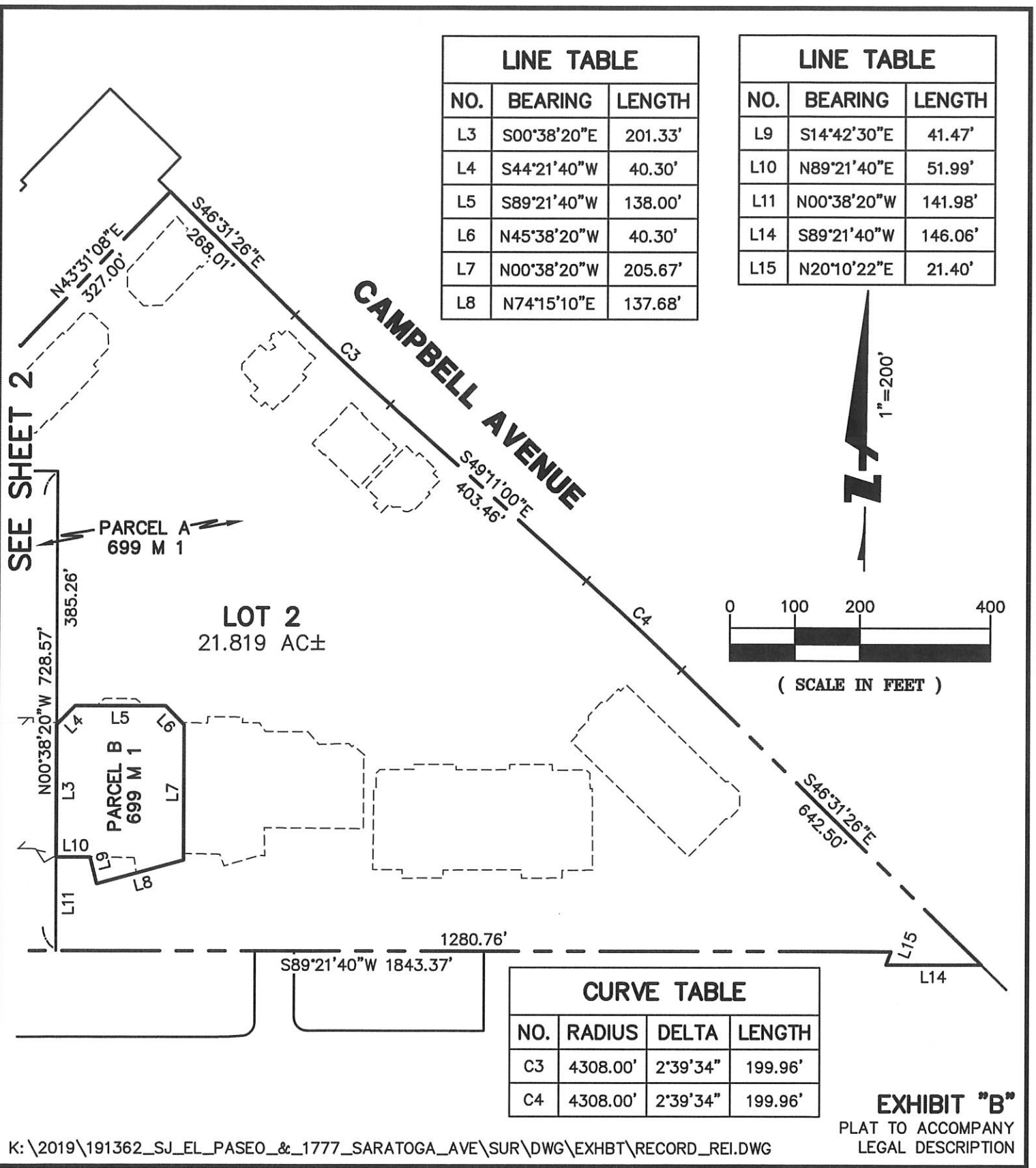
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Subject PARCEL A, PM 699 M 1  
PLAT MAP  
Job No. 20191362  
By MDB Date 12-16-09 Chkd. BHS  
SHEET 2 OF 3

PLOTTED BY: barm



LINE TABLE		
NO.	BEARING	LENGTH
L3	S00°38'20"E	201.33'
L4	S44°21'40"W	40.30'
L5	S89°21'40"W	138.00'
L6	N45°38'20"W	40.30'
L7	N00°38'20"W	205.67'
L8	N74°15'10"E	137.68'

LINE TABLE		
NO.	BEARING	LENGTH
L9	S14°42'30"E	41.47'
L10	N89°21'40"E	51.99'
L11	N00°38'20"W	141.98'
L14	S89°21'40"W	146.06'
L15	N20°10'22"E	21.40'

CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C3	4308.00'	2°39'34"	199.96'
C4	4308.00'	2°39'34"	199.96'

**EXHIBIT "B"**  
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 LEGAL DESCRIPTION

K:\2019\191362\_SJ\_EL\_PASEO\_&\_1777\_SARATOGA\_AVE\SUR\DWG\EXHBT\RECORD\_REI.DWG



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Subject PARCEL A, PM 699 M 1  
PLAT MAP  
 Job No. 20191362  
 By MDB Date 12-16-09 Chkd. BHS  
 SHEET 3 OF 3

**EXHIBIT B-1**  
 (File Nos. PDC19-049; PD20-006)

PLOT FILED BY: barm

**EXHIBIT "A"**  
Legal Description

**1777 SARATOGA AVENUE**

Real property located partly in the City of San Jose and partly in the City of Saratoga, County of Santa Clara, State of California, more particularly described as follows:

**PARCEL ONE:**

**BEGINNING** at a point on the northeasterly line of Lawrence Expressway, said point being the southeasterly terminus of the course labelled "South 50° 52' 30" East 146.43 (feet)" on that certain record of survey entitled "Lawrence Expressway" filed for record on April 19, 1966 in Book 208 of Maps at Page 28, Records of Santa Clara County, thence North 49°56'00" West, 146.00 feet;

Thence North 46°21'56" West, 10.80 feet;

Thence North 09°15'08" East, 210.96 feet;

Thence South 80°44'52" East, 383.23 feet to a point on the northwesterly line of Saratoga Avenue, said point also being the beginning of a non-tangent curve, concave Southeasterly, having a radius of 13,704.00 feet, with a radial line that bears North 47°36'15" West;

Thence southwesterly along said northwesterly line of Saratoga Avenue and along said curve, through a central angle of 00°32'17", for an arc length of 128.66 feet;;

Thence South 41°51'28" West, 21.02 feet to the beginning of a curve to the left, having a radius of 12,115.00 feet;

Thence Southwesterly along said curve, through a central angle of 00°52'41", for an arc length of 185.66 feet ;

Thence North 49°56'00" West, 6.52 feet;

Thence South 57°01'36" West, 15.00 feet to the beginning of a non-tangent curve, concave Northerly, having a radius of 50.00 feet, with a radial line that bears South 24°39'23" East;

Thence Westerly along said curve, through a central angle of 63°00'50", for an arc length of 54.99 feet; to the **POINT OF BEGINNING**.

Containing 79,233 square feet or 1.819 acres, more or less.

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**PARCEL TWO:**

**BEGINNING** at a point on the northeasterly line of Lawrence Expressway, said point being the northwesterly terminus of the course labelled "South 49° 42' 56" East 180.31 (feet)" on that certain record of survey entitled "Lawrence Expressway" filed for record on April 19, 1966 in Book 208 of Maps at Page 28, Records of Santa Clara County, said point also being a point on the common line between the City of San Jose and the City of Saratoga, as shown on said record of survey (208 M 28), thence leaving said

northeasterly line of Lawrence Expressway and southeasterly along said common line between the City of San Jose and the City of Saratoga South 80°44'52" East, 142.44 feet;

Thence South 09°15'08" West, 97.46 feet.

Thence North 46°21'56" West, 172.59 feet to the **POINT OF BEGINNING**;

Containing 6,941 square feet or 0.159 acres, more or less

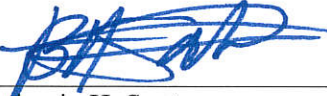
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A plat showing the above-described parcels is attached herein and made a part hereof as Exhibit "B".

**BASIS OF BEARINGS:**



THE BEARINGS SHOWN HEREON ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983, CCS83, ZONE 3, IN ACCORDANCE WITH THE CALIFORNIA PUBLIC RESOURCES CODE SECTIONS 8801-8819.

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

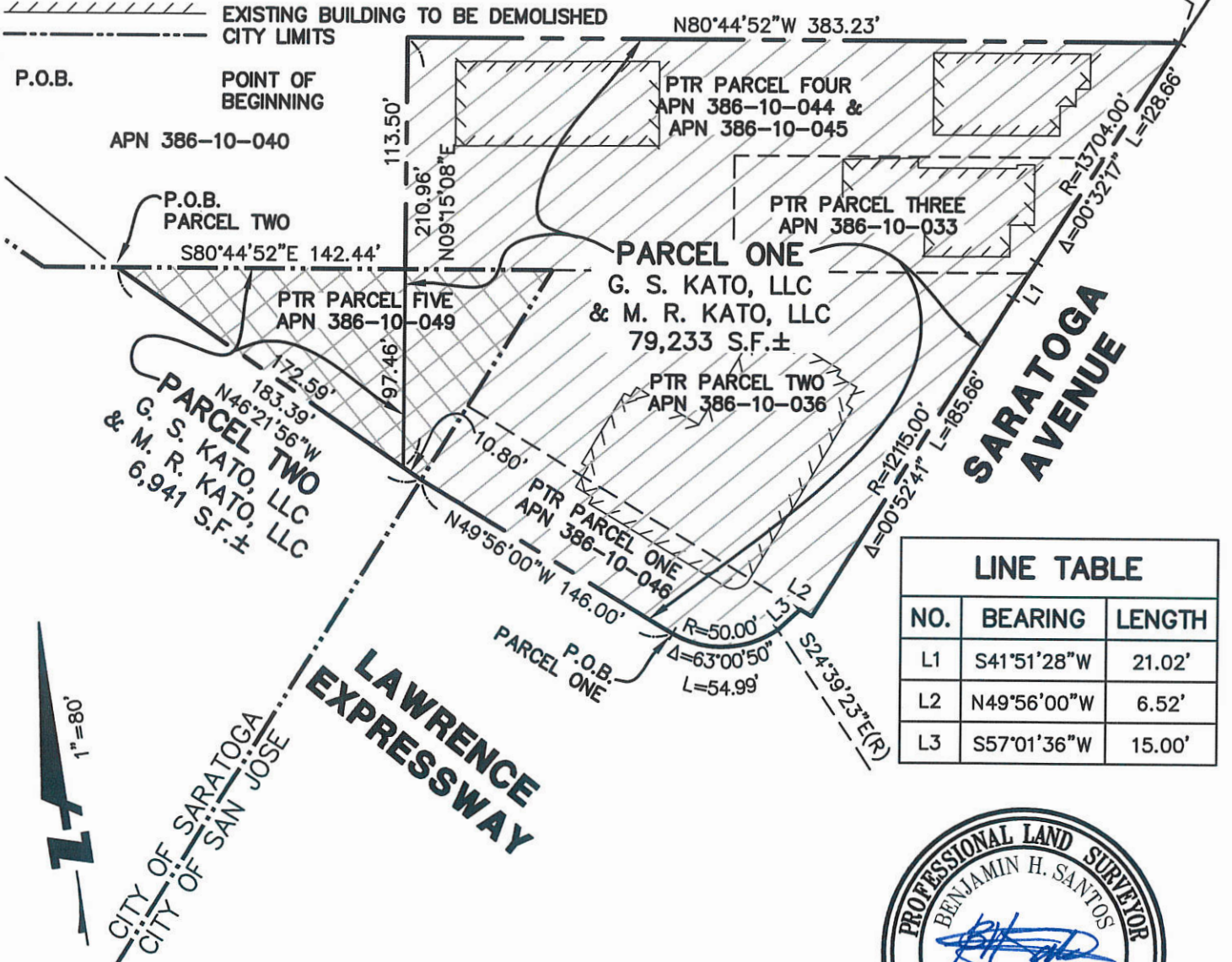
  
\_\_\_\_\_  
Benjamin H. Santos  
P.L.S. No. 9251  
  
12/16/19  
\_\_\_\_\_  
Date



**LEGEND**

-  CITY OF SAN JOSE, ZONE CP – COMMERCIAL PEDESTRIAN
-  CITY OF SARATOGA, ZONE PA – PROFESSIONAL & ADMINISTRATIVE

**PTR PARCEL [ONE]** PRELIMINARY TITLE REPORT PARCEL NUMBER [ONE], PER CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO. FWPS-T016001065, DATED AUGUST 14, 2019



**LINE TABLE**

NO.	BEARING	LENGTH
L1	S41°51'28"W	21.02'
L2	N49°56'00"W	6.52'
L3	S57°01'36"W	15.00'



**BASIS OF BEARINGS**  
 BASIS OF BEARINGS: THE BEARINGS SHOWN HEREON ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983, CCS83, ZONE 3, IN ACCORDANCE WITH THE CALIFORNIA PUBLIC RESOURCES CODE SECTIONS 8801-8819.

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