

**DRAFT**

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

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING  
CERTAIN REAL PROPERTY OF APPROXIMATELY 0.87  
GROSS ACRE SITUATED ON THE NORTHWEST CORNER  
OF THE INTERSECTION OF REALM DRIVE AND BERNAL  
ROAD (APN: 706-01-016) FROM THE IP(PD) PLANNED  
DEVELOPMENT ZONING DISTRICT TO THE CG  
COMMERCIAL GENERAL 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 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 from the IP(PD) Planned Development Zoning District to the CG Commercial General 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; and

**WHEREAS**, pursuant to Senate Bill 330, the proposed rezoning (File No. C22-004) does not reduce the intensity of residential uses because the proposed rezoning does not allow for lesser residential density than the existing IP(PD) Planned Development Zoning District (File No. PDC77-168); the rezoning would not decrease residential capacity;

**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 Commercial General 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.** Any land development approval that is the subject of City File No. C22-004 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:

---

SAM LICCARDO  
Mayor

ATTEST:

---

TONI J. TABER, CMC  
City Clerk

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

Being that property situated in the City of San Jose, Santa Clara County, State of California, described as follows:

All of Parcel 6 as shown on that certain Parcel Map entitled Lands of Wolverine Development Inc., Bank of America & Great Oaks Water Co., and recorded in Book 364 of Maps at Pages 10 and 11, Santa Clara County, California Recorder's Office.

Address: 155 Bernal Rd., San Jose, CA 95119  
Santa Clara County Tax Parcel No. (APN): 706-01-016

Parcel 3  
414-M-5

Realm Drive

$R = 20.00'$   
 $\Delta = 88^\circ 47' 16''$   
 $L = 30.99'$

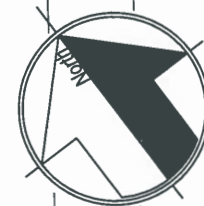
Parcel 5  
364-M-10 & 11

Bernal Road

Parcel D

Parcel Map  
509-M-14 & 15

Parcel C



SCALE: 1"=60'



# Exhibit "B" Plat

for: Planning Purposes  
City of San Jose, State of California



**MH engineering Co.**

18075 VINEYARD BOULEVARD MORGAN HILL, CA 95037

(408) 779-7381

SCALE: 1" = 60'

DRAWN BY: miguelm

JOB #: 222016

DATE: February 2022

SHEET

1 of 1

**EXHIBIT "B"**  
**(File No. C22-004)**

Parcel 3  
414 -M- 5

Realm Drive

Parcel 5  
364 -M- 10 & 11

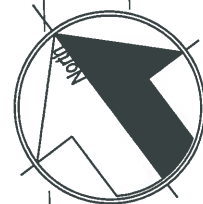
Parcel 6  
364 -M- 10 & 11  
0.870 acres

Bernal Road

Parcel D

Parcel Map  
509 -M- 14 & 15

Parcel C



SCALE: 1"=60'



## Exhibit "B" Plat

for: Planning Purposes  
City of San Jose, State of California



**MH engineering Co.**

16075 VINEYARD BOULEVARD MORGAN HILL, CA 95037

(408) 778-7381

SCALE: 1" = 60'

JOB #: 222016

SHEET

DRAWN BY: miguelm

DATE: February 2022

1 of 1

**EXHIBIT "B"**  
**(File No. C22-004)**



## Parcel Map Check Report

**Client: Ghuman****Prepared by: MH Engineering, Co.**

Date: 2/7/2022 3: 44: 02 PM

|                                |                       |                         |                          |                           |
|--------------------------------|-----------------------|-------------------------|--------------------------|---------------------------|
| Parcel Name: Site 1 - Parcel 6 |                       |                         | N: 1,908,209.3748'       | E: 6,190,278.7975'        |
| Seg# 1: Line                   | Brg: S35° 56' 56"W    | Len: 225.42'            | N: 1,908,026.8881'       | E: 6,190,146.4616'        |
| Seg# 2: Line                   | Brg: N52° 50' 20"W    | Len: 155.00'            | N: 1,908,120.5171'       | E: 6,190,022.9359'        |
| Seg# 3: Line                   | Brg: N35° 56' 56"E    | Len: 245.00'            | N: 1,908,318.8547'       | E: 6,190,166.7664'        |
| Seg# 4: Line                   | Brg: S52° 50' 20"E    | Len: 135.42'            | N: 1,908,237.0531'       | E: 6,190,274.6881'        |
| Seg# 5: Curve                  | Radius: 20.00'        | Delta: 88°47'16"        | Len: 30.99'              | Tan. Len.: 19.58'         |
|                                | Chord: 27.98'         | Chord Brg: S8° 26' 42"E | Radial In: S37° 09' 40"W | Radial Out: S54° 03' 04"E |
|                                | RP N: 1,908,221.1143' | RP E: 6,190,262.6069'   | End N: 1,908,209.3730'   | End E: 6,190,278.7977'    |
|                                |                       |                         |                          |                           |

Perimeter: 791.83' Area: 37,884.80 Sq. Ft.  
0.0018 Error Brg: S8° 26' 42"E  
Error N : -0.00179 Error E: 0.00027

Precision 1: 439,905.56

